

## INSTRUCTIONS TO POSTPONE SHERIFF'S SALE

To postpone a Sheriff's Sale, the property must be classified as homestead and be one to four units. Also, the first publication of the Sheriff's Sale must have occurred AND it must be at **least 15 days before the scheduled Sheriff's Sale**.

To postpone a sale, you must complete all of the following steps:

1. Execute four (4) copies of the required affidavit, including having them notarized and attaching a copy of the Notice of Mortgage Foreclosure Sale to each.
2. Go to your county courthouse and record affidavit at the county recorder or registrar of titles where the mortgage was recorded.
  - a. Note: fees are required for recording the affidavit; fees vary by county but expect about \$45 - \$50.
  - b. Get three copies stamped with the recording date and location (one for your records, the other for steps below.) Additional fees may apply; fees vary by county.
3. File a copy of the affidavit showing the date and office in which it was recorded with the sheriff conducting the sale. Include copy of the Notice of Mortgage Foreclosure Sale. Contact the Sheriff's Office in your county to determine the process.
4. Deliver a copy of the affidavit showing the date and office in which it was recorded to the attorney conducting the foreclosure. Include copy of the Notice of Mortgage Foreclosure Sale. Contact the foreclosure attorney to determine acceptable method of delivery (in person, mail and/or fax.)
5. Confirm receipt of the copies and the actual new sale date with the Sheriff's Office and the foreclosure attorney.

Other facts to know about postponing the Sheriff's Sale:

- The lender and foreclosure attorney are not required to publish notice or serve you with additional information about the change in the Sheriff's Sale or the date the redemption period ends.
- Postponement can only be done once, regardless of whether you bring the mortgage current or not.

(Top 3 inches reserved for recording data)

**AFFIDAVIT OF POSTPONEMENT**  
**Minn. Stat. 580.07**

**Minnesota Uniform Conveyancing Blanks**  
**Form 60.8.1 (2011)**

State of Minnesota, County of \_\_\_\_\_

(whether one or more, "Owner"), being first duly sworn on oath, states as follows:

He is the owner or mortgagor of the real property (the "**Property**") situated in \_\_\_\_\_ County,  
*(Insert name of county)*

1. Minnesota, legally described in the attached published Notice of Mortgage Foreclosure Sale (the "**Notice**"), and makes this affidavit for the purpose of postponing the foreclosure sale of the Property pursuant to Minnesota Statutes, section 580.07, subdivision 2, for five months from the date scheduled in the attached Notice if the original redemption period is six months, or for 11 months if the original redemption period is 12 months.

2. The Property is classified as homestead under Minnesota Statutes, section 273.124, is occupied by the Owner as a homestead, and is improved with not more than four dwelling units.

3. Owner has elected to shorten the Owner's redemption period from any foreclosure sale of the Property to five weeks in exchange for the postponement of the foreclosure sale for five months if the original redemption period was six months, or for 11 months if the original redemption period was 12 months.

Check here if all or part of the described real property is registered (Torrens)

Owner

\_\_\_\_\_  
*(signature)*

\_\_\_\_\_  
*(signature)*

**Note: The published Notice of Mortgage Foreclosure Sale must be attached to this document and recorded in order for it to be enforceable.**

**Note: After recording, Minn. Stat. 580.07 subd. 2 requires that a copy of this recorded affidavit be filed with the County Sheriff and delivered to the attorney foreclosing the mortgage.**

Signed and sworn to before me on \_\_\_\_\_, by \_\_\_\_\_  
*(month/day/year)*

\_\_\_\_\_  
*(Insert name(s) of person(s) making statement)*

(Stamp)

\_\_\_\_\_  
*(signature of notarial officer)*

Notary Public, Minnesota

My commission expires: \_\_\_\_\_  
*(month/day/year)*

THIS INSTRUMENT WAS DRAFTED BY:

*(insert name and address)*