

CHAPTER 108

PROPERTY

HOUSE BILL 01-1281

BY REPRESENTATIVE(S) Williams T., Daniel, Marshall, and Stengel;
also SENATOR(S) Phillips, Lamborn, and Taylor.

AN ACT

CONCERNING MASTER FORM INSTRUMENTS FOR REAL ESTATE.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 38-35-109, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

38-35-109. Instrument may be recorded - validity of unrecorded instruments - liability for fraudulent documents. (1.5) (a) ANY PERSON MAY RECORD IN THE OFFICE OF THE COUNTY CLERK AND RECORDER OF ANY COUNTY A MASTER FORM MORTGAGE OR MASTER FORM DEED OF TRUST. SUCH FORMS SHALL BE ENTITLED TO RECORDATION WITHOUT ANY ACKNOWLEDGMENT OR SIGNATURE; WITHOUT IDENTIFICATION OF ANY SPECIFIC REAL PROPERTY; AND WITHOUT NAMING ANY SPECIFIC MORTGAGOR, MORTGAGEE, TRUSTOR, BENEFICIARY, OR TRUSTEE. EVERY INSTRUMENT SHALL CONTAIN ON THE FACE OF THE DOCUMENT "MASTER FORM RECORDED BY (NAME OF PERSON CAUSING INSTRUMENT TO BE RECORDED)." THE COUNTY CLERK AND RECORDER SHALL INDEX SUCH MASTER FORMS IN THE GRANTEE INDEX UNDER THE NAME OF THE PERSON CAUSING IT TO BE RECORDED.

(b) (I) ANY OF THE PROVISIONS OF SUCH MASTER FORM INSTRUMENT MAY BE INCORPORATED BY REFERENCE IN ANY MORTGAGE OR DEED OF TRUST ENCUMBERING REAL ESTATE SITUATED WITHIN THE STATE, IF SUCH REFERENCE IN THE MORTGAGE OR DEED OF TRUST STATES THE FOLLOWING:

(A) THAT THE MASTER FORM INSTRUMENT WAS RECORDED IN THE COUNTY IN WHICH THE MORTGAGE OR DEED OF TRUST IS OFFERED FOR RECORD;

(B) THE DATE WHEN RECORDED AND THE BOOK AND PAGE OR PAGES OR RECEPTION OR INDEX NUMBER WHERE SUCH MASTER FORM WAS RECORDED;

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(C) THAT A COPY OF THE PROVISIONS OF THE MASTER FORM INSTRUMENT WAS FURNISHED TO THE PERSON EXECUTING THE MORTGAGE OR DEED OF TRUST; AND

(D) IF FEWER THAN ALL OF THE PROVISIONS OF THE REFERENCED MASTER FORM ARE BEING ADOPTED OR INCORPORATED, A STATEMENT IDENTIFYING BY PARAGRAPH, SECTION, OR OTHER SPECIFICATION METHOD WHICH WILL CLEARLY IDENTIFY THE INCORPORATED PROVISION OR PROVISIONS, PROVIDED THAT IN THE ABSENCE OF SPECIFIC DESIGNATION, THE ENTIRE REFERENCED MASTER FORM WILL BE DEEMED TO BE INCORPORATED.

(II) THE RECORDING OF ANY MORTGAGE OR DEED OF TRUST WHICH HAS INCORPORATED BY REFERENCE ANY OF THE PROVISIONS OF A MASTER FORM RECORDED AS PROVIDED IN THIS SECTION SHALL HAVE THE SAME EFFECT AS IF SUCH PROVISIONS OF SUCH MASTER FORM HAD BEEN SET FORTH FULLY IN THE MORTGAGE OR DEED OF TRUST.

SECTION 2. Effective date. This act shall take effect July 1, 2001.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 30, 2001