

Introduced by Senator Vidak

February 23, 2015

An act to amend Sections 5710 and 6822 of the Civil Code, relating to common interest developments.

LEGISLATIVE COUNSEL'S DIGEST

SB 290, as introduced, Vidak. Common interest developments.

The Davis-Stirling Common Interest Development Act governs the management and operation of common interest developments, except for those developments limited to industrial or commercial uses, which are governed by the Commercial and Industrial Common Interest Development Act. Each act requires specified procedures for the collection of delinquent assessments, including, but not limited to, a trustee sale.

This bill would make technical, nonsubstantive changes to these procedures.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 5710 of the Civil Code is amended to
2 read:
3 5710. (a) ~~Any~~A sale by the trustee shall be conducted in
4 accordance with Sections 2924, 2924b, and 2924c applicable to
5 the exercise of powers of sale in mortgages and deeds of trust.
6 (b) In addition to the requirements of Section 2924, the
7 association shall serve a notice of default on the person named as
8 the owner of the separate interest in the association's records or,

1 if that person has designated a legal representative pursuant to this
 2 subdivision, on that legal representative. Service shall be in
 3 accordance with the manner of service of summons in Article 3
 4 (commencing with Section 415.10) of Chapter 4 of Title 5 of Part
 5 2 of the Code of Civil Procedure. An owner may designate a legal
 6 representative in a writing that is mailed to the association in a
 7 manner that indicates that the association has received it.

8 (c) The fees of a trustee may not exceed the amounts prescribed
 9 in Sections 2924c and 2924d, plus the cost of service for either of
 10 the following:

- 11 (1) The notice of default pursuant to subdivision (b).
- 12 (2) The decision of the board to foreclose upon the separate
 13 interest of an owner as described in subdivision (d) of Section
 14 5705.

15 SEC. 2. Section 6822 of the Civil Code is amended to read:

16 6822. (a) ~~Any~~A sale by the trustee shall be conducted in
 17 accordance with Sections 2924, 2924b, and 2924c applicable to
 18 the exercise of powers of sale in mortgages and deeds of trust.

19 (b) In addition to the requirements of Section 2924, the
 20 association shall serve a notice of default on the person named as
 21 the owner of the separate interest in the association’s records or,
 22 if that person has designated a legal representative pursuant to this
 23 subdivision, on that legal representative. Service shall be in
 24 accordance with the manner of service of summons in Article 3
 25 (commencing with Section 415.10) of Chapter 4 of Title 5 of Part
 26 2 of the Code of Civil Procedure. An owner may designate a legal
 27 representative in a writing that is mailed to the association in a
 28 manner that indicates that the association has received it.

29 (c) The fees of a trustee may not exceed the amounts prescribed
 30 in Sections 2924c and 2924d, plus the cost of service for the notice
 31 of default pursuant to subdivision (b).