

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 26-0603.01 Alison Killen x4350

SENATE BILL 26-144

SENATE SPONSORSHIP

Frizell and Lindstedt,

HOUSE SPONSORSHIP

(None),

Senate Committees
Finance

House Committees

A BILL FOR AN ACT

101 CONCERNING THE COLLECTION OF DELINQUENT PROPERTY TAXES BY
102 TAX LIEN SALE, AND, IN CONNECTION THEREWITH, MODIFYING
103 THE STRUCTURE AND AUTHORITY FOR TREASURERS TO CHARGE
104 CERTAIN FEES, AMENDING THE PROCESS FOR THE SALE OF TAX
105 LIENS, AND RECREATING AND REENACTING WITH AMENDMENTS
106 THE PROCESS FOR OBTAINING A TREASURER'S DEED AFTER
107 PUBLIC AUCTION OF A PROPERTY SUBJECT TO TAX LIEN.

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>.)

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.

Section 1 of the bill modifies the fees of county treasurers by specifying fee amounts treasurers are required or allowed to collect in connection with the public auction and related proceedings for issuance of a treasurer's deed described in **section 50**. The bill adds, commencing on or before December 31, 2026, and every fifth year thereafter, an upward adjustment of the maximum dollar amount of all treasurer fees. The fees described in **sections 1** and **50** apply to services performed or transactions occurring on or after June 1, 2026.

Sections 2 through **49** make technical modifications to the provisions governing county treasurer tax lien sales for the collection of delinquent property taxes. The bill clarifies certain definitions and standardizes the use of defined terms. The bill modifies certain provisions and repeals obsolete provisions in conformity with the new process to obtain a treasurer's deed for a property subject to a tax lien set forth in **section 50**.

Section 50 recreates, with changes, the public auction process established in 2024 that is required prior to the issuance of a treasurer's deed to protect against an unconstitutional taking of a taxpayer's property, or property value, in excess of their tax debt. The bill models the public auction process on the public trustee foreclosure process. The bill creates new definitions and modifies and expands the provisions for a public auction, including related rights, limitations, and records. The modified process applies to a treasurer's deed issued on or after June 1, 2026, regardless of the date of the tax lien sale, application for treasurer's deed, or commencement of any related proceeding.

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

SECTION 1. In Colorado Revised Statutes, 30-1-102, **amend** (1) introductory portion, (1)(i), (1)(l), (1)(n), (1)(r); **repeal** (1)(k) and (1)(t); and **add** (1)(u), (1.7), and (4) as follows:

30-1-102. Fees of county treasurer - repeal.

(1) EXCEPT AS PROVIDED IN SUBSECTION (1.7) OF THIS SECTION, the county treasurer shall charge and receive the following fees:

(i) For each certificate of purchase ~~delivered, four~~ FROM A TAX LIEN SALE, FIVE dollars;

(k) ~~For processing an application for treasurer's deed, thirty-five dollars if the application is not advertised and seventy-five dollars if the~~

1 ~~application is advertised;~~

2 (l) For the assignment of a certificate of purchase, made to the
3 county, city, town, or city and county at any tax sale, to a person desiring
4 to purchase ~~land~~ PROPERTY covered by such certificate, ~~four~~ FIVE dollars;

5 (n) For each certificate of redemption delivered, ~~seven~~ TEN
6 dollars;

7 (r) For preparation of a distraint warrant, fifteen dollars AND FOR
8 DELIVERY OF A DISTRAINT WARRANT OR POSTING OF A PROPERTY, FIFTY
9 DOLLARS, PLUS MILEAGE OR THE ACTUAL COST OF DELIVERY OR POSTING,
10 WHICHEVER IS GREATER;

11 (t) ~~For the notice, computation, and recording provided in section~~
12 ~~32-1-1604, C.R.S., thirty dollars.~~

13 (u) FOR EACH COPY OF A RECEIPT ISSUED FOR A PRIOR TAX YEAR,
14 NO MORE THAN FIVE DOLLARS.

15 (1.7) (a) THE COUNTY TREASURER MAY CHARGE AND RECEIVE THE
16 FOLLOWING FEES IN ADMINISTERING ARTICLE 11.5 OF TITLE 39:

17 (I) FOR PROCESSING AN APPLICATION FOR A TREASURER'S DEED,
18 THREE HUNDRED DOLLARS;

19 (II) FOR PROCESSING AN ASSIGNMENT OF A CERTIFICATE OF
20 PURCHASE, NO MORE THAN TWENTY-FIVE DOLLARS;

21 (III) FOR ACCEPTING AND FILING AN INTENT TO REPURCHASE FROM
22 A LAWFUL HOLDER IN A PUBLIC AUCTION, ONE HUNDRED DOLLARS;

23 (IV) FOR PROCESSING A NOTICE OF INTENT TO REDEEM, NO MORE
24 THAN TWENTY-FIVE DOLLARS;

25 (V) FOR PROCESSING AND ISSUING A CERTIFICATE OF REDEMPTION,
26 THIRTY DOLLARS;

27 (VI) FOR THE ISSUANCE OF A TREASURER'S DEED, SIXTY DOLLARS;

1 (VII) FOR PROCESSING A WITHDRAWAL OF AN APPLICATION FOR
2 TREASURER'S DEED, SEVENTY DOLLARS;

3 (VIII) FOR PROCESSING AN ADMINISTRATIVE WITHDRAWAL, ONE
4 HUNDRED DOLLARS;

5 (IX) FOR PROCESSING A RESCISSION OF PUBLIC AUCTION, ONE
6 HUNDRED DOLLARS;

7 (X) FOR RECOMMENCING A PUBLIC AUCTION HELD IN VIOLATION
8 OF AN AUTOMATIC STAY, ONE HUNDRED DOLLARS;

9 (XI) FOR RECOMMENCING A PUBLIC AUCTION AFTER A
10 BANKRUPTCY PROCEEDING WHERE PUBLICATIONS WERE NOT COMPLETE,
11 ONE HUNDRED FIFTY DOLLARS;

12 (XII) FOR RECOMMENCING A PUBLIC AUCTION AFTER SET ASIDE,
13 ONE HUNDRED DOLLARS;

14 (XIII) FOR ISSUING A CERTIFICATE OF LAWFUL HOLDER
15 REPURCHASE, SIXTY DOLLARS;

16 (XIV) FOR PROCESSING A PUBLIC AUCTION, IF THE HOLDER OF A
17 CERTIFICATE OF OPTION FOR A TREASURER'S DEED IS NOT THE LAWFUL
18 HOLDER, NO MORE THAN THREE HUNDRED DOLLARS; AND

19 (XV) FOR PROCESSING A CLAIM FOR OVERBID MONEY,
20 TWENTY-FIVE DOLLARS.

21 (b) THE COUNTY TREASURER MAY CHARGE A LESSER FEE THAN IS
22 SET FORTH IN SUBSECTION (1.7)(a) OF THIS SECTION, WHEN THE
23 VALUATION FOR ASSESSMENT FOR THE PROPERTY SUBJECT TO PUBLIC
24 AUCTION, AS DETERMINED AT THE TIME OF RECORDING THE APPLICATION
25 FOR PUBLIC AUCTION, IS LESS THAN FIVE HUNDRED DOLLARS, OR IF THE
26 PROPERTY IS A MOBILE HOME, MANUFACTURED HOME, MODULAR HOME, OR
27 TINY HOME.

1 (4) (a) ON OR BEFORE DECEMBER 31, 2026, AND BY DECEMBER 31
2 OF EVERY SECOND YEAR THEREAFTER, THE DIRECTOR OF RESEARCH OF THE
3 LEGISLATIVE COUNCIL APPOINTED PURSUANT TO SECTION 2-3-304 (1)
4 SHALL ADJUST THE MAXIMUM DOLLAR AMOUNT OF THE FEES THAT MAY BE
5 CHARGED BY A COUNTY TREASURER PURSUANT TO SUBSECTIONS (1) AND
6 (1.7) OF THIS SECTION, EFFECTIVE JANUARY 1, 2027, AND ON JANUARY 1
7 OF EVERY SECOND YEAR THEREAFTER, IN ACCORDANCE WITH THE
8 PERCENTAGE CHANGE OVER THE PERIOD IN THE UNITED STATES
9 DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS, CONSUMER PRICE
10 INDEX, OR A SUCCESSOR INDEX, FOR DENVER-AURORA-LAKEWOOD FOR
11 ALL ITEMS PAID FOR BY URBAN CONSUMERS AND POST THE ADJUSTED
12 MAXIMUM ALLOWABLE FEE AMOUNTS, ROUNDED UPWARD TO THE
13 NEAREST WHOLE DOLLAR, ON THE GENERAL ASSEMBLY'S WEBSITE.

14 (b) ON JANUARY 1, 2027, AND ON JANUARY 1 OF EVERY SECOND
15 YEAR THEREAFTER, EACH COUNTY TREASURER SHALL POST THE ADJUSTED
16 FEE AMOUNTS ESTABLISHED BY THE DIRECTOR OF RESEARCH OF THE
17 LEGISLATIVE COUNCIL PURSUANT TO SUBSECTION (4)(a) OF THIS SECTION
18 ON THE COUNTY'S WEBSITE.

19 **SECTION 2.** In Colorado Revised Statutes, 39-10-114, **amend**
20 (2)(b) as follows:

21 **39-10-114. Abatement - cancellation of taxes.**

22 (2) (b) When any real property has been stricken off to a county
23 by virtue of a tax LIEN sale and there has been no transfer by the county
24 of a certificate of purchase thereon, the TREASURER MAY DETERMINE THE
25 taxes on such property ~~may be determined to be~~ ARE uncollectible after
26 a period of ~~six~~ FIVE years from the date of THE TAXES becoming
27 delinquent, and ~~they may be canceled by~~ the board of county

1 commissioners MAY CANCEL THE TAXES. ~~Such~~ The cancellation of the
2 taxes on a property shall not affect the rights of the county under article
3 11 of this ~~title~~ TITLE 39 to subsequently transfer any ~~tax sale~~ certificate OF
4 PURCHASE nor ~~its~~ THE COUNTY'S right to receive a ~~tax~~ TREASURER'S deed
5 UNDER ARTICLE 11.5 OF THIS TITLE 39 and to exercise its rights thereunder
6 with respect to ~~such~~ THE property FOR WHICH TAXES ARE CANCELLED BY
7 THE BOARD OF COUNTY COMMISSIONERS.

8 **SECTION 3.** In Colorado Revised Statutes, 39-11-100.3, **amend**
9 (1), (2), and (4); and **add** (2.5), (2.7), and (5) as follows:

10 **39-11-100.3. Definitions.**

11 As used in this article, unless the context otherwise requires:

12 (1) "Date of sale" means the date on which a ~~public auction begins~~
13 TAX LIEN SALE ENDS.

14 (2) "Electronic funds transfer" means a transfer of funds initiated
15 by using ~~an electronic terminal, telephonic instrument, or computer or~~
16 ~~magnetic tape to order or authorize a financial institution to credit or debit~~
17 ~~an account~~ MEANS, INCLUDING AUTOMATED CLEARING HOUSE, CREDIT OR
18 DEBIT CARD, OR WIRE TRANSFER. "Electronic funds transfer" does not
19 include a transaction originated by check, draft, or similar paper
20 instrument.

21 (2.5) "IMMEDIATE FAMILY" MEANS A SPOUSE, PARENT,
22 GRANDPARENT, CHILD, GRANDCHILD, OR SIBLING OF AN INDIVIDUAL AND
23 INCLUDES A SPOUSE OF ANY IMMEDIATE FAMILY MEMBER.

24 (2.7) "INVESTOR" MEANS AN INDIVIDUAL, BUSINESS ENTITY,
25 TRUST, OR OTHER ENTITY THAT MAY PURCHASE A TAX LIEN ON PROPERTY
26 AT A TAX LIEN SALE.

27 (4) ~~"Public auction" means the sale of lands or town lots under~~

1 ~~this article at a venue or through a medium that allows members of the~~
2 ~~public to bid and purchase the lands or town lots.~~ "PROPERTY" OR
3 "PROPERTIES" MEANS LANDS OR TOWN LOTS THAT MAY BE SUBJECT TO A
4 TAX LIEN, INCLUDING REAL PROPERTY, MANUFACTURED HOMES, MOBILE
5 HOMES, MODULAR HOMES, TINY HOMES, OR SEVERED MINERALS OR MINING
6 CLAIMS.

7 (5) "TAX LIEN SALE" OR "SALE" MEANS A PUBLIC SALE CONDUCTED
8 BY THE COUNTY TREASURER PURSUANT TO THIS ARTICLE 11 AT WHICH A
9 TAX LIEN FOR DELINQUENT PROPERTY TAXES IS SOLD AND A CERTIFICATE
10 OF PURCHASE IS ISSUED TO THE SUCCESSFUL BIDDER.

11 **SECTION 4.** In Colorado Revised Statutes, **amend** 39-11-101 as
12 follows:

13 **39-11-101. Notice to delinquent owner.**

14 The treasurer shall make a list of all ~~lands and town lots~~ PROPERTY
15 the tax liens on which are subject to TAX LIEN sale, describing such ~~land~~
16 ~~and town lots~~ PROPERTY as the same ~~are~~ IS described on the tax roll.
17 Except as otherwise provided in section 39-2-117 (1)(a), no later than
18 September 1 of each year, the treasurer shall send a notice by FIRST CLASS
19 mail, ~~at~~ TO the person's last-known MAILING address, to each person by
20 whom taxes for the previous year are known to be due and unpaid. The
21 notice ~~shall~~ MUST indicate the amount of the person's delinquency and
22 state that if the amount of the delinquency is not paid by the date
23 specified in the notice, which shall not be less than fifteen CALENDAR
24 days from the date of mailing of the notice, the treasurer will advertise
25 and sell a tax lien on the person's property on the date specified in the
26 notice at ~~public auction~~ TAX LIEN SALE for the delinquent taxes, interest,
27 and applicable fees. If such list is not made until after September 1, the

1 TAX LIEN sale held thereunder shall not be void by reason thereof.

2 **SECTION 5.** In Colorado Revised Statutes, 39-11-102, **amend**
3 (2); and **repeal** (3) as follows:

4 **39-11-102. Treasurer to publish and post notice.**

5 (2) The notice of TAX LIEN sale ~~at public auction shall~~ MUST
6 contain:

7 (a) A description of the ~~lands and town lots~~ PROPERTIES on which
8 the tax liens are subject to sale;

9 (b) The date, time, and place of the tax lien sale, including the
10 electronic address if the ~~public auction~~ TAX LIEN SALE is conducted by
11 means of the internet or other electronic medium;

12 (c) The location of computer workstations that are available to the
13 public and information about how to obtain instructions on accessing the
14 ~~public auction~~ TAX LIEN SALE and submitting bids if the ~~public auction~~
15 TAX LIEN SALE is conducted by means of the internet or other electronic
16 medium; and

17 (d) If the ~~public auction~~ TAX LIEN SALE is conducted by means of
18 the internet or other electronic medium, a statement that the bidding rules
19 for the ~~public auction~~ TAX LIEN SALE will be posted on the internet or
20 other electronic medium used to conduct the ~~public auction~~ TAX LIEN
21 SALE at least two weeks before the date of sale.

22 (3) ~~(a) Publication in a newspaper under subsection (1) of this~~
23 ~~section is not required for a mobile home if:~~

24 ~~(I) A distraint warrant has been delivered to the owner of the~~
25 ~~mobile home or to his or her agent in accordance with section~~
26 ~~39-10-111.5(3); and~~

27 ~~(II) The county treasurer publishes the notice described in~~

1 subsection (2) of this section on the treasurer's website.

2 (b) ~~For purposes of this section, "mobile home" includes a~~
3 ~~manufactured home.~~

4 **SECTION 6.** In Colorado Revised Statutes, 39-11-104, **amend**
5 (1) as follows:

6 **39-11-104. Publisher's affidavit - form.**

7 (1) Every publisher or printer who publishes such list and notice,
8 immediately after the last publication thereof, shall transmit to the
9 treasurer of the proper county an affidavit of such publication made by
10 such publisher, printer, or some other person to whom the fact of
11 publication is known, and no publisher or printer ~~shall~~ MAY be paid for
12 such publication if ~~he~~ THE PUBLISHER OR PRINTER fails to transmit such
13 affidavit within fourteen CALENDAR days after the last publication.

14 **SECTION 7.** In Colorado Revised Statutes, **amend** 39-11-106 as
15 follows:

16 **39-11-106. Advertising and tax lien sale fees.**

17 (1) To the amount of delinquent taxes there ~~shall~~ MUST be added
18 a fee to cover the cost of advertising, as provided in section 30-1-102.
19 ~~C.R.S.~~ If the ~~public auction~~ TAX LIEN SALE is conducted by means of the
20 internet or other electronic medium, the treasurer may add a fee to cover
21 the cost of conducting the ~~public auction~~ TAX LIEN SALE.

22 (2) The treasurer of each county shall deliver ~~his~~ THE
23 TREASURER'S list of all ~~lots or tracts of land~~ PROPERTY for which tax liens
24 are to be advertised for sale to the publisher or printer at least ten
25 CALENDAR days before the date of the first publication.

26 **SECTION 8.** In Colorado Revised Statutes, **amend** 39-11-107 as
27 follows:

1 **39-11-107. Erroneous assessments - abatement.**

2 It is the duty of the treasurer of each county, before making sale of
3 tax liens on any ~~lots or land~~ PROPERTY for unpaid taxes, to carefully
4 examine and compare the delinquent list with the assessment roll and
5 block books in ~~his~~ THE TREASURER'S office, and to omit from such sale
6 the tax liens on all ~~lots and lands~~ PROPERTY doubly or erroneously
7 assessed, insofar as ~~he~~ THE TREASURER is able to ascertain the same, and
8 to make an itemized report to the board of county commissioners of ~~his~~
9 THE county showing such double or erroneous assessment. The board of
10 county commissioners, on receipt of such itemized report, by resolution
11 to be entered in its proceedings, shall abate the taxes levied upon such
12 double or erroneous assessments.

13 **SECTION 9.** In Colorado Revised Statutes, **amend** 39-11-108 as
14 follows:

15 **39-11-108. Manner of conducting tax lien sale - definitions.**

16 (1) On the day designated in the notice of sale, the treasurer shall
17 commence the ~~public auction~~ SALE of the tax liens on those ~~lands and~~
18 ~~town lots~~ PROPERTIES on which the taxes, interest, and fees have not been
19 paid and shall continue the same from day to day, Saturdays and Sundays
20 excepted, until the tax liens on each parcel are sold. Where two or more
21 ~~lots or tracts of land~~ PROPERTIES are valued and assessed as one parcel,
22 the treasurer shall sell a single tax lien on such ~~land or tract~~ PROPERTIES.
23 The ~~public auction shall~~ TAX LIEN SALE MUST be held at the treasurer's
24 office or at another location in the county designated by the treasurer, and
25 all ~~lands and town lots~~ PROPERTIES offered at the ~~public auction~~ SALE on
26 the same date of sale ~~shall~~ MUST be offered for ~~public auction~~ SALE at the
27 same location; except that the ~~public auction~~ SALE may be conducted by

1 means of the internet or other electronic medium.

2 (2) A ~~public auction~~ TAX LIEN SALE conducted by means of the
3 internet or other electronic medium to sell ~~lands and town lots~~ PROPERTY
4 under this ~~article shall~~ ARTICLE 11 MUST allow members of the public to
5 submit bids by computer and permit the treasurer to accept bids for as
6 long as the treasurer deems necessary. The county and its employees
7 acting in their official capacity in preparing, conducting, and executing
8 a TAX LIEN sale of ~~lands and town lots~~ PROPERTY under this ~~article~~
9 ARTICLE 11 are not liable for the failure of a device that prevents a person
10 from participating in a sale under this ~~article~~ ARTICLE 11. As used in this
11 subsection (2), "device" includes, but is not limited to, computer
12 hardware, a computer network, a computer software application, and an
13 internet website.

14 (3) If there is no bid for any tax lien offered, the offering of such
15 tax lien ~~shall~~ MUST remain open until all the tax liens are offered for sale
16 and the sale is ended or until the treasurer is satisfied that no more sales
17 can be effected, whereupon it is the treasurer's duty to strike off to the
18 county, city, town, or city and county the tax liens on those ~~lands and~~
19 ~~town lots~~ PROPERTIES remaining unsold, for the amount of such taxes,
20 delinquent interest, and fees thereon. When the treasurer strikes off a tax
21 lien on any ~~tract of land or town lot~~ PROPERTY, the treasurer shall issue to
22 the county, city, town, or city and county a certificate of purchase. No
23 taxes levied against any ~~lands~~ PROPERTIES for which a county has
24 purchased a tax lien under the provisions of this section ~~shall be~~ ARE
25 payable until the same have been derived by the county from the sale of
26 a tax lien on such ~~lands~~ PROPERTIES or from the redemption of such ~~lands~~
27 PROPERTIES.

1 **SECTION 10.** In Colorado Revised Statutes, **amend** 39-11-109
2 as follows:

3 **39-11-109. Time of tax lien sale.**

4 The ~~public auction~~ SALE of tax liens on ~~lands~~ PROPERTY upon
5 which taxes remain delinquent ~~shall~~ MUST commence on or before the
6 second Monday in December of each year.

7 **SECTION 11.** In Colorado Revised Statutes, **amend** 39-11-110
8 as follows:

9 **39-11-110. When tax lien sale can be held.**

10 If, from any cause, the tax lien on ~~real~~ property cannot be duly
11 advertised and offered for sale at ~~public auction~~ on or before the second
12 Monday of December, ~~it is the duty of the treasurer to~~ SHALL hold the
13 ~~public auction~~ TAX LIEN SALE on any subsequent day in which it can be
14 held, allowing time for the publication of notice as provided in section
15 39-11-102.

16 **SECTION 12.** In Colorado Revised Statutes, **amend** 39-11-111
17 as follows:

18 **39-11-111. Method of payment.**

19 When the treasurer sells any tax lien on any ~~lands or lots~~ PROPERTY
20 for delinquent taxes, the treasurer may accept payment of the purchase
21 price in the form of cash, negotiable paper, or electronic funds transfer,
22 subject to the treasurer's bidding rules.

23 **SECTION 13.** In Colorado Revised Statutes, **amend** 39-11-112
24 as follows:

25 **39-11-112. Erroneous name or assessment in wrong county -**
26 **effect.**

27 (1) When tax liens on any ~~lands or town lots~~ PROPERTIES are

1 offered for sale for any delinquent taxes, it ~~shall~~ IS not be necessary to sell
2 the same as the property of any person. No sale of any tax lien on any
3 ~~land or town lots~~ PROPERTY for delinquent taxes ~~shall be~~ IS considered
4 invalid because charged on the roll in any other name than that of the
5 rightful owner, or charged as unknown; but the tax lien and such ~~land or~~
6 ~~lots~~ PROPERTY in other respects ~~shall~~ MUST be sufficiently described on
7 the tax roll to identify the same, and the taxes for such ~~land or lots shall~~
8 PROPERTY MUST be due and unpaid at the time of ~~such~~ THE TAX LIEN sale.

9 (2) When any ~~land~~ PROPERTY lying in one county is erroneously
10 taxed and a tax lien on such ~~land~~ PROPERTY is sold for delinquent taxes
11 in another county, the county so erroneously taxing and selling a tax lien
12 on ~~such land~~ PROPERTY for delinquent taxes ~~shall be~~ IS liable to the owner
13 of ~~such land~~ THE PROPERTY for any expense or damage caused to such
14 owner by ~~such~~ THE erroneous TAX LIEN sale.

15 **SECTION 14.** In Colorado Revised Statutes, **amend** 39-11-113
16 as follows:

17 **39-11-113. Abbreviations, letters, and figures may be used.**

18 In all advertisements for the sale of tax liens on ~~real~~ property for
19 delinquent taxes and in entries required to be made by the assessor,
20 county clerk and recorder, treasurer, or other officers in lists, books, rolls,
21 certificates, receipts, deeds, or notices, letters, figures, and abbreviations
22 may be used to denote townships, ranges, sections, parts of sections, lots,
23 blocks, dates and amounts of taxes, delinquent interest, and costs.

24 **SECTION 15.** In Colorado Revised Statutes, 39-11-114, **amend**
25 (1) introductory portion, (1)(b), and (2); and **repeal** (1)(h), (1)(i), (1)(j),
26 and (3) as follows:

27 **39-11-114. Record of sales of tax liens on property.**

1 (1) The treasurer shall make a correct record of all sales of tax
2 liens on ~~real-estate~~ PROPERTY for delinquent taxes in a well-bound book
3 or other permanent record to be kept by the treasurer for that purpose.
4 Said book ~~shall~~ MUST contain:

5 (b) The description of each ~~tract of land or town lot~~ PROPERTY for
6 which a tax lien is sold;

7 (h) ~~The name of person redeeming and date of redemption;~~

8 (i) ~~The total amount paid for redemption;~~

9 (j) ~~The name of person to whom conveyed and date of deed.~~

10 (2) The treasurer shall also note in the tax list, opposite the
11 description of the property for which a tax lien is sold, the fact and date
12 of ~~such~~ THE TAX LIEN sale.

