

**NOTICE OF TRUSTEE'S SALE DECLARATION UNDER PENALTY OF PERJURY  
FOR DEEDS OF TRUST RECORDED 1-1-03 TO 12-31-07  
WHERE THE NOD RECORDED PRIOR TO 9-6-08 ON RESIDENTIAL OWNER OCCUPIED  
PROPERTY**

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

T.D. Service Company  
1820 East First Street, Suite 210  
Santa Ana, CA 92705

Borrower(s):  
Lender/Servicer:  
Property:  
Loan No.:  
T.S. No.:

The undersigned beneficiary <sup>1</sup> or authorized agent for the beneficiary hereby represents and declares under penalty of perjury that a notice of default ("NOD") was recorded prior to September 6, 2008 and that the NOD has not been rescinded.

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: \_\_\_\_\_.
  
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 \_\_\_\_\_ times to contact the borrower at the borrower's primary and or secondary telephone number(s) in the lender's or loan servicer's file.

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<sup>1</sup> "Beneficiary" as used herein shall include "mortgagee".

b. Mailed a letter to borrower on \_\_\_\_\_ 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.

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

d. None. Pursuant to California Civil Code § 2923.5(h)(1) the borrower has surrendered the property evidence by a letter confirming the surrender or delivered 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 \_\_\_\_\_ and the keys were received on \_\_\_\_\_.

e. None. 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.

f. 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, under Chapter 7, 11, 12 or 13 of Title 11 of the US Code and the bankruptcy court has not entered an order closing or dismissing the bankruptcy case, or granting relief from a stay of foreclosure.

g. List any other attempts to make contact with the borrower other than those described above \_\_\_\_\_  
\_\_\_\_\_

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

I declare under penalty of perjury that the foregoing is true and correct.

Dated: \_\_\_\_\_

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

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

