
TENTATIVE RULING

For all the reasons discussed below, the petition is granted.

National Default Servicing Corporation was the trustee under a deed of trust executed by Edwardkyle Joseph Vantassel. The deed of trust was secured by real property commonly known as 1425 Crown Circle, Lompoc, CA 93436, which was sold at a non-judicial foreclosure sale on May 3, 2023, as result of a default under the terms of the deed of trust. The non-judicial foreclosure sale resulted in receipt of surplus funds in the amount of \$51,260.99. National Default Servicing Corporation was unable to determine the priority to the surplus money of the written claims received¹ and on September 19, 2024, filed a petition to deposit the surplus funds with the clerk. (Civ. Code, § 2924j, subd. (c).) National Default Servicing Corporation served the petition to deposit on Edwardkyle Joseph Vantassel, along with all persons/entities with a recorded interest or who otherwise made a claim. (Civ. Code, § 2924j, subds. (a),(d) [before the trustee deposits the money with the court, notice shall be sent to all interested parties with recorded interests].) The court signed the order to deposit the funds on September 24, 2024. Pursuant to Civil Code section 2924j, subd. (d), the court clerk set a hearing on the surplus funds for December 17, 2024 and mailed notice.

On October 22, 2024, Edwardkyle Vantassel filed a verified claim to the funds. The court shall distribute the deposited funds to any and all claimants entitled thereto. (Civ. Code, § 2924j, subd. (d).) Civil Code section 2924k, subdivision (a) requires the clerk of the court to distribute the proceeds from the sale, with first priority being given to the trustee's fees and costs; second priority to the payment of the deed of trust or mortgage that is subject of the trustee's sale; third priority to satisfy the outstanding balance of obligations, secured by any junior liens or encumbrances in the order of their priority; and, finally, to the trustor. (*Caito v. United California Bank* (1978) 20 Cal.3d 694, 701; *Cal-Western Reconveyance Corp. v. Reed* (2007) 152 Cal.App.4th 1308, 1317.)

Pursuant to Civil Code section 2924k, Mr. Vantassel was the trustor on the deed of trust following the nonjudicial foreclosure sale of the real property. It does not appear that any other senior claimants are expected, as the sole reason the funds were deposited was due to multiple claims from Mr. Vantassel himself.

The petition is granted.

¹ National Default Servicing received communications from three different attorneys purporting to represent Edwardkyle Joseph Vantassel, dated June 1, 2023, January 18, 2024, and April 17, 2024. According to its declaration, "Because of the multiple representation letters received, Trustee has determined that there is a conflict between potential claimants to the surplus proceeds." (Petition, Attachment 11b.)

The parties are instructed to appear at the hearing for oral argument. Appearance by Zoom Videoconference is optional and does not require the filing of Judicial Council form RA-010, Notice of Remote Appearance. (See [Remote Appearance \(Zoom\) Information | Superior Court of California | County of Santa Barbara](#).)