13 (3) ~~(a) Upon recordation of the tax sale, the treasurer shall also
14 make a separate list of all mobile homes for which tax liens are sold at the
15 sale and file such list with the department of revenue. Such list shall
16 include the mobile home's identification number, year and make, parcel
17 number, and all pertinent tax sale information. For maintaining this
18 recorded tax sale information on mobile homes, the executive director of
19 the department of revenue may impose a fee of five dollars which shall
20 become part of the mobile home tax sale redemption cost.~~

21 ~~(b) Notwithstanding the amount specified for the fee in this
22 section, the executive director of the department of revenue by rule or as
23 otherwise provided by law may reduce the amount of the fee if necessary
24 pursuant to section 24-75-402 (3), C.R.S., to reduce the uncommitted
25 reserves of the fund to which all or any portion of the fee is credited.
26 After the uncommitted reserves of the fund are sufficiently reduced, the
27 executive director by rule or as otherwise provided by law may increase~~

1 ~~the amount of the fee as provided in section 24-75-402 (4), C.R.S.~~

2 **SECTION 16.** In Colorado Revised Statutes, 39-11-115, **amend**
3 (1), (2) introductory portion, and (4) as follows:

4 **39-11-115. To whom tax lien shall be sold.**

5 (1) When the taxes levied for the preceding year or years on any
6 ~~lands~~ PROPERTIES remain unpaid, the tax liens on such ~~lands offered at~~
7 ~~public auction~~ PROPERTIES OFFERED AT TAX LIEN SALE at the times
8 provided by law ~~shall~~ MUST be sold to the persons who pay therefor the
9 taxes, delinquent interest, and fees then due thereon or who further pay
10 the largest amount in excess of said taxes, delinquent interest, and fees.
11 The excess amount ~~shall~~ MUST be credited to the county general fund.
12 Each tax lien ~~shall~~ MUST be sold for an entire piece of property. The
13 taxes, delinquent interest, and fees ~~shall~~ draw interest at the rates fixed by
14 law, and, when the tax liens on any ~~lands~~ PROPERTIES are bid in by the
15 county, city, town, or city and county, the amount for which they are bid
16 in ~~shall~~ draw interest at the same rates. ~~Real~~ Property for which a tax lien
17 is sold may be redeemed in the manner provided by law.

18 (2) In order that the ~~public auction~~ TAX LIEN SALE may be
19 conducted in an efficient and equitable manner, the treasurer is hereby
20 granted broad powers to set bidding rules governing the ~~public auction~~
21 TAX LIEN SALE. Such powers ~~shall~~ include, but ~~need not be~~ ARE NOT
22 limited to, the following:

23 (4) The treasurer shall announce bidding rules at the beginning of
24 the ~~public auction~~ TAX LIEN SALE, and the rules announced ~~shall~~ apply to
25 all bidders throughout the ~~public auction~~ SALE. If the ~~public auction~~ TAX
26 LIEN SALE is conducted by means of the internet or other electronic
27 medium, the treasurer shall ~~cause~~ POST the internet bidding rules ~~to be~~

1 ~~posted~~ on the medium for at least two weeks before the date of sale. The
2 internet bidding rules posted ~~shall~~ apply to all bidders throughout the
3 ~~public auction~~ SALE.

4 **SECTION 17.** In Colorado Revised Statutes, **amend** 39-11-116
5 as follows:

6 **39-11-116. Procedure when purchaser fails to pay.**

7 If a person bidding fails to pay the amount due, the treasurer may
8 again offer the tax lien on such ~~land~~ PROPERTY for sale if the ~~public~~
9 ~~auction~~ TAX LIEN SALE has not closed, and, if ~~it~~ THE SALE has closed, the
10 treasurer may again advertise it specially in the same manner as in the
11 original advertisement and for not less than one week, after which the
12 treasurer may again offer and sell the tax liens on ~~such lands or lots~~ THE
13 PROPERTY as provided in section 39-11-115; or at the treasurer's option,
14 the treasurer may recover the amount bid by civil action brought in the
15 name of the county in any court of competent jurisdiction. In a ~~public~~
16 ~~auction~~ TAX LIEN SALE conducted by means of the internet or other
17 electronic medium, if a person bidding fails to pay the amount due, the
18 treasurer may offer the tax lien, without additional advertisement, to
19 another bidder, whether or not the ~~public auction~~ TAX LIEN SALE has
20 closed; or at the treasurer's option, the treasurer may recover the amount
21 bid by civil action brought in the name of the county in any court of
22 competent jurisdiction. The treasurer may prohibit a person who fails to
23 pay the amount due from bidding on sales under this article for up to five
24 years.

25 **SECTION 18.** In Colorado Revised Statutes, **amend** 39-11-117
26 as follows:

27 **39-11-117. Certificate of purchase.**

1 The treasurer shall prepare, sign, and retain for safekeeping or
2 deliver to the purchaser of a tax lien on any ~~real~~ property sold for the
3 payment of delinquent taxes a certificate of purchase describing the
4 property on which the taxes and fees were paid by the purchaser, as the
5 ~~same~~ PROPERTY was described in the record of sales, and also stating the
6 rate of interest and the total amount of all taxes, delinquent interest, and
7 fees on each ~~tract or lot~~ PROPERTY for which the tax lien was sold, as
8 described in the record of sales, and that payment thereof has been made,
9 with columns for subsequent taxes. For each certificate so delivered, the
10 purchaser shall pay a fee to the treasurer as provided in section 30-1-102.
11 ~~C.R.S.~~

12 **SECTION 19.** In Colorado Revised Statutes, **amend** 39-11-119
13 as follows:

14 **39-11-119. Subsequent payment by holder.**

15 Any person desiring to pay any subsequent taxes on any ~~lands or~~
16 ~~town lots~~ PROPERTIES for which ~~such~~ THE person holds the tax certificates
17 OF PURCHASE shall produce such certificates to the treasurer, or, if
18 certificates are retained by the treasurer, the TREASURER SHALL NOTIFY
19 THE person ~~shall be notified by the treasurer~~ of the amount due. Upon
20 receipt of payment, the treasurer shall record the amount of the
21 subsequent tax and the date of payment on the permanent record. The
22 treasurer may receive a fee for such services, as provided in section
23 30-1-102 (1)(j). ~~C.R.S.~~

24 **SECTION 20.** In Colorado Revised Statutes, **amend** 39-11-120
25 as follows:

26 **39-11-120. Certificate of purchase - application for tax lien for**
27 **treasurer's deed - lost or wrongfully withheld - county held.**

1 (1) ~~Before July 1, 2024, any time after the expiration of the term~~
2 ~~of three years from the date of the sale of any tax lien on any land, or~~
3 ~~interest therein or improvements thereon, for delinquent taxes, on demand~~
4 ~~of the purchaser or lawful holder of the certificate of such tax lien, other~~
5 ~~than the county wherein such property is situated, and on presentation of~~
6 ~~such certificate of purchase or properly authenticated order of the board~~
7 ~~of county commissioners, where the certificate has been lost or~~
8 ~~wrongfully withheld from the owner, and upon proof of compliance with~~
9 ~~section 39-11-128, the treasurer shall make out a deed for each such lot,~~
10 ~~parcel, interest, or improvement for which a tax lien was sold and which~~
11 ~~remains unredeemed and deliver the same to such purchaser or lawful~~
12 ~~holder of such certificate or order.~~

13 (2) ~~The treasurer shall be entitled to a fee for each such deed made~~
14 ~~and acknowledged by him and a fee for the acknowledgment thereof, as~~
15 ~~provided in section 30-1-102, C.R.S.~~

16 (3) Whenever any certificate given by the treasurer for a tax lien
17 on any ~~land, interest, or improvement~~ PROPERTY sold for delinquent taxes
18 is lost or wrongfully withheld from the rightful owner thereof and ~~such~~
19 ~~land, interest, or improvement~~ THE PROPERTY has not been redeemed, the
20 board of county commissioners may receive evidence of ~~such~~ THE loss or
21 wrongful detention and, upon satisfactory proof of such fact, may cause
22 a certificate of such proof and finding, properly attested by the county
23 clerk and recorder under the seal of the county, to be delivered to ~~such~~
24 THE rightful claimant, and THE COUNTY CLERK AND RECORDER SHALL
25 DULY MAKE a record thereof ~~shall be duly made by the county clerk and~~
26 ~~recorder~~ in the recorded proceedings of ~~such~~ THE board.

27 (4) ~~Before July 1, 2024,~~ Whenever any tax lien on any ~~lot or~~

1 ~~parcel of land, interest therein, or improvement thereon~~ PROPERTY is bid
2 in by or for the county, city, town, or city and county at any tax LIEN sale,
3 and a certificate of purchase is made to ~~such~~ THE county, city, town, or
4 city and county therefor, the treasurer of ~~such~~ THE county, city, town, or
5 city and county may sell, assign, and deliver any ~~such~~ THE certificate to
6 any person who desires to purchase the same upon payment to the
7 treasurer of the amount for which said tax lien was bid in by the county,
8 city, town, or city and county with interest and costs accrued thereon from
9 the date of sale, together with a fee for making such assignment, as
10 provided in section 30-1-102, and the taxes assessed thereon since the
11 date of ~~such~~ THE TAX LIEN sale or, in case of a county, city, town, or city
12 and county, for ~~such~~ THE sum as the board of county commissioners or
13 other board authorized to perform the duties of a board of county
14 commissioners at any regular or special meeting may decide and
15 authorize by order duly entered in the recorded proceedings of ~~such~~ THE
16 board. ~~Before July 1, 2024, whenever any tax lien on any lot or parcel of~~
17 ~~land, interest therein, or improvement thereon is bid in by or for a city,~~
18 ~~town, or city and county, as the case may be, such city, town, or city and~~
19 ~~county shall be entitled to a deed, as provided for purchasers at tax sales.~~

20 **SECTION 21.** In Colorado Revised Statutes, **amend** 39-11-122
21 as follows:

22 **39-11-122. Transfer of certificates of purchase by counties.**

23 Any county in this state having in its possession or under its
24 control certificates of purchase resulting from the sale of a tax lien on
25 ~~land~~ PROPERTY for the nonpayment of general taxes may assign, sell, or
26 transfer ~~such~~ THOSE certificates OF PURCHASE in such manner, at such
27 times, and on such terms as may be determined by resolution of the board

1 of county commissioners of ~~such~~ THE county. Thereafter ~~such~~ THE county
2 shall MUST execute and deliver ~~such~~ THE instruments as ~~may be~~ necessary
3 TO fully to convey all of the right, title, and interest of the county in or to
4 ~~such~~ THE certificates but no sale of any certificate of purchase issued
5 upon any real estate upon which taxes in excess of ten thousand dollars
6 are then due shall be valid unless and until the sale of said certificate and
7 the terms of said sale are approved by the administrator after notice of
8 said proposed sale and the terms thereof have been published in at least
9 one issue of a newspaper published regularly in the county where said
10 real estate is located, or if no newspaper is published in said county, then
11 by posting notice of said proposed sale and the terms thereof at the county
12 courthouse and two other public places in said county OF PURCHASE.

13 SECTION 22. In Colorado Revised Statutes, **amend** 39-11-123
14 as follows:

15 **39-11-123. Transfer of certificates of purchase - irrigation or**
16 **drainage district taxes.**

17 Any county ~~in this state~~ having in its possession or under its
18 control certificates of purchase resulting from the sale of a tax lien on
19 ~~land~~ PROPERTY for the nonpayment of irrigation or drainage district taxes
20 or assessments, by agreement with the board of directors of the district
21 involved, may assign ~~sell~~, or transfer ~~such~~ THOSE certificates OF
22 PURCHASE as provided in section 39-11-122.

23 SECTION 23. In Colorado Revised Statutes, **amend** 39-11-125
24 as follows:

25 **39-11-125. Disposal of certificates of purchase by districts.**

26 Any irrigation or drainage district ~~in this state~~ having in its
27 possession or under its control certificates of purchase resulting from the

1 sale of a tax lien on ~~land~~ PROPERTY for the nonpayment of irrigation or
2 drainage district taxes or assessments may assign, sell, or transfer ~~such~~
3 THOSE certificates OF PURCHASE in such manner, at such times, and on
4 such terms as may be determined by resolution adopted by the board of
5 directors of ~~such~~ THE district, and thereupon ~~such~~ THE district shall
6 execute and deliver such instruments as may be necessary TO fully ~~to~~
7 convey all ~~of its right, title, and interest in or to~~ ~~such~~ THOSE certificates
8 OF PURCHASE.

9 **SECTION 24.** In Colorado Revised Statutes, **amend** 39-11-126
10 as follows:

11 **39-11-126. Agreement with county commissioners.**

12 Any irrigation or drainage district having in its possession or under
13 its control certificates of purchase resulting from the sale of a tax lien on
14 ~~land~~ PROPERTY for the nonpayment of general taxes may, by agreement
15 with the board of county commissioners of the county in which the ~~land~~
16 PROPERTY is situated, assign ~~sell~~, or transfer ~~such~~ THOSE certificates OF
17 PURCHASE as provided in section 39-11-125.

18 **SECTION 25.** In Colorado Revised Statutes, **amend** 39-11-128
19 as follows:

20 **39-11-128. Condition precedent to deed - notice.**

21 (1) ~~Before July 1, 2024,~~ Before any ~~purchaser~~ LAWFUL HOLDER OF
22 A CERTIFICATE OF PURCHASE, or assignee of ~~such purchaser~~ A LAWFUL
23 HOLDER of a CERTIFICATE OF PURCHASE FOR A tax lien on any ~~land, town~~
24 ~~or city lot, or mining claim~~ PROPERTY sold for taxes or special
25 assessments due either to the state or any county or incorporated town or
26 city within the same at any sale of tax liens for delinquent taxes levied or
27 assessments authorized by law is entitled to a deed for the ~~land, lot, or~~

1 ~~claim so purchased, he~~ PROPERTY SUBJECT TO THE TAX LIEN, THE LAWFUL
2 HOLDER OR THE LAWFUL HOLDER'S ASSIGNEE shall ~~make request upon~~ FILE
3 WITH the treasurer ~~who~~ AN APPLICATION FOR A TREASURER'S DEED. UPON
4 RECEIPT OF AN APPLICATION FOR A TREASURER'S DEED, THE TREASURER
5 shall then comply with the ~~following~~: PROCEDURES SET FORTH IN ARTICLE
6 11.5 OF THIS TITLE 39.

7 (a) ~~The treasurer shall serve or cause to be served, by personal~~
8 ~~service or by either registered or certified mail, a notice of such purchase~~
9 ~~on every person in actual possession or occupancy of such land, lot, or~~
10 ~~claim, and also on the person in whose name the same was taxed or~~
11 ~~specially assessed if, upon diligent inquiry, such person can be found in~~
12 ~~the county or if his residence outside the county is known, and upon all~~
13 ~~persons having an interest or title of record in or to the same if, upon~~
14 ~~diligent inquiry, the residence of such persons can be determined, not~~
15 ~~more than five months nor less than three months before the time of~~
16 ~~issuance of such deed. In such notice the treasurer shall state when the~~
17 ~~applicant or his assignor purchased the tax lien on such land, lot, or claim,~~
18 ~~in whose name such property was taxed, the description of the land, lot,~~
19 ~~or claim for which a tax lien was purchased, for what year taxed or~~
20 ~~specially assessed, and when the time of redemption will expire or when~~
21 ~~the tax deed shall be issued.~~

22 (b) ~~In all cases or instances where the valuation for assessment of~~
23 ~~the property is five hundred dollars or more, the treasurer shall publish~~
24 ~~such notice, three times, at intervals of one week, in some daily, weekly,~~
25 ~~or semiweekly newspaper published in such county, not more than five~~
26 ~~months nor less than three months before the time at which the tax deed~~
27 ~~may issue, and he shall send by registered or certified mail a copy of such~~

1 notice to each person not found to be served whose address is known or
2 can be determined upon diligent inquiry. If no such newspaper is
3 published in the county, then said notice shall be published in the
4 newspaper that is published in Colorado nearest the county seat of the
5 county in which such land, lot, or claim is situated. The purchaser or
6 assignee, at the time of making such request for notification on the
7 treasurer, shall pay to the treasurer a fee, as provided in section 30-1-102,
8 C.R.S. The treasurer shall make and carefully preserve among the files of
9 his office a record of all things done in compliance with this section and
10 shall certify to the same.

11 (2) ~~When request is made for a tax deed to lands situated wholly~~
12 ~~within the exterior boundary lines of an irrigation district, the holder of~~
13 ~~tax sale certificates of purchase to such lands may include in one request~~
14 ~~or demand for a tax deed all contiguous tracts for which he holds such~~
15 ~~certificates of purchase. When all of such lands for which a tax deed is so~~
16 ~~requested or demanded are unoccupied and no taxes have been paid~~
17 ~~thereon, or upon any parcel of such lands embraced in such request or~~
18 ~~demand, for five consecutive years prior to the making of such request or~~
19 ~~demand, the only notice which the treasurer shall be required to give of~~
20 ~~the fact that a request or demand for tax deed has been made upon him~~
21 ~~shall be a notice of publication as provided in this section, in which as~~
22 ~~many tracts or parcels of land shall be described as are embraced in any~~
23 ~~one demand or request for deed.~~

24 **SECTION 26.** In Colorado Revised Statutes, **repeal** 39-11-129.

25 **SECTION 27.** In Colorado Revised Statutes, **repeal** 39-11-130.

26 **SECTION 28.** In Colorado Revised Statutes, **repeal** 39-11-131.

27 **SECTION 29.** In Colorado Revised Statutes, **repeal** 39-11-133.

1 **SECTION 30.** In Colorado Revised Statutes, **repeal** 39-11-134.

2 **SECTION 31.** In Colorado Revised Statutes, **repeal** 39-11-135.

3 **SECTION 32.** In Colorado Revised Statutes, **repeal** 39-11-136.

4 **SECTION 33.** In Colorado Revised Statutes, **repeal** 39-11-137.

5 **SECTION 34.** In Colorado Revised Statutes, **amend** 39-11-138

6 as follows:

7 **39-11-138. When successor of treasurer shall act.**

8 If any treasurer dies, resigns, or is removed from office or ~~his~~ THE
9 TREASURER'S term of office expires after selling any tax liens on any ~~real~~
10 ~~estate~~ PROPERTY for delinquent taxes and before executing a certificate
11 OF PURCHASE, CERTIFICATE OF OPTION FOR TREASURER'S DEED, or
12 TREASURER'S deed for the same, ~~his~~ THE TREASURER'S successor in office
13 shall execute ~~such~~ THE certificate OF PURCHASE, CERTIFICATE OF OPTION
14 FOR TREASURER'S DEED, or deed in the same manner that the treasurer
15 making ~~such~~ THE TAX LIEN sale might have done.

16 **SECTION 35.** In Colorado Revised Statutes, **amend** 39-11-139

17 as follows:

18 **39-11-139. Posting list of county-held tax liens and**
19 **county-acquired treasurer's deeds.**

20 No later than the fifteenth day of January of each year, each county
21 treasurer shall deliver to the county clerk and recorder of the county
22 treasurer's county a list showing all ~~tax~~ certificates ~~thereof~~ OF
23 PURCHASE issued and held in the name of the county and a list of all
24 property the title to which has been acquired by the county through
25 issuance of a ~~tax~~ TREASURER'S deed FOLLOWING PUBLIC AUCTION IN
26 ACCORDANCE WITH ARTICLE 11.5 OF THIS TITLE 39. A copy of ~~such lists~~
27 ~~shall~~ THE LIST DESCRIBED IN THIS SECTION MUST be posted in a

1 conspicuous place in the courthouse for not less than thirty days.

2 **SECTION 36.** In Colorado Revised Statutes, **amend** 39-11-140
3 as follows:

4 **39-11-140. Treasurer's deed recorded - entry.**

5 When any ~~tax~~ TREASURER'S deed is filed for record, the county
6 clerk and recorder shall also enter the name of the grantee in the proper
7 column of ~~his~~ THE record of ~~land~~ PROPERTY for which a tax lien was sold
8 for delinquent taxes.

9 **SECTION 37.** In Colorado Revised Statutes, **amend** 39-11-141
10 as follows:

11 **39-11-141. Action to determine validity of certificate of**
12 **purchase.**

13 Whenever any county or city and county in this state holds ~~tax sale~~
14 certificates OF PURCHASE which are believed by the board of county
15 commissioners to be void for irregularity in the assessment of property or
16 sale of a tax lien on property or otherwise, the board of county
17 commissioners of the county or city and county may institute an action in
18 the district court of the county, under the provisions of article 51 of title
19 13, ~~C.R.S.~~, to have the matter determined as to whether ~~said~~ THOSE
20 certificates OF PURCHASE are void. ~~Such~~ THESE actions ~~shall~~ MUST be
21 brought in the name of the board of county commissioners. Any number
22 of ~~such~~ certificates OF PURCHASE may be included in one action, and the
23 fee owners of record of the tax liens on the ~~lands~~ PROPERTY on account
24 of the sale of which the certificates OF PURCHASE were issued ~~shall~~ MUST
25 be made defendants in the action. If any defendant is a nonresident of the
26 state or cannot be found, service of summons may be had upon ~~such~~ THAT
27 defendant in accordance with the provisions of rule 4 of the Colorado

1 rules of civil procedure. If the court, by its decree, finds and determines
2 that any such certificate OF PURCHASE is void, then the tax lien on the real
3 estate PROPERTY on account of the sale of which ~~such~~ THE certificate OF
4 PURCHASE was issued ~~shall~~ MUST be resold for taxes at the next
5 succeeding TAX LIEN sale for delinquent taxes; and if the irregularity on
6 account of which ~~such~~ THE certificate OF PURCHASE was held void is in
7 the assessment of the property, then the board of county commissioners
8 shall direct the assessor to reassess the ~~same~~ CERTIFICATE OF PURCHASE,
9 and, if the delinquent taxes are not thereafter duly paid pursuant to ~~such~~
10 THAT reassessment, the tax lien on ~~such~~ THE property ~~shall~~ MUST likewise
11 be sold at the next ~~delinquent~~ tax LIEN sale following ~~such~~ THE
12 reassessment. No appeal ~~shall lie~~ LIES from the final decree of the court
13 in cases brought under this section. No costs of the action ~~shall~~ MAY be
14 assessed against any defendant who files a disclaimer or fails to appear
15 in the action.

16 **SECTION 38.** In Colorado Revised Statutes, 39-11-142, **amend**
17 (1), (2), (6)(a), (6)(c), (6)(d), and (7); and **repeal** (3) and (5) as follows:

18 **39-11-142. Disposition of certificates of purchase held by**
19 **counties.**

20 (1) ~~Before July 1, 2024,~~ In cases where a tax lien on ~~real estate~~
21 PROPERTY has been struck off to the county at A tax ~~sales~~ LIEN SALE and
22 the county has held the certificate of ~~sale~~ PURCHASE for three years or
23 more, the board of county commissioners may apply for PUBLIC AUCTION
24 FOR TREASURER'S DEED and receive a ~~tax~~ TREASURER'S deed in ~~like~~ THE
25 SAME manner as is provided by law in the case of ~~delinquent tax sale~~
26 certificates OF PURCHASE held by ~~individuals~~. ~~The board of county~~
27 ~~commissioners, whenever the county becomes entitled to a tax deed, may~~

1 ~~cause the treasurer to issue, serve, and publish notices, pursuant to law,~~
2 ~~of application for such tax deed in like manner as in the case of individual~~
3 ~~certificate holders~~ INVESTORS IN ACCORDANCE WITH ARTICLE 11.5 OF THIS
4 TITLE 39.

5 (2) ~~Before July 1, 2024,~~ In cases where the county has held the tax
6 certificate OF PURCHASE for ~~five~~ THREE years or more and ~~such real estate~~
7 THE PROPERTY is not located within the limits of any incorporated town
8 or city within the ~~said~~ county, the county may include in one request or
9 demand any or all separate parcels of ~~real estate~~ PROPERTY for which it
10 holds ~~tax sale~~ certificates OF PURCHASE for TAX LIEN sales in any one
11 year, and the board of county commissioners may apply for PUBLIC
12 AUCTION FOR TREASURER'S DEED and receive ~~tax~~ TREASURER'S deeds
13 therefor. ~~Before July 1, 2024, in cases where the county has held the tax~~
14 ~~certificate for eight years and in the opinion of the board of county~~
15 ~~commissioners such real estate is not used, operated, or maintained~~
16 ~~wholly or in part in the interest or for the benefit of the public, said board~~
17 ~~shall apply for and receive a tax deed therefor.~~

18 (3) ~~Before July 1, 2024, upon making application in the case of~~
19 ~~tax certificates held by the counties for five years or more, the treasurer~~
20 ~~shall not be required to give the notice that a request or demand for tax~~
21 ~~deed has been made upon him provided for in section 39-11-128. The~~
22 ~~treasurer, in lieu of such notice, at least sixty days before the day said tax~~
23 ~~deed issues, shall give notice by registered or certified mail, addressed to~~
24 ~~the last-known residence of the person in whose name the real estate is~~
25 ~~assessed for the years during which said taxes have not been paid, that a~~
26 ~~tax deed has been applied for on the particular described property and that~~
27 ~~said tax deed will issue on a day certain. Before July 1, 2024, the treasurer~~

1 shall also post in a public place in the office of the treasurer and on the
2 treasurer's website, at least sixty days before said deed issues, a notice
3 stating that a deed will be issued to the county on the real estate described
4 in said notice. Said notice shall contain the name of the person to whom
5 the property is assessed together with the date said tax deed will issue.

6 (5) ~~Any tax deed, when issued to the county, shall be duly~~
7 ~~recorded, but no fee shall be required to be paid therefor. Thereafter, the~~
8 ~~board of county commissioners shall list such property for sale and post~~
9 ~~such list in the county courthouse and, out of the county general fund,~~
10 ~~may make such essential repairs thereon and pay such premiums for fire~~
11 ~~insurance as are necessary for the protection and preservation of any~~
12 ~~improvements on such property. The board of county commissioners,~~
13 ~~after a county has acquired such tax deed, in its discretion, may institute~~
14 ~~and prosecute suits to quiet the title to any such real estate so acquired~~
15 ~~under such tax deeds.~~

16 (6) (a) ~~Before July 1, 2024,~~ In all cases where a tax lien on real
17 property has been struck off to the county at a tax LIEN sale and the
18 county has held the certificate of ~~sale~~ PURCHASE for ~~thirty~~ FIVE years or
19 more without obtaining a ~~tax~~ TREASURER'S deed as provided in this
20 section AND ARTICLE 11.5 OF THIS TITLE 39, then ~~such~~ THE TREASURER
21 SHALL DECLARE THE certificate OF PURCHASE ~~may be declared~~ void and
22 of no effect.

