

# NORTH CAROLINA POWER OF SALE FORECLOSURE ABSTRACT - LONG FORM

Special Proceeding No. \_\_\_\_\_ SP \_\_\_\_\_ County, North Carolina  
 Deed of Trust Foreclosed (DTF): Book \_\_\_\_\_ Page \_\_\_\_\_  
 Abstracted by \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_

OWNER/PROPERTY/INTEREST FROM VESTING INSTRUMENT(S) OCCUPANCY, MILITARY STATUS AND BANKRUPTCY INFORMATION
<p>(a) <b>Owner</b>            Owner of record at time of filing of notice of hearing: _____            Spouse, if any, if not an owner of record: _____            Owner of record at time of execution of DTF (if different): _____            Spouse, if any, if not an owner of record: _____</p>
<p>(b) <b>Borrower</b>  <input type="checkbox"/> Same as Owner of record at time of notice of hearing, or  <input type="checkbox"/> _____</p>
<p>(c) <b>Property</b> (Attach copy of full legal description from vesting instrument)            Street Address: _____            Brief legal: _____            Mobile/Manufactured home located on Property? <input type="checkbox"/> Yes <input type="checkbox"/> No            DMV title status: _____            Declaration of Intent of record in Register of Deeds? <input type="checkbox"/> Yes <input type="checkbox"/> No Book _____ Page _____            MVR-46G Affixation Affidavit of record in Register of Deeds? <input type="checkbox"/> Yes <input type="checkbox"/> No Book _____ Page _____</p>
<p>(d) <b>Interest</b>  <input type="checkbox"/> Fee Simple <input type="checkbox"/> Leasehold <input type="checkbox"/> Life Estate <input type="checkbox"/> Remainder <input type="checkbox"/> Other _____</p>
<p>(e) <b>Occupancy (during foreclosure proceeding)</b>  <input type="checkbox"/> Owner ____ (Primary Residence) ____ (Second Home)  <input type="checkbox"/> Spouse of Owner ____ (Primary Residence) ____ (Second Home)  <input type="checkbox"/> Tenant ____ (Verbal/Unrecorded Lease) ____ (Lease recorded Book _____ Page _____)            ____ (Less than 15 residential tenants) ____ (15 or more residential tenants) ____ (Commercial tenants)  <input type="checkbox"/> Vacant  <input type="checkbox"/> Other _____</p>
<p>(f) <b>Military Status (during foreclosure proceeding)</b> <a href="https://scra-w.dmdc.osd.mil/scra#/home">https://scra-w.dmdc.osd.mil/scra#/home</a> or  <a href="https://scra.dmdc.osd.mil">https://scra.dmdc.osd.mil</a>            Owner: In military service within last 90 days? <input type="checkbox"/> Yes <input type="checkbox"/> No OR within last 9 months? <input type="checkbox"/> Yes <input type="checkbox"/> No            OR within one year? <input type="checkbox"/> Yes <input type="checkbox"/> No            Spouse, if any, if not an owner of record: In military service within last 90 days? <input type="checkbox"/> Yes <input type="checkbox"/> No            OR within last 9 months? <input type="checkbox"/> Yes <input type="checkbox"/> No OR within one year? <input type="checkbox"/> Yes <input type="checkbox"/> No            Borrower, if different than Owner: In military service within last 90 days? <input type="checkbox"/> Yes <input type="checkbox"/> No OR within last 9            months? <input type="checkbox"/> Yes <input type="checkbox"/> No            DTF originated before period of mortgagor's or debtor's period of military service? <input type="checkbox"/> Yes <input type="checkbox"/> No            Tenant: In military service within last 90 days? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>(g) <b>Bankruptcy (during foreclosure proceeding)</b> <a href="http://pacer.psc.uscourts.gov/">http://pacer.psc.uscourts.gov/</a>            Owner: <input type="checkbox"/> Yes <input type="checkbox"/> No            Borrower, if different than Owner: <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>(h) <b>Other</b></p>

Instrument or Process		Defects, Irregularities, Missing Information, Curative Notes, Comments
CSC = Clerk of Superior Court    ROD = Register of Deeds		
<b>(1) DEED OF TRUST FORECLOSED (DTF)</b>		<i>Required ROD</i>
(a) <b>Date of instrument:</b>		
(b) <b>Recording date/time:</b>		
(c) <b>Parties</b>		
Grantor/Owner:		
<input type="checkbox"/> All owners of record at time of execution of DTF named as grantors & instrument executed by all such owners & spouses		
Borrower (if different than Grantor/Owner):		
Trustee:		
Lender:		
(d) <b>Property</b>		
Brief legal description of property encumbered: (attach copy of full legal):		
<input type="checkbox"/> Legal description of encumbered parcel matches description of same parcel in Vesting Instrument described above		
All encumbered property located in one county? <input type="checkbox"/> Yes <input type="checkbox"/> No		
(e) <b>Interest encumbered:</b>		
<input type="checkbox"/> Fee Simple <input type="checkbox"/> Leasehold <input type="checkbox"/> Other: _____		
(f) <b>Debt/Type of loan</b>		
Amount: \$		
<input type="checkbox"/> Debt/note properly identified		
Future Advance Provisions? <input type="checkbox"/> Yes <input type="checkbox"/> No (GS 45-67 et seq.)		
Construction? <input type="checkbox"/> Yes <input type="checkbox"/> No (GS 45-67 et seq.)		
Reverse Mortgage? <input type="checkbox"/> Yes <input type="checkbox"/> No (GS 53-263 et seq.)		
Negative Amortization or Rate Spread Home Loan?		
<input type="checkbox"/> Yes <input type="checkbox"/> No [GS 45-101(3a)] (Applicable to foreclosure proceeding filed on or after 11/15/2008 and expires 10/31/2010)		
Multiple Properties Encumbered - Cross-Collateralized?		
<input type="checkbox"/> Yes <input type="checkbox"/> No (GS 45-21.9A)		
Subprime Loan?: <input type="checkbox"/> Yes <input type="checkbox"/> No [GS 45-101(4)] (Applicable to foreclosure proceeding filed on or after 11/15/2008 and expires 10/31/2010)		
Home Loan?: <input type="checkbox"/> Yes <input type="checkbox"/> No [GS 45-101(1b)] (Applicable to foreclosure proceeding filed on or after 11/15/2008.)		
(g) <b>Specific provisions</b>		
<input type="checkbox"/> Includes power of sale		
Trustee's Fee: \$		

