

Received a Notice of Default in California? Your Options Explained

Educational information from Faith Hicks, REALTOR®, a California real estate licensee

Please read first

- This guide is **general, educational information only**. It is **not legal, tax, or financial advice**.
- Faith Hicks is a **licensed real estate agent**. She is **not** an attorney, lender, loan-modification company, or foreclosure consultant.
- Faith is **not affiliated with any lender, loan servicer, or government agency**.
- Faith **cannot stop or postpone a foreclosure** and makes **no promises** about any outcome.
- **No upfront fees**. Faith's only role is listing or selling a home as a licensee.
- Please talk with a **California attorney** and a **HUD-approved housing counselor** about your situation.

I. What a Notice of Default is

A Notice of Default (NOD) is a document recorded when a borrower is behind on a loan secured by a deed of trust. It starts the non-judicial foreclosure process. California law requires the notice to begin with a statement titled **"IMPORTANT NOTICE."** Below, in plain English, are a few things the required statement tells you. Read your actual notice carefully.

- You "may have the legal right to bring your account in good standing by paying all of your past due payments plus permitted costs and expenses within the time permitted by law for reinstatement," which "is normally **five business days prior to the date set for the sale.**"
- "No sale date may be set until approximately **90 days** from the date this notice of default may be recorded."
- On written request, the beneficiary or mortgagee "will give you a **written itemization** of the entire amount you must pay."

- Before the notice of sale is posted, you and the lender "may mutually agree in writing ... to (1) provide additional time in which to cure the default by transfer of the property or otherwise; or (2) establish a schedule of payments."
- "If you have any questions, you should **contact a lawyer** or the governmental agency that may have insured your loan."
- "Notwithstanding the fact that your property is in foreclosure, **you may offer your property for sale**, provided the sale is concluded prior to the conclusion of the foreclosure."
- "Remember, **YOU MAY LOSE LEGAL RIGHTS IF YOU DO NOT TAKE PROMPT ACTION.**"

Source (official text): [California Civil Code §2924c](#)

2. Your general options (talk them through with a professional)

These are the options the law and the notice itself describe. Which one fits you is a question for your attorney and housing counselor.

1. **Reinstate the loan.** Pay the amounts in default plus permitted costs within the reinstatement period ([Civil Code §2924c](#)).
 2. **Reach a written agreement with your lender.** This could mean more time to cure or a payment schedule, as the notice describes. Contact the lender or servicer listed on your notice. A HUD-approved housing counselor can help you prepare.
 3. **Sell the home.** The notice says you may offer your property for sale as long as the sale closes before the foreclosure is completed. Selling is the only part of this list where a real estate agent's services apply. *Whether a sale can close in time depends on your dates, your home, and the market. No agent can promise it.*
 4. **Get legal advice.** Questions about your rights, the foreclosure timeline, or bankruptcy belong with a licensed California attorney.
-

3. Where to get help

- **HUD-approved housing counseling agencies.** Search HUD's official locator at <https://answers.hud.gov/housingcounseling/s/>, or call HUD's housing counseling line at **800-569-4287** (TTY 202-708-1455). HUD's foreclosure help page: <https://www.hud.gov/helping-americans/>. Phone numbers are as listed on HUD Exchange: <https://www.hudexchange.info/programs/housing-counseling/customer-service-feedback/>.
- **Your loan servicer.** Use the contact information printed on your Notice of Default.

- A California attorney. For legal questions about your rights and deadlines.
-

4. Protect yourself: red flags under California law

California's Legislature found that homeowners in foreclosure "are subject to fraud, deception, harassment, and unfair dealing by foreclosure consultants" ([Civil Code §2945](#)). Under [Civil Code §2945.4](#), it is a violation for a foreclosure consultant to do any of the following:

- Collect any fee before fully performing every service promised
- Take a lien or other security (including a wage assignment) for the fee
- Acquire an interest in your home
- Take a power of attorney from you
- Agree to help you get your surplus funds after a trustee's sale in exchange for compensation

Separately, California law bars anyone offering a **loan modification or forbearance** for a fee from collecting it before every promised service is fully performed. It also bars them from taking a lien or a power of attorney ([Civil Code §2944.7](#)). The same rule applies to real estate licensees ([Business & Professions Code §10085.6](#)).

About surplus funds: the Legislature noted that homeowners can often get remaining funds from a trustee's sale "from the trustee directly for minimal cost" ([Civil Code §2945](#)). Ask an attorney before you sign anything about surplus funds.

Foreclosure consultants must register. With limited exceptions, anyone acting as a foreclosure consultant must be registered with the California Department of Justice and carry a \$100,000 surety bond ([Civil Code §2945.45](#)).

5. What Faith does, and doesn't do

Does: As a California real estate licensee, Faith can give you an opinion of what your home might sell for. She can talk through how long a sale typically takes and, if you decide to sell, list and market your home.

Doesn't: Negotiate with your lender, arrange loan modifications or forbearance, give advice about reinstatement, postponement, credit, or bankruptcy, collect upfront fees, ask for a power of attorney, or buy your home.

About Faith

Faith Hicks is a REALTOR® licensed in California since 2018 (DRE #02074367) with eXp Realty of Southern California, Inc. Her role is limited to helping homeowners understand what their home might sell for and, if they choose, listing and selling it.

Questions? Call or text **951-414-0149** or email faith@hicksrealtor.com.

Educational information only; not legal, tax, or financial advice. Faith Hicks (DRE #02074367) is a real estate licensee with eXp Realty of Southern California, Inc. (Broker DRE #02187306). She is not a foreclosure consultant, attorney, or lender, and is not affiliated with any lender, servicer, or government agency. She cannot stop or delay a foreclosure and charges no upfront fees. Sources checked Oct 29, 2026; laws can change.