23 (c) ~~Before July 1, 2024,~~ Upon being presented with ~~such~~ THE list
24 OF TAX LIENS, the board of county commissioners shall determine that the
25 tax liens were struck off to the county, that ~~such~~ THE certificates of ~~sale~~
26 PURCHASE relating thereto have been held by the county for ~~thirty~~ FIVE
27 years or more, and that no ~~tax~~ TREASURER'S deed has been obtained or

1 applied for as provided in this section AND ARTICLE 11.5 OF THIS TITLE 39.
2 Upon making ~~such~~ THAT determination, the board of county
3 commissioners may declare that ~~such~~ THE certificates OF PURCHASE are
4 void, and an order to that effect ~~shall~~ MUST be duly entered in the
5 recorded proceedings of the board, which order ~~shall~~ MUST direct the
6 treasurer to cancel such certificates of ~~sale~~ PURCHASE.

7 (d) Upon receipt of an order OR RESOLUTION of the board of
8 county commissioners declaring that any certificates of ~~sale~~ PURCHASE
9 are void, the treasurer shall record ~~said~~ THAT order OR RESOLUTION in ~~his~~
10 THE PUBLIC records and shall cancel all ~~such~~ certificates OF PURCHASE
11 specified in ~~said~~ THAT order.

12 (7) ~~It is the duty of~~ The treasurer SHALL at least once each year to
13 prepare and present, at any regular or special meeting of the board of
14 county commissioners, a list of all tax liens on all ~~real~~ property struck off
15 to the county and all certificates of ~~sale~~ PURCHASE relating thereto, which
16 certificates OF PURCHASE have been held by the county for three years or
17 more without obtaining a TREASURER'S deed or being otherwise disposed
18 of under this article 11 or article 11.5 of this title 39.

19 **SECTION 39.** In Colorado Revised Statutes, 39-11-143, **amend**
20 (1), (2), (2.5), (4), and (6) as follows:

21 **39-11-143. Appraisal - county may retain, lease, or sell -**
22 **definitions.**

23 (1) Whenever ~~real~~ property is conveyed by a treasurer to the
24 county by ~~tax~~ TREASURER'S deed under ~~section 39-11-142~~ ARTICLE 11.5
25 OF THIS TITLE 39, the assessor shall annually value the same in the manner
26 prescribed by law for taxable property and shall notify the board of
27 county commissioners of such valuation.

1 (2) The board of county commissioners has the power to retain for
2 public projects, rent, lease, or sell ~~such real~~ property as provided in this
3 section.

4 (2.5) If the board of county commissioners retains ~~such real~~
5 property for a present or future public project, as defined in section
6 30-20-301 (2), ~~C.R.S.~~, it shall pass a resolution describing the project for
7 which the property is retained. The board of county commissioners may
8 rent or lease any ~~lot or parcel~~ PROPERTY retained for a present or future
9 public project in accordance with subsection (3) of this section. For
10 purposes of this section, using property to generate revenue for the county
11 is not a public project.

12 (4) (a) Any ~~such real~~ property that is not retained or leased in
13 accordance with subsection (2.5) or (3) of this section ~~shall~~ MUST be sold
14 at public sale by the board of county commissioners within one year after
15 the property is conveyed to the county; except that the board of county
16 commissioners may reject any bid that is less than the value of the
17 property as determined by the assessor. Prior to offering ~~such~~ THE
18 property for sale, the board of county commissioners shall obtain from the
19 assessor a certificate as to the current actual value and the valuation for
20 assessment of the ~~same~~ PROPERTY. A notice of such sale ~~shall~~ MUST be
21 posted in a public place in the county courthouse at least thirty days
22 before the date of sale, and ~~such~~ THE notice of sale ~~shall~~ MUST also be
23 advertised in two issues of a newspaper of general circulation in the
24 county in which the property is situated, said newspaper notices ~~to~~ MUST
25 appear one week apart and within the thirty days as above provided. ~~Such~~
26 THE notice ~~shall~~ MUST reserve the right upon the part of the board of
27 county commissioners to reject any bid that is less than the value

1 determined by the assessor. ~~Said~~ THE notice ~~shall~~ MUST be substantially
2 in the following form:

3 **NOTICE**

4 Public notice is hereby given that the following ~~real~~ property
5 acquired by the County of, Colorado, by ~~tax~~ TREASURER'S deed,
6 to wit:

7 **(description of property)**

8 will, according to law, be offered at public sale at the county courthouse,
9, Colorado, on the day of, 20...., at the hour of
10 to the highest and best bidder. The board of county commissioners
11 reserves the right to reject any bid that is less than the current actual value
12 fixed by the county assessor.

13

14 County Clerk and Recorder.

15 (a.5) The notice of sale posted pursuant to ~~paragraph (a) of this~~
16 ~~subsection (4) shall~~ SUBSECTION (4)(a) OF THIS SECTION MUST contain a
17 statement substantially in the following form: "If this property is at least
18 fifty years old, it may be eligible for inclusion in the state register of
19 historic properties or designation as a landmark. ~~Such~~ THIS property may
20 be eligible for certain rehabilitation grants and incentives."

21 (b) ~~Such real~~ THE property ~~shall~~ MUST be sold at public sale for
22 the highest and best bid for any ~~lots or parcels~~ PROPERTY, as determined
23 in the discretion of the board of county commissioners; except that the
24 board of county commissioners may reject any bid that is less than the
25 value of the property as determined by the assessor. ~~Such real~~ THE
26 property may be sold in ~~such~~ lots or parcels and upon ~~such~~ terms of
27 payment as the board of county commissioners deems acceptable, but no

1 deed ~~shall~~ MAY be issued until the purchaser has made payment in full.
2 Upon written application of any person, the board of county
3 commissioners shall offer for sale the property requested by ~~such~~ THE
4 person to be sold; except that no ~~parcel shall~~ PROPERTY MAY be divided
5 for the purpose of ~~such~~ THE requested sale unless the board of county
6 commissioners specifically permits ~~such~~ THE division. The board of
7 county commissioners may, prior to the sale of any ~~lot or parcel~~
8 PROPERTY, reserve or grant streets, alleys, or roads or utilities or other
9 easements, public or private, under ~~such~~ terms and conditions as it may
10 deem advisable.

11 (6) ~~The foregoing provisions of~~ This section ~~shall~~ DOES not apply
12 to any city and county having a population of more than three hundred
13 thousand. Sales and leases by such city and county ~~shall~~ MUST be made
14 in compliance with the applicable provisions of its charter or ordinances.
15 ~~All sales and leases made before August 1, 1964, by such city and county~~
16 ~~of any real estate acquired by it under tax deeds, whether made or~~
17 ~~authorized by the board of county commissioners, the mayor of said city~~
18 ~~and county, or in purported compliance with its charter or ordinances, are~~
19 ~~deemed valid, and such sales and leases are hereby confirmed. All actions~~
20 ~~or proceedings to set aside or question the validity of such sales or leases~~
21 ~~made before August 1, 1964, by such city and county shall be brought~~
22 ~~within six months from said date and not thereafter. This subsection (6)~~
23 ~~shall not reinstate any such action or proceeding barred by law before~~
24 ~~August 1, 1964.~~

25 **SECTION 40.** In Colorado Revised Statutes, **amend** 39-11-144
26 as follows:

27 **39-11-144. County property, prior sales validated.**

1 All sales of ~~such real estate~~ PROPERTY made by the board of county
2 commissioners of any county ~~shall~~ MUST be deemed valid, and ~~such~~
3 THESE sales are ~~hereby~~ confirmed if ~~such sales~~ THEY were made at either
4 public or private sale ~~whether~~ AND made by deed ~~issued by the treasurer~~
5 ~~upon direction of the board of county commissioners or by deed~~ issued by
6 a duly appointed commissioner to convey upon direction of the board of
7 county commissioners.

8 **SECTION 41.** In Colorado Revised Statutes, **amend** 39-11-145
9 as follows:

10 **39-11-145. Proceeds of sales.**

11 All net proceeds from the sale, lease, or other disposition of ~~such~~
12 ~~real estate~~ PROPERTY so conveyed to the county by the ~~treasurer shall~~
13 COMMISSIONER MUST be paid to the treasurer of ~~such~~ THE county, and the
14 treasurer shall distribute ~~said~~ THE proceeds to the various taxing
15 jurisdictions in which ~~such real estate~~ THE PROPERTY is situated in the
16 same proportion that the ad valorem taxes levied by each taxing
17 jurisdiction in the preceding calendar year bears to the total of all ad
18 valorem taxes levied on ~~such real estate~~ THE PROPERTY in the preceding
19 calendar year.

20 **SECTION 42.** In Colorado Revised Statutes, **amend** 39-11-146
21 as follows:

22 **39-11-146. Lien of special assessment not affected.**

23 Nothing in sections 39-11-143 to 39-11-145 ~~shall be construed to~~
24 ~~affect~~ AFFECTS in any manner or degree whatsoever the lien of any special
25 assessment to which ~~such real estate~~ PROPERTY and the conveyance
26 thereof by the treasurer is subject under law.

27 **SECTION 43.** In Colorado Revised Statutes, **amend** 39-11-147

1 as follows:

2 **39-11-147. Treasurer to report payments.**

3 A complete report of all payments made to and accepted by the
4 treasurer under sections 39-11-142, 39-11-143, and 39-11-145 ~~shall~~ MUST
5 be made, ~~by him~~, a copy of which ~~shall~~ MUST be sent to the board of
6 county commissioners of ~~his~~ THE county, to the administrator, and to the
7 controller at the end of each month.

8 **SECTION 44.** In Colorado Revised Statutes, **amend** 39-11-148
9 as follows:

10 **39-11-148. Limitations on certificates of purchase - special**
11 **improvement liens.**

12 (1) No lien upon ~~real~~ property created by a ~~tax certificate or a~~
13 certificate of purchase issued by a treasurer on account of any delinquent
14 property taxes or any special assessment of any kind or nature ~~shall~~ MAY
15 remain a lien ~~thereon~~ for a period longer than ~~fifteen~~ FIVE years after the
16 ~~original~~ issuance thereof, except as provided in subsection (3) of this
17 section. This section ~~shall~~ DOES not apply to any ~~tax certificate or~~
18 certificate of purchase issued to and held by the county, city, city and
19 county, or district levying ~~such~~ THE tax or special assessment; except that,
20 in the event of an assignment of ~~such tax certificate or~~ THE certificate of
21 purchase ~~so~~ issued to and held by ~~such~~ THE county, city, city and county,
22 or district, the lien of ~~such tax certificate or~~ THE certificate of purchase
23 ~~shall~~ MUST cease ~~fifteen~~ FIVE years after the date of its issuance subject
24 only to the provisions of subsection (3) of this section.

25 (2) No treasurer's deed ~~shall~~ MAY issue ~~on~~ AFTER PUBLIC AUCTION
26 IN CONNECTION WITH any tax LIEN sale evidenced by ~~tax certificate or~~
27 certificate of purchase where ~~such tax certificate or~~ THE certificate of

1 purchase has ceased to be a lien pursuant to the provisions of this section
2 and application for ~~such~~ PUBLIC AUCTION FOR THE treasurer's deed is not
3 pending at the time of the expiration of the limitation period provided for
4 in this section.

5 (3) In the event of an assignment of a ~~tax certificate or~~ certificate
6 of purchase ~~held by a county, city, city and county, or district levying~~
7 ~~such tax wherein such certificate~~ THAT is ~~fifteen~~ FIVE years old at the time
8 of assignment or will become ~~fifteen~~ FIVE years old within one year from
9 the date of such assignment, the assignee thereof ~~shall be~~ IS entitled to a
10 ~~tax~~ TREASURER'S deed in the manner provided by law if ~~such~~ THE
11 assignee or other legal holder of ~~such~~ THE certificate institutes
12 proceedings to procure a ~~tax~~ TREASURER'S deed by ~~making a demand~~
13 ~~upon~~ FILING AN APPLICATION FOR PUBLIC AUCTION FOR TREASURER'S DEED
14 WITH the treasurer for THE same, as provided by law IN ARTICLE 11.5 OF
15 THIS TITLE 39, within one year from the date of ~~such~~ THE assignment. ~~by~~
16 ~~the county, city, city and county, or district levying such tax.~~

17 (4) Whenever a lien created by a ~~tax~~ certificate OF PURCHASE has
18 expired, ~~by reason of the provisions of this section,~~ the treasurer shall
19 immediately issue a certificate of cancellation describing the ~~real estate~~
20 PROPERTY included in the certificate of purchase ~~or tax certificate~~ and
21 giving the date of cancellation, and ~~he~~ shall also make proper entries in
22 the book of sales in ~~his~~ THE TREASURER'S office as follows: "Canceled by
23 provision of section 39-11-148, C.R.S.", with the date of ~~such~~ THE entry.
24 ~~He~~ THE TREASURER shall also present every ~~such~~ certificate of
25 cancellation to the county clerk and recorder who shall enter the same in
26 the record of ~~land~~ PROPERTY for which a tax lien was sold for delinquent
27 taxes and endorse the date of entry on the certificate of cancellation and

1 file the same, and ~~such~~ THE certificate and the record thereof ~~shall~~ MUST
2 be prima facie evidence of the cancellation of the certificate of purchase
3 ~~or tax certificate~~ and of the release of the lien of ~~such~~ THE certificate on
4 the ~~lands therein~~ PROPERTY described THEREIN. IF A TAX LIEN WAS SOLD,
5 IN WHOLE OR IN PART, DUE TO A DELINQUENT SPECIAL ASSESSMENT, THE
6 TREASURER SHALL NOTIFY THE GOVERNMENTAL ENTITY IMPOSING THE
7 SPECIAL ASSESSMENT OF THE CANCELLATION OF THE LIEN. Failure to
8 record ~~such~~ THE certificate of cancellation ~~shall~~ MUST not extend the lien
9 created by the certificate of purchase. ~~or tax certificate~~. The treasurer and
10 county clerk and recorder ~~shall~~ ARE not ~~be~~ entitled to any fees for ~~the~~
11 issuing of ~~such~~ A certificate of cancellation ~~nor for the~~ OR MAKING entries
12 in their books ~~made~~ under the provisions of this subsection (4).

13 (5) Whenever a lien created pursuant to a ~~tax~~ certificate OF
14 PURCHASE becomes unenforceable pursuant to section 31-25-1119,
15 ~~C.R.S.~~, the treasurer shall immediately issue a certificate of cancellation
16 describing the ~~real estate~~ PROPERTY included in the certificate of purchase
17 ~~or tax certificate~~ indicating ~~thereon~~ the date of cancellation and shall
18 make the appropriate entries in the book of sales in ~~his~~ THE TREASURER'S
19 office, as follows: "Canceled by provision of sections 31-25-1119 and
20 39-11-148, C.R.S.", with the date of ~~such~~ THE entry. ~~He~~ THE TREASURER
21 ~~shall~~ MAY present every ~~such~~ certificate of cancellation to the county
22 clerk and recorder who shall enter the same in the record of ~~land~~
23 PROPERTY for which a tax lien was sold for delinquent taxes and endorse
24 the date of entry on the ~~said~~ certificate of cancellation and file the same,
25 and ~~such~~ THE certificate and the record thereof ~~shall be~~ IS prima facie
26 evidence of the cancellation of the certificate of purchase ~~or tax~~
27 ~~certificate~~ and of the release of the lien of ~~such~~ THE certificate on the

1 ~~lands~~ PROPERTY therein described. Failure to record ~~such~~ THE certificate
2 of cancellation ~~shall~~ DOES not extend the lien created by the certificate of
3 purchase. ~~or tax certificate.~~ The treasurer and county clerk and recorder
4 ~~shall~~ ARE not be entitled to any fees for ~~the~~ issuing and recording of ~~such~~
5 A certificate of cancellation ~~nor~~ OR for ~~the~~ MAKING entries in their books
6 ~~made~~ under the provisions of this subsection (5).

7 **SECTION 45.** In Colorado Revised Statutes, **amend** 39-11-149
8 as follows:

9 **39-11-149. Sales en masse valid.**

10 If two or more noncontiguous ~~lots, tracts of land, or mining claims~~
11 PROPERTIES or portions thereof have not been separately valued and
12 assessed or, having been separately valued and assessed, whether having
13 a common ownership or not, have had tax liens ~~thereof~~ sold en masse for
14 a gross sum for the nonpayment of taxes and charges, ~~thereon~~, then, after
15 seven years from the date of any ~~such~~ TAX LIEN sale, ~~such~~ THE assessment
16 and TAX LIEN sale and any ~~tax sale~~ certificate OF PURCHASE issued ~~thereon~~
17 ~~shall~~ MUST be deemed valid and legal and ~~shall be so~~ considered SO in all
18 actions, suits, or proceedings in which is involved the validity of any such
19 assessment, TAX LIEN sale, ~~tax sale~~ certificate OF PURCHASE, or treasurer's
20 deed issued ~~thereon~~. ~~There is excepted from this section any such action,~~
21 ~~suit, or proceeding pending on August 1, 1964, wherein any party thereto~~
22 ~~has or may assert the invalidity of any such assessment, sale, tax sale~~
23 ~~certificate, or treasurer's deed.~~ IN ACCORDANCE WITH ARTICLE 11.5 OF
24 THIS TITLE 39. Nothing in this section ~~shall be construed to alter, amend,~~
25 ~~or repeal~~ ALTERS, AMENDS, OR REPEALS section 39-11-148.

26 **SECTION 46.** In Colorado Revised Statutes, **amend** 39-11-150
27 as follows:

1 **39-11-150. Sales of tax liens on severed mineral interests.**

2 Sales of tax liens for delinquent taxes due on severed mineral
3 interests ~~shall~~ MUST take place at the same place and time and under the
4 same circumstances as in this ~~article~~ ARTICLE 11, but, where the surface
5 estate ownership is coterminous with the severed mineral interest, the
6 owner of the surface estate ~~shall have~~ HAS the right of first refusal to
7 purchase the tax lien on the severed mineral interest, and the surface
8 owner ~~shall~~ MUST be allowed to pay all delinquent taxes due and owing
9 for the severed mineral interest in lieu of the proceeds that would be
10 collected from a ~~tax~~ sale of a tax lien on the severed mineral interest. The
11 treasurer shall notify the surface owner, by mail, at ~~his~~ THE OWNER'S
12 last-known MAILING address, of ~~his~~ THE right of refusal at least ten days
13 prior to the sale of a tax lien on the severed mineral interest. The surface
14 owner ~~shall have~~ HAS until two BUSINESS days prior to the TAX LIEN sale
15 to exercise the right of first refusal. If the surface owner does not exercise
16 ~~his~~ THE right of first refusal, the tax lien on such severed mineral interest
17 ~~shall be~~ IS sold. No action for the recovery of a severed mineral interest
18 for which a ~~tax deed~~ CERTIFICATE OF PURCHASE was issued under the
19 provisions of this ~~article~~ ~~shall lie~~ ARTICLE 11 LIES unless brought within
20 the same time period as that limiting actions for the recovery of ~~land~~
21 PROPERTY pursuant to section 39-12-101.

22 **SECTION 47.** In Colorado Revised Statutes, 39-11-151, **amend**
23 (1)(b), (2), and (3); **repeal** (1)(a); and **add** (4) as follows:

24 **39-11-151. County officials and employees may not acquire a**
25 **tax lien by tax lien sale.**

26 (1) (a) ~~No property for which a tax lien is sold for delinquent taxes~~
27 ~~under this article shall be conveyed to an elected or appointed county~~

1 official, to a county employee, or to a member of the immediate family of
2 any such person or to the agent of any such county official or employee,
3 if the tax lien on such property is sold during the time the official or
4 employee holds office or is employed.

5 (b) No tax lien SOLD FOR DELINQUENT TAXES ON A PROPERTY
6 PURSUANT TO THIS ARTICLE 11 ~~shall~~ MAY be sold to an elected or
7 appointed county official, to a county employee, or to a member of the
8 immediate family of such person or to the agent of any such county
9 official or employee during the time the official or employee holds office
10 or is employed.

11 (2) The purchase of any tax lien ~~or the conveyance of any property~~
12 ~~by tax deed pursuant to this article~~ is exempt from the provisions of this
13 section under the following circumstances:

14 (a) If the property ~~to be conveyed~~ was owned by the county
15 official or county employee, or by a member of the immediate family of
16 any such person, immediately prior to the sale of a tax lien on ~~such~~ THE
17 property for delinquent taxes;

18 (b) If ~~such~~ THE property is situated within a county other than the
19 county to which ~~such~~ THE county official or employee is elected,
20 appointed, or employed; ~~or~~

21 (c) If the property ~~to be conveyed~~ is a severed mineral interest
22 and, at the time of the ~~conveyance~~ SALE, the county official or county
23 employee is the owner of the surface estate which is coterminous with the
24 severed mineral interest; OR

25 (d) IF THE COUNTY OFFICIAL OR EMPLOYEE HAD A LEGAL INTEREST
26 IN THE PROPERTY PRIOR TO A TAX LIEN SALE ON THE PROPERTY FOR
27 DELINQUENT TAXES.

1 (3) Any county official, county employee, or member of the
2 immediate family of any such person, or the agent of any such county
3 official or employee, who knowingly purchases any tax lien ~~or receives~~
4 ~~a conveyance of property~~ in violation of the provisions of this section
5 commits a class 2 misdemeanor and ~~shall~~ MUST be punished as provided
6 in section 18-1.3-501.

7 (4) THE PURCHASE OF ANY CERTIFICATE OF OPTION FOR
8 TREASURER'S DEED OR THE CONVEYANCE OF ANY PROPERTY BY
9 TREASURER'S DEED PURSUANT TO ARTICLE 11.5 OF THIS TITLE 39 IS
10 EXEMPT FROM THE PROVISIONS OF THIS SECTION.

11 **SECTION 48.** In Colorado Revised Statutes, **amend** 39-11-152
12 as follows:

13 **39-11-152. Combined sale of delinquent tax liens and special**
14 **assessment liens.**

15 Whenever provision is made in this article for the sale of a tax lien
16 on property, such sale ~~shall~~ MUST include the sale of any lien for
17 delinquent special assessments on such property which have been
18 certified to the county treasurer for collection. The separate sale of liens
19 for delinquent general taxes and for delinquent special assessments on
20 property is hereby prohibited.

21 **SECTION 49.** In Colorado Revised Statutes, **repeal** 39-12-101
22 as follows:

23 **39-12-101. Limitation of actions for recovery of land.**

24 ~~No action for the recovery of land for which a tax deed was issued~~
25 ~~under the provisions of article 11 of this title for delinquent taxes shall lie~~
26 ~~unless the same is brought within five years after the execution and~~
27 ~~delivery of the deed therefor by the treasurer, any laws to the contrary~~

1 notwithstanding; except that, when any owner of such land, for which a
2 tax deed has been issued, at the time of the execution and delivery of the
3 deed by the treasurer is under legal disability, it shall be lawful for him to
4 bring a suit or action for the recovery of the land within the period during
5 which he has the right to make redemption of such land from the tax sale
6 upon which the deed is based. When a recovery of any of such land is
7 effected in any suit, action, or proceeding, the value of all improvements
8 made in good faith on such lands, and all sums paid for the tax lien on
9 said land and for improvements, and all costs incident to the issuance and
10 recording of the treasurer's deed, and all taxes and assessments paid
11 thereon after the sale of the tax lien thereof, including the redemption
12 value of all tax sale certificates redeemed, held, or surrendered for
13 redemption by the grantee in such treasurer's deed or his heirs or assigns,
14 shall be ascertained by the court or jury trying the action for recovery and
15 shall be paid, together with interest thereon at the rate of twelve percent
16 per annum, by the person recovering said land to the persons entitled
17 thereto, and the payment of such sum shall be a condition precedent to the
18 entry of judgment or decree in such suit, action, or proceeding. All such
19 treasurer's deeds executed by the treasurer purporting to convey lands and
20 improvements thereon for all purposes shall be deemed to be color of title
21 from and after the time the same is recorded in the office of the county
22 clerk and recorder for the county in which said lands are located. The
23 term "improvements" includes sums and amounts of money expended
24 thereon in good faith by the grantee and his successors and assigns in
25 search of minerals and oil, as well as other expenditures for the
26 improvements of such lands which add to the cost and value thereof.

27 **SECTION 50.** In Colorado Revised Statutes, **recreate and**

1 **reenact, with amendments,** article 11.5 of title 39 as follows:

2 **ARTICLE 11.5**

3 **Issuance of Treasurer's Deeds**

4 **PART 1**

5 **PUBLIC AUCTION**

6 **39-11.5-101. Definitions.**

7 AS USED IN THIS ARTICLE 11.5, UNLESS THE CONTEXT OTHERWISE
8 REQUIRES:

9 (1) "APPLICATION FOR TREASURER'S DEED" MEANS AN
10 APPLICATION FROM A LAWFUL HOLDER PURSUANT TO SECTION 39-11.5-102
11 RELATED TO A TAX LIEN UNDER THIS ARTICLE 11.5.

12 (2) "CERTIFICATE OF OPTION FOR A TREASURER'S DEED" MEANS A
13 CERTIFICATE OF OPTION FOR TREASURER'S DEED ISSUED BY A TREASURER
14 PURSUANT TO SECTION 39-11.5-401.

15 (3) "CERTIFICATE OF PURCHASE" MEANS A CERTIFICATE OF
16 PURCHASE PREPARED BY A TREASURER FOR THE PURCHASER OF A TAX LIEN
17 IN ACCORDANCE WITH SECTION 39-11-117.

18 (4) "CERTIFICATE OF REDEMPTION" MEANS A CERTIFICATE OF
19 REDEMPTION PREPARED BY A TREASURER AFTER PROPERTY SUBJECT TO A
20 TAX LIEN SALE IS REDEEMED PRIOR TO PUBLIC AUCTION IN ACCORDANCE
21 WITH SECTION 39-11.5-105.

