



San Francisco County Sheriff's Department
Court Services Division, Civil Section
City Hall – Room 456
#1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

TERMS AND CONDITIONS OF SHERIFF'S SALES

1. If you are the highest bidder, you must be prepared to pay in cash, certified check or cashier's check. Personal checks, company checks, traveler's checks or money orders are not acceptable. (701.590) (a) CCP)
2. If you pay by certified check or cashier's check, the check must be payable to the SAN FRANCISCO SHERIFF'S DEPARTMENT. You may not endorse a check, payable to you or anyone else, over to the Sheriff's Department.
3. The highest bidder must be prepared to pay the full amount of his/her bid at the time of sale when:
 - a. the bid amount on real property is \$5,000 or less: or,
 - b. the bid amount on personal property is \$2,500 or less
4. If the highest bid for an interest in a real property sold exceeds \$5,000, the highest bidder may elect to deposit at least \$5,000 or 10% of the bid, whichever is greater; and within 10 days after the date of sale, pay the balance due plus interest on the balance and cost accruing with regard to the property sold.
5. If the highest bid for an item, group, or lot of personal property sold exceeds \$2,500, the highest bidder may elect to deposit at least \$2,500 or 10% of the bid, whichever is greater; and within 10 days after the date of the sale pay the balance due plus interest on the balance and costs accruing with regard to the property sold.
6. The highest bidder is not entitled to possession of the property sold until the amount of bid, plus costs and interest have been paid.
7. If the highest bidder does not pay the amount bid as prescribed above, he/she will forfeit their deposit. (701.590, 701.600 CCP)
8. The judgment creditor may bid against all or part of the judgment. However, unpaid levying costs, preferred labor claims, exempt proceeds, and any other claim required to be satisfied shall be paid in cash or by certified check or cashier's check. (701.590 CCP)
9. Prospective bidders should refer to Section 701.600 (c) of the Code of Civil Procedure regarding the liability of defaulting bidders.
10. Any person may bid on and purchase property at a sheriff's sale except employees of the San Francisco Sheriff's Department and their immediate families.
11. During the bidding, you may be asked to qualify yourself as a bidder. You will be asked how you intend to pay for the property and to show some evidence of your ability to pay. This is done for the benefit of the other bidders. Your cooperation will be appreciated.
12. If you are the highest bidder, you must be prepared to do business immediately. The auctioneer will not wait while you go to the bank for the money.



SALES SUBJECT TO THE RIGHT OF POSSESSION

The right to redemption applies only to real property. When an interest in real property is sold subject to the right of redemption, it means that the debtor, whose interest in the property is being sold, will have a certain amount of time to redeem or buy back his/her property interest. **The sales notice will indicate when a right of redemption applies.** In the meantime, the purchaser will be issued a certificate of sale and a duplicate copy of the certificate will be recorded (729.040 CCP). This certificate does not constitute a transfer of title but it does grant the purchaser certain rights (729.090 CCP).

The redemption period will depend on the selling price as follow (729.030 CCP):

- a. 3 months after the date of sale if proceeds of the sale are sufficient to satisfy the secured indebtedness with interest and costs.
- b. One year after the date of sale if the proceeds of the sale are not sufficient to satisfy the secured indebtedness with interest and costs.

The redemption price is the total of the following amounts:

- a. The purchase price at the sale.
- b. The amount of any assessments or taxes and reasonable amounts for fire insurance, maintenance, upkeep and repair of improvements on the property.
- c. Any amount paid by the purchaser on a prior obligation secured by the property to the extent that the payment was necessary for the protection of the purchaser's interest.
- d. Interest on the amounts described above from the time such amount was paid until the date of the deposit is made.
- e. If the purchaser has any liens subordinate to the lien under which the property was sold, the amount of the purchaser's lien plus interest from the date of the sale until the date the deposit is made.

Rents and profits from the property paid to the purchasers or the value of the use and occupation of the property to the purchaser may be offset against the amounts described above (729.060 CCP).

If a dispute should arise between the purchaser of the property and the person seeking to redeem regarding the redemption price or whether the person is entitled to redeem, the person seeking to redeem may file a petition with the court for a hearing to settle the dispute. The petition must be filed before the expiration of the redemption period. The levying officer must also be given written notice of the hearing (729.070 CCP).

Concerned parties should refer to Sections 729.020 through 729.090 of the California Code of Civil Procedure for more detailed information concerning the redemption process.

A copy of this bulletin can be obtained in City Hall, Room 456, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.