

be, what if the trustee does have a valid claim for services in connection with that transaction?

SENATOR LANDIS: Absolute...the trustee, if he has done business and done services, is not prejudiced in any way by this measure for recovering their fees. What the...what the trust...what this is designed to do is to say, listen, if you won't give me your signature without asking me for extra money for substituting you, all I have to do to substitute for who my trustee is is get an affidavit that I have sent notice that I want a new trustee, to my existing trustee, and that it has been received at his place of business. Then I can go out and get a new trustee.

SENATOR ASHFORD: Okay, I can see some...some abuse there on the part of the bank lender, possibly, and maybe I...between General and Select File, we could talk about it.

SENATOR LANDIS: Good.

SENATOR ASHFORD: Because I think there are legitimate claims of trustees, both for the initial...oftentimes what happens is the trustee is paid a fee upon the foreclosure of a trust deed, and what happens is that...and so when a trustee is appointed as trustee, he or she does not receive a fee at that time, but receives a fee upon foreclosure or upon doing some other act. So the review of the material and that the trust deed accomplishes, though albeit minor, still has some service, and that if this can be done in the way that you're suggesting, the trustee may have...be anticipating a fee down the road which this particular procedure would cut he or she off from.

SENATOR LANDIS: If I have a...if that's in the form of a question...

SENATOR ASHFORD: Yeah.

SENATOR LANDIS: ...I'd like a chance to respond...

SENATOR ASHFORD: Yes.

SENATOR LANDIS: ...about my intention and what I think the law is. Number one, it would not be my intention to cut off the right of recovery for somebody who performs service. That's not my intention...and when I say, my intention, this bill isn't