CALIFORNIA NON-JUDICIAL **FORECLOSURE**



Request received to start foreclosure process.

NOD records.

3 month period ends.

SALE DATE

Trustee requests loan documents from beneficiary (lender).

Trustee Sale Officer sets up file, prepares Notice of Default (NOD) and Substitution of Trustee, if required. Sends for signature(s).

When signed documents and deposits are received, Trustee Sale Officer sends for recording and orders Trustee's Sale Guarantee (TSG) from title department which is a title report specifically for nonjudicial foreclosure.

Trustee will mail a copy of the NOD to the borrower, or publish or post if required, within 10 business days.

TSG received and reviewed.

Mails copy of NOD to persons entitled within I month, as disclosed by the TSG.

Sends authorization to publish to client before the end of the third month after NOD records.

PUBLISH: Sets sale date (4 to 5 weeks) and publishes Notice of Sale (NOS). Request balance of foreclosure fees and costs.

MAIL: At least 20 days prior to Sale, Officer mails a copy of the NOS to the same persons that received the NOD. EXCEPTION: IRS lien mailings must be sent at least 25 days prior to sale. Any state taxing agency must be mailed NOS at least 20 days prior to sale.

POST: At least 20 days prior to Sale. NOS must be conspicuously posted at 1) one public place (court house, city hall, etc.) 2) on the property.

RECORD: Officer records NOS at least 20 days prior to sale date.

Reinstatement period ends 5 business days prior to sale.

Affidavit, Publication Affidavit and balance of foreclosure fees and costs required before sale.

Bid Instructions, Posting

Datedown required before sale is held.

Crier of Sale qualifies bidders.

Conducts sale.

Trustee Sale Officer records Trustee's Deed upon sale.*

* Sales of 1-4 single family residential properties subject to post-sale process under CCC2924m.

IMPORTANT NOTE:

California Assembly Bill (AB) 2424 is a 2024 law that strengthens homeowner protections in the non-judicial foreclosure process, effective January 1, 2025. It allows homeowners to postpone a foreclosure sale by submitting a listing agreement to the trustee, mandates that lenders provide information on foreclosure alternatives to borrowers, and requires notification to third parties who have requested copies of foreclosure notices. It also introduces a new rule for foreclosure sales to prevent a property from being sold for a price less than 75% of its fair market value.

Ref: https://calmatters.digitaldemocracy.org/bills/ca_202320240ab2424