Provision indicating subordinate to another lien? <input type="checkbox"/> Yes <input type="checkbox"/> No	
After-acquired property clause? <input type="checkbox"/> Yes <input type="checkbox"/> No (GS 47-20.5)	
Note any specific provisions regarding foreclosure or sale requirements:	
(h) Other	

<b>(2) INSTRUMENTS SPECIFICALLY RELATED TO DTF AFFECTING PROPERTY ENCUMBERED, PRIORITY, PARTIES ENTITLED TO NOTICE, PARTY ENTITLED TO FORECLOSE</b>	
(a) Subordination, Non-disturbance Attornment Agreement? <input type="checkbox"/> Yes <input type="checkbox"/> No	
(b) Release deed? <input type="checkbox"/> Yes <input type="checkbox"/> No	
(c) Modification of DTF? <input type="checkbox"/> Yes <input type="checkbox"/> No	
(d) Subordination Agreement? <input type="checkbox"/> Yes <input type="checkbox"/> No	
(e) Assignment? <input type="checkbox"/> Yes <input type="checkbox"/> No	
(f) Substitution of Trustee? <input type="checkbox"/> Yes <input type="checkbox"/> No (GS 45-10)	
(g) Request for Notice? <input type="checkbox"/> Yes <input type="checkbox"/> No (GS 45-21.17A)	
(h) Other	

<b>(3) OTHER MATTERS AFFECTING/POSSIBLY AFFECTING FORECLOSURE PROCEEDING</b>	
(a) Other Deed of Trust? <input type="checkbox"/> Yes <input type="checkbox"/> No	
(b) Lease & Modifications-Extensions? <input type="checkbox"/> Yes <input type="checkbox"/> No	
(c) Right of First Refusal? <input type="checkbox"/> Yes <input type="checkbox"/> No	
(d) Easement? <input type="checkbox"/> Yes <input type="checkbox"/> No	
(e) Homeowner Association Dues? <input type="checkbox"/> Yes <input type="checkbox"/> No	
(f) Transfer or reconveyance fees? <input type="checkbox"/> Yes <input type="checkbox"/> No	
(g) Deed, Option or Contract to Purchase? <input type="checkbox"/> Yes <input type="checkbox"/> No	
(h) Judgment? <input type="checkbox"/> Yes <input type="checkbox"/> No	
(i) Lis Pendens? <input type="checkbox"/> Yes <input type="checkbox"/> No	
(j) Federal Tax Lien? <input type="checkbox"/> Yes <input type="checkbox"/> No	
(k) Mechanics' or Materialmen's Liens? <input type="checkbox"/> Yes <input type="checkbox"/> No	
(l) Divorce? <input type="checkbox"/> Yes <input type="checkbox"/> No	
(m) Marriage? Yes <input type="checkbox"/> No	
(n) Death/Estate? <input type="checkbox"/> Yes <input type="checkbox"/> No	
(o) Special Proceeding (Partition, Incompetency, etc.)? <input type="checkbox"/> Yes <input type="checkbox"/> No	
(p) Other	

<b>(4) AFFIDAVIT(S) OF NOTEHOLDER [GS 45-21.16(c), GS 45-21.16(c1), GS 45-21.16C(a), GS 45-93, GS 45-102, GS 53-267 and GS 53-268]</b>		<i>Required CSC</i>
(a) <input type="checkbox"/> Affiant _____ identified as current holder of note <input type="checkbox"/> States nature of default <input type="checkbox"/> States following amount due of principal, interests, fees and charges and includes daily interest charge \$ _____ <input type="checkbox"/> States maturity of debt accelerated <input type="checkbox"/> Confirms compliance with 30-day itemized debt notice/letter required under GS 45-21.16(c)(5a) <input type="checkbox"/> States whether there have been any requests for information by borrower to servicer pursuant to GS 45-93, compliance with such requests, or the expiration date for compliance (Applicable to foreclosure proceeding filed on or after 4/1/2008)		
(b) If loan secured by principal residence of debtor, <input type="checkbox"/> describes efforts made as required by GS 45-21.16C(a) to communicate with debtor, resolve default, and results of such efforts (Applicable to foreclosure proceeding filed on or after 10/1/2009) <input type="checkbox"/> Not Applicable		
(c) If a reverse mortgage loan, <input type="checkbox"/> event of default is one authorized under GS 53-267 <input type="checkbox"/> confirms borrower given not less than 90 days' notice of intent to foreclose required by GS 53-268 (Applicable to foreclosure proceeding filed on or after 10/1/2009) <input type="checkbox"/> Not Applicable		
(d) Other		

