**NORTH CAROLINA POWER OF SALE FORECLOSURE ABSTRACT - SHORT FORM**

(SUGGESTED USE: FORECLOSURE AT LEAST 4 YEARS BACK IN THE CHAIN OF TITLE OR

FOLLOWED BY SEVERAL LATER CONVEYANCES BEFORE DEED INTO CURRENT OWNER)

Special Proceeding No. \_\_\_\_\_\_\_\_\_\_ SP \_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ County, North Carolina

Abstracted by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_

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| **Instrument or Process**CSC = Clerk of Superior Court ROD = Register of Deeds |  | **Defects, Irregularities, Missing Information, Curative Notes, Comments** |
| **(1) DEED OF TRUST FORECLOSED (DTF)** *Required ROD* |
| Instrument date:  |  |  |
| Recording date/time: |  |
| Recorded in Book \_\_\_\_\_, page \_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_County |  |
| Parties: |  |
| Grantor/Owner: |  |
| 🞎 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: |  |
| Property: (ATTACH full legal description) |  |
| Interest encumbered: 🞎  Fee 🞎 Leasehold 🞎 Other  |  |
| Note any specific provisions regarding foreclosure or sale requirements: |  |

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| **(2) INSTRUMENTS SPECIFICALLY RELATED TO DTF AFFECTING PROPERTY ENCUMBERED, PRIORITY, PARTIES ENTITLED TO NOTICE, PARTY ENTITLED TO FORECLOSE** |
| Subordination, Non-disturbance Attornment Agreement? 🞎 Yes 🞎 No |  |  |
| Release deed? 🞎 Yes 🞎 No |  |
| Modification of DTF? 🞎 Yes 🞎 No |  |
| Subordination Agreement? 🞎 Yes 🞎 No |  |
| Recorded Assignment? 🞎 Yes 🞎 No |  |
| Substitution of Trustee? 🞎 Yes 🞎 No (GS   45-10) |  |
| Request for Notice? 🞎 Yes 🞎 No (GS 45-21.17A) |  |
| Other |  |

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| **(3) OTHER MATTERS AFFECTING/POSSIBLY AFFECTING FORECLOSURE PROCEEDING** |
| Lease & Modifications-Extensions? 🞎 Yes 🞎 No |  |  |
| Right of First Refusal? 🞎 Yes 🞎 No |  |
| Transfer or reconveyance fees? 🞎 Yes 🞎 No |  |
| Deed, Option or Contract to Purchase? 🞎 Yes 🞎 No |  |
| Judgment in favor of United States of America? 🞎 Yes 🞎 No |  |
| Lis Pendens? 🞎 Yes 🞎 No |  |
| Federal Tax Lien? 🞎 Yes 🞎 No |  |
| Mechanics’ or Materialmen’s Liens? 🞎 Yes 🞎 No |  |
| Death/Estate? 🞎 Yes 🞎 No  |  |
| Special Proceeding (Partition, Incompetency, etc.)? 🞎 Yes 🞎 No If yes: File # \_\_\_\_\_\_ SP \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |  |
| Bankruptcy (during foreclosure proceeding) (GS 45-21.22) <http://pacer.psc.uscourts.gov/>Owner: 🞎 Yes 🞎 NoBorrower, if different than Owner: 🞎 Yes 🞎 No |  |
| **(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]** *Required CSC* |
| 🞎 Copy in special proceeding file. |  |  |

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| **(5) CERTIFICATION(S) OF NOTEHOLDER/TRUSTEE/FILING PARTY [GS 45-21.16(c2) & GS 45-107(a)] as to** **PRE-FORECLOSURE NOTICE FOR SUBPRIME LOAN (foreclosures filed 11/15/08 – 10/31/10) OR HOME LOAN (foreclosures filed after 11/15/08) (AKA 45-DAY LETTER) (GS 45-102), and FILING WITH ADMINISTRATIVE OFFICE OF THE COURTS (GS 45-103)** *Required CSC* |
| 🞎 Not applicable. |  |  |
| 🞎 Applicable - copy in special proceeding file. |  |

