

California Code, Civil Code - CIV § 2924.12

Injunction 2924.12a is cumulative and additive with 2924.12b for equitable relief pending action for suit after trustee's deed

(a)(i) If a trustee's deed upon sale has not been recorded, a borrower may bring an action for injunctive relief to enjoin a material violation of [Section 2923.55](#), [2923.6](#), [2923.7](#), [2924.9](#), [2924.10](#), [2924.11](#), or [2924.17](#).

(2) Any injunction shall remain in place and any trustee's sale shall be enjoined until the court determines that the mortgage servicer, mortgagee, trustee, beneficiary, or authorized agent has corrected and remedied the violation or violations giving rise to the action for injunctive relief. An enjoined entity may move to dissolve an injunction based on a showing that the material violation has been corrected and remedied.

(b) After a trustee's deed upon sale has been recorded, a mortgage servicer, mortgagee, trustee, beneficiary, or authorized agent shall be liable to a borrower for actual economic damages pursuant to [Section 3281](#), resulting from a material violation of [Section 2923.55](#), [2923.6](#), [2923.7](#), [2924.9](#), [2924.10](#), [2924.11](#), or [2924.17](#) by that mortgage servicer, mortgagee, trustee, beneficiary, or authorized agent where the violation was not corrected and remedied prior to the recordation of the trustee's deed upon sale. If the court finds that the material violation was intentional or reckless, or resulted from willful misconduct by a mortgage servicer, mortgagee, trustee, beneficiary, or authorized agent, the court may award the borrower the greater of treble actual damages or statutory damages of fifty thousand dollars (\$50,000).

(c) A mortgage servicer, mortgagee, trustee, beneficiary, or authorized agent shall not be liable for any violation that it has corrected and remedied prior to the recordation of the trustee's deed upon sale, or that has been corrected and remedied by third parties working on its behalf prior to the recordation of the trustee's deed upon sale.

(d) A violation of [Section 2923.55](#), [2923.6](#), [2923.7](#), [2924.9](#), [2924.10](#), [2924.11](#), or [2924.17](#) by a person licensed by the Department of Business Oversight or the Department of Real Estate shall be deemed to be a violation of that person's licensing law.

(e) No violation of this article shall affect the validity of a sale in favor of a bona fide purchaser and any of its encumbrancers for value without notice.

Read simply "bona fide purchaser without notice." Strategy: we MUST defeat their claim they are a "BPWN." They are NOT at all BPWN because Constructive Notice was given via statute CIV 2924f(b)(8)(A) & 2888 & on N.O.T.S. and by OUR expressed warnings verbal or written, Lis Pendens, public record of litigation, publishing in local newspapers, etc.

(f) A third-party encumbrancer shall not be relieved of liability resulting from violations of [Section 2923.55](#), [2923.6](#), [2923.7](#), [2924.9](#), [2924.10](#), [2924.11](#), or [2924.17](#) committed by that third-party encumbrancer, that occurred prior to the sale of the subject property to the bona fide purchaser.

(g) The rights, remedies, and procedures provided by this section are in addition to and independent of any other rights, remedies, or procedures under any other law. Nothing in this section shall be construed to alter, limit, or negate any other rights, remedies, or procedures provided by law.

(h) A court may award a prevailing borrower reasonable attorney's fees and costs in an action brought pursuant to this section. A borrower shall be deemed to have prevailed for purposes of this subdivision if the borrower obtained injunctive relief or was awarded damages pursuant to this section.

(i) This section shall not apply to entities described in [subdivision \(b\) of Section 2924.18](#).