<b>(5) CERTIFICATION(S) OF NOTEHOLDER/TRUSTEE/FILING PARTY [GS 45-21.16(c2) &amp; GS 45-107(a)] as to PRE-FORECLOSURE NOTICE FOR SUBPRIME (foreclosure proceeding filed 11/15/2008 - 10/31/2010) OR HOME LOAN (foreclosure proceeding filed on or after 11/15/2008) (AKA 45-DAY LETTER) (GS 45-102), and FILING WITH ADMINISTRATIVE OFFICE OF THE COURTS (GS 45-103)</b>		<i>Required CSC</i>
(a) If a subprime loan on borrower's principal residence, <input type="checkbox"/> confirms compliance with GS 45-102 – the 45-day pre-foreclosure notice for subprime loans (Applicable to foreclosure proceeding filed on or after 11/15/2008 and expires 10/31/2010) <input type="checkbox"/> confirms compliance with GS 45-103 - the pre-foreclosure notice to AOC for certain subprime loans (Applicable to foreclosure proceeding filed on or after 11/15/2008 and expires 10/31/2010) <input type="checkbox"/> Not Applicable		
(b) If a home loan on the borrower's principal residence (other than equity line or bridge loan or loan for other than personal, family or household purposes), <input type="checkbox"/> confirms compliance with GS 45-102 – the 45-day pre-foreclosure notice. (Applicable to foreclosure proceeding filed on or after 11/1/2008) <input type="checkbox"/> confirms compliance with GS 45-103 - the pre-foreclosure notice to AOC (Applicable to foreclosure proceeding filed on or after 11/1/2008) <input type="checkbox"/> Not Applicable		
(c) Other		

<b>(6) NOTICE OF HEARING [GS 45-21.16(c)]</b>		<i>Required CSC</i>
(a) <input type="checkbox"/> Includes description sufficient to identify real property to be sold which property is encumbered by the DTF. Property to be sold: _____		
(b) Specifies following time and place for hearing: _____		

(c) <input type="checkbox"/> Describes DTF including date, original amount, original holder, and book and page	
(d) <input type="checkbox"/> States nature of default	
(e) <input type="checkbox"/> States maturity of debt accelerated	
(f) <input type="checkbox"/> Includes right of debtor to pay/care default, if permitted	
(g) <input type="checkbox"/> Confirms that within 30 days of Notice of Hearing, debtor was sent itemized written statement of all amounts due required under GS 45-21.16(c)(5a).	
(h) <input type="checkbox"/> States whether there have been any requests for information by borrower to servicer pursuant to GS 45-93, compliance with such requests, or the expiration date for compliance (Applicable to foreclosure proceeding filed on or after 4/1/2008) <input type="checkbox"/> Not Applicable	
(i) <input type="checkbox"/> States right of debtor (or other party served) to appear before clerk at specified date, time, location to show cause why foreclosure should not be allowed	
(j) <input type="checkbox"/> States if uncontested, debtor does not have to appear and failure to appear will not affect right to pay indebtedness	
(k) <input type="checkbox"/> States Trustee/Substitute Trustee is neutral party and cannot advocate for either party	
(l) <input type="checkbox"/> States debtor's right pursuant to GS 45-21.34 to apply to superior court judge to enjoin sale	
(m) <input type="checkbox"/> States debtor's right to appear at hearing and contest evidence	
(n) States that to authorize foreclosure, clerk must find existence of <input type="checkbox"/> (i) valid debt & party seeking to foreclose is holder <input type="checkbox"/> (ii) default <input type="checkbox"/> (iii) right to foreclose under DTF <input type="checkbox"/> (iv) notice to those entitled <input type="checkbox"/> (v) whether or not debt underlying DTF is a subprime loan [per GS 45-101(4)], and if so, confirm 45-day pre-foreclosure notice under GS 45-102 and information under GS 45-103 provided and time period elapsed <small>[Item (v) applicable for foreclosure proceeding filed on or after 11/15/2008 and expires 10/31/2010]</small> <input type="checkbox"/> (vi) whether or not debt underlying DTF is a home loan [per GS 45-101(1b)], and if so, confirm 45-day pre-foreclosure notice under GS 45-102 and information under GS 45-103 provided and time period elapsed <small>[Item (vi) applicable for foreclosure proceeding filed on or after 11/1/2008]</small>	
(o) <input type="checkbox"/> States Trustee will ask for order to sell if debtor does not appear?	
(p) <input type="checkbox"/> States debtor's right to seek advice of counsel and that free legal services may be available	
(q) <input type="checkbox"/> States if foreclosure consummated, purchaser entitled to possession as of date of delivery of deed and debtor can be evicted	
(r) <input type="checkbox"/> States name, address, phone number of trustee or mortgagee Trustee/Mortgagee named: _____	
(s) <input type="checkbox"/> States debtor should keep trustee or mortgagee informed in writing of his address	
(t) All information required by GS 45-21.16A for Notice of Sale (see Item ___ below) <input type="checkbox"/> is included and this instrument can serve as Notice of Sale <input type="checkbox"/> is not included	