22 (5) "CERTIFICATE OF REPURCHASE" MEANS A CERTIFICATE OF
23 REPURCHASE PREPARED BY A TREASURER WHEN A LAWFUL HOLDER
24 REPURCHASES A CERTIFICATE OF OPTION FOR A TREASURER'S DEED AFTER
25 THE PUBLIC AUCTION IN ACCORDANCE WITH SECTION 39-11.5-402.

26 (6) "CLAIM FOR OVERBID MONEY" MEANS A CLAIM FOR OVERBID
27 MONEY FORM AS SPECIFIED IN SECTION 39-11.5-303.

1 (7) "FEES AND COSTS" MEANS ALL FEES PURSUANT TO SECTION
2 30-1-102 AND ALL CHARGES, EXPENSES, AND COSTS DESCRIBED IN SECTION
3 39-11.5-107.

4 (8) "INVESTOR" HAS THE MEANING SET FORTH IN SECTION
5 39-11-100.3 (2.7).

6 (9) "JUNIOR LIEN" MEANS A LIEN OR ENCUMBRANCE UPON THE
7 PROPERTY FOR WHICH THE AMOUNT DUE AND OWING THEREUNDER IS
8 SUBORDINATE TO THE TAX LIEN THAT WAS DULY RECORDED IN THE OFFICE
9 OF THE COUNTY CLERK AND RECORDER PRIOR TO THE RECORDING OF THE
10 APPLICATION FOR PUBLIC AUCTION FOR TREASURER'S DEED.

11 (10) "JUNIOR LIENOR" MEANS A PERSON WHO IS A BENEFICIARY,
12 HOLDER, OR GRANTEE OF A JUNIOR LIEN OR THAT PERSON'S ASSIGNEE OR
13 ATTORNEY.

14 (11) "LAWFUL HOLDER" MEANS A PERSON IN POSSESSION OF A
15 CERTIFICATE OF PURCHASE FOR A TAX LIEN ISSUED IN ACCORDANCE WITH
16 ARTICLE 11 OF THIS TITLE 39, OR THE ASSIGNEE, TRANSFEREE, OR
17 ATTORNEY FOR SUCH HOLDER.

18 (12) "MAILING LIST" MEANS A MAILING LIST ASSEMBLED BY THE
19 TREASURER PURSUANT TO SECTION 39-11.5-103.

20 (13) "NONMATERIAL MISSTATEMENT" MEANS A MINOR OR
21 INCONSEQUENTIAL ERROR OR OMISSION THAT DOES NOT SIGNIFICANTLY
22 AFFECT THE MEANING, VALIDITY, OR ENFORCEABILITY OF A DOCUMENT OR
23 OTHER RECORD CONTAINING THE NONMATERIAL MISSTATEMENT.

24 (14) "NOTICE OF PUBLIC AUCTION" MEANS A NOTICE OF PUBLIC
25 AUCTION CREATED AND SENT BY THE TREASURER IN ACCORDANCE WITH
26 SECTION 39-11.5-104.

27 (15) "OVERBID" MEANS THE AMOUNT OF MONEY A PROPERTY IS

1 SOLD FOR AT A PUBLIC AUCTION IN EXCESS OF THE TOTAL PROPERTY TAX
2 DEBT AMOUNT, INCLUDING THE AMOUNT OF MONEY OWED TO THE LAWFUL
3 HOLDER OF THE CERTIFICATE OF PURCHASE AND THE FEES AND COSTS
4 INCURRED BY THE TREASURER IN COMPLYING WITH THIS ARTICLE 11.5.

5 (16) "POSTING" MEANS PLACEMENT OF THE NOTICE OF PUBLIC
6 AUCTION THAT MEETS THE REQUIREMENTS SET FORTH IN SECTION
7 39-11.5-104 (4), IN A CONSPICUOUS LOCATION ON THE PROPERTY.

8 (17) "PROPERTY" MEANS A PROPERTY SUBJECT TO A TAX LIEN, THE
9 CERTIFICATE OF PURCHASE FOR WHICH IS HELD BY THE LAWFUL HOLDER.

10 (18) "PROPERTY OWNER", "CURRENT OWNER", OR "OWNER" MEANS
11 A PERSON THAT CURRENTLY HOLDS TITLE TO, OR HAS A RECORDED
12 CONTRACTUAL RIGHT TO PURCHASE, THE PROPERTY THAT IS SUBJECT TO
13 A TAX LIEN.

14 (19) "PUBLIC AUCTION" OR "AUCTION" MEANS A PUBLIC SALE
15 CONDUCTED BY THE TREASURER PURSUANT TO THIS ARTICLE 11.5.

16 (20) "PUBLISH", "PUBLICATION", "REPUBLISH", OR
17 "REPUBLICATION" MEANS PLACEMENT BY A TREASURER OF A LEGAL
18 NOTICE THAT MEETS THE REQUIREMENTS SET FORTH IN SECTION
19 24-70-103, CONTAINING A NOTICE OF PUBLIC AUCTION, OMITTING THE
20 COPIES OF THE STATUTES, IN A NEWSPAPER SELECTED BY THE TREASURER
21 THAT IS IN THE COUNTY OR COUNTIES WHERE THE PROPERTY TO BE
22 AUCTIONED IS LOCATED.

23 (21) "PURCHASER" MEANS A PERSON TO WHOM THE TREASURER
24 AWARDS THE CERTIFICATE OF OPTION FOR A TREASURER'S DEED AS THE
25 WINNING BIDDER AT THE PUBLIC AUCTION WHO TIMELY SUBMITS PROPER
26 FUNDS, OR, IF NO VALID BIDS ARE RECEIVED AT THE PUBLIC AUCTION, THE
27 LAWFUL HOLDER WHO DOES NOT FILE A WITHDRAWAL OF THE APPLICATION

1 FOR PUBLIC AUCTION FOR TREASURER'S DEED PURSUANT TO SECTION
2 39-11.5-401.

3 (22) "REDEMPTION STATEMENT" MEANS A STATEMENT PROVIDED
4 TO THE PROPERTY OWNER BY THE TREASURER AS DESCRIBED IN SECTION
5 39-11.5-105 (2).

6 (23) "SURFACE OWNER" MEANS A PERSON OR ENTITY THAT HOLDS
7 TITLE TO, OR A RECORDED CONTRACTUAL RIGHT TO PURCHASE, THE
8 SURFACE ESTATE OF A PARCEL OF REAL PROPERTY.

9 (24) "TAX LIEN" MEANS A LIEN ON A PROPERTY SOLD FOR SPECIAL
10 ASSESSMENTS, TAXES, OR SPECIAL ASSESSMENTS AND TAXES DUE EITHER
11 TO THE STATE OR ANY COUNTY OR INCORPORATED TOWN OR CITY FOR
12 WHICH THE TREASURER ISSUED A CERTIFICATE OF PURCHASE TO THE
13 LAWFUL HOLDER.

14 (25) "TREASURER" HAS THE MEANING SET FORTH IN SECTION
15 39-1-102 (17) AS APPLIED TO THE COUNTY IN WHICH A PROPERTY IS
16 LOCATED.

17 (26) "TREASURER'S DEED" MEANS A DEED OR, IN THE CASE OF A
18 MANUFACTURED HOME, MOBILE HOME, MODULAR HOME, OR TINY HOME,
19 A CERTIFICATE OF OWNERSHIP, ISSUED BY THE TREASURER AS DESCRIBED
20 IN SECTION 39-11.5-501 IN THE FORM SPECIFIED IN SECTION 39-11.5-502
21 OR 39-11.5-503.

22 **39-11.5-102. Lawful holder - application for treasurer's deed**
23 **- fee.**

24 (1) AFTER AUGUST 1 OF THE THIRD CALENDAR YEAR FOLLOWING
25 THE DATE OF A TAX LIEN SALE, A LAWFUL HOLDER MAY APPLY FOR A
26 TREASURER'S DEED FOR THE PROPERTY DESCRIBED IN THE CERTIFICATE OF
27 PURCHASE IN ACCORDANCE WITH THIS SECTION; EXCEPT THAT A LAWFUL

1 HOLDER OF A CERTIFICATE OF PURCHASE FOR A TAX LIEN ON A
2 MANUFACTURED HOME, MOBILE HOME, MODULAR HOME, OR TINY HOME
3 MAY APPLY FOR TREASURER'S DEED AT ANY TIME AFTER AUGUST 1 OF THE
4 FIRST CALENDAR YEAR FOLLOWING THE DATE OF THE TAX LIEN SALE.

5 (2) (a) A LAWFUL HOLDER MUST FILE AN APPLICATION FOR
6 TREASURER'S DEED IN THE FOLLOWING FORM:

7 APPLICATION FOR TREASURER'S DEED
8 TO THE COUNTY TREASURER OF _____ COUNTY, COLORADO:
9 TREASURER'S DEED NUMBER _____

10 THE UNDERSIGNED, AS THE LAWFUL HOLDER OF TREASURER'S TAX
11 LIEN SALE CERTIFICATE(S) OF PURCHASE NO.(S) _____ ISSUED
12 PURSUANT TO THE TAX LIEN SALE HELD ON THE ____ DAY OF
13 _____, 20__, FOR THE TAXES AND/OR SPECIAL ASSESSMENTS IN
14 THE AMOUNT OF \$ _____ FOR THE TAX YEAR(S) _____ HEREBY
15 REQUESTS THAT THE COUNTY TREASURER, GIVE NOTICE AND TAKE
16 SUCH PROCEEDINGS AS ARE REQUIRED BY LAW SO THAT THE
17 UNDERSIGNED MAY BE ENTITLED TO A TREASURER'S DEED TO THE
18 PROPERTY DESCRIBED IN THE CERTIFICATE OF PURCHASE, MORE
19 PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

20 LEGAL DESCRIPTION:
21 SITUATED IN THE COUNTY OF _____, STATE OF COLORADO.
22 PROPERTY ADDRESS: _____
23 ACCOUNT/SCHEDULE NUMBER: _____
24 PARCEL NUMBER: _____
25 CURRENT ASSESSED OWNER: _____
26 LAWFUL HOLDER NAME: _____
27 LAWFUL HOLDER ADDRESS: _____

1 LAWFUL HOLDER CITY, STATE, AND ZIP CODE: _____

2 LAWFUL HOLDER SIGNATURE: _____

3 DATE: _____

4 CURRENT YEAR TAXES: _____

5 JR LIEN ENDORSEMENTS: _____

6 INVESTMENT BALANCE OF TAX LIEN: _____

7 (b) A LAWFUL HOLDER MUST SUBMIT CERTIFICATE OF PURCHASE,
8 OR A RECORDED COPY THEREOF, IF RECORDED BY THE TREASURER AT THE
9 TIME OF THE TAX LIEN SALE, FOR EACH PROPERTY INCLUDED IN AN
10 APPLICATION FOR TREASURER'S DEED AND ANY ASSIGNMENTS OF EACH
11 CERTIFICATE OF PURCHASE IN ACCORDANCE WITH THIS SECTION.

12 (c) ANY NUMBER OF PROPERTIES NOT EXCEEDING TWENTY-FIVE,
13 WHETHER CONTIGUOUS OR NONCONTIGUOUS, WHEN HELD UNDER ONE
14 TITLE OF OWNERSHIP, OR WHETHER INCLUDED IN AN IRRIGATION DISTRICT
15 OR NOT SO INCLUDED, AND ALTHOUGH TAX LIENS FOR THE PROPERTY WERE
16 SEPARATELY SOLD AT THE TAX LIEN SALE OR COVERED BY MORE THAN
17 ONE TAX SALE CERTIFICATE, MAY BE INCLUDED AND DESCRIBED IN ONE
18 APPLICATION FOR A TREASURER'S DEED AS PROVIDED FOR IN THIS
19 SUBSECTION (2). THESE PROPERTIES, NOT EXCEEDING TWENTY-FIVE IN
20 NUMBER, MAY ALSO BE INCLUDED AND DESCRIBED IN A SINGLE
21 APPLICATION FOR A TREASURER'S DEED NOTICE AND ARE IN CONFORMITY
22 WITH THIS ARTICLE 11.5 IN ALL OTHER RESPECTS. THE NOTICE OF PUBLIC
23 AUCTION MUST PROMINENTLY DISPLAY THE NAME OF THE PERSON IN
24 WHOSE NAME THE PROPERTY WAS TAXED OR SPECIALLY ASSESSED FOR THE
25 YEAR IN WHICH THE TAX LIEN WAS SOLD. THIS NAME MUST APPEAR AT OR
26 NEAR THE BEGINNING OF THE NOTICE AND IN CLOSE PROXIMITY TO THE
27 REFERENCE TO THE TAX LIEN SALE CERTIFICATE NUMBER AND THE

1 DESCRIPTION OF THE PROPERTY INVOLVED. THE INFORMATION IN THE
2 NOTICE MUST BE SUFFICIENT TO ALLOW IDENTIFICATION OF THE PROPERTY
3 WITH THE NAME OF THE PERSON ASSESSED IF ALL CERTIFICATES INCLUDED
4 IN A SINGLE NOTICE FOR PUBLIC AUCTION ARE HELD BY THE SAME PERSON.

5 (3) IN THE EVENT THAT THE AMOUNT OF THE TAX LIEN BALANCE
6 OR ANY NONMATERIAL MISSTATEMENT IS ERRONEOUSLY SET FORTH IN THE
7 APPLICATION FOR A TREASURER'S DEED, THE ERROR DOES NOT AFFECT THE
8 VALIDITY OF THE APPLICATION FOR TREASURER'S DEED, THE NOTICE OF
9 PUBLIC AUCTION, THE PUBLICATION, THE POSTING, THE PUBLIC AUCTION,
10 THE CERTIFICATE OF OPTION FOR A TREASURER'S DEED DESCRIBED IN
11 SECTION 39-11.5-401, THE CERTIFICATE OF REDEMPTION DESCRIBED IN
12 SECTION 39-11.5-106(4), THE CERTIFICATE OF REPURCHASE DESCRIBED IN
13 SECTION 39-11.5-402, THE TREASURER'S DEED AS DESCRIBED IN SECTION
14 39-11.5-501, OR ANY OTHER DOCUMENT EXECUTED IN CONNECTION
15 THEREWITH.

16 (4) (a) A LAWFUL HOLDER OF A CERTIFICATE OF PURCHASE WHO
17 HAS APPLIED FOR A TREASURER'S DEED PURSUANT TO THIS SECTION MAY
18 ASSIGN OR TRANSFER THE CERTIFICATE OF PURCHASE AT ANY TIME DURING
19 THE PENDENCY OF THE PUBLIC AUCTION PROCESS. UPON RECEIPT OF
20 WRITTEN NOTICE SIGNED BY THE LAWFUL HOLDER, OR THE LAWFUL
21 HOLDER'S ATTORNEY, EVIDENCING THE ASSIGNMENT OR TRANSFER OF THE
22 CERTIFICATE OF PURCHASE AND IDENTIFYING THE ASSIGNEE OR
23 TRANSFEREE, THE TREASURER SHALL PROCEED WITH THE PUBLIC AUCTION
24 AS IF THE ASSIGNEE OR TRANSFEREE WERE THE ORIGINAL APPLICANT.

25 (b) THE ASSIGNMENT OR TRANSFER OF A CERTIFICATE OF
26 PURCHASE DURING THE PENDENCY OF THE TREASURER'S DEED PROCESS
27 MUST BE DEEMED MADE WITHOUT RECOURSE UNLESS OTHERWISE AGREED

1 IN A WRITTEN STATEMENT SIGNED BY THE ASSIGNOR OR TRANSFEROR. THE
2 LAWFUL HOLDER OF A CERTIFICATE OF PURCHASE, CERTIFICATE OF OPTION
3 FOR A TREASURER'S DEED, OR CERTIFICATE OF REPURCHASE WHO ASSIGNS
4 OR TRANSFERS THEIR CERTIFICATE HAS NO DUTY OR LIABILITY TO THE
5 ASSIGNEE OR TRANSFEREE OR TO ANY THIRD PARTY FOR ANY ACT OR
6 OMISSION WITH RESPECT TO THE PROVISIONS OF THIS ARTICLE 11.5 AFTER
7 THE DATE OF ASSIGNMENT OR TRANSFER.

8 (5) (a) THE TREASURER MAY REQUIRE THE LAWFUL HOLDER TO
9 MAKE A DEPOSIT OF UP TO ONE THOUSAND DOLLARS PLUS THE AMOUNT OF
10 FEES PERMITTED PURSUANT TO SECTION 30-1-102 (1.7), AT THE TIME THE
11 APPLICATION FOR TREASURER'S DEED IS FILED, TO BE APPLIED AGAINST
12 THE FEES AND COSTS OF THE TREASURER IN PROCEEDING PURSUANT TO
13 THIS ARTICLE 11.5.

14 (b) THE TREASURER MAY CHARGE AND ACCEPT A LESSER FEE
15 AMOUNT THAN IS PERMITTED BY SECTION 30-1-102 (1.7)(a)(I), FOR AN
16 APPLICATION FOR A TREASURER'S DEED WHEN THE ASSESSED VALUE OF
17 THE PROPERTY IN THE APPLICATION AT THE TIME OF ACCEPTING THE
18 APPLICATION FOR TREASURER'S DEED IS FIVE HUNDRED DOLLARS OR LESS.

19 **39-11.5-103. Review of application - recording.**

20 (1) THE TREASURER SHALL REVIEW AN APPLICATION FOR A
21 TREASURER'S DEED AS SOON AS PRACTICABLE BUT NOT LATER THAN
22 FORTY-FIVE CALENDAR DAYS FROM THE DATE OF ACCEPTANCE TO
23 DETERMINE WHETHER IT COMPLIES WITH THE REQUIREMENTS OF THIS
24 ARTICLE 11.5.

25 (2) IF THE TREASURER DETERMINES THAT AN APPLICATION
26 COMPLIES WITH THE REQUIREMENTS OF THIS ARTICLE 11.5, THE
27 TREASURER SHALL COLLECT FROM A LAWFUL HOLDER ALL TAXES OWED

1 AND ENDORSE ALL SUBSEQUENT CERTIFICATES OF PURCHASE FOR TAX
2 LIENS ON SUCH PROPERTY AND SHALL VERIFY THAT ALL SUBSEQUENT
3 TAXES HAVE BEEN PAID IN FULL BY THE LAWFUL HOLDER.

4 (3) THE TREASURER SHALL RECORD AN APPLICATION FOR A
5 TREASURER'S DEED AND THE CERTIFICATE OF PURCHASE, AND ALL
6 ENDORSEMENTS, WITHIN TEN BUSINESS DAYS FOLLOWING THE
7 TREASURER'S DETERMINATION THAT ALL SUBSEQUENT TAXES HAVE BEEN
8 PAID IN FULL.

9 (4) THE RECORDED DOCUMENT MUST BE RETAINED IN THE
10 COUNTY'S PUBLIC RECORDS IN THE COUNTY WHERE THE PROPERTY IS
11 LOCATED.

12 **39-11.5-104. Notice of application - title review - mailing list.**

13 (1)(a) NO MORE THAN TEN CALENDAR DAYS AFTER RECORDING AN
14 APPLICATION FOR A TREASURER'S DEED PURSUANT TO SECTION
15 39-11.5-102(2), THE TREASURER SHALL MAIL BY FIRST CLASS MAIL A
16 NOTICE OF APPLICATION FOR A TREASURER'S DEED TO THE OWNER OF
17 RECORD OF THE PROPERTY ADDRESS SET FORTH IN THE APPLICATION FOR
18 A TREASURER'S DEED.

19 (b) THE TREASURER SHALL NOTIFY THE OWNER OF A
20 MANUFACTURED HOME, MOBILE HOME, MODULAR HOME, OR TINY HOME
21 AND ANY LIENHOLDER OF RECORD, BY FIRST CLASS MAIL TO THE OWNER'S
22 LAST-KNOWN MAILING ADDRESS, THAT AN APPLICATION FOR A
23 TREASURER'S DEED FOR THE HOME HAS BEEN RECORDED BY THE
24 TREASURER ON BEHALF OF THE LAWFUL HOLDER OF THE CERTIFICATE OF
25 PURCHASE PURSUANT TO SECTION 39-11.5-103. THE TREASURER SHALL
26 THEREAFTER PROCEED IN LIKE MANNER AS IS PROVIDED BY LAW IN THE
27 CASE OF CERTIFICATES OF PURCHASE HELD BY AN INVESTOR.

1 (c) IF THE PROPERTY DESCRIBED IN THE APPLICATION FOR A
2 TREASURER'S DEED CONSISTS OF A SEVERED MINERAL INTEREST AND THE
3 TAX LIEN IS HELD BY THE COUNTY, THE TREASURER SHALL PROCEED IN THE
4 MANNER PROVIDED IN THIS ARTICLE 11.5, EXCEPT THAT ALL FEES MAY BE
5 WAIVED.

6 (2) NOT MORE THAN THIRTY CALENDAR DAYS AFTER RECORDING
7 THE APPLICATION FOR A TREASURER'S DEED AS SET FORTH IN SECTION
8 39-11.5-103, THE TREASURER SHALL ORDER A TITLE SEARCH OR BEGIN A
9 REVIEW OF RELEVANT COUNTY RECORDS OF THE COUNTY CLERK AND
10 RECORDER CONCERNING THE PROPERTY.

11 (3) THE TITLE SEARCH DESCRIBED IN SUBSECTION (2) OF THIS
12 SECTION MUST BE RECEIVED OR A REVIEW OF RELEVANT COUNTY RECORDS
13 OF THE COUNTY CLERK AND RECORDER CONCERNING THE PROPERTY MUST
14 BE COMPLETED NO LATER THAN ONE HUNDRED EIGHTY CALENDAR DAYS
15 FROM THE DATE OF THE RECORDING OF THE APPLICATION OF PUBLIC
16 AUCTION.

17 (4) NOT MORE THAN THIRTY BUSINESS DAYS AFTER EITHER
18 RECEIVING THE TITLE COMPANY'S SEARCH OR COMPLETING A REVIEW OF
19 RELEVANT COUNTY RECORDS OF THE COUNTY CLERK AND RECORDER
20 CONCERNING THE PROPERTY, THE TREASURER SHALL CREATE A MAILING
21 LIST CONTAINING THE NAMES AND ADDRESSES OF:

22 (a) THE OWNER OF THE PROPERTY AT THE TIME OF THE TAX LIEN
23 SALE, AT THE PROPERTY ADDRESS, AND THE LAST-KNOWN MAILING
24 ADDRESS ASSOCIATED WITH THE PROPERTY AS SHOWN IN THE RECORDS OF
25 THE TREASURER;

26 (b) THE OWNER OF THE PROPERTY AT THE TIME OF THE TAX LIEN
27 SALE, AT THE OWNER'S LAST-KNOWN MAILING ADDRESS AS SHOWN IN THE

1 RECORDS OF THE TREASURER, IF DIFFERENT THAN THE PROPERTY ADDRESS;

2 (c) THE LAWFUL HOLDER OF THE CERTIFICATE OF PURCHASE, OR
3 ANY ASSIGNEES OR TRANSFEREES OF THE CERTIFICATE OF PURCHASE;

4 (d) THE OCCUPANT OF THE PROPERTY, ADDRESSED TO "OCCUPANT"
5 AT THE ADDRESS OF THE PROPERTY, IF THE PROPERTY IS COMMERCIAL,
6 RESIDENTIAL, AGRICULTURAL REAL PROPERTY, OR A MANUFACTURED
7 HOME, MOBILE HOME, MODULAR HOME, OR TINY HOME;

8 (e) THE LESSEE OF THE PROPERTY, ADDRESSED TO "LESSEE" AT THE
9 ADDRESS OF THE PROPERTY, IF THE PROPERTY IS COMMERCIAL,
10 RESIDENTIAL, AGRICULTURAL REAL PROPERTY, OR A MANUFACTURED
11 HOME, MOBILE HOME, MODULAR HOME, OR TINY HOME AND IF THE LEASE
12 IS RECORDED;

13 (f) THE CURRENT OWNER OF THE PROPERTY, IF DIFFERENT THAN
14 THE OWNER, AT THE TIME OF THE TAX LIEN SALE; AND

15 (g) ALL JUNIOR LIENORS, AS SHOWN IN THE RECORDS OF THE
16 COUNTY CLERK AND RECORDER, WHOSE LIENS WERE DULY RECORDED IN
17 THE RECORDS OF THE COUNTY CLERK AND RECORDER, PRIOR TO THE
18 RECORDING OF THE APPLICATION FOR TREASURER'S DEED.

19 (5) IF A RECORDED INSTRUMENT DOES NOT SPECIFY THE ADDRESS
20 OF THE PARTY PURPORTING TO HAVE AN INTEREST IN THE PROPERTY
21 UNDER THE RECORDED INSTRUMENT, THAT PARTY IS NOT ENTITLED TO
22 NOTICE AND ANY INTEREST IN THE PROPERTY UNDER SUCH INSTRUMENT
23 IS EXTINGUISHED UPON THE EXECUTION AND DELIVERY OF A TREASURER'S
24 DEED PURSUANT TO SECTION 39-11.5-501.

