

THIS IS AN EXAMPLE FORM FOR ILLUSTRATION PURPOSES ONLY

AFFIDAVIT OF ELIGIBLE BIDDER

CA Civil Code Section 2924(M)

TS#: _____ Property Address: _____

_____ State of California, County of _____

The undersigned, being of legal age, presents this Affidavit, pursuant to Section 2015.5 of the Code of Civil Procedures, and states the following:

Check one:

- The undersigned is a natural person and “prospective owner occupant” (Civ. Code 2924m (a)(1)), and:
 - A) I will occupy the property as my primary residence within 60 days of the trustee’s deed being recorded and will maintain my occupancy for at least one year, and
 - B) I am not the mortgagor or trustor, or the child, spouse, or parent of the mortgagor or trustor, and
 - C) I am not the grantor of a living trust that was named in the title to the property when the notice of default was recorded, and
 - D) I am not an employee, officer, or member of the mortgagor or trustor ,and
 - E) I am not a person with an ownership interest in the mortgagor, unless the mortgagor is a publicly traded company, and
 - F) I am not acting as the agent of any other person or entity in purchasing the real property.
- The undersigned is a natural person and “eligible tenant buyer” (Civ. Code 2924m (a)(2)), and:
 - A) I am occupying the real property as my primary residence
 - B) I am occupying the real property under a rental or lease agreement entered into as the result of an arm’s length transaction with the mortgagor or trustor, or with the mortgagor or trustor’s predecessor in interest, on a date prior to the recording of the Notice of Default against the property, and who attaches evidence demonstrating the existence of the tenancy to the affidavit or declaration required pursuant to subparagraph (B) of paragraph (2) of subdivision (c).
 - C) I am not the mortgagor or trustor, or the child, spouse, or parent of the mortgagor or trustor.
 - D) I am not acting as the agent of any other person or entity in purchasing the real property. Submission of a bid pursuant to paragraph (3) of subdivision (c) does not violate this subparagraph.
 - E) I have not filed a petition under Chapter 7, 11, 12, or 13 of Title 11 of the United States Code at any time during the period from the date of the trustee’s sale of the property to the 45th day after the trustee’s sale, or the next business day following the 45th day if the 45th day is a weekend or holiday.
 - F) Evidence demonstrating the existence of the tenancy” means a copy of the dated and signed rental or lease agreement or, if a copy of the dated and signed rental or lease agreement is not available, then one of the following:
 - a. Evidence of rent payments made for the property by the person asserting that they are an eligible tenant buyer for the six months prior to the recording of the notice of default.
 - b. Copies of utility bills for the property payable by the person asserting that they are an eligible tenant buyer for the six months prior to the recording of the notice of default
- The undersigned is the representative of all “eligible tenant buyers” who are natural persons (Civ. Code 2924m (a)(2)), and:
 - A) We are occupying the real property as our primary residence
 - B) We are occupying the real property under a rental or lease agreement entered into as the result of an arm’s length transaction with the mortgagor or trustor, or with the mortgagor or trustor’s predecessor in interest, on a date prior to the recording of the Notice of Default against the property, and who attaches evidence demonstrating the existence of the tenancy to the affidavit or declaration required pursuant to subparagraph (B) of paragraph (2) of subdivision (c).
 - C) We are not the mortgagor or trustor, or the child, spouse, or parent of the mortgagor or trustor.

- D) We are not acting as the agent of any other person or entity in purchasing the real property. (Submission of a bid pursuant to paragraph (3) of subdivision (c) does not violate this subparagraph).
- E) We have not filed a petition under Chapter 7, 11, 12, or 13 of Title 11 of the United States Code at any time during the period from the date of the trustee's sale of the property to the 45th day after the trustee's sale, or the next business day following the 45th day if the 45th day is a weekend or holiday.
- (C) The undersigned is a nonprofit association, nonprofit corporation, or cooperative corporation in which an eligible tenant buyer is a voting member or director.*
- (D) The undersigned is an eligible nonprofit corporation with all of the following attributes:*
- (i) It has a determination letter from the Internal Revenue Service affirming its tax-exempt status pursuant to Section 501(c)(3) of the Internal Revenue Code and is not a private foundation as that term is defined in Section 509 of the Internal Revenue Code.
 - (ii) It has its principal place of business in California.
 - (iii) The primary residences of all board members are located in California.
 - (iv) One of its primary activities is the development and preservation of affordable rental or homeownership housing in California.
 - (v) It is registered and in good standing with the Attorney General's Registry of Charitable Trusts, pursuant to the Supervision of Trustees and Fundraisers for Charitable Purposes Act (Article 7 (commencing with Section 12580) of Chapter 6 of Part 2 of Division 3 of Title 2 of the Government Code).
- (E) The undersigned is a limited liability company wholly owned by one or more eligible nonprofit corporations as described in subparagraph (C) or (D).*
- (F) The undersigned is a community land trust, as defined in clause (ii) of subparagraph (C) of paragraph (11) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code.*
- (G) The undersigned is a limited-equity housing cooperative as defined in Section 817.*
- (H) The undersigned is the state, the Regents of the University of California, a county, city, district, public authority, or public agency, and any other political subdivision or public corporation in the state.

*Entities selecting any of the above categories (C) thru (G) do hereby attest to and affirm their duty to comply with subdivision (a) of Section 2924o for the benefit of tenants occupying the property.

I certify under penalty of perjury under the laws of the state of California that the foregoing is true and correct.

Dated and signed this _____ day of _____, 20__ at _____, California

- Signature of authorized party: _____
- Telephone # of eligible bidder: _____
- Name & title of signer: _____
- Name of eligible bidder entity: _____
- Address of eligible bidder: _____

The information provided does not, and is not intended to, constitute legal advice; instead, all information, content, and materials available are for general informational purposes only. You should contact your attorney with respect to any legal matter.