(u) <input type="checkbox"/> States hearing may be later and party will be notified of change	
(v) If a subprime loan on borrower's principal residence, <input type="checkbox"/> confirms compliance with GS 45-102 – the 45 days pre-foreclosure notice for subprime loans (Applicable to foreclosure proceeding filed on or after 11/15/2008 and expires 10/31/2010) <input type="checkbox"/> confirms compliance with GS 45-103 - the pre-foreclosure notice to AOC for certain subprime loans (Applicable to foreclosure proceeding filed on or after 11/15/2008 and expires 10/31/2010) <input type="checkbox"/> Not Applicable	
(v) If a home loan on borrower's principal residence, <input type="checkbox"/> confirms compliance with GS 45-102 – the 45 days pre-foreclosure notice (Applicable to foreclosure proceeding filed on or after 11/1/2008.) <input type="checkbox"/> confirms compliance with GS 45-103 - the pre-foreclosure notice to AOC (Applicable to foreclosure proceeding filed on or after 11/1/2008.) <input type="checkbox"/> Not Applicable	
(w) If a reverse mortgage loan, <input type="checkbox"/> confirms borrower given not less than 90 days' notice of intent to foreclose required by GS 53-268 (Applicable to foreclosure proceeding filed on or after 10/1/2009) <input type="checkbox"/> event of default is one authorized under GS 53-267 <input type="checkbox"/> Not Applicable	
(x) States that if the debtor is currently on military duty the foreclosure may be prohibited by GS 45-21.12A. (Applicable to foreclosure proceeding filed on or after 1/1/11)	
(y) Other	

<b>(7) PROOF OF SERVICE OF NOTICE OF HEARING [GS 45-21.16(a) &amp; GS 1A-1, Rule 4(j)], OR WAIVER OF RIGHT TO NOTICE AND HEARING [GS 45-21.16(f)]</b> NOTE: Must be served at least 10 days before hearing unless service by posting in which case posted at least 20 days before hearing. <i>Required CSC</i>	
<b>(a) Owner (time of filing Notice of Hearing) &amp; spouse, if any:</b> Person(s) served: _____ Date of service: _____ Method/Proof: <input type="checkbox"/> Affidavit of Trustee as to service by Certified/Registered Mail - Return Receipt Request (return receipt(s) attached) <input type="checkbox"/> Affidavit of Trustee as to service by Posting and circumstances warranting service by Posting [GS 45-21.16(a)] <input type="checkbox"/> Sheriff's Return of Service <input type="checkbox"/> Other _____ Proper waiver of notice and hearing by: _____ _____	
<b>(b) Borrower (identified in DTF), if different than Owner at time of filing of Notice of Hearing:</b> Person(s) served: _____ Date of service: _____ Method/Proof: <input type="checkbox"/> Affidavit of Trustee as to service by Certified/Registered Mail - Return Receipt Request (return receipt(s) attached) <input type="checkbox"/> Affidavit of Trustee as to service by Posting and circumstances warranting service by Posting [GS 45-21.16(a)] <input type="checkbox"/> Sheriff's Return of Service <input type="checkbox"/> Other _____ Proper waiver of notice and hearing by: _____ _____	

<p>(c) <b>Tenant under recorded lease:</b>          Person(s) served: _____          Date of service: _____          Method/Proof:  <input type="checkbox"/> Affidavit of Trustee as to service by Certified/Registered Mail - Return Receipt Request (return receipt(s) attached)  <input type="checkbox"/> Affidavit of Trustee as to service by Posting and circumstances warranting service by Posting [GS 45-21.16(a)]  <input type="checkbox"/> Sheriff's Return of Service  <input type="checkbox"/> Other _____          Proper waiver of notice and hearing by: _____</p>	
<p>(d) <b>Other (including any person DTF directs notice be sent):</b>          Person(s) served: _____          Date of service: _____          Method/Proof:  <input type="checkbox"/> Affidavit of Trustee as to service by Certified/Registered Mail - Return Receipt Request (return receipt(s) attached)  <input type="checkbox"/> Affidavit of Trustee as to service by Posting and circumstances warranting service by Posting [GS 45-21.16(a)]  <input type="checkbox"/> Sheriff's Return of Service  <input type="checkbox"/> Other _____          Proper waiver of notice and hearing by: _____</p>	

**(8) AFFIDAVIT REGARDING MILITARY STATUS [50 USCS Appx Sec 3932 formerly Sec 520 and 521 and Sec 3953 formerly Sec 533 & GS 45-21.12A], and COMPLIANCE WITH SERVICEMEMBERS' CIVIL RELIEF ACT (50 U.S.C. 3901 et seq., formerly 50 USCS Appx Sec 501 et seq. and, effective October 1, 2019, G.S. Ch. 127B, including National Guard serving for or living in North Carolina and their dependents) (NC website to be created)**  
<https://scra-w.dmdc.osd.mil/scra/#/home> or <https://scra.dmdc.osd.mil>  
 NOTE: Temporary extension of the period from 90 days to 9 months after the termination of the servicemember's military service, effective for the period from July 30, 2008, until December 31, 2010, and for one year until December 31, 2017 (if not further extended). *Required CSC*

