

**Second Regular Session  
Seventy-fifth General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 26-0489.01 Sam Anderson x4218

**HOUSE BILL 26-1098**

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**HOUSE SPONSORSHIP**

**Brooks and Stewart R.**, Duran, Gonzalez R., Lindsay, Marshall, Richardson

**SENATE SPONSORSHIP**

**Frizell and Kipp,**

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**House Committees**

Transportation, Housing & Local Government

**Senate Committees**

Local Government & Housing

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**A BILL FOR AN ACT**

101 **CONCERNING MODIFICATIONS TO THE "COLORADO PUBLIC TRUSTEE**  
102 **ACT" RELATED TO FORECLOSURE PROCEDURES.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

The bill makes modifications related to foreclosure procedures in the "Colorado Public Trustee Act" to:

- Set the salary of the public trustee in counties where the county treasurer serves as the public trustee;
- Eliminate the requirement that a public trustee make certain statements to the board of county commissioners under

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters or bold & italic numbers indicate new material to be added to existing law.*  
*Dashes through the words or numbers indicate deletions from existing law.*

HOUSE  
3rd Reading Unamended  
March 2, 2026

HOUSE  
Amended 2nd Reading  
February 26, 2026

- oath;
- Repeal the requirement that a public trustee appointed by the governor be subject to the state "Procurement Code";
- Clarify the source of funds used to pay a public trustee;
- Repeal the definition of "certified copy" and references thereto;
- Define "nonmaterial misstatement";
- Clarify the date by which the public trustee or sheriff conducting a foreclosure (officer) must mail the combined notice of sale, right to cure, and right to redeem to persons on an amended mailing list;
- Clarify that a junior lienor is entitled to cure the default if the junior lienor files with the officer;
- Specify that unclaimed remaining amount for which a property is sold at a foreclosure sale that is in excess of the bid amount may be transferred to the state treasurer for disposition or held by the county treasurer pursuant to the terms of a county resolution regarding unclaimed funds;
- Add a requirement regarding redemption that specifies that if a lien is assigned, the holder's rights are valid only if the assignment of the lien is duly recorded at least 15 calendar days prior to the date of sale;
- Clarify an omitted party's rights after a foreclosure sale; and
- Specify when an omitted party's interest may be terminated.

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

2           **SECTION 1.** In Colorado Revised Statutes, 38-37-104, **amend**  
3 (2) and (3), and **repeal** (8) as follows:

4           **38-37-104. Duties of public trustees - fees, expenses, and**  
5 **salaries - reports - definition.**

6           (2) (a) ~~The salary of the public trustee in the different counties of~~  
7 ~~the state shall be fixed at the following amounts, to wit: In counties of the~~  
8 ~~second class, twenty-six thousand dollars per annum for full-time public~~  
9 ~~trustees and, in counties of the third class, six thousand five hundred~~  
10 ~~dollars per annum~~ FOR PUBLIC TRUSTEES IN ALL COUNTIES WHEREIN THE  
11 COUNTY TREASURER SERVES AS THE PUBLIC TRUSTEE, THE SALARY SHALL

1 BE FIXED AT TWELVE THOUSAND FIVE HUNDRED DOLLARS PER ANNUM.

2 (b) For public trustees whose terms begin on or after July 1, 1998,  
3 but prior to January 1, 2003, the salary of the public trustee in the  
4 different counties of the state shall be fixed at the following amounts, to  
5 wit: In counties of the second class, thirty-two thousand dollars per  
6 annum for full-time public trustees and, in counties of the third class,  
7 eight thousand dollars per annum; except that, in the city and county of  
8 Broomfield, such salary shall be as set forth in its annual budget.

9 (b.3) (I) For public trustees whose terms begin on or after January  
10 1, 2003, except as otherwise provided in subparagraph (II), (III), or (IV)  
11 of this paragraph (b.3), the salary of the public trustee in the different  
12 counties of the state shall be fixed at the following amounts, to wit: In  
13 counties of the second class, forty-eight thousand five hundred dollars per  
14 annum, and in counties of the third class, twelve thousand five hundred  
15 dollars per annum.

