



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

**FCI Lender Services, Inc.
8180 E. Kaiser Blvd.
Anaheim Hills, CA 92808**

Name of all Borrower(s): _____
Current Lender/Beneficiary: _____
Loan Service Company: _____
Borrower's Property Address: _____
City : _____ State: _____ Zip Code: _____
Loan Number: _____
Foreclosure TS No.: _____

The undersigned beneficiary or authorized agent for the beneficiary hereby represents and declares under penalty of perjury 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): _____
(use FORM TF112 NOD, Decl. 'A')
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: _____
[state mailing date, not date on the letter]. (use FORM TF112 NOD, Decl. 'A')
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 _____, the keys were received on: _____
(use FORM TF112 NOD, Decl. 'B')

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. *(use FORM TF112 NOD, Decl. 'C')*
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 been finalized. "Finalized" is 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 been "finalized": _____

- (use FORM TF112 NOD, Decl. 'D')*
6. ☐ This loan is not a "Covered Loan" as specified in Senate Bill 1137. It is not a residential or commercial property occupied by the owner. I declare under penalty of perjury and will hold FCI harmless in addition to giving FCI a full indemnification against all lost, costs, damages, and attorney fees that FCI may suffer and/or incur in my representation in stating that this is not a covered loan. *(use FORM TF112 NOD, Decl. 'E')*

Dated: _____

By: _____

(Beneficiary's/Authorized Agent's signature)