<p>(a) <input type="checkbox"/> States whether or not _____ is in military service OR has been within last year and shows necessary facts to support the affidavit, OR  <input type="checkbox"/> States that unable to determine whether or not _____ is in military service</p>	
<p>(b) Servicemember received actual notice of Notice of hearing and foreclosure proceeding?  <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>(c) Was stay requested or granted by court? <input type="checkbox"/> Yes <input type="checkbox"/> No          If stay granted,  <input type="checkbox"/> order dissolving stay entered on _____, or  <input type="checkbox"/> waiver of agreement by _____, a servicemember during or after military service (50 USCS Appx Sec 3918)</p>	
<p>(d) <input type="checkbox"/> Certification that the hearing will take place at a time that is not during, or within 90 days after, a period of military service for the mortgagor, trustor or debtor. (This subsection applies only to mortgages and deeds of trust that originated before the mortgagor's or trustor's period of military service) OR  <input type="checkbox"/> Waiver by written agreement executed during or after the mortgagor's, trustor's, or debtor's period of military service, as an instrument separate from the obligation or liability to which the waiver applies, in at least 12 point type, specifying the legal instrument creating the obligation or liability to which the waiver applies. (Effective for foreclosures filed on or after 1/1/11.)          GS 45-21.12A</p>	

(e) Other	
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<b>(9) CONTINUANCES, CONTINUATIONS, INJUNCTIONS, POSTPONEMENTS, APPEALS</b>		<i>Required CSC</i>
<p>(a) <b>Continuance</b> of Hearing by clerk for lack of service (GS 45-21.16(a) or other good cause shown [GS 45-21.16C(b)]?  <input type="checkbox"/> Yes <input type="checkbox"/> No            If yes  <input type="checkbox"/> all parties property notified of date to which continued</p>		
<p>(b) <b>Continuation</b> of Hearing if "good cause to believe that additional time or additional measures have a reasonable likelihood of resolving the delinquency without foreclosure" on debtor's principal residence. [GS 45-21.16C(b)] (foreclosures initiated on or after 10/1/09) <input type="checkbox"/> Yes <input type="checkbox"/> No            If yes  <input type="checkbox"/> all parties property notified of date to which continued</p>		
<p>(c) <b>Appeal to District or Superior Court</b> of Clerk's findings at hearing [GS 45-21.16(d1)]? <input type="checkbox"/> Yes <input type="checkbox"/> No            If yes,  <input type="checkbox"/> certified copy of order entered for foreclosure proceeding to continue [GS 45-21.21(d)]</p>		
<p>(d) <b>Postponement of Sale</b> at the sale? [GS 45-21.21(a),(b),(c),(e)]  <input type="checkbox"/> Yes <input type="checkbox"/> No            If yes,  <input type="checkbox"/> postponed to _____ a date not more than 90 days, exclusive of Sundays, after original date of sale  <input type="checkbox"/> notice of postponement attached to or entered on original notice of sale posted at courthouse  <input type="checkbox"/> posted notice of postponement states sale is postponed, hour and date to which postponed, reason for postponement authorized under GS 45.21.21(a), and is signed by person authorized to hold sale or his agent or attorney  <input type="checkbox"/> Notice to Clerk and posted under GS 45-21.21(h)-(k) delivered and posted?</p>		
<p>(e) <b>Postponement of Sale</b> other than in Item (d) above? [GS 45-21.21(d)] <input type="checkbox"/> Yes <input type="checkbox"/> No            If yes,  <input type="checkbox"/> compliance with posting, publication and notice provisions of GS 45-21.16A, GS 45-21.17 &amp; GS 45-21.17A</p>		
<p>(f) <b>Temporary restraining order</b> entered by Superior Court Judge? (GS 45-21.34) <input type="checkbox"/> Yes <input type="checkbox"/> No            If yes, result is  <input type="checkbox"/> Judge dissolves order restraining sale. Compliance with judge's order as to time and place ordered for sale and any additional notice requirements. [GS 45-21.22(a) &amp; (b)]  <input type="checkbox"/> Other: _____</p>		
<p>(g) <b>Bankruptcy Court order lifting stay?</b> [GS 45.21.22(c)]  <input type="checkbox"/> Yes <input type="checkbox"/> No            If yes,  <input type="checkbox"/> If stayed before hearing -- new hearing &amp; notices served?  <input type="checkbox"/> If stayed after entry of Clerk's order of sale (GS 45-21.16) and before expiration of 10-day upset bid period -- no-rehearing  <input type="checkbox"/> compliance with notice, publication and posting provisions of GS 45-21.16A, GS 45-21.17 &amp; GS 45-21.17A</p>		
<p>(h) <b>Other</b></p>		



<b>(10)CLERK'S ORDER OF SALE [GS 45-21.16]</b>		<i>Required CSC</i>
(a) <input type="checkbox"/> Filed in each county in which part of property located [GS 45-21.16(d)]		
(b) Finds existence of <input type="checkbox"/> (i) valid debt & party seeking to foreclose is holder <input type="checkbox"/> (ii) default <input type="checkbox"/> (iii) right to foreclose under DTF <input type="checkbox"/> (iv) notice to those entitled <input type="checkbox"/> (v) whether or not debt underlying DTF is a subprime loan [per GS 45-101(4)], and if so, confirm 45-day pre-foreclosure notice provided and time period elapsed <small>[Item (v) applicable for foreclosure proceeding filed on or after 11/15/2008 and expires 10/31/2010]</small> <input type="checkbox"/> (vi) whether or not debt underlying DTF is a home loan [per GS 45-101(1b)], and if so, confirm 45-day pre-foreclosure notice under GS 45-102 provided and time period elapsed <small>[Item (vi) applicable for foreclosure proceeding filed on or after 11/1/2010 and expires 5/31/2013, unless extended]</small> <input type="checkbox"/> (vii) that the sale is not barred by GS 45-21.12A <small>[Item (vii) applicable for foreclosure proceeding filed on or after 1/1/2011]</small>		
(c) Authorizes _____ as mortgagee or trustee to proceed with sale		
(d) Other		