16 (II) For public trustees who are serving in office on or after March  
17 13, 2008, the salary of the public trustee in the different counties of the  
18 state shall be fixed at the following amounts, to wit: In counties of the  
19 second class, fifty-six thousand five hundred dollars per annum; and in  
20 counties of the third class, twelve thousand five hundred dollars per  
21 annum.

22 (III) For public trustees in counties of the second class who are  
23 serving in office on or after February 1, 2009, the salary shall be fixed at  
24 sixty-four thousand five hundred dollars per annum.

25 (IV) For public trustees in counties of the second class who are  
26 serving in office on or after February 1, 2010, the salary shall be fixed at  
27 seventy-two thousand five hundred dollars per annum.

1           ~~(V) For public trustees in counties of the second class wherein the~~  
2 ~~county treasurer serves as the public trustee, the salary shall be fixed at~~  
3 ~~twelve thousand five hundred dollars per annum.~~

4           (b.5) Repealed.

5           (c) Such salaries shall be paid MONTHLY FROM THE GENERAL  
6 FUND AS PART OF THE COUNTY'S STANDARD PAYROLL PROCESS. ON A  
7 QUARTERLY BASIS, THE PUBLIC TRUSTEE SHALL REIMBURSE THE COUNTY  
8 GENERAL FUND FOR THE MONTHLY SALARIES from the fees collected by  
9 the public trustee as provided in this section ~~and not otherwise~~ OR FROM  
10 THE PUBLIC TRUSTEE SPECIAL RESERVE ACCOUNT. IF THERE ARE NOT  
11 SUFFICIENT FUNDS AVAILABLE, THEN THE PUBLIC TRUSTEE SHALL  
12 REIMBURSE THE GENERAL FUND ACCOUNT AS SOON AS ENOUGH FEES HAVE  
13 BEEN COLLECTED.

14           (3) The public trustee of each county shall quarterly make and file  
15 with the board of county commissioners of the county a full ~~and complete~~  
16 statement ~~under oath~~ of all transactions of the office of the public trustee  
17 and shall, upon the approval of said report, pay to the county treasurer all  
18 sums that the public trustee has received as fees in excess of the amount  
19 of salary then due to the public trustee and in excess of all necessary and  
20 reasonable expenses for staff wages and any benefits provided pursuant  
21 to county personnel policy and other expenses incidental to the conduct  
22 of the office of the public trustee for the quarter ending at the time of  
23 such report, which ~~moneys~~ MONEY shall, by the county treasurer, be  
24 placed to the credit of a fund to be known as the public trustee salary  
25 fund. The public trustee shall, before remitting such excess funds, retain  
26 such excess funds in a special reserve fund, which fund shall be  
27 maintained in a separate interest-bearing account as permitted under

1 section 38-37-113, until such special reserve fund, including accrued  
2 interest, reaches an amount equal to the public trustee's total operating  
3 expenses and authorized salary for the previous fiscal year, as filed  
4 pursuant to this subsection (3). If, in any particular quarter, the public  
5 trustee's operating expenses and authorized salary exceed the fees  
6 collected in the quarter, the public trustee may draw on the special reserve  
7 fund to cover the public trustee's operating expenses and authorized salary  
8 for that quarter. At such time as the special reserve fund has reached the  
9 permitted amount, excess funds shall be paid to the county treasurer to be  
10 placed in the public trustee salary fund. At the expiration of each year, the  
11 county treasurer shall, out of any ~~moneys~~ MONEY in the public trustee  
12 salary fund and not otherwise, pay to the public trustee such an amount,  
13 if any, as may be still due to the public trustee on account of the public  
14 trustee's salary for that year just expired, such payment to be made only  
15 upon the certificate of the board stating the amount of such salary still  
16 remaining due and unpaid, and the balance of said fund shall thereupon  
17 be transferred to the general fund of the county.

