

FORECLOSURE LOSS MITIGATION FORM

NOTICE OF DEFAULT DECLARATION FOR NOD'S ISSUED AFTER 7-26-09 ON LOANS MADE 1-1-03 TO 12-31-07 ON OWNER OCCUPIED RESIDENTIAL PROPERTY

BENEFICIARY DECLARATION OF COMPLIANCE WITH (OR EXCEPTION FROM) RCW 61.24 (SECTION 2) AND AUTHORIZATION OF AGENT (FOR NOTICE OF DEFAULT)

Loan Number: _____ Commercial or _____ Residential
Property Address: _____ Vacant (Raw Land)
Borrower: Owner Occupied Yes ___ No ___

Please select applicable option(s) below:

The undersigned beneficiary or authorized agent for the beneficiary hereby represents and declares under the penalty of perjury that **[check the applicable box and fill in any blanks so that T.D. Service Company can insert, on the beneficiary's behalf the applicable declaration in the notice of default required under chapter 61.24 RCW]:**

1. The beneficiary or beneficiary's authorized agent has contacted the borrower under, and complied with, section 2 of this act (contact provision to "assess the borrower's financial ability to pay the debt secured by the deed of trust and explore options for the borrower to avoid foreclosure").
2. The beneficiary or beneficiary's authorized agent has exercised due diligence to contact the borrower (s) as required in section 2 (5) of this act and, after waiting fourteen days after the requirements in Section 2 of this act were satisfied, the beneficiary or the beneficiary's authorized agent sent to the borrower (s), by certified mail, return receipt requested the letter required under section 2 of this act.
3. 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.
4. Under section 2 of this act, 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 bankruptcy stay remains in place, or the borrower has filed for bankruptcy and the bankruptcy court has granted relief from the bankruptcy stay allowing the enforcement of the deed of trust."
5. This loan is exempt. You are instructed that compliance with RCW 61.24 Section 2 is not necessary to proceed with issuing a notice of default.

Current Beneficiary: _____

Address: _____

The undersigned authorizes the trustee, the foreclosing agent and/or their authorized agent to sign on behalf of the beneficiary, the notice of default containing the declaration required pursuant to 61.24.030 (8)

I declare under penalty of perjury under the laws of the State of _____, that the foregoing is true and correct, and that this declaration was executed this _____ day of _____ 2009 at _____, _____.

Dated: _____

(Beneficiary's/Authorized Agent's signature)