<b>(11)NOTICE OF SALE [GS 45-21.16A]</b>		<i>Required CSC</i>
(a) <input type="checkbox"/> Filed in each county in which part of property located		
(b) <input type="checkbox"/> Identifies original mortgagors and recording data for DTF?		
(c) Identifies record owner of property per Register of Deeds not more than 10 days prior to posting notice as being _____		
(d) <input type="checkbox"/> Designates _____ as date, hour & place of sale consistent with provisions of DTF, if any, and not a Sunday, legal holiday (GS 103-4, 5 USCS 6103(a)) or date when courthouse closed (GS 45-21.23) (See curative GS 45-21.43 regarding county & place of sale)		
(e) <input type="checkbox"/> Description of real property to be sold consistent with that in Notice of Hearing and is described in manner reasonably calculated to inform public what is being sold (and what is not being sold if a portion of property described in FDT is not being offered for sale) (GS 45-21.8 & GS 45-21.9)		
(f) <input type="checkbox"/> States terms of the sale and amount of cash deposit required		
(g) <input type="checkbox"/> Includes other provisions required by DTF, if any (GS 45-21.4, GS 45-21.7 & GS 45-21.8)		
(h) <input type="checkbox"/> States whether sold subject to taxes and special assessments		
(i) <input type="checkbox"/> States whether sold subject to or together with subordinate rights or interests (for development loans – includes together with developer/declarant rights, assigned interests, etc.)		
(j) <input type="checkbox"/> If less than 15 residential rental units, states that order for possession (GS 45-21.29) may issue (if allowed by federal acts), and rights of tenants to terminate leases (for leases or amendments on or after 10/1/2007) (GS 42-45.2)		
(k) Other		

**(12)AFFIDAVIT OF PUBLICATION [GS 45-21.17 & GS 45-21.33(e)]***Required CSC*

(a) Affidavit of publisher that notice(s) of sale and resale, if any, were published in \_\_\_\_\_ newspaper on \_\_\_\_\_ & \_\_\_\_\_.  
 (Must be published once a week for 2 successive weeks in newspaper qualified for legal advertising in each county in which part of property situated. Period from date first publication to date last publication, both dates inclusive, not less than 7 days, including Sundays; and date last publication not more than 10 days preceding date of sale.)

(b) Other \_\_\_\_\_

**(13)SERVICE AND POSTING OF NOTICE OF SALE [GS 45-21.17] (Also see next 2 sections-service on IRS/United States)**

NOTE: Must be mailed by first-class mail at least 20 days prior to the date of sale to each party entitled to notice of hearing (GS 45-21.16), any party desiring a copy who has complied with GS 45-21.17A, and tenant under residential rental agreement of property containing less than 15 rental units.  
*Required CSC*

(a) **Posted** on \_\_\_\_\_ in area designed by CSC for posting public notices. (Must be posted in each county in which any part of property situated at least 20 days immediately preceding date of sale.)

(b) **Owner (at time of filing Notice of Hearing) & spouse, if any:**  
 Person(s) served: \_\_\_\_\_  
 Date of service: \_\_\_\_\_  
 Method/Proof:  
 Delivery with Notice of Hearing  
 Affidavit of Trustee as to service by First-Class Mail  
 Affidavit of Trustee as to service by Posting and circumstances warranting service by Posting [GS 45-21.16(a)]  
 Other \_\_\_\_\_

(c) **Borrower (identified in DTF), if different than Owner at time of filing Notice of Hearing:**  
 Person(s) served: \_\_\_\_\_  
 Date of service: \_\_\_\_\_  
 Method/Proof:  
 Delivery with Notice of Hearing  
 Affidavit of Trustee as to service by First-Class Mail  
 Affidavit of Trustee as to service by Posting and circumstances warranting service by Posting [GS 45-21.16(a)]  
 Other \_\_\_\_\_

(d) **Tenant under recorded lease:**  
 Person(s) served: \_\_\_\_\_  
 Date of service: \_\_\_\_\_  
 Method/Proof:  
 Delivery with Notice of Hearing  
 Affidavit of Trustee as to service by First-Class Mail  
 Affidavit of Trustee as to service by Posting and circumstances warranting service by Posting [GS 45-21.16(a)]  
 Other \_\_\_\_\_

(e) **Tenant(s) of residential property with less than 15 rental units: [GS 42-45.2]**  
 Person(s) served: \_\_\_\_\_  
 Date of service: \_\_\_\_\_  
 Method/Proof:  
 Affidavit of Trustee as to service by First-Class Mail  
 Other \_\_\_\_\_

(f) **Party filing Request for Notice of Sale:**  
 Person(s) served: \_\_\_\_\_  
 Date of service: \_\_\_\_\_  
 Method/Proof:  
 Affidavit of Trustee as to service by First-Class Mail  
 Other \_\_\_\_\_

