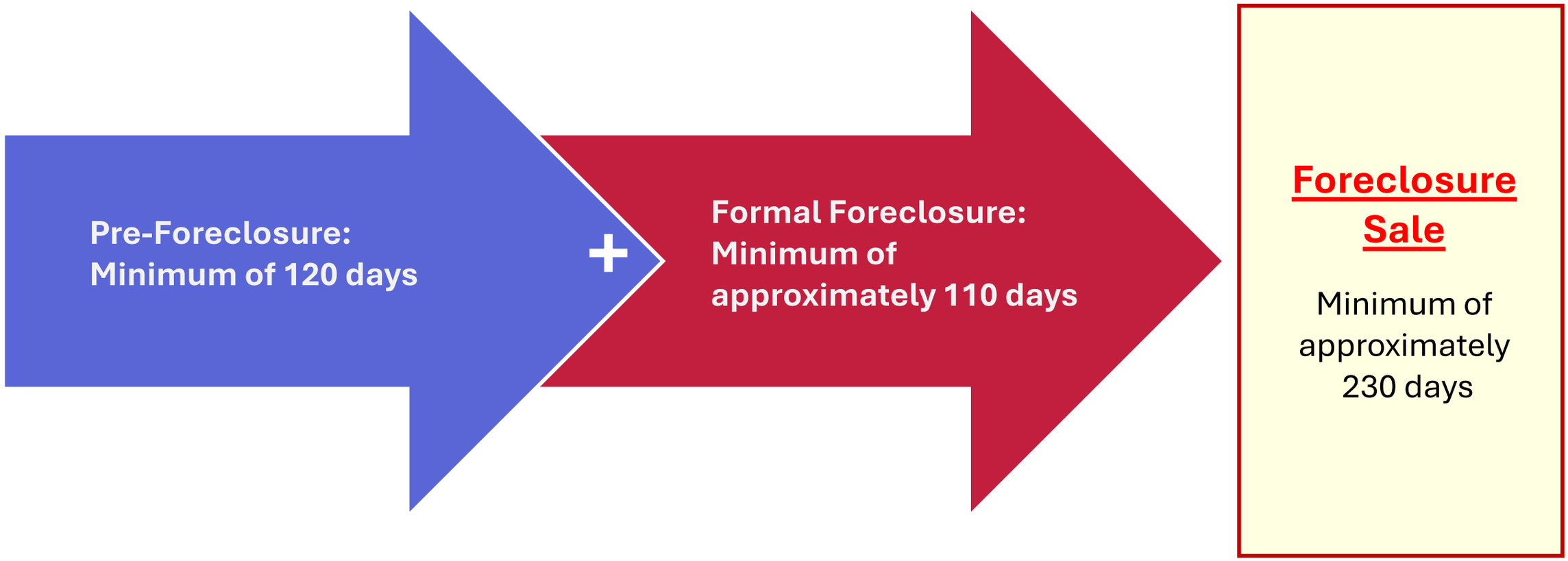
Nonjudicial Foreclosure in California



This timeline shows the earliest possible timing.
In many cases, the actual foreclosure process may take longer.

Pre-Foreclosure (min 120 days)

Borrower falls behind in payments

The servicer will charge late fees each month the loan is delinquent, unless the servicer has agreed to temporarily pause or reduce payments through a forbearance.

Within 36 days of the missed payment

The servicer will contact (or attempt to contact) the borrower by phone to discuss loss mitigation options.

- Exceptions: If the borrower filed for bankruptcy or if the borrower requested that the servicer stop contacting them.

Within 45 days of the missed payment

The servicer must appoint a contact to help the borrower try to find potential ways to avoid foreclosure.

The servicer must send a written notice to the borrower with specific information, including how to obtain information about potential loss mitigation options.

- Exceptions: If the borrower filed for bankruptcy or if the borrower requested that the servicer stop contacting them.

30 days before a Notice of Default is recorded

The servicer must contact the borrower to discuss loss mitigation options.

Formal Foreclosure (min of appx 110 days)

Notice of Default (NOD) Recorded

The foreclosure process formally begins when the trustee records a NOD at the county recorder's office.

Once the NOD is recorded, the borrower has **3 months to cure** the default.

A copy of the NOD is mailed to the borrower within 10 business days of recording.

Appx 3 months later: Notice of Sale (NOS) Recorded

If the borrower does not cure the default, the trustee may record a NOS up to 5 days before the end of the 3-month period.

The NOS will contain the time and place of sale. This sale date must be at least 20 days after the day the NOS is posted on the property and mailed to the borrower. (See next box)

At least 20 days before sale date

The NOS will be posted at the property and mailed to the borrower.

At least 5 business days before sale date

Last chance for the borrower to:

- **reinstate** the mortgage by paying all past-due payments, costs, etc.;
- **temporarily halt** foreclosure proceedings by submitting a complete application for a first lien loan modification; or
- **get a one-time 45-day postponement** of the foreclosure sale by providing the trustee with a listing agreement with a licensed California real estate broker, using the delivery methods required by law. Do not assume regular mail is sufficient.
  - ➢ If the sale is postponed this way, the borrower may obtain another one-time 45-day postponement by providing the trustee with the purchase agreement at least 5 business days before the postponed foreclosure sale date, using the delivery methods required by law.

FORECLOSURE SALE

Last chance for the borrower to **redeem** property by paying off loan in full **before** the foreclosure sale.

After the sale, the borrower is no longer the homeowner.