

CHAPTER 72

PROPERTY

SENATE BILL 15-049

BY SENATOR(S) Martinez Humenik, Baumgardner, Cooke, Crowder, Grantham, Holbert, Jahn, Lundberg, Roberts, Scheffel, Scott, Woods;
also REPRESENTATIVE(S) Keyser, Fields, Pettersen, Rosenthal, Van Winkle.

AN ACT

CONCERNING THE VESTING OF TITLE TO REAL ESTATE IN A GRANTEE THAT IS AN ENTITY THAT HAS NOT YET BEEN FORMED ONCE THE ENTITY HAS BEEN FORMED.

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

SECTION 1. In Colorado Revised Statutes, **amend** 38-34-105 as follows:

38-34-105. When deed transferred before formation. (1) If A GRANTEE DESCRIBED IN A DEED AS AN ENTITY HAS NOT BEEN FORMED at the time of the delivery of a THE deed describing TO the grantee, as a corporation no incorporation papers have been filed and if thereafter proper incorporation papers are filed, the title to the real property shall vest DESCRIBED IN THE DEED VESTS in the grantee as soon as the grantee is incorporated WHEN THE ENTITY IS FORMED, and no other instrument of conveyance shall be IS required. As to all such conveyances executed prior to March 28, 1927, it shall be conclusively presumed that the title vested in the incorporators in trust for the grantee and that said incorporators properly conveyed the real property to the grantee when the grantee was incorporated unless within one year from March 28, 1927, there is filed in the office of the proper recorder a written explanation or statement of the transaction signed and acknowledged by the proper parties:

(2) AS USED IN THIS SECTION:

(a) "ENTITY" HAS THE MEANING SPECIFIED IN SECTION 7-90-102 (20), C.R.S.

(b) "FORMED" HAS THE MEANING SPECIFIED IN SECTION 7-90-102 (29.5), C.R.S.

SECTION 2. Act subject to petition - effective date - applicability. (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day

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

period after final adjournment of the general assembly (August 5, 2015, if adjournment sine die is on May 6, 2015); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2016 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to deeds delivered on or after the applicable effective date of this act.

Approved: April 3, 2015