<p><b>(g) Party filing Request for Notice of Sale:</b>          Person(s) served: _____          Date of service: _____          Method/Proof:  <input type="checkbox"/> Affidavit of Trustee as to service by First-Class Mail  <input type="checkbox"/> Other _____</p>	
<p><b>(h) Subordinate lienholder: (no Request for Notice)</b>          Person(s) served: _____          Date of service: _____          Method/Proof:  <input type="checkbox"/> Affidavit of Trustee as to service by First-Class Mail  <input type="checkbox"/> Other _____</p>	
<p><b>(i) Subordinate lienholder: (no Request for Notice)</b>          Person(s) served: _____          Date of service: _____          Method/Proof:  <input type="checkbox"/> Affidavit of Trustee as to service by First-Class Mail  <input type="checkbox"/> Other _____</p>	
<p><b>(j) Special posting or publishing provisions in DTF:</b>          Person(s) served: _____          Date of service: _____          Method/Proof:  <input type="checkbox"/> Affidavit of Trustee as to service by First-Class Mail  <input type="checkbox"/> Other _____</p>	
<p><b>(k) Other (including any person DTF directs notice be sent):</b>          Person(s) served: _____          Date of service: _____          Method/Proof:  <input type="checkbox"/> Affidavit of Trustee as to service by First-Class Mail  <input type="checkbox"/> Other _____</p>	

<p><b>(14) INTERNAL REVENUE SERVICE - SUBORDINATE FEDERAL TAX LIEN</b>  <b>[26 USCS 7425(b),(c) &amp; (d)], (IRS Publication 786) &amp; (Treasury Reg. 301.7425-2 et seq.)</b>          NOTES:          1. Federal tax liens with priority over the DTF are NOT extinguished by this procedure.          2. Subordinate federal tax liens filed more than 30 days prior to the actual final foreclosure sale date will NOT be extinguished by the foreclosure unless this notice procedure is followed <u>precisely</u> or the IRS files either discharge of property or consent to sale.          3. The IRS Right of Redemption continues for 120 days after date of sale, unless released, EVEN IF the notice procedure is followed. (For risk purposes, most title insurers look to the date 120 days after expiration of the last upset bid period.) <span style="float: right;"><i>Recommended CSC</i></span></p>	
<p><b>(a) Service of Notice of Sale</b>          IRS lien file # _____, filed _____          Date of delivery of Notice to IRS: _____          (must be delivered by registered or certified mail or by personal service, not less than 25 days prior to sale)          Method/Proof:  <input type="checkbox"/> Affidavit of Trustee as to service by either              <input type="checkbox"/> Registered or certified mail (return receipt attached)              <input type="checkbox"/> Personal Delivery to IRS office          Contains:  <input type="checkbox"/> Name/address of person submitting notice of sale  <input type="checkbox"/> Copy of each notice of Federal Tax Lien [Form 668(Y)(c)] or              (A) IRS office named on notice of lien              (B) name and address of taxpayer              (C) date and place notice of lien filed  <input type="checkbox"/> Complete physical address, legal description, and, if available, title abstract of property  <input type="checkbox"/> Date, time, place, and terms of sale  <input type="checkbox"/> Approximate amount of principal obligation, interest, and expenses.</p>	

(b) <input type="checkbox"/> Redemption period has expired. (conservative calculation @ 120 days after expiration of last upset bid period)	
(c) Other	

<b>(15) UNITED STATES - SUBORDINATE FEDERAL LIEN, JUDGMENT OR MORTGAGE (OTHER THAN FEDERAL TAX LIEN):</b> (28 USCS 2410) <span style="float: right;"><i>Recommended CSC</i></span>	
(a) Notice given as required by applicable federal statute creating the lien? <input type="checkbox"/> Yes <input type="checkbox"/> No Method/Proof: _____	
(b) Waiver by United States of 1-year right of redemption [28 USCS 2410(c)]? <input type="checkbox"/> Yes <input type="checkbox"/> No	
(c) Other	

<b>(16) PRELIMINARY REPORT OF FORECLOSURE SALE/RESALE</b> (Typically AOC-SP-400) [GS 45-21.26] <span style="float: right;"><i>Required CSC</i></span>	
(a) <input type="checkbox"/> Form AOC-SP-400 properly completed indicating a date, time and place of sale consistent with that in Notice of Sale; signed by person authorized to hold the sale or his agent or attorney; and filed with CSC in county where property sold on _____, said date being within 5 days after date of sale.  AOC-SP-400 shows: Highest Bidder: _____ Amount of Bid: \$ _____ Place of Sale: _____ Date & Time of Sale: _____  Mortgagors _____ Mortgagee _____ Deed of Trust _____	
(b) Is high bidder the borrower or a related party <input type="checkbox"/> Yes <input type="checkbox"/> No	
(c) Other:	

<b>(17) ORDER OF RESALE BY CLERK OF SUPERIOR COURT FOR DEFAULT OF SUCCESSFUL BIDDER</b> [GS 45-21.21(d) & GS 45-21.22(c) & GS 45-21.33(c)] <span style="float: right;"><i>Required CSC</i></span>	
(a) If yes, <input type="checkbox"/> compliance with clerk's order or resale and notice, publication and posting provisions of GS 45-21.16A, GS 45-21.17 & GS 45-21.17A	
(b) Other	

**(18)UPSET BID/NOTICE OF UPSET BID #1 (Typically AOC-SP-403) [GS 45-21.27]**

NOTE: If high bidder fails to comply with bid, see GS 45-21.30

*Required CSC*

(a) Form AOC-SP-403 properly completed; signed by upset bidder or his agent or attorney; and filed with CSC in county where property sold on _____, said date being within 10 days after filing of report of sale.  AOC-SP-403 shows: Upset Bidder: _____ Amount of Upset Bid:\$ _____	
(b) <input type="checkbox"/> Proof notice of upset bid mailed by first-class mail to last prior bidder and current record owner(s)	
(c) Is upset bidder the borrower or a related party <input type="checkbox"/> Yes <input type="checkbox"/> No	
(d) Other	

