

AFFIDAVIT OF ELIGIBLE BIDDER
(Civ. Code § 2924m)

TS No.: _____ Property Address: _____

The undersigned hereby represents and declares under the penalty of perjury under the laws of the State of California that:

- 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 acting as the agent of any other person or entity in purchasing the real property; and
 - D. 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
 - E. I am not an employee, officer, or member of the mortgagor or trustor; and
 - F. I am not a person with an ownership interest in the mortgagor, unless the mortgagor is a publicly traded company.

- The undersigned is a natural person and “eligible tenant buyer” (Civ. Code § 2924m(a)(2)), and :
 - A. At the time of the trustee’s sale, I occupied the real property as my primary residence under a rental or lease agreement entered into as the result of an arm’s length transaction with the mortgagor or trustor on a date before recording of the Notice of Default against the property;
 - B. I am not the mortgagor or trustor, or the child, spouse or parent of the mortgagor or trustor; and
 - C. I am attaching a copy of the rental or lease agreement described above to this signed Affidavit of Eligible Bidder.

- The undersigned is the representative of all “eligible tenant buyers” who are natural persons; and
 - A. At the time of the trustee’s sale, they occupied the real property as their primary residence 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 before recording of the Notice of Default against the property and am attaching evidence demonstrating the existence of the tenancy to this affidavit.
 - B. None of them is the mortgagor or trustor, or the child, spouse or parent of the mortgagor or trustor.
 - C. Is not acting as the agent of any other person or entity in purchasing the real property.
 - D. Has 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 date of execution of this affidavit.

- The undersigned is a nonprofit association, nonprofit corporation, or cooperative corporation in which an “eligible tenant buyer” is a voting member or director.

- 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; and (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).

- The undersigned is a limited liability company wholly owned by either (a) a nonprofit association, nonprofit corporation, or cooperative corporation in which an eligible tenant buyer is a voting member or director; or (b) 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; and (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).

- The undersigned is a community land trust, as defined in clause (ii) of subparagraph (C) or paragraph (11) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code.

- The undersigned is a limited-equity housing cooperative, as defined in Civ. Code Section 817.

- The undersigned is the state, the Regents of the University of California, a county, city district, public authority, or public agency, or any other political subdivision or public corporation in the state.

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

Date and signed this _____ day of _____, 20____ at _____ California.

Signature of authorized party:	
Name and title of authorized signer:	
Name of eligible entity:	
Address of eligible bidder:	
Telephone number of eligible bidder:	