18 (8) ~~Each public trustee who is appointed by the governor shall be~~  
19 ~~subject to the state "Procurement Code", articles 101 to 112 of title 24,~~  
20 ~~C.R.S., for any purchase of twenty thousand dollars or more and for any~~  
21 ~~multiple year purchase agreement; except that, if the procurement rules~~  
22 ~~established for the county in which the public trustee serves require an~~  
23 ~~open and competitive bidding process, the public trustee may apply the~~  
24 ~~county procurement rules.~~

25 **SECTION 2.** In Colorado Revised Statutes, 38-38-100.3, **repeal**  
26 (3); and **add** (15.5) as follows:

27 **38-38-100.3. Definitions.**

1           As used in articles 37 to 39 of this title 38, unless the context  
2 otherwise requires:

3           ~~(3) "Certified copy" means, with respect to a recorded document,~~  
4 ~~a copy of the document certified by the clerk and recorder of the county~~  
5 ~~where the document was recorded.~~

6           (15.5) "NONMATERIAL MISSTATEMENT" MEANS AN ERROR,  
7 INACCURACY, OR OMISSION THAT IS MINOR OR INCONSEQUENTIAL AND  
8 DOES NOT SIGNIFICANTLY AFFECT THE UNDERSTANDING, VALIDITY, OR  
9 ENFORCEABILITY OF THE DOCUMENT.

10           **SECTION 3.** In Colorado Revised Statutes, 38-38-101, **amend**  
11 (1)(b)(III), (1)(c)(I), (2), and (5) as follows:

12           **38-38-101. Holder of evidence of debt may elect to foreclose.**

13           (1) **Documents required.** Whenever a holder of an evidence of  
14 debt declares a violation of a covenant of a deed of trust and elects to  
15 publish all or a portion of the property therein described for sale, the  
16 holder or the attorney for the holder shall file the following with the  
17 public trustee of the county where the property is located:

18           (b) The original evidence of debt, including any modifications to  
19 the original evidence of debt, together with the original indorsement or  
20 assignment thereof, if any, to the holder of the evidence of debt or other  
21 proper indorsement or assignment in accordance with subsection (6) of  
22 this section or, in lieu of the original evidence of debt, one of the  
23 following:

24           (III) A ~~certified~~ RECORDED copy of a monetary judgment entered  
25 by a court of competent jurisdiction;

26           (c) The original recorded deed of trust securing the evidence of  
27 debt and any original recorded modifications of the deed of trust or any

1 recorded partial releases of the deed of trust, or in lieu thereof, one of the  
2 following:

3 (I) ~~Certified~~ Copies of the recorded deed of trust and any recorded  
4 modifications of the deed of trust or recorded partial releases of the deed  
5 of trust; or

6 (2) **Foreclosure by qualified holder without original evidence**  
7 **of debt, original or recorded copy of deed of trust, or proper**  
8 **indorsement.**

9 (a) A qualified holder, whether acting for itself or as agent,  
10 nominee, or trustee under section 38-38-100.3 (20), that elects to  
11 foreclose without the original evidence of debt pursuant to ~~subparagraph~~  
12 ~~(H) of paragraph (b) of subsection (1)~~ SUBSECTION (1)(b)(II) of this  
13 section, or without the original recorded deed of trust or a ~~certified~~  
14 RECORDED copy thereof pursuant to ~~subparagraph (H) of paragraph (c) of~~  
15 ~~subsection (1)~~ SUBSECTION (1)(c)(II) of this section, or without the proper  
16 indorsement or assignment of an evidence of debt under ~~paragraph (b) of~~  
17 ~~subsection (1)~~ SUBSECTION (1)(b) of this section shall, by operation of  
18 law, be deemed to have agreed to indemnify and defend any person liable  
19 for repayment of any portion of the original evidence of debt in the event  
20 that the original evidence of debt is presented for payment to the extent  
21 of any amount, other than the amount of a deficiency remaining under the  
22 evidence of debt after deducting the amount bid at sale, and any person  
23 who sustains a loss due to any title defect that results from reliance upon  
24 a sale at which the original evidence of debt was not presented. The  
25 indemnity granted by this subsection (2) ~~shall be~~ IS limited to actual  
26 economic loss suffered together with any court costs and reasonable  
27 attorney fees and costs incurred in defending a claim brought as a direct

1 and proximate cause of the failure to produce the original evidence of  
2 debt, but such indemnity shall not include, and no claimant ~~shall be~~ IS  
3 entitled to, any special, incidental, consequential, reliance, expectation,  
4 or punitive damages of any kind. A qualified holder acting as agent,  
5 nominee, or trustee ~~shall be~~ IS liable for the indemnity pursuant to this  
6 subsection (2).

