

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Transportation, Housing & Local Government.

HB24-1337 be amended as follows:

1 Amend printed bill, page 6, strike lines 26 and 27 and substitute:

2 "SECTION 5. In Colorado Revised Statutes, 38-38-100.3, **add**
3 (1.3), (4.3), (25), and (26) as follows:

4 **38-38-100.3. Definitions.** As used in articles 37 to 39 of this title
5 38, unless the context otherwise requires:

6 (1.3) "ALTERNATE LIENOR" MEANS A PERSON DEEMED A LIENOR BY
7 SECTION 38-38-305.5 (1)(a).

8 (4.3) "COMMON INTEREST COMMUNITY" HAS THE MEANING SET
9 FORTH IN SECTION 38-33.3-103 (8).

10 (25) "UNIT" HAS THE MEANING SET FORTH IN SECTION 38-33.3-103
11 (30).

12 (26) "UNIT ASSOCIATION LIEN" MEANS A LIEN IN A UNIT IN A
13 COMMON INTEREST COMMUNITY THAT IS HELD BY AN ASSOCIATION AS
14 DEFINED IN SECTION 38-33.3-103 (3).

15 **SECTION 6.** In Colorado Revised Statutes, 38-38-302, **amend**
16 (1)(d) introductory portion and (4)(a) as follows:

17 **38-38-302. Redemption by lienor - procedure.**

18 (1) **Requirements for redemption.** A lienor or assignee of a lien is
19 entitled to redeem if the following requirements are met to the satisfaction
20 of the officer:

21 (d) The lienor has, within eight business days after the sale, filed
22 a notice with the officer of the lienor's intent to redeem; EXCEPT THAT, IF
23 THE PERSON IS DEEMED AN ALTERNATE LIENOR PURSUANT TO SECTION
24 38-38-305.5 AND THE LIEN BEING FORECLOSED IS A UNIT ASSOCIATION
25 LIEN, THE ALTERNATE LIENOR HAS THIRTY DAYS TO FILE THE NOTICE WITH
26 THE OFFICER OF THE ALTERNATE LIENOR'S INTENT TO REDEEM. A lienor
27 may file a notice of intent to redeem more than eight business days after
28 sale if:

29 (4) **Redemption period.** (a) (I) EXCEPT AS PROVIDED IN
30 SUBSECTION (4)(a)(II) OF THIS SECTION, no sooner than fifteen business
31 days nor later than nineteen business days after a sale under this ~~article~~
32 ARTICLE 38, the junior lienor having the most senior recorded lien on the
33 sold property or any portion ~~thereof~~ OF THE SOLD PROPERTY, according to
34 the records, having first complied with the requirements of subsection (1)
35 of this section, may redeem the property sold by paying to the officer, no
36 later than 12 noon on the last day of the lienor's redemption period, in the
37 form specified in section 38-37-108, the amount for which the property
38 was sold with interest from the date of sale, together with all sums
39 allowed under section 38-38-301. Interest on the amount for which the

1 property was sold ~~shall be~~ IS charged at the default rate specified in the
2 evidence of debt, deed of trust, or other lien being foreclosed or, if not so
3 specified, at the regular rate specified in the evidence of debt, deed of
4 trust, or other lien being foreclosed. If different interest rates are specified
5 in the evidence of debt, deed of trust, or other lien being foreclosed, the
6 interest rate specified in the evidence of debt ~~shall prevail~~ PREVAILS. If
7 the evidence of debt does not specify an interest rate, including a default
8 interest rate, THE applicable interest rate as specified in the deed of trust
9 or other lien being foreclosed ~~shall apply~~ APPLIES.

10 (II) (A) IF THE LIEN BEING FORECLOSED IS IN A UNIT ASSOCIATION
11 LIEN, AN ALTERNATE LIENOR'S REDEMPTION PERIOD COMMENCES UPON
12 THE EXPIRATION OF ALL REDEMPTION RIGHTS AS SET BY THE OFFICER IN
13 ACCORDANCE WITH SUBSECTION (4)(d) OF THIS SECTION AND IS NO
14 SOONER THAN THIRTY-FIVE DAYS AFTER THE SALE. THIS SUBSECTION
15 (4)(a)(II) DOES NOT OTHERWISE CHANGE THE REQUIREMENTS OF THIS
16 SECTION FOR AN ALTERNATE REDEEMER.

17 (B) NO SOONER THAN THIRTY-FIVE DAYS AND NO LATER THAN ONE
18 HUNDRED EIGHTY DAYS AFTER A SALE OF A UNIT ASSOCIATION LIEN UNDER
19 THIS ARTICLE 38, THE ALTERNATE LIENOR THAT FILED THE NOTICE WITH
20 THE OFFICER OF THE ALTERNATE LIENOR'S INTENT TO REDEEM AND THAT
21 HAS THE HIGHEST PRIORITY IN THE SOLD PROPERTY MAY REDEEM THE
22 PROPERTY BY PAYING, IN THE FORM SPECIFIED IN SECTION 38-37-108, TO
23 THE OFFICER, NO LATER THAN 12 NOON ON THE LAST DAY OF THE
24 ALTERNATE LIENOR'S REDEMPTION PERIOD, THE AMOUNT FOR WHICH THE
25 PROPERTY WAS SOLD WITH INTEREST FROM THE DATE OF SALE, TOGETHER
26 WITH ALL SUMS ALLOWED UNDER SECTION 38-38-107 AND IF APPLICABLE,
27 THE REDEMPTION AMOUNT PAID BY THE IMMEDIATELY PRIOR REDEEMING
28 LIENOR, WITH INTEREST AT THE RATE SPECIFIED IN SUBSECTION (4)(a) OF
29 THIS SECTION, PLUS THE AMOUNT CLAIMED IN THE STATEMENT DELIVERED
30 BY THE IMMEDIATELY PRIOR REDEEMING LIENOR PURSUANT TO
31 SUBSECTION (6) OF THIS SECTION, INCLUDING THE PER DIEM AMOUNTS
32 THROUGH THE DATE WHEN THE PAYMENT IS MADE, OR IF NO PRIOR LIEN
33 HAS REDEEMED, THE REDEMPTION AMOUNT DETERMINED PURSUANT
34 SUBSECTION (4)(a)(I) OF THIS SECTION.

