

BENEFICIARY DECLARATION OF COMPLIANCE WITH (OR EXCEPTION FROM) CIVIL CODE §2923.5(c) AND AUTHORIZATION OF AGENT (FOR NOTICES OF SALE WHERE THE NOTICE OF DEFAULT WAS RECORDED PRIOR TO 9-6-08)

**SBS TRUST DEED NETWORK
31194 LA BAYA DRIVE, SUITE 106
WESTLAKE VILLAGE, CA 91362**

Borrower(s): [NAMES OF ALL BORROWERS]
Beneficiary: [NAME OF CURRENT BENEFICIARY]
Loan Servicer: [NAME OF LOAN SERVICER]
Property: [ADDRESS OR IDENTIFY PROPERTY]
Loan No.: [LOAN NUMBER]
TS No.: [TS NUMBER OR OTHER IDENTIFICATION NUMBER]

The undersigned beneficiary or authorized agent for the beneficiary hereby represents and declares that a notice of default (“NOD”) was recorded prior to September 6, 2008; that the NOD has not been rescinded and [check the applicable box and fill in any blanks so that the trustee/foreclosure agent or their authorized agent can insert, on the beneficiary’s behalf, the applicable declaration in the notice of sale required pursuant to Civil Code § 2923.5(c)]:

1. The beneficiary or beneficiary’s authorized agent, has contacted the borrower pursuant to Civil Code § 2923.5(c) (contact provision to “assess the borrower’s financial situation and explore options for the borrower to avoid foreclosure”). State the date “contact” with the borrower(s) was accomplished: _____, 20__.

2. The beneficiary or beneficiary’s authorized agent did not make contact with the borrower to “assess the borrower’s financial situation and explore options for the borrower to avoid foreclosure”; however, the beneficiary or beneficiary’s authorized agent did make the following efforts to contact the borrower: [check applicable choices and complete if applicable]:
 - a. Attempted ____ [insert #] times to contact the borrower at the borrower’s primary telephone number in the lender’s or loan servicer’s file.

 - b. Attempted ____ [insert #] times to contact the borrower at the borrower’s primary or secondary telephone numbers in the lender’s or loan servicer’s file.

 - c. Mailed a letter to borrower by _____ [FIRST CLASS MAIL OR CERTIFIED MAIL RETURN RECEIPT REQUESTED OR BY BOTH FIRST CLASS MAIL AND CERTIFIED MAIL RETURN RECEIPT REQUESTED] advising the borrower: (1) of the lenders (or lender’s authorized agent’s) desire to speak to borrower to assess the borrower’s financial situation and to explore options for the borrower to avoid foreclosure of the lender or lender’s authorized agent’s toll free number; (2) of the lenders (or lender’s authorized agent’s) toll-free number to contact the lender or the lender’s authorized agent; and, (3) of the toll-free telephone number made available by HUD to find a HUD-certified housing counseling agency.

 - d. Determined that the borrower’s primary telephone number and secondary telephone number or numbers on file, if any, have been disconnected.

e. No efforts at contact were made. Pursuant to California Civil Code § 2923.5(h)(1), the borrower has surrendered the property as evidenced by a letter confirming the surrender or by delivering the keys to the property to the mortgagee, trustee, beneficiary, or authorized agent of the mortgagee, trustee, or beneficiary. The surrender letter was received on _____[date], and/or the keys were received on: _____ [date].

f. No efforts at contact were made. Pursuant to Civil Code § 2923.5(h)(2), the beneficiary or beneficiary's authorized agent has evidence in its file, and reasonably believes, that the borrower has contracted with an organization, person, or entity whose primary business is advising people who have decided to leave their homes on how to extend the foreclosure process and avoid their contractual obligations to beneficiaries.

g. No efforts at contact were made. Pursuant to Civil Code § 2923.5(h)(3), the beneficiary or the beneficiary's authorized agent verified information that, on or before the date of this declaration, the borrower(s) has filed for bankruptcy, and the proceedings have not been finalized. "Finalized" is not defined by § 2923.5(h)(3). For purposes of this Code section, trustee, foreclosure agent and/or their authorized agent are defining the term as either: (1) an order entered on the court's docket closing the file by the court; or, (2) an order entered on the court's docket dismissing the bankruptcy case. If the beneficiary or the beneficiary's agent interprets "finalized" in another manner, please state the basis upon which the beneficiary believes that the bankruptcy has not been "finalized": _____
_____.

h. [Complete if other explanation] _____
_____.

The undersigned authorizes the trustee, foreclosure agent and/or their authorized agent to sign, on behalf of the beneficiary/authorized agent, the notice of sale containing the declaration required pursuant to Civil Code § 2923.5(c).

Dated: _____, 20__.

(Beneficiary's/Authorized Agent's signature)

Print Name: _____