7 (b) In the event that a qualified holder or the attorney for the  
8 holder commences a foreclosure without production of the original  
9 evidence of debt, COPY OF RECORDED MODIFICATION, proper indorsement  
10 or assignment, or the original recorded deed of trust or a ~~certified~~  
11 RECORDED copy thereof, the qualified holder or the attorney for the holder  
12 may submit the original evidence of debt, COPY OF RECORDED  
13 MODIFICATION, proper indorsement or assignment, or the original  
14 recorded deed of trust or a ~~certified~~ RECORDED copy thereof to the officer  
15 prior to the sale. In such event, the sale ~~shall be~~ IS conducted and  
16 administered as if the original evidence of debt, COPY OF RECORDED  
17 MODIFICATION, proper indorsement or assignment, or the original  
18 recorded deed of trust or a ~~certified~~ RECORDED copy thereof had been  
19 submitted at the time of commencement of such proceeding, and any  
20 indemnities deemed to have been given by the qualified holder under  
21 ~~paragraph (a) of this subsection (2)~~ SUBSECTION (2)(a) OF THIS SECTION  
22 ~~shall be null and~~ ARE void as to the instrument produced under this  
23 ~~paragraph (b)~~ SUBSECTION (2)(b).

24 (c) In the event that a foreclosure is conducted where the original  
25 evidence of debt, proper indorsement or assignment, or original recorded  
26 deed of trust or ~~certified~~ RECORDED copy thereof has not been produced,  
27 the only claims ~~shall be~~ ARE against the indemnitor as provided in

1 ~~paragraph (a) of this subsection (2)~~ SUBSECTION (2)(a) OF THIS SECTION  
2 and not against the foreclosed property or the attorney for the holder of  
3 the evidence of debt. Nothing in this section ~~shall preclude~~ PRECLUDES a  
4 person liable for repayment of the evidence of debt from pursuing  
5 remedies allowed by law.

6 (5) **Error in notice.** In the event that the amount of the  
7 outstanding principal balance due and owing upon the secured  
8 indebtedness OR ANY NONMATERIAL MISSTATEMENT is erroneously set  
9 forth in the notice of election and demand or the combined notice, the  
10 error shall not affect the validity of the notice of election and demand, the  
11 combined notice, the publication, the sale, the certificate of purchase  
12 described in section 38-38-401, the certificate of redemption described in  
13 section 38-38-402, the confirmation deed as defined in section  
14 38-38-100.3 (5), or any other document executed in connection therewith.

15 **SECTION 4.** In Colorado Revised Statutes, 38-38-103, **amend**  
16 (2)(a) as follows:

17 **38-38-103. Combined notice - publication - providing**  
18 **information.**

19 (2) (a) The holder of the evidence of debt or the attorney for the  
20 holder shall deliver an amended mailing list to the officer as needed. If an  
21 OFFICER RECEIVES AN amended mailing list ~~is received~~ after the officer  
22 has sent the mailing described in ~~paragraph (b) of subsection (1)~~  
23 SUBSECTION (1)(b) of this section, the officer shall continue the sale to no  
24 less than sixty-five calendar days after receipt of the amended mailing  
25 list. The officer shall send the notice pursuant to subsection (4) of this  
26 section to the persons on the amended mailing list no less than forty-five  
27 calendar days prior to the ~~actual~~ NEWLY SCHEDULED date of sale.

