

CA Supreme Court: Borrowers May Bring Wrongful Foreclosure Actions Challenging Deed of Trust Assignments

The California Supreme Court recently held that borrowers have standing to bring wrongful foreclosures claims based on challenges to an assignment of the note and deed of trust to a securitized trust.

- The decision rejects multiple lower court decisions holding that borrowers lack standing to challenge loan assignments.
- While the decision is an interim victory for borrowers who have defaulted on their loan, its holding is limited to whether a borrower has standing to assert wrongful foreclosure claims based assignments, without addressing what evidence is required to prove such a claim.
- The decision expands the claims available in California to challenge a foreclosure.

In this update, we assess the details of the decision and how it will likely cause an increase in wrongful foreclosure litigation.

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