

Committee Opinion  
June 11, 1987

LEGAL ETHICS OPINION 912

TRUSTEE'S FEE – FORECLOSURE ON  
DEED OF TRUST.

It is not per se improper for an attorney to charge a noteholder a sum in excess of the 5% trustee's fees to foreclose on a deed of trust so long as the debtor is charged in the accounting with only the 5% called for in a deed of trust, and provided that the noteholder makes no charges against the debtor in excess of 5% of the gross sales price. The committee bases this opinion on the assumption that there is an agreement of sound basis between the attorney and client. [ DR:2-105(A)]

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