1           **SECTION 5.** In Colorado Revised Statutes, 38-38-104, **amend**  
2 (1)(d) as follows:

3           **38-38-104. Right to cure when default is nonpayment - right**  
4 **to cure for certain technical defaults.**

5           (1) Unless the order authorizing the sale described in section  
6 38-38-105 contains a determination that there is a reasonable probability  
7 that a default in the terms of the evidence of debt, deed of trust, or other  
8 lien being foreclosed other than nonpayment of sums due thereunder has  
9 occurred, any of the following persons is entitled to cure the default if the  
10 person files with the officer, no later than fifteen calendar days prior to  
11 the date of sale, a written notice of intent to cure together with evidence  
12 of the person's right to cure to the satisfaction of the officer:

13           ~~(d) A holder of an interest junior to the lien being foreclosed by~~  
14 ~~virtue of being a lienor or lessee of, or a holder of an easement or license~~  
15 ~~on, the property or a contract vendee of the property, if the instrument~~  
16 ~~evidencing the interest was recorded in the records prior to the date and~~  
17 ~~time of the recording of the notice of election and demand or lis pendens.~~  
18 A JUNIOR LIENOR, AS DEFINED IN SECTION 38-38-100.3. If, prior to the date  
19 and time of the recording of the notice of election and demand or lis  
20 pendens, a lien is recorded in an incorrect county, the holder's rights  
21 under this section ~~shall~~ ARE only ~~be~~ valid if the lien is rerecorded in the  
22 correct county at least fifteen calendar days prior to the actual date of  
23 sale.

24           **SECTION 6.** In Colorado Revised Statutes, 38-38-106, **amend**  
25 (7)(a)(II) as follows:

26           **38-38-106. Bid required - form of bid.**

27           (7) (a) (II) If the holder of the evidence of debt is the highest

1 bidder with a bid that exceeds the total amount due shown on the bid  
2 pursuant to subsection (2) of this section, the holder of the evidence of  
3 debt is only required to pay the excess of the amount bid over the amount  
4 due the holder of the evidence of debt, as shown on the bid submitted  
5 pursuant to subsection (2) of this section. THE HOLDER SHALL PAY THE  
6 EXCESS OF THE AMOUNT BID TO THE OFFICE WITHIN THREE BUSINESS DAYS  
7 AFTER THE SALE.

8 **SECTION 7.** In Colorado Revised Statutes, 38-38-108, **amend**  
9 (2)(a)(I)(A) as follows:

10 **38-38-108. Date of sale.**

11 (2) (a) (I) If it is not evident from the legal description contained  
12 in the deed of trust or other lien being foreclosed whether the property  
13 described therein is agricultural property, the officer shall make that  
14 determination no less than ten calendar days nor more than twenty  
15 calendar days after the recording of the notice of election and demand;  
16 except that the officer may make the determination at any earlier time  
17 upon presentation of acceptable evidence that the property is not  
18 agricultural property. The officer shall accept the following as evidence  
19 that the property is not agricultural property:

20 (A) A ~~certified~~ copy of the subdivision plat containing the  
21 property or any portion thereof recorded in the office of the clerk and  
22 recorder of the county where the property or any portion thereof is  
23 located; or

24 **SECTION 8.** In Colorado Revised Statutes, 38-38-109, **amend**  
25 (1)(b) and (2)(a) as follows:

26 **38-38-109. Continuance of sale - effect of bankruptcy -**  
27 **withdrawal of sale.**