25 (6) IF ANY NOTICE SENT PURSUANT TO THIS SECTION IS RETURNED
26 AS UNDELIVERABLE, THE COUNTY TREASURER SHALL CONDUCT A
27 REASONABLE SEARCH TO LOCATE AND NOTIFY THE INTENDED RECIPIENT

1 WITHIN THIRTY CALENDAR DAYS OF RECEIPT OF THE RETURNED MAIL AS
2 UNDELIVERABLE.

3 (7) A FAILURE TO INCLUDE A PERSON ON A MAILING LIST OR A
4 DEFECT IN AN ADDRESS USED FOR MAILING A NOTICE REQUIRED BY THIS
5 SECTION DOES NOT INVALIDATE THE NOTICE OR ANY SUBSEQUENT ACTION
6 OR DOCUMENT INCLUDING A PUBLIC AUCTION, CERTIFICATE OF OPTION FOR
7 TREASURER'S DEED, OR A TREASURER'S DEED IF A TREASURER
8 SUBSTANTIALLY COMPLIED WITH THE REQUIREMENTS OF THIS SECTION
9 AND THIS ARTICLE 11.5. THIS SUBSECTION (7) DOES NOT LIMIT THE RIGHTS
10 OF A PERSON ENTITLED TO NOTICE PURSUANT TO THIS SECTION TO PURSUE
11 ANY REMEDY PROVIDED BY LAW IF THE PERSON DOES NOT RECEIVE SUCH
12 NOTICE.

13 **39-11.5-105. Notice of public auction - mailing - publication -**
14 **posting.**

15 (1) NO MORE THAN TEN BUSINESS DAYS AFTER THE TREASURER
16 HAS CREATED THE MAILING LIST PURSUANT TO SECTION 39-11.5-104, THE
17 TREASURER SHALL MAIL BY FIRST CLASS MAIL A NOTICE OF PUBLIC
18 AUCTION TO THE PERSONS SET FORTH IN THE MAILING LIST.

19 (2) THE NOTICE OF PUBLIC AUCTION REQUIRED TO BE MAILED
20 PURSUANT TO THIS SECTION MUST CONTAIN:

21 (a) THE YEAR FOR WHICH THE UNPAID TAXES WERE PURCHASED;

22 (b) THE DATE OF TAX LIEN SALE;

23 (c) THE NAME OF THE ORIGINAL PURCHASER AT THE TAX LIEN
24 SALE;

25 (d) ANY ASSIGNMENTS OF THE CERTIFICATE OF PURCHASE;

26 (e) THE NAME OF THE OWNER OF THE PROPERTY AT THE TIME OF
27 THE TAX LIEN SALE;

1 (f) THE NAME OF THE LAWFUL HOLDER AT TIME OF RECORDING OF
2 APPLICATION FOR TREASURER'S DEED;

3 (g) THE LEGAL DESCRIPTION OF THE PROPERTY AND SITE ADDRESS,
4 IF APPLICABLE;

5 (h) THE DATE AND TIME OF THE ORIGINALLY SCHEDULED PUBLIC
6 AUCTION;

7 (i) THE LOCATION OF THE PUBLIC AUCTION, INCLUDING THE
8 INFORMATION REQUIRED BY SUBSECTION (3) OF THIS SECTION, IF
9 APPLICABLE;

10 (j) THE PUBLICATION DATE, IF APPLICABLE; AND

11 (k) LEGIBLE COPIES OF SECTIONS 39-11.5-106, 39-11.5-107,
12 39-11.5-110, AND 39-11.5-112.

13 (3) IF THE PUBLIC AUCTION IS CONDUCTED BY MEANS OF THE
14 INTERNET OR OTHER ELECTRONIC MEDIUM, THEN THE NOTICE OF PUBLIC
15 AUCTION REQUIRED TO BE MAILED PURSUANT TO THIS SECTION MUST
16 INCLUDE A STATEMENT OF OR DIRECTIONS WHERE TO OBTAIN THE
17 FOLLOWING:

18 (a) THE WEB ADDRESS FOR THE PUBLIC AUCTION;

19 (b) THE LOCATION OF COMPUTER WORKSTATIONS AVAILABLE TO
20 THE PUBLIC;

21 (c) INSTRUCTIONS ON ACCESSING THE PUBLIC AUCTION AND
22 SUBMITTING BIDS; AND

23 (d) BIDDING RULES FOR THE PUBLIC AUCTION WILL BE POSTED ON
24 THE TREASURER'S WEBSITE OR THE ELECTRONIC MEDIUM USED TO
25 CONDUCT THE AUCTION AT LEAST FOURTEEN CALENDAR DAYS BEFORE THE
26 DATE OF THE PUBLIC AUCTION.

27 (4) (a) NO LESS THAN THIRTY CALENDAR DAYS PRIOR TO THE FIRST

1 SCHEDULED PUBLIC AUCTION DATE, IF THE VALUATION FOR ASSESSMENT
2 OF THE PROPERTY THAT IS THE SUBJECT OF THE PUBLIC AUCTION, AT THE
3 TIME OF THE RECORDING OF THE APPLICATION FOR TREASURER'S DEED, IS
4 FIVE HUNDRED DOLLARS OR MORE, THE TREASURER SHALL COMMENCE
5 PUBLICATION OF THE NOTICE OF PUBLIC AUCTION, OMITTING THE
6 STATUTES, FOR THREE WEEKS, WHICH MEANS PUBLICATION ONCE EACH
7 WEEK FOR THREE SUCCESSIVE WEEKS IN A NEWSPAPER THAT IS PUBLISHED
8 DAILY, WEEKLY, OR SEMIWEEKLY IN THE COUNTY WHERE THE PROPERTY
9 IS LOCATED.

10 (b) IF THERE IS NOT A NEWSPAPER THAT SATISFIES THE CRITERIA
11 IDENTIFIED IN SUBSECTION (4)(a) OF THIS SECTION, THE TREASURER SHALL
12 POST THE NOTICE OF PUBLIC AUCTION, OMITTING THE STATUTES REQUIRED
13 BY SUBSECTION (2)(k) OF THIS SECTION, CONSPICUOUSLY IN THE OFFICES
14 OF THE COUNTY CLERK AND RECORDER, THE TREASURER, AND THE
15 ASSESSOR, IN AT LEAST TWO OTHER PUBLIC PLACES IN THE COUNTY SEAT,
16 AND SHALL POST THE NOTICE ON THE TREASURER'S WEBSITE.

17 (c) THE FEES AND COSTS ALLOWED FOR PUBLICATION OF THE
18 NOTICE OF PUBLIC AUCTION MUST BE AS PROVIDED BY LAW FOR THE
19 PUBLICATION OF LEGAL NOTICES OR ADVERTISING.

20 (d) THE NOTICE OF PUBLIC AUCTION MUST BE IN THE FOLLOWING
21 FORMAT:

22 NOTICE OF PUBLIC AUCTION
23 NOTICE IS GIVEN THAT ON [DATE], AT [LOCATION], THE COUNTY
24 TREASURER WILL CONDUCT A PUBLIC AUCTION FOR A TREASURER'S
25 DEED DUE TO DELINQUENT PROPERTY TAXES.
26 [INSERT LEGAL DESCRIPTION]
27 [INSERT PROPERTY ADDRESS]

1 INTERESTED BIDDERS MUST REGISTER. MORE INFORMATION AT
2 (WEBSITE OR TREASURER'S OFFICE PHONE NUMBER).

3 (5) (a) NO MORE THAN TEN BUSINESS DAYS AFTER MAILING THE
4 NOTICE OF PUBLIC AUCTION, IF THE ASSESSED VALUE OF THE PROPERTY
5 THAT IS THE SUBJECT OF THE PUBLIC AUCTION, AT THE TIME OF THE
6 RECORDING OF THE APPLICATION FOR TREASURER'S DEED, IS LESS THAN
7 FIVE HUNDRED DOLLARS, OR THE PROPERTY IS A MANUFACTURED HOME,
8 MOBILE HOME, MODULAR HOME, OR TINY HOME, THEN THE TREASURER
9 SHALL POST THE NOTICE OF PUBLIC AUCTION, OMITTING THE STATUTES
10 REQUIRED BY SUBSECTION (2)(k) OF THIS SECTION, ON THE TREASURER'S
11 WEBSITE.

12 (b) NO MORE THAN TEN BUSINESS DAYS AFTER MAILING THE
13 NOTICE OF PUBLIC AUCTION, IF AN APPLICATION FOR TREASURER'S DEED
14 CONSISTS OF MULTIPLE PROPERTIES NOT EXCEEDING TWENTY-FIVE,
15 CONTIGUOUS OR NONCONTIGUOUS, AND THE ASSESSED VALUE OF EACH
16 PROPERTY INDIVIDUALLY, AT THE TIME OF THE RECORDING OF THE
17 APPLICATION FOR TREASURER'S DEED, IS LESS THAN FIVE HUNDRED
18 DOLLARS, THE TREASURER SHALL POST THE NOTICE OF PUBLIC AUCTION,
19 OMITTING THE STATUTES REQUIRED BY SUBSECTION (2)(k) OF THIS
20 SECTION, ON THE TREASURER'S WEBSITE.

21 (6) NO LESS THAN THIRTY CALENDAR DAYS PRIOR TO THE FIRST
22 SCHEDULED PUBLIC AUCTION DATE, THE TREASURER SHALL POST, IN A
23 CONSPICUOUS LOCATION ON A PROPERTY; EXCEPT THAT THE TREASURER
24 IS NOT REQUIRED TO MAKE THE POST REQUIRED BY THIS SUBSECTION (6)
25 IF A PROPERTY IS SEVERED MINERAL RIGHTS. FOR A MANUFACTURED
26 HOME, MOBILE HOME, MODULAR HOME, OR TINY HOME, THE TREASURER
27 SHALL PROVIDE NOTICE, INCLUDING A STATEMENT OF TAXES DUE FOR THE

1 OWNER TO REDEEM, IN ACCORDANCE WITH SUBSECTION (2) OF THIS
2 SECTION.

3 (7) THE TREASURER SHALL MAKE, OR CAUSE TO BE MADE, AN
4 AFFIDAVIT SHOWING THE POSTING OF THE NOTICE OF PUBLIC AUCTION
5 PURSUANT TO THIS SECTION. THE TREASURER SHALL RETAIN AFFIDAVITS
6 IN THE TREASURER'S RECORDS PURSUANT TO THE COUNTY RETENTION
7 POLICY.

8 **39-11.5-106. Property owner redemption procedure.**

9 (1) (a) A PROPERTY OWNER IS ENTITLED TO REDEEM A PROPERTY
10 IF, NO LATER THAN SEVEN CALENDAR DAYS PRIOR TO THE CURRENTLY
11 SCHEDULED PUBLIC AUCTION DATE, THE PROPERTY OWNER FILES AN
12 INTENT TO REDEEM THE PROPERTY WITH THE TREASURER.

13 (b) IF A PROPERTY OWNER IS DECEASED OR INCAPACITATED ON OR
14 AFTER THE DATE AND TIME OF THE RECORDING OF THE APPLICATION FOR
15 TREASURER'S DEED, THE PROPERTY OWNER'S HEIRS, PERSONAL
16 REPRESENTATIVE, LEGAL GUARDIAN, OR CONSERVATOR, WHETHER OR NOT
17 THAT PERSON'S INTEREST IS SHOWN IN THE RECORDS, UPON PROVIDING
18 SATISFACTORY PROOF TO A TREASURER, MAY FILE AN INTENT TO REDEEM
19 AND OR REDEEM THE CERTIFICATE OF PURCHASE AS PROVIDED IN THIS
20 SECTION.

21 (2) (a) NO LATER THAN THREE BUSINESS DAYS FOLLOWING THE
22 TIMELY FILING OF AN INTENT TO REDEEM, THE TREASURER SHALL PROVIDE
23 A REDEMPTION STATEMENT TO A PROPERTY OWNER PURSUANT TO THIS
24 SECTION IN A STATEMENT SPECIFYING THE AMOUNT, ITEMIZED AND IN
25 SUBSTANTIALLY THE SAME FORM AS A BID PURSUANT TO SECTION
26 39-11.5-107; AND

27 (b) A FEE NOT EXCEEDING TWENTY-FIVE DOLLARS MAY BE

1 CHARGED TO A PROPERTY OWNER FOR FILING AN INTENT TO REDEEM OR
2 REQUESTING AN UPDATED REDEMPTION STATEMENT UNDER THIS SECTION.

3 (3) (a) A REDEMPTION STATEMENT IS EFFECTIVE FOR TEN BUSINESS
4 DAYS OR UNTIL NOON THE DAY BEFORE THE CURRENTLY SCHEDULED
5 PUBLIC AUCTION DATE, WHICHEVER OCCURS FIRST.

6 (b) A PROPERTY OWNER MAY REDEEM A PROPERTY AT ANY TIME
7 BEFORE THE EXPIRATION OF A REDEMPTION STATEMENT BY PAYING THE
8 TREASURER, IN CERTIFIED FUNDS BY THE METHOD OF PAYMENT SPECIFIED
9 BY THE TREASURER, THE AMOUNT REQUIRED TO REDEEM AS SPECIFIED IN
10 SUBSECTION (2) OF THIS SECTION.

11 (c) UPON RECEIPT OF THE REDEMPTION PAYMENT, THE TREASURER
12 SHALL NOTIFY THE LAWFUL HOLDER OF THE REDEMPTION AND EXECUTE A
13 WITHDRAWAL OF THE APPLICATION FOR TREASURER'S DEED PURSUANT TO
14 SECTION 39-11.5-111 (3).

15 (d) NO LATER THAN THE THIRD BUSINESS DAY AFTER RECEIVING
16 THE REDEMPTION PAYMENT, THE TREASURER SHALL RECORD THE
17 WITHDRAWAL OF THE APPLICATION FOR TREASURER'S DEED ALONG WITH
18 THE CERTIFICATE OF REDEMPTION IN THE COUNTY RECORDS.

19 (e) THE TREASURER SHALL DISBURSE ALL REDEMPTION PROCEEDS
20 TO THE PERSONS ENTITLED TO RECEIVE THEM.

21 (4) NO MORE THAN TEN BUSINESS DAYS AFTER RECEIVING THE
22 REDEMPTION PAYMENT, THE TREASURER SHALL RECORD A CERTIFICATE OF
23 REDEMPTION PURSUANT TO THIS SUBSECTION (4) IF A CERTIFICATE OF
24 PURCHASE OR TAX LIEN WAS RECORDED SEPARATELY AT THE TIME OF THE
25 TAX LIEN SALE.

26 (5) ALL FEES AND COSTS OF THE TREASURER FOR ACTIONS
27 PERFORMED UNDER THIS SECTION AND THE COST OF RECORDING THE

1 CERTIFICATE OF REDEMPTION AND WITHDRAWAL OF THE APPLICATION OF
2 PUBLIC AUCTION ARE PART OF THE TREASURER'S COSTS FOR PURPOSES OF
3 THIS ARTICLE 11.5.

4 (6) IF AN AGGRIEVED PERSON CONTESTS THE AMOUNT SET FORTH
5 IN THE REDEMPTION STATEMENT PREPARED THE BY TREASURER PURSUANT
6 TO SUBSECTION (2) OF THIS SECTION AND A COURT DETERMINES THAT THE
7 TREASURER MADE A MATERIAL MISSTATEMENT IN THE REDEMPTION
8 STATEMENT WITH RESPECT TO THE AMOUNT DUE AND OWING TO THE
9 LAWFUL HOLDER, THE COURT SHALL, IN ADDITION TO OTHER RELIEF,
10 AWARD TO THE AGGRIEVED PERSON THE AGGRIEVED PERSON'S COURT
11 COSTS AND REASONABLE ATTORNEY FEES AND COSTS.

12 (7) (a) A PROPERTY OWNER SHALL REDEEM THE ENTIRE PROPERTY.
13 NO PARTIAL REDEMPTION SHALL BE PERMITTED UNDER THIS SECTION.

14 (b) THE PRIORITY OF LIENS OTHER THAN THE TAX LIEN FOR
15 PURPOSES OF THIS SECTION MUST BE DETERMINED WITHOUT
16 CONSIDERATION OF THE FACT THAT ANOTHER LIEN RELATES TO ONLY A
17 PORTION OF THE PROPERTY OR TO A PARTIAL INTEREST THEREIN.

18 (8) FOLLOWING EXPIRATION OF THE PERIOD FOR WHICH THE
19 REDEMPTION STATEMENT IS EFFECTIVE, BUT NO LESS THAN SEVEN
20 CALENDAR DAYS PRIOR TO THE DATE OF THE PUBLIC AUCTION, THE
21 PROPERTY OWNER MAY MAKE A WRITTEN REQUEST TO THE TREASURER
22 FOR AN UPDATE OF THE AMOUNT NECESSARY TO REDEEM. UPON RECEIPT
23 BY THE TREASURER OF A WRITTEN REQUEST FOR UPDATED REDEMPTION
24 FIGURES, SUBSECTION (3) OF THIS SECTION APPLIES.

25 **39-11.5-107. Bid required - form of bid.**

26 (1) (a) A TREASURER SHALL PREPARE, NO LATER THAN SEVEN
27 CALENDAR DAYS PRIOR TO THE SCHEDULED AUCTION DATE, A BID FORM

1 FOR A LAWFUL HOLDER'S APPROVAL. THE BID FORM MUST BE APPROVED BY
2 A LAWFUL HOLDER AND SUBMITTED TO THE TREASURER NO LATER THAN
3 NOON ON THE SECOND BUSINESS DAY PRIOR TO THE SCHEDULED PUBLIC
4 AUCTION, AS PROVIDED IN THIS SECTION, AND MUST SET FORTH ALL MONEY
5 DUE AND OWING TO THE LAWFUL HOLDER, INCLUDING ALL TREASURER
6 FEES AND COSTS.

7 (b) IF A LAWFUL HOLDER DOES NOT SUBMIT AN APPROVED BID
8 FORM BY THE DEADLINE SPECIFIED IN SUBSECTION (1)(a) OF THIS SECTION,
9 A TREASURER SHALL PREPARE AND SUBMIT A BID FORM SETTING FORTH
10 ALL MONEY DUE AND OWING TO THE LAWFUL HOLDER, INCLUDING ALL
11 TREASURER FEES AND COSTS.

12 (2) A LAWFUL HOLDER NEED NOT PERSONALLY ATTEND A PUBLIC
13 AUCTION.

14 (3) A BID MUST SPECIFY THE FOLLOWING AMOUNTS, ITEMIZED IN
15 SUBSTANTIALLY THE FOLLOWING FORM:

16 **BID**
17 TREASURER OF THE COUNTY (OR CITY AND COUNTY)
18 OF _____, STATE OF COLORADO.
19 DATE: _____
20 TREASURER'S DEED NUMBER: _____
21 LAWFUL HOLDER/TREASURER, WHOSE MAILING ADDRESS
22 IS _____, BIDS THE SUM OF \$ _____
23 IN YOUR PUBLIC AUCTION TO BE HELD ON THE ____ DAY
24 OF _____, 20__ .
25 STREET ADDRESS OF PROPERTY BEING SOLD, IF APPLICABLE:
26 _____

27 THE FOLLOWING IS AN ITEMIZATION OF ALL AMOUNTS DUE THE

1 LAWFUL HOLDER OF THE TAX LIEN.

2 STATUTORY RATE OF INTEREST ON TAX LIEN AS OF THE DATE OF

3 PUBLIC AUCTION: _____

4 (INAPPLICABLE ITEMS MAY BE OMITTED):

5 AMOUNT DUE ON TAX LIEN \$ _____

6 INTEREST \$ _____

7 ENDORSEMENT(S) \$ _____

8 CURRENT YEARS TAXES \$ _____

9 CATEGORY SUBTOTAL \$ _____

10 TREASURER FEES AND COSTS:

11 TREASURER STATUTORY FEE \$ _____

12 TREASURER SOFTWARE COSTS \$ _____

13 TITLE COMMITMENTS OR ABTRACTOR COSTS

14 \$ _____

15 MAILINGS \$ _____

16 PUBLICATION COSTS \$ _____

17 POSTING COSTS \$ _____

18 ELECTRONIC AUCTION COSTS \$ _____

19 CERTIFICATE OF OPTION FOR A TREASURER'S DEED RECORDING

20 COST \$ _____

21 TREASURER DEED FEE \$ _____

22 DEED RECORDING COST \$ _____

23 OTHER (DESCRIBE) \$ _____

24 CATEGORY SUBTOTAL: \$ _____

25 BID \$ _____ (TOTAL DUE LAWFUL HOLDER)

26 NAME OF THE LAWFUL HOLDER OR ATTORNEY FOR THE HOLDER: (IF

1 BID SUBMITTED BY LAWFUL HOLDER OR AN ATTORNEY FOR THE
2 LAWFUL HOLDER)

3 LAWFUL HOLDER/OR ATTORNEY: _____

4 ATTORNEY REGISTRATION NUMBER: _____

5 ATTORNEY ADDRESS: _____

6 ATTORNEY BUSINESS TELEPHONE: _____

7 (4) UPON RECEIPT OF AN APPROVED BID FORM FROM A LAWFUL
8 HOLDER, OR SUBMISSION OF A BID FORM BY A TREASURER PURSUANT TO
9 SUBSECTION (1)(b) OF THIS SECTION, A TREASURER SHALL MAKE SUCH
10 INFORMATION AVAILABLE TO THE GENERAL PUBLIC.

11 (5) A TREASURER SHALL ENTER A BID BY READING THE BID
12 AMOUNT SET FORTH ON THE BID FORM AND THE NAME OF THE PERSON
13 THAT SUBMITTED THE BID, OR BY POSTING OR PROVIDING THAT BID
14 INFORMATION AT THE TIME AND PLACE DESIGNATED FOR THE PUBLIC
15 AUCTION.

16 (6) A LAWFUL HOLDER MUST BID NO LESS THAN THE AMOUNT OF
17 THE TOTAL DEBT, AS DETERMINED BY THE TREASURER, FOR THE
18 CERTIFICATE OF PURCHASE BEING SOLD. THE FAILURE OF A LAWFUL
19 HOLDER TO BID THE AMOUNT REQUIRED BY THIS SECTION DOES NOT
20 AFFECT THE VALIDITY OF THE AUCTION.

21 (7) OTHER THAN A BID BY A LAWFUL HOLDER NOT EXCEEDING THE
22 TOTAL AMOUNT DUE, AS SHOWN ON THE BID FORM PURSUANT TO
23 SUBSECTION (3) OF THIS SECTION, THE PAYMENT OF ANY AMOUNT BID AT
24 AN AUCTION MUST BE RECEIVED BY A TREASURER NO LATER THAN THE
25 DATE AND TIME OF THE AUCTION, OR AT AN ALTERNATIVE TIME AFTER THE
26 AUCTION AND ON THE DAY OF THE AUCTION, AS SPECIFIED IN WRITING BY
27 THE TREASURER. A BID PAYMENT MUST BE MADE IN THE FORM SPECIFIED

1 BY THE TREASURER. IF A TREASURER HAS NOT RECEIVED FULL PAYMENT
2 OF THE BID AMOUNT FROM THE HIGHEST BIDDER AT AN AUCTION IN
3 ACCORDANCE WITH THIS SUBSECTION (7), THE NEXT HIGHEST BIDDER WHO
4 TIMELY TENDERS THE FULL AMOUNT OF THE BID UNDER THIS SUBSECTION
5 (7) IS DEEMED THE SUCCESSFUL BIDDER AT THE AUCTION PURSUANT TO
6 SECTION 39-11.5-110 (4).

7 (8) A TREASURER MAY ESTABLISH WRITTEN POLICIES RELATING TO
8 ALL ASPECTS OF A PUBLIC AUCTION THAT ARE CONSISTENT WITH THE
9 PROVISIONS OF THIS ARTICLE 11.5. THE WRITTEN POLICIES MUST BE MADE
10 AVAILABLE TO THE GENERAL PUBLIC.

11 (9) IF A CERTIFICATE OF OPTION FOR A TREASURER'S DEED IS SOLD
12 TO A THIRD-PARTY BIDDER OR A LAWFUL HOLDER AS A COMPETITIVE
13 BIDDER, A TREASURER MAY COLLECT UP TO THREE HUNDRED DOLLARS
14 FROM THE SUCCESSFUL BIDDER FOR PERFORMING ACTIONS RELATED TO
15 PROCESSING THE PUBLIC AUCTION PURSUANT TO SECTION 30-1-102
16 (1.7)(a)(XIV).

17 (10) IF A LAWFUL HOLDER IS THE HIGHEST BIDDER WITH A BID
18 AMOUNT THAT EXCEEDS THE TOTAL AMOUNT DUE TO THE LAWFUL HOLDER
19 AS SHOWN ON THE BID FORM CREATED PURSUANT TO THIS SECTION, A
20 LAWFUL HOLDER IS REQUIRED TO PAY ONLY THE EXCESS OF THE BID OVER
21 THE AMOUNT DUE. A LAWFUL HOLDER SHALL PAY THE EXCESS AMOUNT TO
22 THE TREASURER WITHIN THREE BUSINESS DAYS AFTER THE PUBLIC
23 AUCTION.

24 **39-11.5-108. Fees and costs.**

25 (1) ALL FEES PURSUANT TO SECTION 30-1-102 AND COSTS
26 INCURRED UNDER THIS ARTICLE 11.5 ARE FEES AND COSTS OF THE PUBLIC
27 AUCTION CHARGEABLE AS ADDITIONAL AMOUNTS OWING UNDER THE

1 CERTIFICATE OF PURCHASE. THE AMOUNTS MUST BE DEDUCTED FROM THE
2 PROCEEDS OF ANY PUBLIC AUCTION OR, IF THERE ARE NO CASH PROCEEDS
3 FROM A PUBLIC AUCTION ADEQUATE TO PAY THE FEES AND COSTS TO THE
4 EXTENT OF THE INADEQUACY, THE LAWFUL HOLDER MUST PAY THE FEES
5 AND COSTS. THE TREASURER MAY DECLINE TO ISSUE A TREASURER'S DEED
6 PURSUANT TO SECTION 39-11.5-501 UNTIL ALL MONEY DUE TO THE
7 TREASURER HAS BEEN PAID.

