

# Gregory Herrick

## Sheriff of Clark County

517 Court Street, Room 308  
Neillsville, WI 54456-1902

1-800-743-2420  
715-743-5278  
(888) 847-2567 (TIP-CLSO) Confidential Tip Line  
715-743-4350 - FAX



**Policy** Sheriff Sales

**Effective Date** August 1, 2010

**Subject** Sheriff Sales and Fees

### Reference/Special Instructions

This policy establishes fee and scheduling structure, posting of Notice of Sale, and associated actions.

**Distribution** All sworn personnel

**Reevaluation Date** 01-2014 or earlier if needed

**No. Pages** 8

### I. PURPOSE

It is the purpose of this policy to provide Sheriff's Office staff with guidelines associated with the statutory responsibilities related to Sheriff's Sales and required actions related to them.

### II. POLICY

It is the policy of this law enforcement agency that staff shall adhere to the requirements established herein in order to ensure that Sheriff's Sales are conducted in accordance with Wisconsin Statutes and department guidelines.

### III. DEFINITIONS

Fee Structure – Statutory fees charged by the Sheriff's Office

Scheduling – Date and time Sheriff's Sales are conducted

Posting of Notice – Required copies provided to Sheriff's Office

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Day Before Sale – Required contact, submission of opening bid

Date of Sale – Sale location, required announcements

Real Estate Transfer Fee – Required fees deducted from sale proceeds

After the Sale – Required information submitted to Sheriff's Office

## IV. PROCEDURES

### A. Fees/Scheduling

1. Clark County Sheriff's Sale fees are as follows:
  - i. One or more parcels sold as one
    1. \$150 foreclosure processing fee due when sending in the posting notice, the second and subsequent adjourned posting notice, with no refund if cancelled.
  - ii. Two or more parcels sold separately
    1. \$150 foreclosure processing fee, for each parcel, due when sending in the posting notice, the second and subsequent adjourned posting notice, with no refund if cancelled. If there is an alternate multiple sale, the fee is based on each parcel, whether the outcome is sold as a whole or in parcels.
2. Clark County sales are held on Wednesdays at 10 AM.
3. The plaintiff's attorney or their assignee shall call and reserve a date for the sale with the Clark County Sheriff's Office's Civil Process Clerk at 715-743-5354.
4. The Administrative Assistant will enter the plaintiff's name, defendant's name, along with case number and law firm's name in the computer's scheduling calendar to hold the date.
5. The plaintiff's attorney or their assignee should obtain the current Sheriff's Sale Policy and Procedures from the county's website:  
<http://www.co.clark.wi.us/index.aspx?NID=422>
6. The plaintiff's attorney or their assignee should obtain the current Clark County "Notice for Foreclosure Sale" template from the county's website, which is:  
<http://www.co.clark.wi.us/index.aspx?NID=421>  
All notices for Clark County are required to use this template before being signed by the Sheriff.
7. If a sale needs to be cancelled, the plaintiff's attorney or their assignee shall notify the Civil Process Clerk via one of the following:
  - i. Fax cancelled notification to 715-743-4350,  
ATTENTION: Administrative Assistant

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- ii. E-mail cancelled notification to [susan.wells@co.clark.wi.us](mailto:susan.wells@co.clark.wi.us)
- 8. If a sale needs to be adjourned, the plaintiff's attorney or their assignee needs to call the Civil Process Clerk at 715-743-5354 to reschedule. A letter confirming the adjournment, an "ADJOURNED" notice for posting, and the additional appropriate fees are required.

**B. Posting Notice of Sale**

- 1. Any Sheriff's Sale paperwork should be addressed to:  
Clark County Sheriff's Department, Attention: Civil Process Clerk, 517 Court Street, Room 308, Neillsville, WI 54456.
- 2. An original and three (3) copies of the notice are required:
  - i. An original with a location for the Sheriff to sign back –goes back to attorney
  - ii. One to post at the Clark County Courthouse (type /s/ [current Sheriff's name] on the signature line)
  - iii. One for reading the day of the sale (type /s/ [current Sheriff's name] on the signature line)
  - iv. Deputy Posting
- 3. Do NOT put a date on the notice of the Sheriff's signature
- 4. When a notice of sale is received, the Administrative Assistant will check for accuracy on the date and time of the sale from the notice with the computer scheduling calendar. If accurate, the Sheriff will sign the original notice, when available.
- 5. The information from the notice and the cover letter from the plaintiff's attorney are entered into the computer and given a Clark County Sheriff's Office case number.
  - i. A copy of the notice will be scanned on the County's website, which is <http://wi-clarkcounty.civicplus.com/index.aspx?NID=424>
- 6. "Proof of Postings" generated:
  - i. One completed by the Civil Process Clerk with posting in the following locations in the City of Neillsville:

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1. Clark County Courthouse
2. Clark County's website
- ii. One completed by a deputy and returned to the Civil Process Clerk after posting the notice in one public location within the township/municipality/city and posted on the Administration bulletin board in the Courthouse
7. After the postings are completed, the Civil Process Clerk will enter the posting locations into the computer. The following originals are then returned to the plaintiff's attorney or their assignee:
  - i. Original Notice of Sale
  - ii. Proof of Postings
  - iii. Paid invoice
8. A copy of the notice of sale is then filed in the Sheriff's Sale folder by date, along with any other paperwork pertaining to the sale.

