

**WFZ COVID-19 Western States Foreclosure & Eviction Grid**

Revised July 16, 2020

FORECLOSURE	Arizona	California	Nevada <sup>S</sup>	Oregon	Utah	Washington	Montana	New Mexico
Breach Letter	Yes	Yes*	Yes	Yes, unless borrower provides written notice at any time before September 30, 2020, that borrower will not be able to make a periodic installment accruing after March 8, 2020, pursuant to House Bill 4204.	Yes	Yes*	Yes	Yes
Initiate Foreclosure	Yes	Yes*	No, effective 3/29/20 through 6/30/20 for commercial property & through 8/31/20 for residential	No, effective 6/30/20 through 9/30/20 per House Bill 4204. Statutory notice timeframes are tolled for NOD/NOS issued during emergency period beginning 3/8/20 through 9/30/20.	Yes	Yes*^	Yes after 5/24/20, if notice of protections sent to borrower and no basic showing of COVID impact made to lender by borrower pursuant to May 19th Governor's Directive #	Yes
Schedule Sale	Yes	Yes*	No, effective 3/29/20 through 6/30/20 for commercial property & through 8/31/20 for residential	No, effective 6/30/20 through 9/30/20 per House Bill 4204. Statutory notice timeframes are tolled for NOD/NOS issued during emergency period beginning 3/8/20 through 9/30/20. Amended NOS must be sent after 9/30/20 moratorium expiration.	Yes	Yes*^	Yes after 5/24/20, if notice of protections sent to borrower and no basic showing of COVID impact made to lender by borrower pursuant to May 19th Governor's Directive #	Yes
Postpone Sale	Yes	Yes*^	Yes%	Yes	Yes	Yes*^	Yes after 5/24/20, if notice of protections sent to borrower and no basic showing of COVID impact made to lender by borrower pursuant to May 19th Governor's Directive #	Yes
Conduct Sale	Yes	Yes*^	No, effective 3/29/20 through 6/30/20 for commercial property & through 8/31/20 for residential	No, effective 6/30/20 through 9/30/20 per House Bill 4204. Sales conducted during emergency period beginning 3/8/20 through 9/30/20 are void, unless Notice of Sale was "given" prior to 3/8/20.	Yes	Yes*^	Yes after 5/24/20, if notice of protections sent to borrower and no basic showing of COVID impact made to lender by borrower pursuant to May 19th Governor's Directive #	Yes

