

APPENDIX C

SUPERIOR COURT
Unit

CIVIL DIVISION
DOCKET NO. _____

_____,
Plaintiff,
v.

_____,
Defendant(s).

CERTIFICATION OF COMPLIANCE WITH OR EXEMPTION FROM 12 C.F.R. § 1024.41(f)(3)

Pursuant to Administrative Order 49 ¶ 22, plaintiffs in all residential foreclosure actions filed between August 31, 2021 and December 31, 2021 must file a certification in the following form:

The undersigned authorized representative or agent of Plaintiff, does hereby swear or affirm under penalty of perjury that this filing complies with or is exempt from the Consumer Financial Protection Bureau's (CFPB) Temporary COVID-19 Procedural Safeguards Rule, 12 C.F.R. § 1024.41(f)(3) (check all that apply):

- ☐ The mortgage loan on the property that is the subject of this foreclosure action is not a federally related mortgage loan as defined in 12 C.F.R. § 1024.2 or is otherwise exempt from the Real Estate Settlement Procedures Act as provided in 12 C.F.R. § 1024.5(b), and the CFPB Temporary COVID-19 Procedural Safeguards Rule therefore does not apply.
- ☐ The mortgage loan on the property that is subject to this foreclosure action is exempt from the CFPB Temporary COVID-19 Procedural Safeguards Rule pursuant to 12 C.F.R. § 1024.30(b).
- ☐ The mortgaged property that is the subject of this foreclosure action is not the borrower's primary residence and therefore this foreclosure action is exempt from the CFPB Temporary COVID-19 Procedural Safeguards Rule pursuant to 12 C.F.R. § 1024.30 (c)(2).
- ☐ The mortgage loan on the property that is subject to this foreclosure action was delinquent prior to March 1, 2020, and therefore, the CFPB Temporary COVID-19 Procedural Safeguards Rule does not apply.
- ☐ The statute of limitations applicable to this foreclosure action expires on or before January 1, 2022, and therefore the CFPB Temporary COVID-19 Procedural Safeguards Rule does not apply.
- ☐ The foreclosure action has been filed because of a violation of a due on sale clause in the mortgage (12 C.F.R. § 1024.41(f)(1)(ii)) and not because of a payment delinquency and therefore the CFPB Temporary COVID-19 Procedural Safeguards Rule does not apply.
- ☐ The Plaintiff has filed this foreclosure complaint to join in a foreclosure by a superior or subordinate lienholder (12 C.F.R. § 1024.41(f)(1)(iii)) and not because of a payment delinquency and therefore the CFPB Temporary COVID-19 Procedural Safeguards Rule does not apply.

- ☐ The mortgage loan on the property that is subject to this foreclosure action does not meet any of the exemptions listed above **AND** one of the following conditions of filing a foreclosure action under the CFPB Temporary COVID-19 Procedural Safeguards Rule 12 C.F.R. § 1024.41(f)(3), has been met (check all that apply):
- ☐ The property is abandoned according to the laws of the State or municipality where the property is located.
- ☐ The borrower submitted a complete loss mitigation application, remained delinquent at all times since submitting the application, and filing a foreclosure action is permissible under 12 C.F.R. § 1024.41(f)(2).*
- ☐ The borrower has not made contact with the servicer for at least 90 days before the date this foreclosure action was filed, the servicer has complied with all live contact and written notice requirements under 12 C.F.R § 1024.39 and 12 C.F.R. § 1024.41, and the borrower's forbearance program, if any, ended more than 30 days prior to the filing of this foreclosure action.

I declare that the above statement is true and accurate to the best of my knowledge and belief. I understand that if the above statement is false, I will be subject to the penalty of perjury or other sanctions in the discretion of the Court.

Name and Title of Plaintiff's Authorized Agent/Representative

Signature of Plaintiff's Authorized Agent/Representative

Date

* Section 1024.41(f)(2) provides that after a complete application is received, the servicer may not initiate foreclosure until the borrower has been sent a written denial notice pursuant to §1024.41(c)(1)(ii) and any appeal window has expired or the appeal has been denied, or the borrower has rejected all loss mitigation options offered by the servicer or failed to perform under a loss mitigation option.