

## California Civil Code (CIV)

[CIV 2924g](https://california.public.law/codes/ca_civ_code_section_2924g) [https://california.public.law/codes/ca\\_civ\\_code\\_section\\_2924g](https://california.public.law/codes/ca_civ_code_section_2924g)

(a) (1) ... (2) (3) ... (4) ...

(b) When the property consists of several known lots or parcels, they shall be sold separately unless the deed of trust or mortgage provides otherwise. ...

**(c) (1)** There may be a postponement or postponements of the sale proceedings, including a postponement upon instruction by the beneficiary to the trustee that the sale proceedings be postponed, at any time prior to the completion of the sale for any period of time not to exceed a total of 365 days from the date set forth in the notice of sale. **The trustee shall postpone the sale in accordance with any of the following:**

(A) Upon the order of any court of competent jurisdiction.

(B) **If stayed by operation of law.**

(C) By mutual agreement, whether oral or in writing, of any trustor and any beneficiary or any mortgagor and any mortgagee.

(D) **At the discretion of the trustee.**

(2) ...

**(d)** The notice of each postponement and the reason therefor shall be given by public declaration by the trustee at the time and place last appointed for sale. A public declaration of postponement shall also set forth the new date, time, and place of sale and the place of sale shall be the same place as originally fixed by the trustee for the sale. No other notice of postponement need be given. **However, the sale shall be conducted no sooner than on the seventh day after the earlier of (1) dismissal of the action** or (2) expiration or termination of the injunction, restraining order, or stay that required postponement of the sale, whether by entry of an order by a court of competent jurisdiction, operation of law, or otherwise, . . .

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Every California **Notice of Trustee Sale** announces auction Date, Time, Place and opening bid amount, **is the required public document recorded in perpetuity** into the County Clerk Recorder's Office, which MUST publish a disclaimer **"NOTICE TO BIDDERS"** which must state required language by statute (CIV2924f(B)(8)(A)); and which formally puts all bidders on notice before they enter cash bids of huge sums of money at these auctions – any reasonable person does their diligence and READ THE NOTICE: [https://california.public.law/codes/ca\\_civ\\_code\\_section\\_2924f](https://california.public.law/codes/ca_civ_code_section_2924f)

**CIV 2924f(b)(8)(A):** “On and after April 1, 2012, if the deed of trust or mortgage containing a power of sale is secured by real property containing from one to four single-family residences, the notice of sale shall contain substantially the following language, in addition to the language required pursuant to paragraphs (1) to (7), inclusive: **NOTICE TO POTENTIAL BIDDERS:** If you are considering bidding on this property lien, you should understand that there are risks involved in bidding at a trustee auction. **You will be bidding on a lien, not on the property itself.** Placing the

highest bid at a trustee auction does not automatically entitle you to free and clear ownership of the property. You should also be aware that the lien being auctioned off may be a junior lien. If you are the highest bidder at the auction, you are or may be responsible for paying off all liens senior to the lien being auctioned off, before you can receive clear title to the property. You are encouraged to investigate the existence, priority, and size of outstanding liens that may exist on this property by contacting the county recorder's office or a title insurance company, either of which may charge you a fee for this information. If you consult either of these resources, you should be aware that the same lender may hold more than one mortgage or deed of trust on the property.

NOTICE TO PROPERTY OWNER: The sale date shown on this notice of sale may be postponed one or more times by the mortgagee, beneficiary, trustee, or a court, pursuant to Section 2924g of the California Civil Code. The law requires that information about trustee sale postponements be made available to you and to the public, as a courtesy to those not present at the sale. If you wish to learn whether your sale date has been postponed, and, if applicable, the rescheduled time and date for the sale of this property, you may call [telephone number for information regarding the trustee's sale] or visit this Internet Web site [Internet Web site address for information regarding the sale of this property], using the file number assigned to this case [case file number]. Information about postponements that are very short in duration or that occur close in time to the scheduled sale may not immediately be reflected in the telephone information or on the Internet Web site. The best way to verify postponement information is to attend the scheduled sale."

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#### DEFINITIONS:

**CIV 2888:** "Notwithstanding an agreement to the contrary, a lien, or a contract for a lien, transfers no title to the property subject to the lien."

From: BLACK'S LAW DICTIONARY (1891), pg. 1072:

[file:///Users/renee.yamagishi/Documents/Mathews House/RIGHT TENDER/Blacks-Law-4th-edition-1891.pdf](file:///Users/renee.yamagishi/Documents/Mathews%20House/RIGHT%20TENDER/Blacks-Law-4th-edition-1891.pdf)

**A "lien" is not a property in or right to the thing itself, but constitutes a charge or security thereon.** Koenig v. Leppert-Roos Fur Co., Mo.App., 260 S.W. 756, 758; Stea- gall- Cheairs Fertilizer Co. v. Bethume Mule Co., 181 Ala. 250, 61 So. 274, 275; Powers v. Fidelity & Deposit Co. of Maryland, 180 S.C. 501, 186 S.E. 523, 530.

**An "estate" in land is the right to the possession and enjoyment of it, while a "lien" on land is the right to have it sold or otherwise applied in satisfaction of a debt.** State Bank of Decatur v. Sanders, 114 Ark. 440, 170 S.W. 86, 89.