1           **(1) Continuance.**

2           (b) At the request of the holder of the evidence of debt or the  
3 attorney for the holder or upon the officer's own initiative, the officer  
4 shall correct any errors in a published combined notice and shall continue  
5 the then-scheduled date of sale to a future date within the period of  
6 continuance allowed by ~~paragraph (a) of this subsection (1)~~ SUBSECTION  
7 (1)(a) OF THIS SECTION to permit a corrected combined notice to be  
8 published or the original combined notice to be republished pursuant to  
9 section 38-38-103 (5). If the officer failed to publish the combined notice  
10 as required by section 38-38-103 (5), the officer shall continue the  
11 then-scheduled date of sale to a future date within the period of  
12 continuance allowed by ~~paragraph (a) of this subsection (1)~~ SUBSECTION  
13 (1)(a) OF THIS SECTION. The future date of sale to which the sale is  
14 continued pursuant to this ~~paragraph (b)~~ SUBSECTION (1)(b) shall be no  
15 later than thirty calendar days after the fifth publication of the corrected  
16 combined notice or republished combined notice. The officer shall mail  
17 a copy of the combined notice, or corrected combined notice if the  
18 original combined notice was erroneous, to the persons and addresses on  
19 the most recent amended mailing list no later than ten calendar days after  
20 the first correct publication or republication and no less than forty-five  
21 calendar days prior to the ~~actual~~ NEWLY SCHEDULED date of sale in the  
22 same manner as set forth in section 38-38-103. If there is no amended  
23 mailing list, the officer shall mail a copy of the combined notice, or  
24 corrected combined notice if the original combined notice was erroneous,  
25 to the persons as set forth in the mailing list.

26           **(2) Effect of bankruptcy proceedings.**

27           (a) If all publications of the combined notice prescribed by section

1 38-38-103 (5) or 13-56-201 (1) C.R.S., have been completed before a  
2 ANY INJUNCTION OR bankruptcy petition has been filed that automatically  
3 stays the officer from conducting the sale, the officer shall announce,  
4 post, or provide notice of that fact on the then-scheduled date of sale, take  
5 no action at the then-scheduled sale, and allow the sale to be  
6 automatically continued from week to week in accordance with paragraph  
7 (a) of subsection (1) SUBSECTION (1)(a) of this section, unless otherwise  
8 requested in writing prior to any such date of sale by the holder of the  
9 evidence of debt or the attorney for the holder.

10 SECTION 9. In Colorado Revised Statutes, 38-38-111, amend  
11 (3)(a)(II) and (3)(b) as follows:

12 **38-38-111. Treatment of an overbid - agreements to assist in**  
13 **recovery of overbid prohibited - penalty - definition.**

14 (3) (a) (II) When the property is sold by the public trustee, any  
15 unclaimed remaining overbid from a foreclosure sale shall be IS held by  
16 the public trustee in escrow. The remaining overbid shall be IS held for  
17 six months from the date of the sale. The public trustee is answerable for  
18 the funds without interest at any time within the ~~six-month~~ TWO-YEAR  
19 period to any person legally entitled to the funds. Any interest earned on  
20 the escrowed funds must be paid to the county at least annually.  
21 Unclaimed remaining overbids that are less than twenty-five dollars and  
22 that are not claimed within six months from the date of sale must be paid  
23 to the general fund of the county, and such money paid to the general  
24 fund of the county becomes the property of the county. Unclaimed  
25 remaining overbids that are equal to or greater than twenty-five dollars  
26 and that are not claimed within six months TWO YEARS from the date  
27 of the sale are unclaimed property for purposes of the "Revised Uniform

1 ~~Unclaimed Property Act", article 13 of this title 38, and must be~~  
2 ~~transferred to the administrator in accordance with article 13~~ SHALL BE  
3 TRANSFERRED TO THE STATE TREASURER FOR DISPOSITION IN  
4 ACCORDANCE WITH THE "REVISED UNIFORM UNCLAIMED PROPERTY ACT",  
5 ARTICLE 13 OF THIS TITLE 38. After unclaimed remaining overbids are  
6 transferred to the administrator or to the general fund of the county, the  
7 public trustee is discharged from any further liability or responsibility for  
8 the money.

