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# Deficiency Judgment Chart

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 August 2, 2010 (revised)

This legal chart is intended to provide a quick and easy guide to determine when a borrower may be liable for a deficiency judgment. There are other factors and conditions which may change the result (such as fraud by the borrower and bad faith waste). For more details see the legal article, [Deficiency Judgments and California Law](#).

Residential 1 - 4 units, Owner Intends to Occupy a Unit in the Secured Real Property			Non-owner Occupied or Other Real Property		
Lender Purchase Money Loan (non-recourse loan)	Seller Financed Purchase Money Loan (non-recourse loan)	Refinance (Non-Purchase Money Loan) (recourse loan)	Lender Purchase Money Loan (recourse loan)	Seller Financed Purchase Money Loan (non-recourse loan)	Refinance (Non-Purchase Money Loan) (recourse loan)
▼	▼	▼	▼	▼	▼
NO deficiency judgment if senior or junior lienholder*	NO deficiency judgment if senior or junior lienholder*	YES deficiency judgment if judicial foreclosure NO	YES deficiency judgment if judicial foreclosure NO	NO deficiency judgment if senior or junior lienholder*	YES deficiency judgment if judicial foreclosure NO

Cal. Code Civ. Proc. § 580b	Cal. Code Civ. Proc. § 580b	deficiency judgment if trustee's sale foreclosure  Cal. Code Civ. Proc. § 580d	deficiency judgment if trustee's sale foreclosure  Cal. Code Civ. Proc. § 580d	Cal. Code Civ. Proc. § 580b	deficiency judgment if trustee's sale foreclosure  Cal. Code Civ. Proc. § 580d
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**\* If a senior lienholder forecloses on the property for this type of loan, the "wiped out" junior lienholder who no longer has a secured note may not sue on this promissory note.**

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The information contained herein is believed accurate as of August 2, 2010. It is intended to provide general answers to general questions and is not intended as a substitute for individual legal advice. Advice in specific situations may differ depending upon a wide variety of factors. Therefore, readers with specific legal questions should seek the advice of an attorney. Revised by Sonia M. Younglove, Esq.

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