**C. Day Before Sale**

1. The plaintiff's attorney or their assignee needs to contact the Clark County Sheriff's Office **no later than 3 PM the day before** the sale with their opening bid in one of the following ways:
  - i. Fax their bid to 715-743-4350, ATTENTION: Civil Process Clerk
  - ii. E-mail their bid to [susan.wells@co.clark.wi.us](mailto:susan.wells@co.clark.wi.us)
  - iii. Call 715-743-5354 and inform the Civil Process Clerk that someone from the law firm will be at the sale in person and will announce the opening bid at that time
2. **IF THERE IS NO OPENING BID, THE SALE WILL BE ADJOURNED.**
3. The Civil Process Clerk will generate the "Successful Bidder" form, which consists of the opening bid, the amount of any back taxes, the amount of any city assessments, if applicable, and complete this form after the sale, if the successful bidder is a third party bidder.
4. The Civil Process Clerk will generate the "Bidders" form, which will consist of the opening bid, if applicable. This

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form will be used the day of the sale to record any third party bids.

**D. Date of Sale**

1. The Sheriff or his assignee shall conduct the Sheriff's Sale at the 3<sup>rd</sup> floor lobby entrance of the Clark County Courthouse, located at 517 Court Street, Neillsville, Wisconsin.
2. The person conducting the sale shall announce the sale by reading the information on the "Announcement at Sale" form.
3. The plaintiff or plaintiff's attorney normally makes the first bid. In their absence, the Sheriff or his assignee will announce the opening bid, as received via fax, e-mail, or letter from the plaintiff's attorney prior to the sale and then ask if there are any other bids. IF THERE IS NO OPENING BID OR THERE IS NO REPRESENTATIVE FROM THE LAW FIRM PRESENT – THE SALE IS ADJOURNED.
4. The amount of the bid and the person making the bid shall be recorded on the "Bidders" form.
5. Sale of property shall be awarded to the highest bidder.
6. If the successful bidder does not have the necessary 10% down payment, the sale shall be considered null and void and a new sale shall be conducted immediately.

**E. After the Sale**

1. After a successful bidder is established and the property is awarded to a third party, the Sheriff or assignee will complete the "Successful Bidders" form and escort the successful bidder to the Clerk of Courts Office to make their minimum 10% down payment in cash, cashier's check, money order, or certified funds, payable to the Clerk of Courts Office. NO PERSONAL CHECKS ACCEPTED.
2. The Clerk of Courts Office will issue a receipt in the amount they receive for down payment, with a copy for their records, one for the successful bidder, and one to be attached to the "Successful Bidders" form. A copy of this completed form is given to the Clerk of Courts Office and

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- one is faxed or e-mailed to the plaintiff's attorney or their assignee for their records.
3. The Civil Process Clerk will enter the results of the Sheriff's Sale into the computer under the appropriate Clark County Sheriff's Office case number.
  4. The Civil Process Clerk will generate the "Results of the Sale" form and inform the following:
    - i. Administrative Assistant/Supervisor will update the County's website, which is <http://www.co.clark.wi.us/index.aspx?NID=423>
    - ii. The Civil Process Clerk will e-mail the law firm
  5. The plaintiff's attorney must mail in the following to the Sheriff's Office at **least two weeks prior** to the confirmation of sale date so it can be properly filed with the Clerk of Courts prior to the hearing:
    - i. Sheriff's Deed, with appropriate information filled out, to be signed by Sheriff
    - ii. Report of Sale, with appropriate information filled out, to be signed by Sheriff
    - iii. Original Notice of Foreclosure Sale
    - iv. Proof of posting
    - v. Proof of publication
    - vi. eRETR receipt
    - vii. eRETR transfer return
  6. The forms shall be reviewed for accuracy of successful bidder, winning bid, and case number by the Civil Process Clerk and then forward the appropriate forms to the Sheriff for his signature.
  7. The Civil Process Clerk will scan all Sheriff's Sale paperwork for that case into the computer for future reference.
  8. The Civil Process Clerk will take the completed above forms to the Clerk of Courts Office for filing. If any of the above forms are missing, it will be noted in the case file.

**Endnotes:**

- §815 Wisconsin Statutes Authorizing Sheriff's Sale's
- Resolution # 52-11-08 Clark County Resolution – Sheriff Fees
- Clark County's website <http://www.co.clark.wi.us/>

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**Any unique situations not addressed in this policy can be assessed additional fees; therefore, please contact the Clark County Sheriff's Office at 715-743-5354 before sending in your notice.**