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| **(6) NOTICE OF HEARING [GS 45-21.16(c)]** *Required CSC* |
| 🞎 Includes accurate description of property to be sold encumbered by the DTF. |  |  |
| 🞎 Accurately describes DTF including date, original amount, original holder, and book and page. |  |
| 🞎 Specifies following time and place for hearing:  |  |
| If a reverse mortgage loan, 🞎 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 10/1/09) 🞎 event of default is one authorized under GS 53-267 🞎 not applicable. |  |
| 🞎 States that if 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) |  |

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| **(7) PROOF OF SERVICE OF NOTICE OF HEARING [GS 45-21.16(a) & GS 1A-1, Rule 4(j)], or** **WAIVER OF RIGHT TO NOTICE AND HEARING [GS 45-21.16(f)]**NOTE: Must be served at least 10 days before hearing unless service by posting in which case posted at least 20 days before hearing. *Required CSC* |
| Scheduled hearing date:  |  |  |
| Proper service/waiver for:🞎 Owner (time of filing Notice of Hearing) & spouse, if any: Person(s) served: 🞎 Borrower (identified in DTF), if different than Owner at time of filing of Notice of Hearing: Person(s) served: 🞎 Tenant under recorded lease: Person(s) served: 🞎 Other (including any person DTF directs notice be sent): Person(s) served:  |  |

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| **(8) AFFIDAVIT REGARDING MILITARY STATUS [50 USC § 3932 and 3953], and COMPLIANCE WITH SERVICEMEMBERS’ CIVIL RELIEF ACT (50 USCS § 3901 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**](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* |
| 🞎 States whether or not \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ is in military service OR has been within last year and shows necessary facts to support the affidavit, OR🞎 States that unable to determine whether or not \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ is in military service. |  |  |
| 🞎 Servicemember received actual notice of Notice of Hearing and foreclosure proceeding. |  |
| Was stay requested or granted by court? 🞎 Yes 🞎 No If stay granted,  🞎 order dissolving stay entered on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, or 🞎 waiver of agreement by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, a servicemember during or after military service (50 USCS Appx Sec 517). |  |
| 🞎 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🞎 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.) N.C.Gen. 45-21.12A |  |

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| **(9) CONTINUANCES** **[GS 45-21.16(a) or GS 45-21.16C(b)]**, **CONTINUATION OF HEARING** **[GS 45-21.16C(b)], INJUNCTIONS** **[GS 45-21.34],** **POSTPONEMENTS** **[GS 45-21.21], APPEALS** **[GS 45-21.16(d) or (d1)],** **and** **BANKRUPTCY [GS 45.21.22(c)]** *Required CSC* |
| 🞎 Not Applicable |  |  |
| 🞎 Applicable as to: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |  |

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| **(10)CLERK’S ORDER OF SALE/RESALE [GS 45-21.16] and [GS 45-21.21(d) & GS 45-21.22(c) & GS 45-21.33(c)]** *Required CSC* |
| 🞎 Copy in special proceeding file. |  |  |
| 🞎 Filed in each county in which part of property located. |  |

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| **(11)NOTICE OF SALE [GS 45-21.16A]** *Required CSC* |
| 🞎 Copy in special proceeding file. |  |  |
| 🞎 Accurately identifies property and DTF. |  |

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| **(12)AFFIDAVIT OF PUBLICATION [GS 45-21.17 & GS 45-21.33(e)]** *Required CSC* |
| 🞎 Copy in special proceeding file. |  |  |
| 🞎 Accurately identifies property and DTF. |  |

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| **(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* |
| 🞎 Posted on  |  |  |
| Proper service for:🞎 Owner (time of filing Notice of Hearing) & spouse, if any: Person(s) served: 🞎 Borrower (identified in DTF), if different than Owner at time of filing of Notice of Hearing: Person(s) served: 🞎 Tenant under recorded lease: Person(s) served: 🞎 Tenant(s) of residential property with less than 15 rental units: [GS 42-45.2] Person(s) served: 🞎 Party filing Request for Notice of Sale: Person(s) served: 🞎 Party filing Request for Notice of Sale: Person(s) served: 🞎 Subordinate lienholder: (no Request for Notice) Person(s) served: 🞎 Subordinate lienholder: (no Request for Notice) Person(s) served: 🞎 Special posting or publishing provisions in DTF: Person(s) served: 🞎 Other (including any person DTF directs notice be sent): Person(s) served:  |  |

