

ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NUMBER:  NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR ( <i>name</i> ):	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
<b>IN RE (ADDRESS OF REAL PROPERTY):</b>	
<b>PETITION AND DECLARATION REGARDING UNRESOLVED                  CLAIMS AND DEPOSIT OF UNDISTRIBUTED SURPLUS                  PROCEEDS OF TRUSTEE'S SALE</b>	
<b>Jurisdiction (check all that apply):</b> <input type="checkbox"/> <b>ACTION IS A LIMITED CIVIL CASE</b> Amount deposited <input type="checkbox"/> does not exceed \$10,000 <input type="checkbox"/> exceeds \$10,000, but does not exceed \$25,000 <input type="checkbox"/> <b>ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000)</b>	CASE NUMBER:

1. Petitioner (*name*): \_\_\_\_\_ is the trustee under the Deed of Trust described in items 2 and 3 below.

**The Deed of Trust**

2. The Deed of Trust encumbered the real property commonly known as (*describe*):

(the "property") and legally described  in Attachment 2  as follows:

3. The Deed of Trust was

a. Executed by (*name*): \_\_\_\_\_ as trustor.

b. Executed on (*date*): \_\_\_\_\_

c. Recorded:

(1) Date:

(2) County:

(3) Instrument number:

IN RE:

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**The Trustee's Sale, Surplus Proceeds, and Notice to Potential Claimants**

4. The property was the subject of a trustee's sale that was held on *(date)*:
5. A trustee's sale guarantee was prepared for the trustee's sale. *(A copy of the trustee's sale guarantee must be attached as Attachment 5.)*
6. The total sale price of the property was: \$
7. After payment of the amounts required by Civil Code section 2924k(a)(1)–(2), there were surplus proceeds from the trustee's sale available to potential claimants in the total amount of: \$
8. Within 30 days after the trustee's sale, the trustee sent written notice under Civil Code section 2924j(a) to all persons with a recorded interest in the real property as of the date immediately prior to the trustee's sale who would be entitled to notice. The names and addresses of all persons sent notice under Civil Code section 2924j(a) are as follows:

Continued on Attachment 8.

**The Claims**

9. The trustee has received a total of *(specify number)*: \_\_\_\_\_ written claims from potential claimants.
10. The trustee has exercised due diligence to determine the priority of the written claims received by the trustee to the trustee's sale surplus proceeds from the persons identified in item 8 to whom notice was sent.
11. The trustee submits this declaration under Civil Code section 2924j(c) for the following reason:
  - a.  After due diligence, the trustee is unable to determine the priority of the written claims received by the trustee to the trustee's sale surplus proceeds. *(If this reason applies, describe the problem of determining priorities in Attachment 11a.)*
  - b.  The trustee has determined that there is a conflict between potential claimants to the surplus proceeds. *(If this reason applies, identify the claimants and describe the conflict in Attachment 11b.)*
12. The trustee provides the following additional information relevant to the identity, location, priority of potential claimants, and the conflict of claims:

Continued on Attachment 12.

**Notice of Intent to Deposit Funds and Proof of Service**

13. The trustee has provided written notice to all persons with a recorded interest in the property who would be entitled to notice under Civil Code section 2924b(b)–(c). The notice includes the following information:
  - a. The trustee intends to deposit funds from the trustee's sale with the clerk of the court.
  - b. A claim for funds must be filed with the court within 30 days from the date of notice.
  - c. The address of the court in which the funds are to be deposited and a telephone number for obtaining further information.

*(Proof of Service of the notice on all persons entitled to notice under Civil Code section 2924j(d) must be attached to this declaration as Attachment 13.)*

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**Deposit**

**14. Distributions**

The trustee has distributed the total amount of: \$ \_\_\_\_\_ to the following claimants based on their written claims:

Name of claimant:	Amount:
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$

Continued on Attachment 14.

**15. Trustee's Fees and Expenses**

The trustee has incurred reasonable fees and expenses totaling: \$ \_\_\_\_\_. These fees and expenses are recoverable under Civil Code section 2924k(a)(1) and (b) and are described  in Attachment 15  as follows (*specify*):

**16. Deposit**

The amount to be deposited is calculated as follows:

- a. Trustee's sale proceeds \$
- b. Debt to foreclosing creditor \$
- c. Available surplus proceeds (*a minus b*) \$
- d. Claims paid by trustee (*from item 14*) \$
- e. Trustee's fees and expenses (*from item 15*) \$
- f. Remaining surplus proceeds (*c minus (d plus e)*) \$
- g. Filing fee \$
- h. Deposit (*f minus g*) \$

(If the trustee is represented by an attorney, the attorney's signature follows):

Date:

\_\_\_\_\_

(TYPE OR PRINT NAME OF ATTORNEY)

▶ \_\_\_\_\_

(SIGNATURE OF ATTORNEY)

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

Date:

\_\_\_\_\_

(TYPE OR PRINT NAME OF TRUSTEE)

▶ \_\_\_\_\_

(SIGNATURE OF TRUSTEE)