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EVICTON	Arizona	California	Nevada	Oregon	Utah	Washington	Montana	New Mexico
Notice to Pay/Vacate	Yes	Yes*	No, effective 3/29/20 to 6/25/20# Pursuant to Governor's 6/25/20 Order, residential & commercial notices served prior to 3/30/20 without response are stale/void & notices served 3/30 to 6/25/20 are void & must be re-served.	No, effective 4/1/20 residential through 6/30/20 per Governor's Order, extended to 9/30/20 by House Bill 4213; No, effective 4/1/20 if COVID-impacted commercial through 6/30/20 per Governor's Order, extended to 9/30/20 by House Bill 4213. #	Yes	No for residential, effective 3/18-8/1/20#	Yes after 5/24/20, if notice of protections sent to borrower/tenant and no basic showing of COVID impact made to landlord by tenant pursuant to May 19th Governor's Directive #	Yes
File UD Complaint	Yes	No, effective 4/6/20 pursuant to Emergency Court Rules, court cannot issue a summons on a complaint for unlawful detainer unless the action is necessary to protect public health & safety until 90 days after the declaration of emergency is lifted.	No, effective 3/29/20# Pursuant to Governor's 6/25/20 Order, residential actions NOT based on non-payment of rent may be (re)initiated with new service 8/1/20 & actions based on no cause or non-payment of rent 9/1/20. Commercial may be (re)initiated 7/1/20.	No, effective 4/1/20 residential through 5/31/20, per Governor's Order, extended to 9/30/20 by House Bill 4213; No, effective 4/1/20 if COVID-impacted commercial through 5/31/20, per Governor's Order, extended to 9/30/20 by House Bill 4213. Action can be filed if based on a notice of termination for non-payment delivered before April 1, 2020. #	Yes, Governor's Order on residential tenant eviction moratorium expired after 5/15/20.	No for residential, effective 3/18-8/1/20#	Yes after 5/24/20, if notice of protections sent to borrower/tenant and no basic showing of COVID impact made to landlord by tenant pursuant to May 19th Governor's Directive #	Yes
Obtain Writ/Order	Yes	No, effective 4/6/20 pursuant to Emergency Court Rules, court cannot enter default judgment unless necessary for public health & safety. Court cannot set trial until 60 days after request for trial unless necessary for public health & safety.	No, effective 3/29/20# Pursuant to Governor's 6/25/20 Order, commercial evictions in process with Answers can proceed 7/1/20. Certain in process non-commercial eviction proceedings re holdover tenants & manufactured home parks may proceed 7/1/20 & 8/1/20 as specified.	No, effective 3/22/20 residential through 6/20/20 per Governor's Order, extended to 9/30/20 by House Bill 4213; No, effective 4/1/20 if COVID-impacted commercial through 6/20/20 per Governor's Order, extended to 9/30/20 by House Bill 4213. Writ/order can be obtained if based on a notice of termination for non-payment delivered before April 1, 2020. #	Yes, Governor's Order on residential tenant eviction moratorium expired after 5/15/20.	No for residential, effective 3/18-8/1/20#	Yes after 5/24/20, if notice of protections sent to borrower/tenant and no basic showing of COVID impact made to landlord by tenant pursuant to May 19th Governor's Directive #	Yes, unless tenant shows and judge finds due to non-payment of rent effective 3/24/20
Complete Lockout	Yes, unless COVID-19 impact on residential tenant from 3/24/20 for 120 days to 7/22/20#	Governor ceded authority to local jurisdictions to regulate/prohibit evictions through July 28, so county and city ordinances and orders must be reviewed on a case by case basis.	No, effective 3/29/20# Pursuant to Governor's 6/25/20 Order commercial lockouts may proceed 7/1/20. Certain in process non-commercial eviction proceedings re holdover tenants & manufactured home parks may proceed 7/1/20 & 8/1/20 as specified.	No, effective 3/22/20 residential for non-payment through 6/20/20 per Governor's Order, extended to 9/30/20 by House Bill 4213; No, effective 4/1/20 if COVID-impacted commercial through 6/20/20 per Governor's Order, extended to 9/30/20 by House Bill 4213. Lockout can be completed if based on a notice of termination for non-payment delivered after April 1, 2020. #	Yes, Governor's Order on residential tenant eviction moratorium expired after 5/15/20.	No for residential, effective 3/18-8/1/20#	Yes after 5/24/20, if notice of protections sent to borrower and no basic showing of COVID impact made to landlord by tenant pursuant to May 19th Governor's Directive #	Yes, unless tenant shows and judge finds due to non-payment of rent effective 3/24/20.

## NOTES

\*CA & WA regulators have "urged" financial institutions to provide forbearance to borrowers impacted by COVID-19, but it is not required.

\*Some local jurisdictions in CA have strict "shelter in place" orders through various end dates or through the declared emergency prohibiting public gatherings of specified numbers of people which may prohibit conduct or postponement of foreclosure sales. Washington also has varying gathering limitation orders based on reopening phase of each county, which may result in local law enforcement prohibiting conduct of sales or borrowers challenging the posting of Notices of Default and Notices of Sale, postponements and conduct of sales as not "essential business" in violation of the Order. Some local jurisdictions in Oregon have formal or informal restrictions imposed by sheriffs or recorder's offices which may limit the ability to record notices or conduct sales.

#Unless tenants are causing damage to property or safety of others or conducting criminal activity, in Montana, foreclosure and post-foreclosure eviction actions can also proceed as against property no longer occupied by borrower as primary residence.

%Nevada's limitations on public gathering may prohibit the crying of a sale, although arguably a gathering is not required simply for the postponement. In any event, a residential property sale subject to Nevada's Homeowner Bill of Rights can only be postponed for up to 90 days after the recording of the Notice of Sale, and any non-judicial foreclosure can only be postponed three times, so a determination should be made as to whether it is worthwhile to postpone and to which date.

The information contained in this chart is not intended as legal advice and should not be relied upon as such. Please consult with Robert Finlay at rfinlay@wrightlegal.net or your own counsel before relying on anything in this chart. Thank you.