8 (2) FEES AND COSTS INCLUDE, BUT ARE NOT LIMITED TO, THE
9 FOLLOWING AMOUNTS OF MONEY THAT HAVE BEEN PAID OR INCURRED:

10 (a) COSTS AND EXPENSES ALLOWABLE UNDER THE TAX LIEN;

11 (b) ALL EXPENSES ACTUALLY INCURRED BY THE TREASURER
12 CONDUCTING THE PUBLIC AUCTION, PUBLICATION COSTS, POSTING COSTS,
13 STATUTORY NOTICE COSTS AND POSTAGE, AND TITLE FEES;

14 (c) ANY GENERAL OR SPECIAL TAXES OR DITCH OR WATER
15 ASSESSMENTS LEVIED OR ACCRUED AGAINST THE PROPERTY AND ANY
16 GOVERNMENTAL OR QUASI-GOVERNMENTAL LIEN, FINE, PENALTY, OR
17 ASSESSMENT AGAINST THE PROPERTY, IF PAID PURSUANT TO THIS ARTICLE
18 11.5; AND

19 (d) SUMS DUE ON ANY PRIOR LIEN OR ENCUMBRANCE ON THE
20 PROPERTY THAT CONSTITUTES A LIEN PRIOR TO THE TAX LIEN BEING
21 AUCTIONED; EXCEPT THAT, ANY PRINCIPAL THAT WOULD NOT HAVE BEEN
22 DUE PRIOR TO THE PUBLIC AUCTION MUST NOT BE INCLUDED IN THE SUM
23 DUE PURSUANT TO THIS SUBSECTION (2)(d) UNLESS PAID PURSUANT TO
24 THIS ARTICLE 11.5.

25 (3) IN THE CASE OF A PROPERTY OWNER REDEMPTION MADE
26 PURSUANT TO SECTION 39-11.5-106, LAWFUL HOLDERS' FEES AND COSTS
27 SPECIFYING THE AMOUNT, ITEMIZED IN SUBSTANTIALLY THE SAME FORM

1 AS A BID PURSUANT TO SECTION 39-11.5-107 INCLUDING TREASURER FEES
2 AND COSTS MUST BE INCLUDED IN THE STATEMENT OF REDEMPTION.

3 **39-11.5-109. Public auction - timing of - electronic bid.**

4 (1) THE INITIAL PUBLIC AUCTION HELD PURSUANT TO THIS ARTICLE
5 11.5 MUST BE SCHEDULED FOR NO LESS THAN THIRTY CALENDAR DAYS
6 NOR MORE THAN SIXTY CALENDAR DAYS AFTER THE DATE OF MAILING THE
7 NOTICE OF PUBLIC AUCTION.

8 (2) IF A PUBLIC AUCTION IS CONDUCTED ELECTRONICALLY, A BID
9 MUST BE INCREASED ELECTRONICALLY IN INCREMENTS INCORPORATED IN
10 AN ELECTRONIC PROGRAM USED BY THE TREASURER TO CONDUCT THE
11 ELECTRONIC AUCTION UP TO THE MAXIMUM BID IF ONE OR MORE THIRD
12 PARTIES SUBMIT COMPETING BIDS FOR THE PROPERTY.

13 **39-11.5-110. Public auction - location - announcement -**
14 **records - definition.**

15 (1) (a) THE TREASURER SHALL CONDUCT THE PUBLIC AUCTION AT
16 ANY DOOR OR ENTRANCE TO, OR IN ANY ROOM IN ANY BUILDING
17 TEMPORARILY OR PERMANENTLY USED AS, A COURTHOUSE OR AT OR
18 WITHIN ANY BUILDING WHERE THE OFFICE OF THE COUNTY CLERK AND
19 RECORDER OR THE OFFICE OF THE TREASURER IS LOCATED, WHICH PLACE
20 MUST BE SPECIFICALLY DESIGNATED IN THE NOTICE OF PUBLIC AUCTION;
21 EXCEPT THAT A PUBLIC AUCTION MAY ALSO BE CONDUCTED BY MEANS OF
22 THE INTERNET OR OTHER ELECTRONIC MEDIUM. THE COUNTY, THE
23 TREASURER, AND EMPLOYEES OF THE COUNTY OR THE TREASURER, ACTING
24 IN THEIR OFFICIAL CAPACITIES IN PREPARING, CONDUCTING, AND
25 EXECUTING A PUBLIC AUCTION UNDER THIS ARTICLE 11.5 BY MEANS OF
26 THE INTERNET OR ANOTHER ELECTRONIC MEDIUM, ARE NOT LIABLE FOR
27 THE FAILURE OF A DEVICE THAT PREVENTS A PERSON FROM PARTICIPATING

1 IN A PUBLIC AUCTION UNDER THIS ARTICLE 11.5.

2 (b) AS USED IN SUBSECTION (1)(a) OF THIS SECTION, "DEVICE"
3 INCLUDES, BUT IS NOT LIMITED TO, ANY COMPUTER HARDWARE, COMPUTER
4 NETWORK, COMPUTER SOFTWARE APPLICATION, OR WEBSITE.

5 (c) A NOTICE OF PUBLIC AUCTION MUST DESIGNATE THE ACTUAL
6 PLACE OF THE AUCTION OR, IF THE PUBLIC AUCTION IS CONDUCTED BY
7 MEANS OF THE INTERNET OR ANOTHER ELECTRONIC MEDIUM, THE
8 INFORMATION PRESCRIBED BY SECTION 39-11.5-105 (3).

9 (2) (a) AT A PUBLIC AUCTION, A TREASURER MUST READ ONLY THE
10 TREASURER'S DEED NUMBER; THE NAME OF THE LAWFUL HOLDER; THE
11 STREET ADDRESS OR, IF NONE, THE LEGAL DESCRIPTION OF THE PROPERTY;
12 THE FIRST AND LAST PUBLICATION DATES OF THE NOTICE OF PUBLIC
13 AUCTION, IF APPLICABLE; AND, IN ACCORDANCE WITH THE BID FORM
14 SUBMITTED PURSUANT TO SECTION 39-11.5-107 (3), THE AMOUNT OF THE
15 BID AND THE NAME OF THE PERSON WHO SUBMITTED THE BID.

16 (b) IN LIEU OF READING THE INFORMATION REQUIRED BY
17 SUBSECTION (2)(a) OF THIS SECTION, A TREASURER MAY POST THE
18 INFORMATION AT THE LOCATION OF THE PUBLIC AUCTION, PROVIDE A
19 WRITTEN COPY OF THE INFORMATION TO ALL PERSONS PRESENT AT THE
20 PUBLIC AUCTION, OR POST THE INFORMATION ON THE INTERNET OR OTHER
21 ELECTRONIC MEDIUM, IF THE PUBLIC AUCTION IS CONDUCTED BY MEANS
22 OF THE INTERNET OR ANOTHER ELECTRONIC MEDIUM.

23 (3) (a) A TREASURER, ACTING IN THEIR INDIVIDUAL CAPACITY,
24 MUST NOT BID AT A PUBLIC AUCTION HELD PURSUANT TO THIS SECTION.

25 (b) THIS SUBSECTION (3) DOES NOT APPLY WHERE THE PROPERTY
26 SUBJECT TO TAX LIEN IS MINERAL RIGHTS AND A TREASURER IS THE
27 SURFACE OWNER OF SAID MINERAL RIGHTS.

1 (4) AT ANY TIME BEFORE THE COMMENCEMENT OF A PUBLIC
2 AUCTION, A TREASURER MAY, FOR GOOD CAUSE SHOWN, PROHIBIT A
3 PERSON FROM PARTICIPATING IN A PUBLIC AUCTION. GOOD CAUSE MAY
4 INCLUDE, BUT IS NOT LIMITED TO, FAILURE TO COMPLY WITH AUCTION
5 PROCEDURES OR POLICIES ESTABLISHED BY THE TREASURER, OR ENGAGING
6 IN DISRUPTIVE, ABUSIVE, FRAUDULENT, OR THREATENING BEHAVIOR. A
7 TREASURER MAY PROHIBIT A PERSON FROM PARTICIPATING IN ANY PUBLIC
8 AUCTION CONDUCTED UNDER THIS ARTICLE 11.5 FOR A PERIOD OF NOT
9 MORE THAN FIVE YEARS.

10 (5) (a) IF A PERSON BIDDING FAILS TO PAY THE AMOUNT DUE, A
11 TREASURER MAY OFFER A CERTIFICATE OF OPTION FOR A TREASURER'S
12 DEED, WITHOUT ADDITIONAL ADVERTISEMENT, TO ANOTHER BIDDER,
13 WHETHER OR NOT THE PUBLIC AUCTION HAS CLOSED; OR MAY AGAIN
14 OFFER AND SELL A CERTIFICATE OF PURCHASE ON SUCH PROPERTY; OR, AT
15 A TREASURER'S OPTION, THE TREASURER MAY RECOVER THE AMOUNT BID
16 BY CIVIL ACTION BROUGHT IN THE NAME OF THE COUNTY IN ANY COURT OF
17 COMPETENT JURISDICTION.

18 (b) IN A PUBLIC AUCTION CONDUCTED BY MEANS OF THE INTERNET
19 OR OTHER ELECTRONIC MEDIUM, IF A PERSON BIDDING FAILS TO PAY THE
20 AMOUNT DUE, A TREASURER MAY OFFER THE CERTIFICATE OF OPTION FOR
21 A TREASURER'S DEED, WITHOUT ADDITIONAL ADVERTISEMENT, TO
22 ANOTHER BIDDER, WHETHER OR NOT THE PUBLIC AUCTION HAS CLOSED; OR
23 MAY AGAIN OFFER AND SELL A CERTIFICATE OF PURCHASE ON THE
24 PROPERTY; OR AT A TREASURER'S DISCRETION, THE TREASURER MAY
25 RECOVER THE AMOUNT BID BY CIVIL ACTION BROUGHT IN THE NAME OF
26 THE COUNTY IN ANY COURT OF COMPETENT JURISDICTION.

27 (c) A TREASURER MAY PROHIBIT A PERSON WHO FAILS TO PAY THE

1 AMOUNT DUE FROM BIDDING ON PUBLIC AUCTIONS UNDER THIS ARTICLE
2 11.5 FOR NOT MORE THAN FIVE YEARS.

3 (6) WHENEVER A TREASURER SELLS A CERTIFICATE OF OPTION FOR
4 A TREASURER'S DEED, THE TREASURER SHALL CREATE AND SEND FOR
5 RECORDING IN THE RECORDS OF THE OFFICE OF THE CLERK A CERTIFICATE
6 OF OPTION FOR TREASURER'S DEED PURSUANT TO SECTION 39-11.5-401.

7 **39-11.5-111. Continuance of public auction - effect of**
8 **bankruptcy - withdrawal of application.**

9 (1) (a) FOR ANY REASON DEEMED BY A TREASURER TO BE GOOD
10 CAUSE OR UPON WRITTEN REQUEST BY A LAWFUL HOLDER, AT ANY TIME
11 BEFORE COMMENCEMENT OF A PUBLIC AUCTION, A TREASURER MAY
12 CONTINUE A PUBLIC AUCTION TO A LATER DATE BY MAKING, AT THE TIME
13 AND PLACE DESIGNATED FOR THE PUBLIC AUCTION, AN ORAL
14 ANNOUNCEMENT OF THE TIME AND PLACE OF SUCH CONTINUANCE, OR BY
15 POSTING OR PROVIDING A NOTICE OF THE CONTINUANCE AT THE TIME AND
16 PLACE DESIGNATED FOR THE PUBLIC AUCTION, WHICH NOTICE MUST
17 INCLUDE THE TIME AND PLACE TO WHICH THE PUBLIC AUCTION IS
18 CONTINUED. EXCEPT AS PROVIDED IN SUBSECTION (2)(b)(I) OF THIS
19 SECTION, A PUBLIC AUCTION THAT IS NOT HELD ON THE THEN-SCHEDULED
20 PUBLIC AUCTION DATE AND IS NOT CONTINUED FROM THE
21 THEN-SCHEDULED PUBLIC AUCTION DATE PURSUANT TO THIS SUBSECTION
22 (1)(a) IS DEEMED TO HAVE BEEN CONTINUED FOR A PERIOD OF ONE WEEK,
23 AND FROM WEEK TO WEEK THEREAFTER IN LIKE MANNER, UNTIL THE
24 PUBLIC AUCTION IS HELD OR OTHERWISE CONTINUED PURSUANT TO THIS
25 SUBSECTION (1)(a). A TREASURER MUST NOT CONTINUE A PUBLIC AUCTION
26 TO A DATE LATER THAN TWELVE MONTHS FROM THE ORIGINALLY
27 DESIGNATED DATE IN THE NOTICE OF PUBLIC AUCTION, EXCEPT AS

1 PROVIDED IN SUBSECTION (2) OF THIS SECTION.

2 (b) AT THE REQUEST OF A LAWFUL HOLDER OR UPON A
3 TREASURER'S OWN INITIATIVE, A TREASURER SHALL CORRECT ANY ERRORS
4 IN A PUBLISHED NOTICE OF PUBLIC AUCTION AND SHALL CONTINUE THE
5 THEN-SCHEDULED PUBLIC AUCTION TO A FUTURE DATE WITHIN THE PERIOD
6 OF CONTINUANCE ALLOWED BY THIS SUBSECTION (1) TO PERMIT A
7 CORRECTED NOTICE OF PUBLIC AUCTION TO BE PUBLISHED OR THE
8 ORIGINAL NOTICE OF PUBLIC AUCTION TO BE REPUBLISHED PURSUANT TO
9 SECTION 39-11.5-105 (4). IF A TREASURER FAILED TO PUBLISH THE NOTICE
10 OF PUBLIC AUCTION AS REQUIRED BY SECTION 39-11.5-105 (4), THE
11 TREASURER SHALL CONTINUE THE THEN-SCHEDULED PUBLIC AUCTION TO
12 A FUTURE DATE WITHIN THE PERIOD OF CONTINUANCE ALLOWED BY
13 SUBSECTION (1)(a) OF THIS SECTION. A FUTURE PUBLIC AUCTION DATE TO
14 WHICH A TREASURER CONTINUES A PUBLIC AUCTION PURSUANT TO THIS
15 SUBSECTION (1)(b) MUST BE NO LATER THAN THIRTY CALENDAR DAYS
16 AFTER THE THIRD PUBLICATION OF A CORRECTED NOTICE OF PUBLIC
17 AUCTION OR REPUBLISHED OF THE NOTICE OF PUBLIC AUCTION. THE
18 TREASURER SHALL MAIL BY FIRST CLASS MAIL A COPY OF THE NOTICE OF
19 PUBLIC AUCTION, OR CORRECTED NOTICE OF PUBLIC AUCTION IF THE
20 ORIGINAL NOTICE OF PUBLIC AUCTION WAS ERRONEOUS, TO THE PERSONS
21 AND ADDRESSES ON THE MAILING LIST NO MORE THAN TEN CALENDAR
22 DAYS AFTER THE FIRST CORRECTED PUBLICATION OR REPUBLICATION AND
23 NO LESS THAN FORTY-FIVE CALENDAR DAYS PRIOR TO THE NEWLY
24 SCHEDULED PUBLIC AUCTION IN THE SAME MANNER AS SET FORTH IN
25 SECTION 39-11.5-105.

26 (2) (a) IF ALL PUBLICATIONS OF A NOTICE OF PUBLIC AUCTION
27 PRESCRIBED BY SECTION 39-11.5-105 (4) OR 13-56-201 (1) HAVE BEEN

1 COMPLETED BEFORE ANY INJUNCTION OR BANKRUPTCY PETITION IS FILED
2 WHICH AUTOMATICALLY STAYS THE TREASURER FROM CONDUCTING THE
3 PUBLIC AUCTION, THE TREASURER SHALL ANNOUNCE, POST, OR PROVIDE
4 NOTICE OF THAT FACT ON THE THEN-SCHEDULED PUBLIC AUCTION DATE,
5 TAKE NO ACTION AT THE THEN-SCHEDULED PUBLIC AUCTION, AND ALLOW
6 THE PUBLIC AUCTION TO BE AUTOMATICALLY CONTINUED FROM WEEK TO
7 WEEK IN ACCORDANCE WITH SUBSECTION (1)(a) OF THIS SECTION, UNLESS
8 OTHERWISE REQUESTED IN WRITING PRIOR TO ANY SUCH PUBLIC AUCTION
9 BY THE LAWFUL HOLDER.

10 (b) (I) IF THE PUBLICATIONS OF A NOTICE OF PUBLIC AUCTION
11 PRESCRIBED BY SECTION 39-11.5-105 (4) OR 13-56-201 (1) HAVE NOT
12 COMMENCED, OR IF ALL THE PUBLICATIONS HAVE NOT BEEN COMPLETED,
13 BEFORE THE DATE A BANKRUPTCY PETITION IS FILED WHICH
14 AUTOMATICALLY STAYS THE TREASURER FROM CONDUCTING THE PUBLIC
15 AUCTION, THE TREASURER SHALL IMMEDIATELY CANCEL ANY REMAINING
16 PUBLICATIONS OF THE NOTICE OF PUBLIC AUCTION AND, ON THE DATE SET
17 FOR THE PUBLIC AUCTION, ANNOUNCE, POST, OR PROVIDE A NOTICE THAT
18 THE PUBLIC AUCTION HAS BEEN ENJOINED OR HAS BEEN STAYED BY THE
19 AUTOMATIC STAY PROVISIONS OF THE FEDERAL BANKRUPTCY CODE OF
20 1978, TITLE 11 OF THE UNITED STATES CODE, AS AMENDED. THE PUBLIC
21 AUCTION MAY NOT BE CONTINUED UNDER SUBSECTION (1)(a) OF THIS
22 SECTION.

23 (II) (A) UPON THE TERMINATION OF ANY INJUNCTION OR UPON THE
24 ENTRY OF A BANKRUPTCY COURT ORDER DISMISSING THE BANKRUPTCY
25 CASE, ABANDONING THE PROPERTY BEING SOLD, CLOSING THE
26 BANKRUPTCY CASE, OR GRANTING RELIEF FROM THE AUTOMATIC STAY
27 PROVISIONS OF THE FEDERAL BANKRUPTCY CODE OF 1978, TITLE 11 OF THE

1 UNITED STATES CODE, AS AMENDED, AND UPON RECEIPT OF A REQUEST OF
2 A LAWFUL HOLDER TO RESTART THE TREASURER'S DEED PROCESS, THE
3 TREASURER SHALL RERECORD THE APPLICATION FOR TREASURER'S DEED
4 AND PROCEED WITH ALL ADDITIONAL TREASURER'S DEED PROCEDURES
5 PROVIDED BY THIS ARTICLE 11.5 AS THOUGH THE TREASURER'S DEED
6 PROCESS HAD JUST COMMENCED.

7 (B) IF A REQUEST TO RESTART THE PUBLIC AUCTION IS NOT
8 RECEIVED BY A TREASURER WITHIN ONE YEAR FROM THE DATE OF THE
9 TERMINATION OF ANY INJUNCTION OR THE ENTRY OF A BANKRUPTCY
10 COURT ORDER DISMISSING THE BANKRUPTCY CASE, ABANDONING THE
11 PROPERTY BEING SOLD, CLOSING THE BANKRUPTCY CASE, OR GRANTING
12 RELIEF FROM THE AUTOMATIC STAY, THE PUBLIC AUCTION IS DEEMED
13 WITHDRAWN ACCORDING TO SUBSECTION (3)(b) OF THIS SECTION.

14 (III) IF A PUBLIC AUCTION IS HELD IN VIOLATION OF THE
15 AUTOMATIC STAY PROVISIONS OF THE FEDERAL BANKRUPTCY CODE OF
16 1978, TITLE 11 OF THE UNITED STATES CODE, AS AMENDED, AND AN
17 ORDER IS SUBSEQUENTLY ENTERED BY A BANKRUPTCY COURT OF
18 COMPETENT JURISDICTION DISMISSING THE BANKRUPTCY, ABANDONING
19 THE PROPERTY BEING SOLD, OR CLOSING THE BANKRUPTCY CASE, OR AN
20 ORDER IS SUBSEQUENTLY ENTERED GRANTING RELIEF FROM THE
21 AUTOMATIC STAY PROVIDED BY THE FEDERAL BANKRUPTCY CODE, THEN
22 THE CERTIFICATE OF PURCHASE MUST IMMEDIATELY BE DEEMED
23 REINSTATED, AND THE CERTIFICATE OF PURCHASE MUST HAVE THE SAME
24 PRIORITY AS IF THE PUBLIC AUCTION HAD NOT OCCURRED. IMMEDIATELY
25 UPON REINSTATEMENT, THE APPLICATION FOR TREASURER'S DEED SHALL
26 BE DEEMED REVIVED.

27 (IV) IF A LAWFUL HOLDER NOTIFIES A TREASURER IN WRITING OF

1 THE ENTRY OF AN ORDER DISMISSING THE BANKRUPTCY CASE,
2 ABANDONING THE PROPERTY BEING SOLD, CLOSING THE BANKRUPTCY
3 CASE, OR GRANTING RELIEF FROM THE AUTOMATIC STAY PROVIDED BY THE
4 FEDERAL BANKRUPTCY CODE OF 1978, TITLE 11 OF THE UNITED STATES
5 CODE, AS AMENDED, NO LATER THAN FIFTY CALENDAR DAYS PRIOR TO THE
6 LAST POSSIBLE PUBLIC AUCTION DATE PURSUANT TO SUBSECTIONS (1)(a)
7 AND (2)(e) OF THIS SECTION, THE TREASURER SHALL SET A NEW PUBLIC
8 AUCTION DATE AT LEAST TWENTY-FOUR CALENDAR DAYS BUT NOT MORE
9 THAN FORTY-NINE CALENDAR DAYS AFTER THE DATE ON WHICH THE
10 TREASURER RECEIVES THIS NOTICE. NO LATER THAN TEN BUSINESS DAYS
11 AFTER RECEIVING THE NOTICE, THE TREASURER SHALL MAIL BY FIRST
12 CLASS MAIL AN AMENDED NOTICE OF PUBLIC AUCTION CONTAINING THE
13 DATE OF THE RESCHEDULED PUBLIC AUCTION TO EACH PERSON APPEARING
14 ON THE MAILING LIST. NO LATER THAN TWENTY CALENDAR DAYS AFTER
15 RECEIVING THE NOTICE, BUT NO LESS THAN TEN CALENDAR DAYS PRIOR TO
16 THE NEW PUBLIC AUCTION, THE TREASURER SHALL PUBLISH THE AMENDED
17 NOTICE OF PUBLIC AUCTION, OMITTING THE COPIES OF THE STATUTES ONE
18 TIME ONLY IN A NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY
19 WHERE THE PROPERTY IS LOCATED, SUBJECT TO THE FOLLOWING
20 LIMITATIONS:

21 (A) IF THE ASSESSED VALUE OF A PROPERTY AT THE TIME OF THE
22 RERECORDING OF AN APPLICATION FOR TREASURER'S DEED IS LESS THAN
23 FIVE HUNDRED DOLLARS, NO PUBLICATION IS REQUIRED; AND

24 (B) IF THERE IS NO NEWSPAPER OF GENERAL CIRCULATION IN A
25 COUNTY WHERE A PROPERTY IS LOCATED, A TREASURER SHALL POST A
26 NOTICE CONSPICUOUSLY IN THE OFFICES OF THE COUNTY CLERK AND
27 RECORDER, THE TREASURER, AND THE ASSESSOR, AND IN AT LEAST TWO

1 OTHER PUBLIC PLACES IN THE COUNTY SEAT.

2 (V) IF A LAWFUL HOLDER DOES NOT NOTIFY A TREASURER IN
3 WRITING OF THE ENTRY OF AN ORDER DISMISSING THE BANKRUPTCY CASE,
4 ABANDONING THE PROPERTY BEING SOLD, CLOSING THE BANKRUPTCY
5 CASE, OR GRANTING RELIEF FROM THE AUTOMATIC STAY PROVIDED BY THE
6 FEDERAL BANKRUPTCY CODE OF 1978, TITLE 11 OF THE UNITED STATES
7 CODE, AS AMENDED, WITHIN THE TIME ALLOWED UNDER SUBSECTION
8 (2)(b)(IV) OF THIS SECTION, THE TREASURER SHALL ADMINISTRATIVELY
9 WITHDRAW THE APPLICATION FOR TREASURER'S DEED PURSUANT TO
10 SUBSECTION (3)(b) OF THIS SECTION UPON RECEIPT OF THE ORDER
11 DISMISSING THE BANKRUPTCY CASE, ABANDONING THE PROPERTY BEING
12 SOLD, CLOSING THE BANKRUPTCY CASE, OR GRANTING RELIEF FROM THE
13 AUTOMATIC STAY PROVIDED BY THE FEDERAL BANKRUPTCY CODE OF
14 1978, TITLE 11 OF THE UNITED STATES CODE, AS AMENDED.

15 (VI) ALL FEES AND COSTS OF PROVIDING AND PUBLISHING THE
16 AMENDED NOTICE OF PUBLIC AUCTION AND PUBLICATION ARE PART OF THE
17 TREASURER'S DEED COSTS.

18 (c) IF A PUBLIC AUCTION IS SET ASIDE BY COURT ORDER, UNLESS
19 THE COURT ORDER SPECIFIES OTHERWISE, THE FOLLOWING PROCEDURES
20 APPLY:

21 (I) UPON RECEIPT OF THE COURT ORDER, THE TREASURER'S FEE
22 SPECIFIED IN SECTION 30-1-102 (1.7)(a)(XII), AND THE COSTS OF
23 RECORDING THE COURT ORDER AS SPECIFIED IN THIS SUBSECTION (2)(c),
24 THE TREASURER SHALL ATTACH TO THE ORDER A COPY OF THE
25 CERTIFICATE OF OPTION FOR A TREASURER'S DEED, ANY ASSIGNMENTS
26 THEREOF, AND, IF APPLICABLE, THE TREASURER'S DEED, EACH MARKED
27 "NULL AND VOID", AND RECORD THE ORDER TOGETHER WITH THESE

1 DOCUMENTS.

2 (II) UPON RECORDING OF THE COURT ORDER, THE CERTIFICATE OF
3 OPTION FOR A TREASURER'S DEED IS DEEMED CANCELED AS IF THE PUBLIC
4 AUCTION HAD NOT OCCURRED, AND THE CERTIFICATE OF PURCHASE IS
5 DEEMED FULLY REINSTATED WITH THE SAME LIEN PRIORITY AS IF THE
6 PUBLIC AUCTION HAD NOT OCCURRED.