35 (C) IF PROPERTY IS REDEEMED UNDER THIS SUBSECTION (4)(a)(II),
36 ANY ALTERNATE REDEEMER WITH A LOWER PRIORITY REDEMPTION RIGHT
37 IS EXTINGUISHED.

38 (11) AS USED IN THIS SECTION, "UNIT ASSOCIATION LIEN" MEANS
39 A LIEN IN A UNIT IN A COMMON INTEREST COMMUNITY THAT IS HELD BY AN
40 ASSOCIATION AS DEFINED IN SECTION 38-33.3-103 (3).

41 **SECTION 7.** In Colorado Revised Statutes, **add** 38-38-305.5 as
42 follows:

43 **38-38-305.5. Persons considered as lienors - redemption of**

1 **property.** (1) (a) FOR THE PURPOSE OF THIS ARTICLE 38, THE FOLLOWING
2 PEOPLE ARE DEEMED ALTERNATE LIENORS WITHOUT A LIEN AMOUNT:
3 (I) THE UNIT OWNER THAT HAS AN INTEREST APPEARING BY AN
4 INSTRUMENT RECORDED IN THE OFFICE OF THE CLERK AND RECORDER OF
5 THE COUNTY PRIOR TO THE RECORDING OF THE LIS PENDENS IS THE FIRST
6 PRIORITY;
7 (II) A TENANT OF THE UNIT, IF THE TENANCY COMMENCED PRIOR
8 TO THE RECORDING OF THE LIS PENDENS AND IF THE LEASE IS NOT
9 RECORDED, IS THE SECOND PRIORITY;
10 (III) A NONPROFIT ENTITY THAT HAS A PRIMARY PURPOSE TO
11 DEVELOP OR PRESERVE AFFORDABLE HOUSING IS THE THIRD PRIORITY;
12 (IV) A COMMUNITY LAND TRUST IS THE FOURTH PRIORITY;
13 (V) A COOPERATIVE HOUSING CORPORATION FORMED PURSUANT
14 TO ARTICLE 33.5 OF THIS TITLE 38 IS THE FIFTH PRIORITY; AND
15 (VI) THE STATE OF COLORADO OR A POLITICAL SUBDIVISION OF
16 THE STATE OF COLORADO IS THE SIXTH PRIORITY.
17 (b) AN ALTERNATE LIENOR'S ABILITY TO REDEEM THE PROPERTY
18 IS SUBJECT TO:
19 (I) A LIENOR THAT HOLDS EVIDENCE OF DEBT SECURED BY THE
20 PROPERTY; OR
21 (II) A PERSON THAT IS DEEMED A LIENOR UNDER SECTION
22 38-38-305.
23 (c) IF AN ALTERNATE LIENOR REDEEMS AFTER THE REDEMPTION OF
24 A LESSEE OR EASEMENT HOLDER, THE ALTERNATE LIENOR, IN ACQUIRING
25 THE PROPERTY, TAKES THE PROPERTY SUBJECT TO THE LEASE OR
26 EASEMENT.
27 (2) THIS SECTION DOES NOT AFFECT THE RIGHTS UNDER THIS
28 ARTICLE 38 OF A LESSEE WHOSE RESIDENTIAL LEASE IS RECORDED.
29 (3) THIS SECTION APPLIES TO THE FORECLOSURE OF A LIEN IN A
30 UNIT IN A COMMON INTEREST COMMUNITY BY AN ASSOCIATION, AS
31 DEFINED IN SECTION 38-33.3-103 (3).
32 **SECTION 8.** In Colorado Revised Statutes, 38-38-501, **add** (3)
33 as follows:
34 **38-38-501. Title vests upon expiration of redemption periods**
35 **- confirmation deed - definition.** (3) AS USED IN THIS SECTION,
36 "REDEMPTION PERIODS" MEANS THE PERIODS OF TIME DURING WHICH A
37 PERSON MAY REDEEM PROPERTY AS DESCRIBED IN SECTION 38-38-302 (4);
38 EXCEPT THAT THE REDEMPTION PERIOD IS THIRTY DAYS IF THE PROPERTY
39 IS A UNIT IN A COMMON INTEREST COMMUNITY; THE LIEN BEING
40 FORECLOSED IS HELD BY AN ASSOCIATION, AS DEFINED IN 38-33.3-103 (3),
41 AND A LIENOR DOES NOT FILE A NOTICE WITH THE OFFICER OF THE LIENOR'S
42 INTENT TO REDEEM."

- 1 Strike pages 7 through 13.
- 2 Page 14, strike lines 1 through 14.
- 3 Renumber succeeding section accordingly.

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