

**DEMAND ON TENANT TO PAY RENT TO PARTY OTHER THAN LANDLORD**

(California Civil Code §2938)

**NOTE:** This form is used by a mortgage holder or their servicing agent when a mortgage secured by income producing property and its rents is in default, to notify the tenants to forward all payments of rent to the mortgage holder.

**DATE:** \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_, California.

**To Tenant:** \_\_\_\_\_  
(Name of Tenant)

Property Occupied by Tenant \_\_\_\_\_  
(Address)

Landlord \_\_\_\_\_  
(Name of Landlord)

Secured Party \_\_\_\_\_  
(Name of Secured Party)

Address \_\_\_\_\_  
(Address for Payment of Rent to Secured Party and for Further Information)

1. The secured party named above is the assignee of leases, rents, issues, and profits under a document entitled \_\_\_\_\_, dated \_\_\_\_\_, and

1.1 recorded on \_\_\_\_\_, as Instrument No. \_\_\_\_\_, in the Official Records of \_\_\_\_\_ County, California.

1.2 You may request a copy of such assignment from the secured party at \_\_\_\_\_.

2. THIS NOTICE AFFECTS YOUR LEASE OR RENTAL AGREEMENT RIGHTS AND OBLIGATIONS. YOU ARE THEREFORE ADVISED TO CONSULT AN ATTORNEY CONCERNING THOSE RIGHTS AND OBLIGATIONS IF YOU HAVE ANY QUESTIONS REGARDING YOUR RIGHTS AND OBLIGATIONS UNDER THIS NOTICE.

3. IN ACCORDANCE WITH SUBDIVISION (C) OF SECTION 2938 OF THE CIVIL CODE, YOU ARE HEREBY DIRECTED TO PAY TO THE SECURED PARTY, \_\_\_\_\_  
AT \_\_\_\_\_,  
ALL RENTS UNDER YOUR LEASE OR OTHER RENTAL AGREEMENT WITH THE LANDLORD OR PREDECESSOR IN INTEREST OF LANDLORD, FOR THE OCCUPANCY OF THE PROPERTY AT \_\_\_\_\_.

WHICH ARE PAST DUE AND PAYABLE ON THE DATE YOU RECEIVE THIS DEMAND, AND ALL RENTS COMING DUE UNDER THE LEASE OR OTHER RENTAL AGREEMENT FOLLOWING THE DATE YOU RECEIVE THIS DEMAND UNLESS YOU HAVE ALREADY PAID THIS RENT TO THE LANDLORD IN GOOD FAITH AND IN A MANNER NOT INCONSISTENT WITH THE AGREEMENT BETWEEN YOU AND THE LANDLORD.

3.1 IN THIS CASE, THIS DEMAND NOTICE SHALL REQUIRE YOU TO PAY TO THE SECURED PARTY, \_\_\_\_\_  
ALL RENTS THAT COME DUE FOLLOWING THE DATE OF THE PAYMENT TO THE LANDLORD.

4. IF YOU PAY THE RENT TO THE UNDERSIGNED SECURED PARTY \_\_\_\_\_, IN ACCORDANCE WITH THIS NOTICE, YOU DO NOT HAVE TO PAY THE RENT TO THE LANDLORD. YOU WILL NOT BE SUBJECT TO DAMAGES OR OBLIGATED TO PAY RENT TO THE SECURED PARTY IF YOU HAVE PREVIOUSLY RECEIVED A DEMAND OF THIS TYPE FROM A DIFFERENT SECURED PARTY.

5. **FOR NONRESIDENTIAL TENANTS:** IF YOU PAY ANY RENT TO THE LANDLORD THAT BY THE TERMS OF THIS DEMAND YOU ARE REQUIRED TO PAY TO THE SECURED PARTY, YOU MAY BE SUBJECT TO DAMAGES INCURRED BY THE SECURED PARTY BY REASON OF YOUR FAILURE TO COMPLY WITH THIS DEMAND, AND YOU MAY NOT BE DISCHARGED FROM YOUR OBLIGATION TO PAY SUCH RENT TO THE SECURED PARTY. YOU WILL NOT BE SUBJECT TO SUCH DAMAGES OR OBLIGATED TO PAY SUCH RENT TO THE SECURED PARTY IF YOU HAVE PREVIOUSLY RECEIVED A DEMAND OF THIS TYPE FROM A DIFFERENT ASSIGNEE.

6. Your obligation to pay rent under this demand shall continue until you receive either:

6.1 A written notice from a court directing you to pay the rent in a manner provided therein; or

6.2 A written notice from the secured party named above cancelling this demand.

7. The undersigned hereby certifies, under penalty of perjury, that the undersigned is an authorized officer or agent of the secured party and that the secured party is the assignee, or the current successor to the assignee, under an assignment of leases, rents, issues, or profits executed by the landlord, or a predecessor of interest, that is being enforced pursuant to and in accordance with Section 2938 of the Civil Code.

Executed at: \_\_\_\_\_, California,

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Name: \_\_\_\_\_

Title: \_\_\_\_\_