



Post-Foreclosure:

Your rights don't end at the sale.

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After a foreclosure sale, a former homeowner's rights largely depend on the specific laws of the state where the property is located. Key nationwide post-foreclosure rights typically involve the right to any surplus funds from the sale and the right to a formal eviction process.

State-Specific Post-Foreclosure Rights

- **Right of Redemption:** In about half of U.S. states, former homeowners have a statutory "right of redemption," allowing them a specific period (ranging from a few days to over a year, depending on the state) to reclaim the property. To exercise this right, the former owner typically must pay the full foreclosure sale price plus any additional interest and fees incurred during the process. States like Alabama, Kansas, and Michigan offer this right, while others like Georgia, California, and New York generally do not.
- **Possession of the Property:** In many states, you can remain in the home until the post-sale redemption period expires or until a court order of possession is issued. The new owner must follow formal eviction procedures if you do not leave voluntarily.

Nationwide Post-Foreclosure Rights

Regardless of the state, a former homeowner generally retains the following rights:

- **Right to Surplus Funds:** If the property sells for more than the total amount owed on the mortgage and any other liens, the former homeowner has a legal right to claim these surplus funds. The process and timeframe for claiming this money are dictated by state law.
- **Right to Due Process in Eviction:** The new owner of the property cannot force you to leave immediately or use "self-help" eviction tactics (like changing locks or removing belongings). They must initiate a formal eviction lawsuit (sometimes called an unlawful detainer suit) through the court system to get an order for possession.
- **Defense Against a Deficiency Judgment:** If the sale proceeds are insufficient to defend themselves in such lawsuits, and some states have laws that limit or prohibit deficiency judgments in certain types of foreclosures.
- **Right to Fair Treatment and Legal Defense:** Homeowners have the right to challenge the foreclosure if they believe the lender made significant errors or failed to follow proper legal procedures.
- **Get Legal Help:** Consult a [legal aid](#) attorney to understand your specific state's laws and options. The [Consumer Finance Protection Bureau](#) (CFPB) and the [U.S. Department of Housing and Urban Development](#) offers support to homeowners including, (but not limited to) the CFPB accepting [formal complaints](#) regarding your mortgage company and [housing counseling](#) from HUD.

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