

**BENEFICIARY DECLARATION OF COMPLIANCE WITH (OR EXCEPTION FROM) CIVIL CODE  
§2923.5 AND AUTHORIZATION OF AGENT (FOR NOTICE OF DEFAULT)**

**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 [check the applicable box and fill in any blanks so that the trustee/foreclosure agent can insert, on the beneficiary's behalf, the applicable declaration in the notice of default required pursuant to Civil Code § 2923.5]:

1.  The beneficiary or beneficiary's authorized agent has contacted the borrower pursuant to, and has complied with, Civil Code § 2923.5(a)(2) (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 pursuant to Civil Code § 2923.5(a)(2): \_\_\_\_\_, 20\_\_.
  
2.  The beneficiary or beneficiary's authorized agent has exercised due diligence to contact the borrower as required by California Civil Code § 2923.5(g) and, after waiting two weeks after the telephone call requirements of Civil Code § 2923.5(g)(2) were satisfied, the beneficiary or the beneficiary's authorized agent sent to the borrower(s), by certified mail, return receipt requested, the letter required by Civil Code § 2923.5(g)(3), which was *mailed* on: \_\_\_\_\_, 20\_\_ [state mailing date, not date on the letter].
  
3.  Pursuant to Civil Code § 2923.5(h)(1), the borrower has surrendered the secured property as evidenced by either a letter confirming the surrender or by delivery of the keys to the secured property to the beneficiary, the beneficiary's authorized agent or to the trustee. The surrender letter was received on \_\_\_\_\_, [date]; the keys were received on: \_\_\_\_\_ [date].
  
4.  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 to avoid their contractual obligations to beneficiaries.

5. [ ] Pursuant to Civil Code § 2923.5(h)(3), the beneficiary or the beneficiary's authorized agent has 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 is 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": \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

6. [ ] Neither of the above is applicable to the above referenced loan. You are instructed that compliance with Civil Code §§ 2923.5 is not applicable, to record a notice of default and to proceed with non-judicial foreclosure: \_\_\_\_\_

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

Dated: \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
(Beneficiary's/Authorized Agent's signature)

Print Name: \_\_\_\_\_