



As a result of the subprime loan market collapse, numerous bills were introduced this year in the California Legislature, including the recently enacted SB 1137. Within this highly charged political environment, the California Land Title Association (CLTA), along with trustees, escrow companies, and lender groups originally opposed this legislation, which subsequently underwent a series of significant amendments before being signed by the Governor earlier this week.

SB 1137 became effective July 8th as an urgency measure. However, requirements pertaining to the notice of default and the posting and mailing of an entirely new notice will not become operative until 60 days after the effective date.

The provisions of the new law outlined below apply to loans secured by owner occupied residential real property and made between January 1, 2003 and December 31, 2007. These provisions will remain effective until January 1, 2013. The requirements are extensive and the full act text should be consulted for details.

## NEW Foreclosure Law California SB 1137

1. A Notice of Default (NOD) may not be filed by the trustee or lender until 30 days after contact is made in person or by telephone with a borrower to assess their financial situation and explore options to avoid foreclosure, or until 30 days after satisfying specified due diligence requirements.
2. During the initial contact the borrower must be advised of the right to request a subsequent meeting. If a meeting is requested then it must be scheduled within 14 days.
3. An assessment of the borrower's financial situation and discussion of options may occur at the first contact or at the subsequent meeting, but in either case the borrower must be provided a toll-free number for HUD certified housing counseling agencies.
4. A NOD must include a declaration that the borrower has been contacted or due diligence has been used to try to contact the borrower or that the borrower has surrendered the property. Due diligence includes having a link to information on the options to avoid foreclosure on the web site of the beneficiary or their agent.
5. If a NOD was filed prior to the effective date of the new law, without a subsequent notice of rescission, then a new declaration must be included as part of the notice of sale. The declaration must state that the borrower either was contracted to assess their financial situation and explore options to avoid foreclosure or that no contact occurred; in which case the efforts made to contact the borrower must be listed.
6. A NOD may be filed when a borrower has not been contacted as required by the new law if the failure to contact the borrower occurred despite the due diligence of the lender or their agent. The actions that constitute due diligence are listed in the new law.
7. A new notice has been created by the law and must be posted and mailed at the same time a notice of sale is posted. The notice advises residents that the property may be sold and that their right to continue to reside in the property may be affected, along with certain other information.

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## Top Ways to Boost Curb Appeal

Whether selling or staying, first impressions make a world of difference

BY PAUL BIANCHINA  
Inman News

You've no doubt heard the term "curb appeal," which is the first impression that your home makes when a visitor arrives. Whether you have your home up for sale or just want things to look a little nicer when you or someone else pulls up out in front, the best place to start is by giving the front of your home a critical examination.

**Driveway:** A driveway, by necessity, tends to be a fairly dominant feature, and it is often one of the first things that a person sees when they arrive at your home. If you have a concrete driveway that is oil-stained, check with your local home center for cleaners that can spruce it up. While you're there, get a crack repair compound and take care of smaller cracks before they become larger. For asphalt driveways, a seal-coat can often make a big difference in appearance and help prolong the asphalt as well.

For concrete or asphalt that is badly damaged, it's time to be thinking about replacement. You can replace the driveway with the same material as before, or consider an updated look by using paving stones instead -- they hold up well in all types of weather, and can even be a very satisfying do-it-yourself project.

**Walkways:** When someone arrives, is there a clear and safe path to your front door? You may not mind walking across your front lawn, but guests and prospective buyers would definitely prefer a walkway. There are lots of options for creating a new front walkway or replacing an existing one, so check out your home center or some landscaping magazines for ideas.

**Landscaping:** Speaking of landscaping, do you actually have any? Is it well maintained?

Few things look worse out front than an overgrown or neglected yard, and you can often remedy things with a little hard work and some minimal expense. Cut back or remove trees and bushes that have gotten out of control. Feed the lawn to get it to green up again, or consider removing all or part of it and replacing it with low-maintenance materials.

If you have planter beds, be sure they're weeded and have fresh bark in them. Plan your landscaping to create a visual appeal by not having all the same type of plant. Intersperse some plants that provide spots of color at different times of the year, and mix plants for different heights as well.

**Shade Trees:** Consider adding a couple of new shade trees in front. Trees are good for the environment in general; they help a home look more established and appealing; and they can help lower your summer cooling costs as well. Trees look best planted in odd numbers -- a grouping of three or five, for example -- and the folks at your local nursery can help you with proper spacing.

**Exterior Paint:** There is probably nothing that will help or hurt the outside of your home as much as how your paint job looks. A fresh coat of paint in up-to-date colors works wonders, while old, peeling paint in a color scheme that went out of style when Eisenhower was president can really ruin a first impression.

If the paint is in generally good condition and just has a few bad spots, spend a couple of hours with a paint scraper and a can of exterior primer to get things ready for touch up, then have your local paint and touch up the primed areas so they blend in. You might also want to consider repainting the eaves or window trim in a fresh new color to liven things up a little.

**A New Entrance:** Your front door is one spot that every visitor has to pass through,

and it can make a lasting impression. A fresh coat of paint or stain can sometimes do the trick, but if your door is badly beat up you should consider replacing it. Check with a local company that specializes in doors (not a home center) and see about having a new door matched to your existing frame. The door company will cut the door, mortise the hinges, and drill for the locks using your old door as a pattern, so you can slip the new door right into place without expensive frame alterations or extensive carpentry.

Whether you're getting a new door or working with your old one, make sure that there are no squeaks or groans when it opens, and that it fits well in the frame without binding. Check the operation of the door handle and dead bolt; check the condition of the weather-stripping; and don't forget the operation of any screen and storm doors.

**Cleaning:** Last but far from least, clean things up a little. Pick up any trash that's accumulated, including dead leaves, cigarette butts and other small debris. Wash the siding to remove dirt, dust and cobwebs, and wash the windows. Hose off the walkways periodically, and make sure that all exterior lighting is operational. Finally, clean off the front porch -- including porch furniture and knick-knacks -- so that the area is clean and inviting as well.

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