9 (b) If the unclaimed remaining overbids exceed five hundred  
10 dollars and have not been claimed by any person entitled thereto within  
11 sixty calendar days after the expiration of all redemption periods as  
12 provided by section 38-38-302, the public trustee shall, within ninety  
13 calendar days after the expiration of all redemption periods, commence  
14 publication of a notice for four weeks, which means publication once  
15 each week for five successive weeks, in a newspaper of general  
16 circulation in the county where the subject property is located. The notice  
17 must contain the name of the borrower, the borrower's address as given  
18 in the recorded instrument evidencing the borrower's interest, and the  
19 legal description and street address, if any, of the property sold at the sale  
20 and must state that an overbid was realized from the sale and that, unless  
21 the funds are claimed by the borrower or other person entitled thereto  
22 ~~within six months after~~ TWO YEARS FROM the date of sale, the funds shall  
23 be transferred to the state treasurer for disposition in accordance with the  
24 "Revised Uniform Unclaimed Property Act", article 13 of this title 38.  
25 The public trustee shall also mail a copy of the notice to the borrower at  
26 the best available address.

27 **SECTION 10.** In Colorado Revised Statutes, **amend** 38-13-214

1 as follows:

2 **38-13-214. Foreclosure sale - overbid.**

3 Any overbid, as defined in section 38-38-100.3, that is equal to or  
4 greater than twenty-five dollars and that remains unclaimed for ~~six~~  
5 ~~months~~ TWO YEARS after the date of sale is presumed abandoned.

6 **SECTION 11.** In Colorado Revised Statutes, 38-38-302, **add**  
7 (1)(c.5) as follows:

8 **38-38-302. Redemption by lienor - procedure - definition.**

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

12 (c.5) IF A LIEN IS ASSIGNED, THE HOLDER'S RIGHTS UNDER THIS  
13 SECTION ARE VALID ONLY IF THE ASSIGNMENT OF THE LIEN IS DULY  
14 RECORDED IN THE OFFICE OF THE CLERK AND RECORDER OF THE COUNTY  
15 AT LEAST FIFTEEN CALENDAR DAYS PRIOR TO THE ACTUAL DATE OF SALE.

16 **SECTION 12.** In Colorado Revised Statutes, **amend** 38-38-405  
17 as follows:

18 **38-38-405. Certificate as prima facie evidence.**

19 A certificate of purchase, certificate of redemption, confirmation  
20 deed, or a ~~certified~~ RECORDED copy thereof shall be deemed to be prima  
21 facie evidence of all statements or recitals contained therein.

22 **SECTION 13.** In Colorado Revised Statutes, 38-38-506, **amend**  
23 (2)(a) as follows:

24 **38-38-506. Omitted parties - definitions.**

25 (2) (a) The interest of an omitted party in the property that is the  
26 subject of a sale may be terminated if the omitted party, or anyone  
27 claiming by, through, or under an omitted party, in a civil action

1 commenced at any time by any interested person as defined in paragraph  
2 (c) of this subsection (2) SUBSECTION (2)(c) OF THIS SECTION, by an  
3 omitted party, or by anyone claiming by, through, or under an omitted  
4 party, is afforded rights of cure if the omitted party would have been  
5 entitled to cure pursuant to section 38-38-104, or is afforded redemption  
6 rights if the omitted party would have been entitled to redeem pursuant  
7 to section 38-38-302, upon such terms as the court may deem equitable  
8 under the circumstances, which terms shall not, however, be more  
9 favorable than the person's statutory rights. The court shall give full  
10 consideration to whether the omitted party or anyone claiming by,  
11 through, or under an omitted party was given or had actual notice or  
12 knowledge of the foreclosure and was given an opportunity to exercise  
13 statutory rights to cure or redeem. \_\_\_\_\_

14 **SECTION 14.** In Colorado Revised Statutes, 38-39-102, **amend**  
15 (1)(b) as follows:

16 **38-39-102. When deed of trust shall be released - definitions.**

17 (1) (b) ~~Immediately~~ Upon execution of the release of the deed of  
18 trust by the public trustee, the public trustee shall cause, AS SOON AS  
19 PRACTICABLE, the release to be recorded in the records of the county clerk  
20 and recorder.

21 **SECTION 15. Effective date.** This act takes effect July 1, 2026.

22 **SECTION 16. Safety clause.** The general assembly finds,  
23 determines, and declares that this act is necessary for the immediate  
24 preservation of the public peace, health, or safety or for appropriations for  
25 the support and maintenance of the departments of the state and state  
26 institutions.