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| **(14)INTERNAL REVENUE SERVICE - SUBORDINATE FEDERAL TAX LIEN** **[26 USCS 7425(b),(c) & (d); IRS Publication 786 & Treasury Reg. 301.7425-2 et seq.]**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 precisely 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.)  *Recommended CSC* |
| 🞎 Not applicable. |  |  |
| 🞎 Applicable – copy of Service of Notice of Sale in file. 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:🞎 Affidavit of Trustee as to service by either 🞎 Registered or certified mail (return receipt attached) 🞎 Personal Delivery to IRS office Contains: 🞎 Name/address of person submitting notice of sale 🞎 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 🞎 Complete physical address, legal description, and, if available, title abstract of property 🞎 Date, time, place, and terms of sale 🞎 Approximate amount of principal obligation, interest, and expenses. Redemption:🞎 Redemption period has expired. (conservative calculation @ 120 days after expiration of last upset bid period) |  |

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| **(15)UNITED STATES - SUBORDINATE FEDERAL LIEN, JUDGMENT OR MORTGAGE (OTHER THAN FEDERAL TAX LIEN):****(28 USCS 2410)** *Recommended CSC* |
| 🞎 Not Applicable |  |  |
| 🞎 Applicable: 🞎 Notice given as required by applicable federal statute creating the lien. Method/Proof:  Waiver by United States of 1-year right of redemption [28 USCS 2410(c)]? 🞎 Yes 🞎 No |  |

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| **(16)PRELIMINARY REPORT OF FORECLOSURE SALE/RESALE (Typically AOC-SP-400) [GS 45-21.26]** *Required CSC* |
| 🞎 Copy in special proceeding file. |  |  |
| Is high bidder the borrower or a related person/entity? 🞎 Yes 🞎 No |  |

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| **(17)UPSET BID/NOTICE OF UPSET BID (Typically AOC-SP-403) [GS 45-21.27]**NOTE: If high bidder fails to comply with bid, see GS 45-21.30. *Required CSC* |
| 🞎 Not Applicable |  |  |
| 🞎 Applicable - copy in special proceeding file. |  |

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| **(18)ASSIGNMENT OF BID** *Required CSC* |
| 🞎 Not Applicable |  |  |
| 🞎 Applicable: Assignment to  for consideration of $  |  |

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| **(19)TRUSTEE’S/SUBSTITUTE TRUSTEE’S DEED** *Required ROD* |
| Recorded in Book \_\_\_\_\_ page \_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_\_\_ County Registry, from the authorized Trustee/Substitute Trustee to . |  |  |
| 🞎 Consistent with foreclosure proceedings and accurately identifies property and DTF. |  |
| 🞎 Grantee was highest bidder or assignee of highest bidder. |  |

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| **(20)NOTICE OF FORECLOSURE** **[GS 45-38]** *Required ROD* |
| Recorded in Book \_\_\_\_\_ page \_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_\_\_ County Registry. |  |  |
| 🞎 Copy recorded in Register of Deeds in each county in which part of property located. |  |

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| **(21)FINAL REPORT & ACCOUNT OF FORECLOSURE SALE (Typically AOC-SP-402) [GS 45-21.31, 45-21.33]** *Required CSC* |
| 🞎 Copy in special proceeding file. |  |  |

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| **(22)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 USC §§ 3932 and 3953] & [Protecting Tenants at Foreclosure Act of 2009, P.L. 111-22, for foreclosures on or after 5/20/2009)]***Required CSC* |
| 🞎 Not Applicable |  |  |
| 🞎 Applicable as to: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |  |

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| **ATTORNEY COMMENTS/ITEMS TO DISCUSS WITH CLIENT AND/OR TITLE INSURER** |
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| Comments by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |