

**TITLE 2: NATURAL RESOURCES**  
**DIVISION 4: LAND RESOURCES**

**§ 4622. Foreclosure by Private Power of Sale.**

Nonjudicial foreclosure of a deed of trust by the exercise of private power of sale shall be in accordance with the provisions of this article.

(a) *Power of Sale.* A power of sale means a private power of sale conferred upon the trustee to sell the property at public auction after the breach of an obligation for which the property is transferred.

(b) *Recordation and Notice.* The power of sale may not be exercised until:

(1) A notice is sent by the trustee or beneficiary to the trustor setting forth the default, the amounts owed and for what period, the method and amount to cure the default, the time in which to cure the default (which shall not be less than 30 days after the date of the notice sent to the trustor), and the right to sell the property by power of sale and any other remedy which may be taken by the trustee if the default is not cured in the method, manner, date, and time as set forth in the notice.

(2) After the lapse of 30 days as set forth in subsection (b)(1) of this section, if the default has not been cured, then the trustee shall give to the trustor at least 30 days notice of public sale of the property, stating the date, time and place of the sale.

(3) Within 10 days after notice has been sent to the trustor as set forth in subsection (b)(2) of this section, the trustee or beneficiary shall file of record a notice of default, identifying the deed of trust by stating the names of the trustor, trustees and beneficiaries, and the description of property being affected, and setting forth the nature of the breach and the right to sell the property by power of sale and any other remedies as set forth in the notice to the trustor, and the date, time, and place of sale.

**Source:** DL 5-42, § 9.