**(19)UPSET BID/NOTICE OF UPSET BID #2 (Typically AOC-SP-403) [GS 45-21.27]**

NOTE: If high bidder fails to comply with bid, see GS 45-21.30

*Required CSC*

(a) <input type="checkbox"/> Form AOC-SP-403 properly completed; signed by upset bidder or his agent or attorney; and filed with CSC in county where property sold on _____, said date being within 10 days after filing of last upset bid.  AOC-SP-403 shows: Upset Bidder: _____ Amount of Upset Bid:\$ _____	
(b) <input type="checkbox"/> Proof notice of upset bid mailed by first-class mail to last prior bidder and current record owner(s)	
(c) Is upset bidder the borrower or a related party <input type="checkbox"/> Yes <input type="checkbox"/> No	
(d) Other	

**(20)ASSIGNMENT OF BID***Required CSC*

(a) Assignment of bid? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, <input type="checkbox"/> Assignment from _____ (being successful highest bidder) to _____	
(b) Is assignee related to lender, if indicated? <input type="checkbox"/> Yes <input type="checkbox"/> No	
(c) Indication of consideration for assignment? <input type="checkbox"/> Yes <input type="checkbox"/> No	
(d) Other	

**(21)TRUSTEE'S/SUBSTITUTE TRUSTEE'S DEED***Required ROD*

(a) <input type="checkbox"/> Recorded in Book _____ page _____, _____ County Registry, from the authorized Trustee/Substitute Trustee to _____	
(b) <input type="checkbox"/> Consistent with foreclosure proceedings and accurately identifies property and DTF	
(c) <input type="checkbox"/> Grantee was highest bidder or assignee of highest bidder	
(d) Other	

<b>(22)NOTICE OF FORECLOSURE (GS 45-38)</b>		<i>Required ROD</i>
(a) <input type="checkbox"/> Recorded in Book _____ page _____, _____ County Registry		
(b) <input type="checkbox"/> Recorded in Register of Deeds in each county in which part of property located		
(c) <input type="checkbox"/> Includes date when and person to whom conveyance made		
(d) <input type="checkbox"/> If only part of encumbered property sold, indicates which property sold		
(e) <input type="checkbox"/> Recites original parties and recording data for DTF		
(f) Other		

<b>(23)FINAL REPORT &amp; ACCOUNT OF FORECLOSURE SALE (Typically AOC-SP-402) [GS 45-21.31, 45-21.33]</b>		<i>Required CSC</i>
(a) <input type="checkbox"/> Form AOC-SP-402 properly completed; signed by person authorized to hold the sale or his agent or attorney; and audited and recorded by the CSC on _____.		
AOC-SP-402 shows: Name of Purchaser: _____ As to the obligation secured: <input type="checkbox"/> Entire amount of secured obligation satisfied, or <input type="checkbox"/> Only a part of secured obligation satisfied As to the property encumbered by FDT: <input type="checkbox"/> All property was sold, or <input type="checkbox"/> Only a portion of property was sold		
(b) Other:		

<b>(24)POST FORECLOSURE PROCEEDINGS INCLUDING ACTION BY PARTY ENTITLED TO NOTICE NOT PROVIDED (GS 45-21.33), APPEAL (GS 1-301.2), ACTION FOR SURPLUS FUNDS (GS 45-21.31), ORDER FOR POSSESSION (GS 45-21.29 (GS 45-21.33A repealed 10-1-19), (50 USCS Appx Sec 3951 and 3952) &amp; (Protecting Tenants at Foreclosure Act of 2009, P.L. 111-22, for petitions filed on or after 5/20/2009)</b>		<i>Required CSC</i>
(a) Action filed within 6 months of final accounting by party entitled to notice not provided and lender was high bidder? <input type="checkbox"/> Yes <input type="checkbox"/> No (If yes, see G.S. 45-21.17A)		
(b) Appeal of foreclosure and sale? <input type="checkbox"/> Yes <input type="checkbox"/> No (If yes, see GS 1-301.2)		
(c) Action for surplus funds? <input type="checkbox"/> Yes <input type="checkbox"/> No (If yes, see GS 45-21.31)		
(c) Order for possession? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, <input type="checkbox"/> compliance with Protecting Tenants at Foreclosure Act of 2009 (Applicable to petitions filed on or after 5/20/2009) <input type="checkbox"/> compliance with 50 USCS Appx Sec 3932 and 3953 for occupant in military service, as well as GS Ch. 127B including National Guard (on or after 10-1-19) <input type="checkbox"/> compliance with GS 45-21.29 in each county in which any part of property situated, <input type="checkbox"/> subject to rights of single-family tenant, not terminated by tenant under GS 45-21.16A(b)(2), unless purchaser occupying as primary residence and compliance with notice provisions under GS 45-21.33A (Effect. 10-1-15, repealed 10-1-19) <input type="checkbox"/> eviction completed		
(d) Other		

**(25)OTHER**


**ATTORNEY COMMENTS/ITEMS TO DISCUSS WITH CLIENT AND/OR TITLE INSURER**

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Comments by \_\_\_\_\_

Date: \_\_\_\_\_