7 (III) WITHIN TEN CALENDAR DAYS AFTER RECEIVING ALL
8 DOCUMENTS, FEES, AND COSTS SPECIFIED IN THIS SUBSECTION (2)(c), THE
9 TREASURER SHALL MAIL BY FIRST CLASS MAIL A COPY OF THE COURT
10 ORDER TO EACH PERSON ENTITLED TO RECEIVE THE NOTICE OF PUBLIC
11 AUCTION PURSUANT TO SECTION 39-11.5-104.

12 (IV) (A) AFTER THE RECORDING OF A COURT ORDER, THE LAWFUL
13 HOLDER OR THE ASSIGNEE MAY NOTIFY THE TREASURER IN WRITING TO
14 RESCHEDULE THE PUBLIC AUCTION WITHIN ONE YEAR OF THE ISSUANCE OF
15 THE ORDER. THE TREASURER SHALL SET A NEW PUBLIC AUCTION DATE AT
16 LEAST THIRTY CALENDAR DAYS BUT NOT MORE THAN FORTY-FIVE
17 CALENDAR DAYS AFTER THE DATE ON WHICH THE TREASURER RECEIVES
18 NOTICE TO SCHEDULE A NEW PUBLIC AUCTION SUBJECT TO THE
19 REQUIREMENTS OF SUBSECTIONS (1)(a) AND (2)(e) OF THIS SECTION, BUT
20 NOT EARLIER THAN THE SCHEDULED AUCTION DATE AS OF THE DATE OF
21 THE COURT ORDER.

22 (B) NO MORE THAN TEN CALENDAR DAYS AFTER RECEIVING
23 NOTICE TO SCHEDULE A NEW PUBLIC AUCTION, THE TREASURER SHALL
24 MAIL BY FIRST CLASS MAIL A NOTICE OF PUBLIC AUCTION SETTING FORTH
25 THE RESCHEDULED PUBLIC AUCTION DATE TO EACH PERSON ENTITLED TO
26 RECEIVE THE NOTICE OF PUBLIC AUCTION PURSUANT TO SECTION
27 39-11.5-104.

1 (C) NO MORE THAN TWENTY CALENDAR DAYS AFTER RECEIVING
2 NOTICE TO SCHEDULE A NEW PUBLIC AUCTION, BUT NO LESS THAN TEN
3 CALENDAR DAYS PRIOR TO THE NEW PUBLIC AUCTION DATE, THE
4 TREASURER SHALL PUBLISH THE NOTICE OF PUBLIC AUCTION ONE TIME
5 ONLY. THE PUBLICATION MUST BE IN THE FORMAT SPECIFIED FOR
6 PUBLICATION BY SECTION 39-11.5-105 (4) AND IS SUBJECT TO THE SAME
7 LIMITATIONS SET FORTH IN SUBSECTIONS (2)(b)(IV)(A) AND (2)(b)(IV)(B)
8 OF THIS SECTION.

9 (D) ALL FEES AND COSTS OF A TREASURER FOR ACTIONS
10 PERFORMED UNDER THIS SECTION AND THE COST OF RECORDING THE
11 COURT ORDER AND DOCUMENTS INCORPORATED INTO THE COURT ORDER
12 BY ATTACHMENT ARE PART OF THE TREASURER'S DEED COSTS.

13 (E) AFTER A PUBLIC AUCTION HAS BEEN SET ASIDE AND
14 SUBSEQUENTLY RESCHEDULED PURSUANT TO THIS SUBSECTION (2)(c)(IV),
15 THE PUBLIC AUCTION MAY BE CONTINUED IN ACCORDANCE WITH
16 SUBSECTIONS (1)(a) AND (2)(e) OF THIS SECTION.

17 (F) IF A WRITTEN REQUEST TO RESCHEDULE A PUBLIC AUCTION IN
18 ACCORDANCE WITH THIS SUBSECTION (2) IS NOT RECEIVED BY THE
19 TREASURER WITHIN ONE YEAR OF THE ISSUANCE OF AN ORDER, AN
20 APPLICATION FOR TREASURER'S DEED MUST BE WITHDRAWN ACCORDING
21 TO SUBSECTION (3)(b) OF THIS SECTION.

22 (V) NOTHING IN THIS SECTION PREVENTS A LAWFUL HOLDER FROM
23 SEEKING A RESCISSION OF SALE PURSUANT TO SECTION 39-11.5-114 IF THE
24 REQUIREMENTS IN THAT SECTION ARE MET.

25 (d) THE PERIOD FOR WHICH A PUBLIC AUCTION MAY BE CONTINUED
26 UNDER THIS SUBSECTION (2) MUST BE IN ADDITION TO THE TWELVE-MONTH
27 PERIOD OF CONTINUANCE PROVIDED BY SUBSECTION (1) OF THIS SECTION.

1 (3) (a) IF A LAWFUL HOLDER FILES WITH A TREASURER, PRIOR TO
2 A PUBLIC AUCTION, A WRITTEN WITHDRAWAL OF AN APPLICATION FOR
3 TREASURER'S DEED, THE TREASURER'S DEED PROCEEDINGS TERMINATE.
4 THE TREASURER SHALL RECORD THE WITHDRAWAL AND COLLECT ALL FEES
5 AND COSTS OWED AND INCURRED, INCLUDING A WITHDRAWAL FEE IN THE
6 AMOUNT AUTHORIZED BY SECTION 30-1-102 (1.7)(a)(VIII).

7 (b) IF THERE IS NO PUBLIC AUCTION AND IF A WITHDRAWAL IS NOT
8 FILED WITHIN FORTY-FIVE CALENDAR DAYS AFTER THE LAST POSSIBLE
9 PUBLIC AUCTION DATE PERMITTED BY LAW, A TREASURER MAY TRANSMIT
10 BY MAIL OR ELECTRONIC TRANSMISSION TO A LAWFUL HOLDER A NOTICE
11 THAT A WITHDRAWAL OF THEIR APPLICATION FOR TREASURER'S DEED MAY
12 BE RECORDED BY THE TREASURER UNLESS A RESPONSE IS RECEIVED BY THE
13 TREASURER WITHIN THIRTY CALENDAR DAYS AFTER THE DATE THE
14 TREASURER'S NOTICE IS TRANSMITTED. IF A RESPONSE IS RECEIVED BY THE
15 TREASURER AND NO WITHDRAWAL IS FILED WITHIN FORTY-FIVE DAYS
16 AFTER THE NOTICE IS TRANSMITTED, THE TREASURER MAY RECORD A
17 WITHDRAWAL OF THE APPLICATION FOR TREASURER'S DEED. IF NO
18 RESPONSE IS RECEIVED BY THE TREASURER WITHIN THIRTY CALENDAR
19 DAYS AFTER THE NOTICE IS TRANSMITTED, THE TREASURER MAY RECORD
20 A WITHDRAWAL OF THE APPLICATION FOR TREASURER'S DEED AT ANY TIME
21 AFTER THE EXPIRATION OF THE THIRTY-DAY NOTICE PERIOD. IF A
22 WITHDRAWAL IS RECORDED DURING THE PENDENCY OF AN AUTOMATIC
23 STAY IMPOSED ON A PUBLIC AUCTION BASED ON ANY PROCEEDING FILED
24 UNDER THE FEDERAL BANKRUPTCY CODE OF 1978, TITLE 11 OF THE
25 UNITED STATES CODE, AS AMENDED, THE WITHDRAWAL IS VOID AND OF
26 NO FORCE AND EFFECT, AND THE TREASURER SHALL MAIL BY FIRST CLASS
27 MAIL TO ALL PERSONS ON THE MAILING LIST A NOTICE THAT THE

1 WITHDRAWAL OF APPLICATION FOR TREASURER'S DEED OCCURRED DURING
2 THE PENDENCY OF AN INJUNCTION OR BANKRUPTCY STAY AND IS VOID AND
3 OF NO FORCE AND EFFECT. THE TREASURER SHALL CAUSE THE NOTICE TO
4 BE RECORDED IN THE OFFICE OF THE COUNTY CLERK AND RECORDER OF
5 THE COUNTY WHERE THE PROPERTY DESCRIBED IN THE NOTICE IS
6 LOCATED. THE LAWFUL HOLDER SHALL PAY ALL UNPAID FEES AND COSTS
7 OWED AND INCURRED BY THE TREASURER, AS WELL AS A WITHDRAWAL FEE
8 IN THE AMOUNT AUTHORIZED BY SECTION 30-1-102 (1.7)(a)(VIII). THE
9 AMOUNT DUE MUST ACCRUE INTEREST AT THE RATE PROVIDED BY LAW.
10 UNTIL ALL AMOUNTS DUE AND OWING ARE PAID, A TREASURER IS
11 ENTITLED TO HOLD ALL DOCUMENTATION IN THE TREASURER'S POSSESSION
12 AND TO WITHHOLD ALL OTHER SERVICES REQUESTED BY A LAWFUL
13 HOLDER WITH RESPECT TO A CERTIFICATE OF OPTION FOR A TREASURER'S
14 DEED.

15 **39-11.5-112. Treatment of overbid - agreement to assist in**
16 **recovery of overbid.**

17 (1) UPON THE EXPIRATION OF THE CLAIM FOR OVERBID MONEY
18 PERIOD PROVIDED IN SECTION 39-11.5-301, ANY REMAINING OVERBID
19 MUST BE PAID IN ORDER OF RECORDING PRIORITY TO JUNIOR LIENORS, WHO
20 HAVE DULY FILED A CLAIM FOR OVERBID MONEY PURSUANT TO SECTION
21 39-11.5-303, IN EACH CASE UP TO THE UNPAID AMOUNT OF EACH SUCH
22 JUNIOR LIENOR'S LIEN PLUS ALLOWABLE FEES AND COSTS. A JUNIOR
23 LIENOR HOLDING A LIEN THAT IS NOT ENTITLED TO CLAIM AN OVERBID
24 MONEY BY VIRTUE OF BEING RECORDED AFTER THE APPLICATION FOR
25 TREASURER'S DEED OR A LIENOR THAT HAS NOT TIMELY FILED A CLAIM FOR
26 OVERBID MONEY PURSUANT TO SECTION 39-11.5-303 DOES NOT HAVE ANY
27 CLAIM TO ANY PORTION OF THE OVERBID. AFTER PAYMENT TO ALL JUNIOR

1 LIENORS ENTITLED TO RECEIVE A PORTION OF THE OVERBID PURSUANT TO
2 THIS SECTION, ANY REMAINING OVERBID MONEY MUST BE PAID TO THE
3 PROPERTY OWNER.

4 (2) (a) IF A TREASURER MAINTAINS A WEBSITE FOR THEIR OFFICE,
5 THE TREASURER SHALL INCLUDE THE FOLLOWING STATEMENT ON THE
6 WEBSITE:

7 NOTICE TO A PROPERTY OWNER: IF YOUR PROPERTY GOES
8 TO A PUBLIC AUCTION AND IS PURCHASED FOR MORE THAN THE
9 TOTAL OWED TO THE LAWFUL HOLDER AND TO ALL OTHER JUNIOR
10 LIEN HOLDERS, PLEASE CONTACT THE TREASURER'S OFFICE AFTER
11 THE PUBLIC AUCTION BECAUSE YOU MAY HAVE MONEY DUE TO
12 YOU.

13 (b) TO PAY THE PROPERTY OWNER AS REQUIRED PURSUANT TO THIS
14 SUBSECTION (2), A TREASURER SHALL SEND A NOTICE TO THE PROPERTY
15 OWNER. IF THE AMOUNT OF REMAINING OVERBID IS EQUAL TO OR GREATER
16 THAN TWENTY-FIVE DOLLARS, THE TREASURER SHALL MAKE REASONABLE
17 EFFORTS TO IDENTIFY THE PROPERTY OWNER'S CURRENT MAILING
18 ADDRESS. THE TREASURER SHALL MAIL BY FIRST-CLASS MAIL TO THE
19 PROPERTY OWNER A NOTICE REGARDING THE REMAINING OVERBID TO THE
20 BEST AVAILABLE ADDRESS NO LATER THAN THIRTY CALENDAR DAYS
21 AFTER THE EXPIRATION OF THE CLAIM FOR OVERBID MONEY PERIOD AS
22 PROVIDED IN SECTION 39-11.5-303 (2).

23 (c) ANY AGREEMENT TO PAY COMPENSATION TO RECOVER OR
24 ASSIST IN RECOVERING AN UNCLAIMED OVERBID TRANSFERRED TO THE
25 ADMINISTRATOR UNDER THIS SECTION OR TO THE COUNTY TREASURER PER
26 A COUNTY RESOLUTION IS ENFORCEABLE IF THE COMPENSATION TO BE PAID
27 UNDER THE TERMS OF THE AGREEMENT DOES NOT EXCEED TEN PERCENT

1 OF THE AMOUNT OF THE OVERBID MONEY AND IF ENTERED INTO AT LEAST
2 TWO YEARS AFTER THE DATE OF THE TRANSFER.

3 (3) (a) THE TREASURER SHALL HOLD ANY UNCLAIMED REMAINING
4 OVERBID FROM A PUBLIC AUCTION IN ESCROW FOR TWO YEARS FROM THE
5 DATE OF THE PUBLIC AUCTION. THE TREASURER IS ANSWERABLE TO ANY
6 PERSON LEGALLY ENTITLED TO THE MONEY WITHOUT INTEREST AT ANY
7 TIME WITHIN THE TWO-YEAR PERIOD. ANY INTEREST EARNED ON THE
8 ESCROWED MONEY MUST BE PAID TO THE COUNTY AT LEAST ANNUALLY.
9 REMAINING OVERBID CLAIMS THAT ARE FOR LESS THAN TWENTY-FIVE
10 DOLLARS AND THAT ARE NOT CLAIMED WITHIN SIX MONTHS FROM THE
11 DATE OF THE PUBLIC AUCTION MUST BE PAID TO THE GENERAL FUND OF
12 THE COUNTY, AND THE MONEY PAID TO THE GENERAL FUND OF THE
13 COUNTY BECOMES THE PROPERTY OF THE COUNTY. REMAINING OVERBID
14 CLAIMS FOR AMOUNTS THAT ARE EQUAL TO OR GREATER THAN
15 TWENTY-FIVE DOLLARS AND THAT ARE NOT CLAIMED WITHIN TWO YEARS
16 FROM THE DATE OF THE PUBLIC AUCTION MAY BE UNCLAIMED PROPERTY
17 FOR PURPOSES OF THE "REVISED UNIFORM UNCLAIMED PROPERTY ACT",
18 ARTICLE 13 OF TITLE 38, AND MUST BE TRANSFERRED TO THE STATE
19 TREASURER IN ACCORDANCE WITH ARTICLE 13 OF TITLE 38. AFTER
20 UNCLAIMED REMAINING OVERBID MONEY IS TRANSFERRED TO THE STATE
21 TREASURER OR TO THE GENERAL FUND OF THE COUNTY, THE TREASURER
22 IS DISCHARGED FROM ANY FURTHER LIABILITY OR RESPONSIBILITY FOR THE
23 MONEY.

24 (b) IF THE UNCLAIMED REMAINING OVERBID MONEY EXCEEDS FIVE
25 HUNDRED DOLLARS AND HAS NOT BEEN CLAIMED BY ANY PERSON
26 ENTITLED THERETO WITHIN SIXTY CALENDAR DAYS AFTER THE EXPIRATION
27 OF THE CLAIM FOR OVERBID MONEY PERIOD PROVIDED BY SECTION

1 39-11.5-303 (2), THE TREASURER SHALL, WITHIN NINETY CALENDAR DAYS
2 AFTER THE EXPIRATION OF THE CLAIM FOR OVERBID MONEY PERIOD,
3 PUBLISH A NOTICE, ONE TIME ONLY, IN A NEWSPAPER OF GENERAL
4 CIRCULATION IN THE COUNTY WHERE THE PROPERTY IS LOCATED. THE
5 NOTICE MUST CONTAIN THE NAME OF THE PROPERTY OWNER, THE
6 PROPERTY OWNER'S ADDRESS AS GIVEN IN THE CERTIFICATE OF PURCHASE,
7 AND THE LEGAL DESCRIPTION AND STREET ADDRESS, IF ANY, OF THE
8 PROPERTY SOLD AT THE PUBLIC AUCTION. THE NOTICE MUST STATE THAT
9 AN OVERBID WAS REALIZED FROM THE PUBLIC AUCTION AND THAT, UNLESS
10 THE OVERBID IS CLAIMED BY THE PROPERTY OWNER OR OTHER PERSON
11 ENTITLED THERETO WITHIN TWO YEARS AFTER THE PUBLIC AUCTION, THE
12 MONEY WILL BE EITHER TRANSFERRED TO THE STATE TREASURER FOR
13 DISPOSITION IN ACCORDANCE WITH THE "REVISED UNIFORM UNCLAIMED
14 PROPERTY ACT", ARTICLE 13 OF TITLE 38. THE TREASURER SHALL ALSO
15 MAIL BY FIRST-CLASS MAIL A COPY OF THE NOTICE TO THE PROPERTY
16 OWNER AT THE BEST AVAILABLE ADDRESS.

17 (c) THE FEES AND COSTS OF PUBLICATION AND MAILING REQUIRED
18 PURSUANT TO THIS SUBSECTION (3) MUST BE PAID FROM THE OVERBID
19 ESCROWED BY THE TREASURER.

20 **39-11.5-113. Use of electronic documents authorized.**

21 CONSISTENT WITH THE "UNIFORM ELECTRONIC TRANSACTIONS
22 ACT", ARTICLE 71.3 OF TITLE 24, ANY DOCUMENT OR RECORD RELATED TO
23 A PUBLIC AUCTION MAY BE ACCEPTED BY THE TREASURER IN AN
24 ELECTRONIC FORMAT OR MAY BE MADE AVAILABLE TO THE PUBLIC BY THE
25 TREASURER IN AN ELECTRONIC FORMAT. THE TREASURER SHALL
26 ESTABLISH AND UNIFORMLY APPLY WRITTEN POLICIES FOR DETERMINING
27 WHETHER AND THE EXTENT TO WHICH THE TREASURER SHALL ACCEPT

1 DOCUMENTS OR RECORDS IN ELECTRONIC FORM; EXCEPT THAT, THE
2 TREASURER SHALL NOT REQUIRE THE USE OF AN ELECTRONIC FORMAT FOR
3 ANY PURPOSE UNDER THIS ARTICLE 11.5 EXCEPT AS NECESSARY FOR SALES
4 CONDUCTED BY MEANS OF THE INTERNET OR ANOTHER ELECTRONIC
5 MEDIUM.

6 **39-11.5-114. Rescission of public auction.**

7 (1) (a) IF THE SUCCESSFUL PURCHASER AT A PUBLIC AUCTION IS A
8 LAWFUL HOLDER, THEN THE LAWFUL HOLDER MAY RESCIND THE PUBLIC
9 AUCTION WITHOUT OBTAINING A COURT ORDER BY FILING WITH THE
10 TREASURER NO LATER THAN THREE BUSINESS DAYS AFTER THE DATE OF
11 THE PUBLIC AUCTION A NOTICE OF RESCISSION OF PUBLIC AUCTION
12 STATING THAT THE PUBLIC AUCTION IS BEING RESCINDED. THE NOTICE OF
13 RESCISSION MUST INCLUDE THE TREASURER'S DEED NUMBER, THE DATE OF
14 THE PUBLIC AUCTION, THE NAME OF THE PERSON TO WHOM THE
15 CERTIFICATE OF OPTION FOR A TREASURER'S DEED WAS ISSUED, THE NAME
16 OF THE ASSIGNEE, IF ANY, THE RECORDING DATE AND RECEPTION NUMBER
17 OR BOOK AND PAGE NUMBER FOR THE RECORDED CERTIFICATE OF OPTION
18 FOR A TREASURER'S DEED, AND THE LEGAL DESCRIPTION OF THE PROPERTY
19 SOLD. THE NOTICE MUST BE SIGNED AND PROPERLY ACKNOWLEDGED BY
20 THE LAWFUL HOLDER OR ASSIGNEE OR SIGNED BY THEIR ATTORNEY.

21 (b) UPON RECEIPT OF A NOTICE OF RESCISSION OF A PUBLIC
22 AUCTION, ANY ASSIGNMENT OF THE CERTIFICATE OF OPTION FOR A
23 TREASURER'S DEED, THE TREASURER'S FEE FOR THE RESCISSION SPECIFIED
24 IN SECTION 30-1-102 (1.7)(a)(IX), AND THE COSTS OF RECORDING THE
25 NOTICE OF RESCISSION OF A PUBLIC AUCTION, THE TREASURER SHALL
26 RECORD THE NOTICE OF RESCISSION OF THE PUBLIC AUCTION IN THE
27 COUNTY RECORDS.

1 (2) UPON RECORDING OF A NOTICE OF RESCISSION OF PUBLIC
2 AUCTION BY A TREASURER, A CERTIFICATE OF OPTION FOR A TREASURER'S
3 DEED IS DEEMED CANCELED AS IF THE PUBLIC AUCTION HAD NOT
4 OCCURRED, AND THE CERTIFICATE OF PURCHASE IS DEEMED FULLY
5 REINSTATED WITH THE SAME LIEN PRIORITY AS IF THE PUBLIC AUCTION
6 HAD NOT OCCURRED. THE TREASURER SHALL CONFIRM THE
7 REINSTATEMENT BY ENDORSEMENT ON THE CERTIFICATE OF PURCHASE
8 SUBMITTED PURSUANT TO SECTION 39-11.5-102.

9 (3) WITHIN TEN CALENDAR DAYS AFTER RECEIPT OF ALL
10 DOCUMENTS AND FEES AND COSTS SPECIFIED IN SUBSECTION (1)(b) OF THIS
11 SECTION, THE TREASURER SHALL MAIL BY FIRST-CLASS MAIL A COPY OF
12 THE NOTICE OF RESCISSION OF THE PUBLIC AUCTION TO EACH PERSON WHO
13 WAS ENTITLED TO RECEIVE THE NOTICE OF THE PUBLIC AUCTION PURSUANT
14 TO SECTION 39-11.5-104.

15 (4) (a) AFTER THE RECORDING OF A NOTICE OF RESCISSION OF
16 PUBLIC AUCTION, A LAWFUL HOLDER OR THE ASSIGNEE MAY NOTIFY THE
17 TREASURER IN WRITING TO RESCHEDULE THE PUBLIC AUCTION. THE
18 TREASURER SHALL SET A NEW PUBLIC AUCTION AT LEAST THIRTY
19 CALENDAR DAYS BUT NOT MORE THAN FORTY-FIVE CALENDAR DAYS
20 AFTER THE DATE ON WHICH THE TREASURER RECEIVES NOTICE TO
21 SCHEDULE A NEW PUBLIC AUCTION, SUBJECT TO THE REQUIREMENTS OF
22 SECTION 39-11.5-109.

23 (b) NO LATER THAN TEN CALENDAR DAYS AFTER RECEIVING
24 NOTICE TO SCHEDULE A NEW PUBLIC AUCTION, THE TREASURER SHALL
25 MAIL BY FIRST-CLASS MAIL A NOTICE OF PUBLIC AUCTION SETTING FORTH
26 THE RESCHEDULED PUBLIC AUCTION DATE TO EACH PERSON WHO WAS
27 ENTITLED TO RECEIVE THE NOTICE OF PUBLIC AUCTION PURSUANT TO

1 SECTION 39-11.5-104.

2 (c) NO MORE THAN TWENTY CALENDAR DAYS AFTER RECEIVING
3 NOTICE TO SCHEDULE A NEW PUBLIC AUCTION, BUT NO LESS THAN TEN
4 CALENDAR DAYS PRIOR TO THE NEWLY SCHEDULED PUBLIC AUCTION DATE,
5 THE TREASURER SHALL PUBLISH THE NOTICE OF PUBLIC AUCTION ONE TIME
6 ONLY, SUBJECT TO THE FOLLOWING LIMITATIONS:

7 (I) IF THE ASSESSED VALUE OF A PROPERTY AT THE TIME A
8 TREASURER RECEIVES NOTICE TO SCHEDULE A NEW PUBLIC AUCTION IS
9 LESS THAN FIVE HUNDRED DOLLARS, NO PUBLICATION IS REQUIRED; OR

10 (II) IF THERE IS NO NEWSPAPER OF GENERAL CIRCULATION IN THE
11 COUNTY WHERE THE PROPERTY IS LOCATED, THEN THE TREASURER SHALL
12 POST THE NOTICE FOR PUBLIC AUCTION CONSPICUOUSLY IN THE OFFICES OF
13 THE COUNTY CLERK AND RECORDER, THE TREASURER, AND THE ASSESSOR
14 AND IN AT LEAST TWO OTHER PUBLIC PLACES IN THE COUNTY SEAT.

15 (d) ALL FEES AND COSTS OF A TREASURER FOR ACTIONS
16 PERFORMED UNDER THIS SECTION AND THE COST OF RECORDING THE
17 NOTICE OF RESCISSION OF PUBLIC AUCTION MUST BE PART OF THE
18 TREASURER'S DEED COSTS.

19 (e) AFTER A PUBLIC AUCTION HAS BEEN RESCINDED AND
20 RESCHEDULED PURSUANT TO THIS SUBSECTION (4), THE PUBLIC AUCTION
21 MAY BE CONTINUED IN ACCORDANCE WITH SECTION 39-11.5-111 (1)(a).

22 (f) IF A WRITTEN REQUEST TO RESCHEDULE THE PUBLIC AUCTION
23 IS NOT RECEIVED BY A TREASURER WITHIN ONE YEAR OF THE RECORDING
24 OF A NOTICE OF RESCISSION, AN APPLICATION FOR TREASURER'S DEED
25 MUST BE WITHDRAWN.

26 (5) NOTHING IN THIS SECTION PREVENTS ANY PERSON FROM
27 SEEKING A RESCISSION OF A PUBLIC AUCTION THROUGH A COURT OF

1 COMPETENT JURISDICTION.

2 (6) CLAIMS FOR DAMAGES BY ANY PERSON ARISING OUT OF A
3 RESCISSION OF A PUBLIC AUCTION PURSUANT TO THIS SECTION ARE
4 LIMITED TO THE REASONABLE ACTUAL EXPENSES OF THE PERSON AND
5 MUST NOT INCLUDE ANY SPECULATIVE OR EXPECTATION DAMAGES,
6 AWARDS, OR CLAIMS OF ANY KIND, WHETHER LEGAL OR EQUITABLE.

7 (7) THE ENDORSEMENT OF THE TREASURER PURSUANT TO
8 SUBSECTION (2) OF THIS SECTION MUST BE IN SUBSTANTIALLY THE
9 FOLLOWING FORM:

10 THE UNDERSIGNED, AS TREASURER FOR THE COUNTY OF
11 _____, STATE OF COLORADO, BY THIS ENDORSEMENT,
12 HEREBY CONFIRMS THE REINSTATEMENT OF THIS CERTIFICATE OF
13 PURCHASE IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION
14 39-11.5-113, COLORADO REVISED STATUTES.

15 DATE:

16 SIGNATURE:

17 TREASURER

18 FOR THE COUNTY OF _____,

19 STATE OF COLORADO.

20 **39-11.5-115. Unclaimed refunds - disposition.**

21 MONEY PAYABLE AS A REFUND FOR OVERPAYMENT OF A
22 REDEMPTION PURSUANT TO PART 1 OF THIS ARTICLE 11.5 THAT REMAINS
23 UNCLAIMED BY THE PROPERTY OWNER FOR TWO YEARS AFTER THE MONEY
24 BECAME PAYABLE IS PRESUMED ABANDONED AND MAY BE REPORTED AND
25 PAID TO THE STATE TREASURER IN ACCORDANCE WITH SECTIONS
26 38-13-401 AND 38-13-603.

27 **39-11.5-116. Abbreviations, letters, and figures may be used.**

1 SECTION 39-11.5-201, COLORADO REVISED STATUTES, I
2 _____ (FULL NAME) DO NOW EXERCISE THE OPTION TO
3 PURCHASE THE SEVERED MINERALS WITH THE FOLLOWING LEGAL
4 DESCRIPTION: INSERT LEGAL DESCRIPTION
5 LOCATED AT _____ (ADDRESS), IF
6 APPLICABLE
7 IN THE AMOUNT OF \$ _____ (INSERT FULL AMOUNT
8 DUE TO REDEEM SEVERED MINERAL RIGHTS)
9 WHICH I SHALL PAY ON OR BEFORE _____ DATE
10 (DATE SHALL BE SET AT TEN BUSINESS DAYS OR NOON THE DAY
11 BEFORE THE CURRENTLY SCHEDULED PUBLIC AUCTION,
12 WHICHEVER OCCURS FIRST).

13 WITNESS MY SIGNATURE THIS _____ DAY OF
14 _____, 20____.
15 _____

16 SIGNATURE OF SURFACE OWNER(S)

17 (3) (a) A SURFACE OWNER HAS FOURTEEN CALENDAR DAYS FROM
18 THE DATE OF THE MAILING BY THE TREASURER TO FILE THE FORM
19 EXERCISING THE RIGHT OF FIRST REFUSAL.

20 (b) IF NO RESPONSE IS RECEIVED FROM A SURFACE OWNER BY THE
21 DEADLINE IN THIS SECTION, THE OPTION OF FIRST REFUSAL EXPIRES.

22 (c) UPON RECEIPT OF A RIGHT OF FIRST REFUSAL PAYMENT, A
23 TREASURER SHALL EXECUTE AND RECORD A WITHDRAWAL OF THE
24 APPLICATION FOR TREASURER'S DEED PURSUANT TO SECTION 39-11.5-111
25 (3).

26 (d) NO MORE THAN TEN BUSINESS DAYS AFTER RECEIPT OF A RIGHT
27 OF FIRST REFUSAL PAYMENT, A TREASURER SHALL EXECUTE AND RECORD

1 A CERTIFICATE OF REDEMPTION PURSUANT TO SECTION 39-11.5-106 (4).

2 (e) NO MORE THAN TEN BUSINESS DAYS AFTER RECEIPT OF A RIGHT
3 OF FIRST REFUSAL PAYMENT, A TREASURER SHALL EXECUTE AND RECORD
4 A TREASURER'S DEED PURSUANT TO SECTION 39-11.5-501.

5 (f) ALL FEES AND COSTS OF A TREASURER FOR ACTIONS
6 PERFORMED UNDER THIS SECTION AND THE COST OF RECORDING THE
7 CERTIFICATE OF REDEMPTION, WITHDRAWAL OF THE APPLICATION FOR
8 TREASURER'S DEED, AND TREASURER'S DEED MAY BE WAIVED BY THE
9 TREASURER.

10 (4) IF AN AGGRIEVED PERSON CONTESTS THE AMOUNT SET FORTH
11 IN THE RIGHT OF FIRST REFUSAL STATEMENT PREPARED BY A TREASURER
12 PURSUANT TO SUBSECTION (2) OF THIS SECTION AND A COURT DETERMINES
13 THAT THE TREASURER MADE A MATERIAL MISSTATEMENT ON THE FIRST
14 REFUSAL STATEMENT WITH RESPECT TO THE AMOUNT DUE AND OWING TO
15 THE COUNTY, THE COURT SHALL, IN ADDITION TO OTHER RELIEF, AWARD
16 TO THE AGGRIEVED PERSON THE AGGRIEVED PERSON'S COURT COSTS AND
17 REASONABLE ATTORNEY FEES AND COSTS.

18 (5) A SURFACE OWNER SHALL PURCHASE THE ENTIRE SEVERED
19 MINERAL PROPERTY LOCATED BENEATH THEIR PROPERTY. NO PARTIAL
20 PURCHASE IS PERMITTED UNDER THIS SECTION. THE PRIORITY OF LIENS FOR
21 PURPOSES OF THIS SECTION MUST BE DETERMINED WITHOUT
22 CONSIDERATION OF THE FACT THAT THE LIEN RELATES TO ONLY A PORTION
23 OF THE PROPERTY OR TO A PARTIAL INTEREST THEREIN.

24 PART 3

25 REPURCHASE - CLAIM FOR OVERBID MONEY

26 **39-11.5-301. Repurchase - procedure.**

27 (1) A LAWFUL HOLDER IS ENTITLED TO REPURCHASE A CERTIFICATE

1 OF OPTION FOR A TREASURER'S DEED IF THE FOLLOWING REQUIREMENTS
2 ARE MET TO THE SATISFACTION OF THE TREASURER:

3 (a) THE LAWFUL HOLDER WAS NOT THE SUCCESSFUL PURCHASER
4 AT THE PUBLIC AUCTION;

5 (b) NO LATER THAN THREE BUSINESS DAYS AFTER THE DATE OF
6 THE PUBLIC AUCTION, THE LAWFUL HOLDER FILED A NOTICE OF INTENT TO
7 REPURCHASE; AND

8 (c) A FEE PURSUANT TO SECTION 30-1-102 (1.7)(a)(III) IS
9 RECEIVED BY THE TREASURER IN THE FORM SPECIFIED BY THE TREASURER.

10 (2) NO MORE THAN ONE BUSINESS DAY AFTER AN INTENT TO
11 REPURCHASE IS RECEIVED, A TREASURER SHALL NOTIFY THE CERTIFICATE
12 OF OPTION FOR A TREASURER'S DEED HOLDER THAT AN INTENT TO
13 REPURCHASE HAS BEEN FILED.

14 (3) NO LATER THAN NOON TWO BUSINESS DAYS FOLLOWING A
15 NOTIFICATION OF THE CERTIFICATE OF OPTION FOR A TREASURER'S DEED
16 HOLDER OF THE FILING OF AN INTENT TO REPURCHASE, A CERTIFICATE OF
17 OPTION FOR A TREASURER'S DEED HOLDER MUST PROVIDE A SIGNED AND
18 ACKNOWLEDGED REPURCHASE STATEMENT TO THE TREASURER LIMITED
19 TO:

20 (a) THE AMOUNT INDICATED ON THE CERTIFICATE OF OPTION FOR
21 A TREASURER'S DEED THAT EXCEEDS THE TOTAL DEBT OWED TO THE
22 LAWFUL HOLDER;

23 (b) INTEREST CALCULATED FROM THE DATE OF THE PUBLIC
24 AUCTION THROUGH THE END OF THE EIGHTH BUSINESS DAY AFTER THE
25 PUBLIC AUCTION, THE AMOUNT OF WHICH IS BASED ON THE INTEREST RATE
26 USED ON THE BID PURSUANT TO SECTION 39-11.5-107 (3); AND

27 (c) ANY FEES AND COSTS INCURRED AS DEEMED REASONABLE BY

1 THE TREASURER.

2 (4) IF A CERTIFICATE OF OPTION FOR A TREASURER'S DEED HOLDER
3 FAILS TO PROVIDE A REPURCHASE STATEMENT TO A TREASURER BY THE
4 DEADLINE, THE TREASURER SHALL PROVIDE A REPURCHASE STATEMENT TO
5 A LAWFUL HOLDER LIMITED TO THE AMOUNTS REQUIRED IN SUBSECTIONS
6 (3)(a) AND (3)(b) OF THIS SECTION, BY THE END OF THE SECOND BUSINESS
7 DAY AFTER THE NOTIFICATION OF THE CERTIFICATE OF OPTION FOR A
8 TREASURER'S DEED HOLDER PURSUANT TO SUBSECTION (3) OF THIS
9 SECTION. THE REPURCHASE STATEMENT MAY BE SENT TO A LAWFUL
10 HOLDER BY MAIL, FACSIMILE, OR OTHER ELECTRONIC MEANS.

11 (5) AT ANY TIME AFTER A TREASURER HAS PROVIDED A LAWFUL
12 HOLDER THE REPURCHASE STATEMENT, BUT NO LATER THAN NOON ON THE
13 EIGHTH BUSINESS DAY FOLLOWING THE PUBLIC AUCTION, THE LAWFUL
14 HOLDER MAY REPURCHASE THE CERTIFICATE OF OPTION FOR A
15 TREASURER'S DEED BY PAYING THE TREASURER THE AMOUNT REQUIRED TO
16 REPURCHASE IN THE FORM SPECIFIED BY THE TREASURER.

17 (6) UPON RECEIPT OF THE REPURCHASE FUNDS, THE TREASURER
18 SHALL:

19 (a) NOTIFY THE CERTIFICATE OF OPTION FOR A TREASURER'S DEED
20 HOLDER;

21 (b) EXECUTE AND RECORD A CERTIFICATE OF REPURCHASE
22 PURSUANT TO SECTION 39-11.5-402; AND

23 (c) DISBURSE ALL REPURCHASE PROCEEDS TO THE CERTIFICATE OF
24 OPTION FOR A TREASURER'S DEED HOLDER IN THE AMOUNT ON THE
25 REPURCHASE STATEMENT WITH INTEREST THROUGH THE DATE
26 REPURCHASE PROCEEDS WERE RECEIVED FROM THE LAWFUL HOLDER. ANY
27 ADDITIONAL INTEREST PAID MUST BE REFUNDED TO THE LAWFUL HOLDER.

1 (7) ALL FEES AND COSTS OF A TREASURER FOR ACTIONS
2 PERFORMED UNDER THIS SECTION AND THE COST OF RECORDING THE
3 CERTIFICATE OF REPURCHASE ARE PART OF THE TREASURER'S DEED COSTS.

4 (8) IF AN AGGRIEVED PERSON CONTESTS THE AMOUNT SET FORTH
5 IN THE STATEMENT PREPARED BY A TREASURER PURSUANT TO SUBSECTION
6 (4) OF THIS SECTION AND A COURT DETERMINES THAT THE TREASURER
7 MADE A MATERIAL MISSTATEMENT ON THE REPURCHASE STATEMENT WITH
8 RESPECT TO THE AMOUNT DUE AND OWING TO THE HOLDER OF THE
9 CERTIFICATE OF OPTION FOR A TREASURER'S DEED, THE COURT SHALL, IN
10 ADDITION TO OTHER RELIEF, AWARD TO THE AGGRIEVED PERSON THE
11 AGGRIEVED PERSON'S COURT COSTS AND REASONABLE ATTORNEY FEES
12 AND COSTS.

13 (9) (a) A LAWFUL HOLDER SHALL REPURCHASE THE ENTIRE
14 PROPERTY. NO PARTIAL REPURCHASE SHALL BE PERMITTED UNDER THIS
15 SECTION.

16 (b) THE PRIORITY OF LIENS FOR PURPOSES OF THIS SECTION MUST
17 BE DETERMINED WITHOUT CONSIDERATION OF THE FACT THAT THE OTHER
18 LIEN RELATES TO ONLY A PORTION OF THE PROPERTY OR TO A PARTIAL
19 INTEREST THEREIN.

20 **39-11.5-302. Effect of repurchase.**

21 IF THE LAWFUL HOLDER MAKES A REPURCHASE, THE CERTIFICATE
22 OF REPURCHASE, DULY RECORDED, OPERATES AS AN ASSIGNMENT TO THE
23 LAWFUL HOLDER OF THE ESTATE AND INTEREST ACQUIRED BY THE
24 PURCHASER AT THE PUBLIC AUCTION, SUBJECT TO THE RIGHTS OF OMITTED
25 PARTIES, AS DEFINED IN SECTION 39-11.5-505, AND PERSONS WHO MAY BE
26 ENTITLED SUBSEQUENTLY TO FILE A CLAIM FOR OVERBID MONEY.

27 **39-11.5-303. Claim for overbid money - procedure.**

1 (1) A JUNIOR LIENOR IS ENTITLED TO MAKE A CLAIM FOR OVERBID
2 MONEY IF THE FOLLOWING REQUIREMENTS ARE MET TO THE SATISFACTION
3 OF THE TREASURER:

4 (a) THE JUNIOR LIENOR'S LIEN APPEARS BY INSTRUMENTS THAT
5 WERE DULY RECORDED IN THE OFFICE OF THE CLERK AND RECORDER OF
6 THE COUNTY PRIOR TO THE RECORDING OF THE APPLICATION FOR
7 TREASURER'S DEED. IF A JUNIOR LIEN WAS RECORDED IN AN INCORRECT
8 COUNTY, THE JUNIOR LIENHOLDER'S RIGHTS UNDER THIS SECTION ARE
9 VALID ONLY IF THE LIEN IS RERECORDED IN THE CORRECT COUNTY AT
10 LEAST FIFTEEN CALENDAR DAYS PRIOR TO THE ACTUAL DATE OF THE
11 PUBLIC AUCTION.

12 (b) IF A JUNIOR LIEN IS ASSIGNED, THE RIGHTS OF THE ASSIGNEE OF
13 THE JUNIOR LIEN TO MAKE A CLAIM FOR OVERBID MONEY ARE VALID ONLY
14 IF THE ASSIGNMENT OF THE JUNIOR LIEN AS DESCRIBED IN SUBSECTION
15 (1)(a) OF THIS SECTION IS DULY RECORDED IN THE OFFICE OF THE CLERK
16 AND RECORDER OF THE COUNTY AT LEAST FIFTEEN CALENDAR DAYS PRIOR
17 TO THE ACTUAL DATE OF THE PUBLIC AUCTION;

18 (c) THE JUNIOR LIENOR HAS, WITHIN EIGHT BUSINESS DAYS AFTER
19 THE PUBLIC AUCTION, FILED A CLAIM FOR OVERBID MONEY WITH THE
20 TREASURER; AND

21 (d) THE JUNIOR LIENOR HAS ATTACHED TO THE CLAIM FOR
22 OVERBID MONEY:

23 (I) THE ORIGINAL OR A RECORDED COPY OF THE INSTRUMENT AND
24 ANY ASSIGNMENT OF THE JUNIOR LIEN TO THE PERSON ATTEMPTING TO
25 CLAIM OVERBID MONEY. IF THE ORIGINAL INSTRUMENT IS DELIVERED TO
26 THE TREASURER, THE TREASURER SHALL RETURN THE INSTRUMENT TO THE
27 JUNIOR LIENOR AND RETAIN A COPY.

1 (II) A SIGNED AND PROPERLY ACKNOWLEDGED STATEMENT, OR A
2 SIGNED STATEMENT BY THE JUNIOR LIENOR'S ATTORNEY, SETTING FORTH
3 THE AMOUNT OF THE LIENOR'S JUNIOR LIEN, INCLUDING PER DIEM
4 INTEREST, THROUGH THE END OF THE EIGHTH BUSINESS DAY AFTER THE
5 PUBLIC AUCTION WITH THE SAME SPECIFICITY AND ITEMIZATION AS
6 REQUIRED IN SECTION 39-11.5-107.

7 (2) NO FEE MAY BE CHARGED TO A JUNIOR LIENHOLDER FOR FILING
8 A CLAIM FOR OVERBID MONEY PURSUANT TO THIS SECTION.

9 (3) ANYTIME AFTER THE NINTH BUSINESS DAY BUT NO LATER THAN
10 THE FIFTEENTH BUSINESS DAY FROM THE DATE OF THE PUBLIC AUCTION,
11 ANY REMAINING OVERBID MONEY MUST BE PAID IN ORDER OF RECORDING
12 PRIORITY TO JUNIOR LIENORS, DETERMINED AS OF THE RECORDING OF THE
13 APPLICATION FOR TREASURER'S DEED, WHO HAVE DULY FILED A CLAIM FOR
14 OVERBID MONEY, IN EACH CASE UP TO THE UNPAID AMOUNT OF THE LIEN
15 PLUS FEES AND COSTS. AFTER PAYMENT TO ALL JUNIOR LIENORS ENTITLED
16 TO RECEIVE A PORTION OF THE OVERBID PURSUANT TO THIS SECTION, ANY
17 REMAINING OVERBID MONEY MUST BE PAID TO THE PROPERTY OWNER.

18 (4) ANY REDEMPTION RIGHTS GRANTED UNDER FEDERAL LAW ARE
19 SEPARATE AND DISTINCT FROM A CLAIM FOR OVERBID MONEY RIGHTS
20 GRANTED PURSUANT TO THIS PART 3. ALL LIENS THAT ARE JUNIOR TO THE
21 CERTIFICATE OF PURCHASE PURSUANT TO THIS ARTICLE 11.5 MUST BE
22 DIVESTED BY THE PUBLIC AUCTION UNDER THIS ARTICLE 11.5, SUBJECT TO
23 THE CLAIM FOR OVERBID MONEY PROVIDED IN THIS PART 3. THE
24 TREASURER CONDUCTING A PUBLIC AUCTION UNDER THIS ARTICLE 11.5 IS
25 NOT DESIGNATED TO RECEIVE REDEMPTIONS UNDER FEDERAL LAW.

26 **39-11.5-304. Lessee, easement holder, and installment contract**
27 **vendor considered as lienors - installment land contract vendee**

1 **considered as owner.**

2 (1) (a) FOR THE PURPOSES OF THIS ARTICLE 11.5, A LESSEE OF OR
3 THE HOLDER OF AN EASEMENT ENCUMBERING PROPERTY IS CONSIDERED
4 A JUNIOR LIENOR, BUT WITHOUT ANY LIEN AMOUNT, AND IS SUBJECT TO
5 ALL REQUIREMENTS IN THIS ARTICLE 11.5 WITH RESPECT TO JUNIOR
6 LIENORS.

7 (b) THE NOTICE TO THE LESSEE OR LESSEES WHO HAVE
8 UNRECORDED POSSESSORY INTERESTS IN THE PROPERTY BEING SOLD AS
9 PROVIDED FOR BY THIS ARTICLE 11.5 AND ARTICLE 37 OF THIS TITLE 39 BY
10 VIRTUE OF ANY TAX LIEN SALE OR BY VIRTUE OF AN EXECUTION AND LEVY
11 MUST BE MAILED TO THE LESSEE OR LESSEES OF A SINGLE-FAMILY
12 RESIDENCE OR A MULTIPLE-UNIT RESIDENTIAL DWELLING. THE NOTICE
13 MUST BE IN WRITING AND SENT BY FIRST-CLASS MAIL. NOTICE IS
14 COMPLETE UPON MAILING TO THE LESSEE AT THE ADDRESS OF THE
15 PREMISES OR BY ADDRESSING SUCH NOTICE TO "LESSEE" FOLLOWED BY
16 THE ADDRESS.

17 (c) NOTHING IN THIS SECTION AFFECTS ANY RIGHTS UNDER THIS
18 ARTICLE 11.5 OF A LESSEE WHOSE RESIDENTIAL LEASE IS RECORDED.

19 (2) FOR THE PURPOSES OF THIS ARTICLE 11.5, AN INSTALLMENT
20 LAND CONTRACT VENDOR OF PROPERTY IS CONSIDERED A JUNIOR LIENOR
21 FOR THE UNPAID PORTION OF THE PURCHASE PRICE, INTEREST, AND OTHER
22 AMOUNTS PROVIDED UNDER THE INSTALLMENT LAND CONTRACT AND IS
23 SUBJECT TO ALL REQUIREMENTS IN THIS ARTICLE 11.5 WITH RESPECT TO
24 JUNIOR LIENORS; BUT THE INSTALLMENT LAND CONTRACT VENDOR SHALL
25 NOT BE CONSIDERED AN OWNER AS TO ANY PORTION OF SUCH PROPERTY.

26 (3) FOR THE PURPOSES OF THIS ARTICLE 11.5, AN INSTALLMENT
27 LAND CONTRACT VENDEE OF PROPERTY IS CONSIDERED AN OWNER EXCEPT

1 AS TO ANY PORTION OF SUCH PROPERTY THAT THE VENDEE MAY
2 THEREAFTER HAVE TRANSFERRED, AS EVIDENCED BY A RECORDED
3 INSTRUMENT, AND THE VENDEE IS SUBJECT TO ALL REQUIREMENTS IN THIS
4 ARTICLE 11.5 WITH RESPECT TO OWNERS.

5 PART 4

6 CERTIFICATE OF OPTION FOR A TREASURER'S DEED

7 **39-11.5-401. Certificate of option for a treasurer's deed -**
8 **issuance - priority.**

9 (1) NO LATER THAN THREE BUSINESS DAYS FROM THE DATE OF A
10 PUBLIC AUCTION, A TREASURER SHALL EXECUTE AND RECORD IN EACH
11 COUNTY WHERE A PROPERTY OR A PORTION THEREOF IS LOCATED A
12 CERTIFICATE OF OPTION FOR A TREASURER'S DEED CONTAINING:

- 13 (a) THE NAMES OF THE PROPERTY OWNER;
- 14 (b) THE DESCRIPTION OF THE PROPERTY;
- 15 (c) THE SUM PAID FOR THE PROPERTY;
- 16 (d) THE NAME AND MAILING ADDRESS OF THE PURCHASER;
- 17 (e) A STATEMENT THAT THE PURCHASER OR ASSIGNEE OF THE
18 CERTIFICATE OF OPTION FOR A TREASURER'S DEED IS ENTITLED TO A
19 TREASURER'S DEED AT THE EXPIRATION OF THE REPURCHASE PERIOD
20 PROVIDED UNDER PART 3 OF THIS ARTICLE 11.5 UNLESS A REPURCHASE IS
21 MADE;
- 22 (f) THE TREASURER'S DEED NUMBER;
- 23 (g) THE DATE OF THE PUBLIC AUCTION; AND
- 24 (h) AN ATTACHED EXHIBIT THAT IS A COPY OF THE MAILING LIST
25 CREATED FOR THE PUBLIC AUCTION PURSUANT TO SECTION 39-11.5-105
26 AND ANY AMENDMENT TO THAT MAILING LIST, WHICH EXHIBIT MUST BE
27 RECORDED WITH THE CERTIFICATE OF OPTION FOR TREASURER'S DEED.

1 (2) THE FAILURE OF A TREASURER TO COMPLY WITH THIS SECTION
2 DOES NOT AFFECT THE VALIDITY OF A PUBLIC AUCTION OR VESTING OF
3 TITLE IN THE NAME OF THE HOLDER OF THE CERTIFICATE OF OPTION FOR A
4 TREASURER'S DEED OR CERTIFICATE OF REPURCHASE.

5 (3) THE LIEN REPRESENTED BY A CERTIFICATE OF OPTION FOR A
6 TREASURER'S DEED HAS THE SAME PRIORITY AS THE CERTIFICATE OF
7 PURCHASE SOLD AT A PUBLIC AUCTION.

8 **39-11.5-402. Certificate of repurchase - issuance.**

9 (1) NO LATER THAN THREE BUSINESS DAYS FOLLOWING A
10 TREASURER'S RECEIPT OF REPURCHASE MONEY PAID PURSUANT TO SECTION
11 39-11.5-301, THE TREASURER SHALL EXECUTE AND RECORD IN EACH
12 COUNTY WHERE THE PROPERTY, OR A PORTION THEREOF, IS LOCATED A
13 CERTIFICATE OF REPURCHASE CONTAINING:

- 14 (a) THE NAME OF THE PURCHASER;
- 15 (b) THE NAME AND ADDRESS OF THE LAWFUL HOLDER;
- 16 (c) THE REPURCHASE AMOUNT PAID;
- 17 (d) THE DATE OF THE PUBLIC AUCTION;
- 18 (e) THE LEGAL DESCRIPTION OF THE PROPERTY;
- 19 (f) THE TREASURER'S DEED NUMBER; AND
- 20 (g) A STATEMENT THAT THE LAWFUL HOLDER OR ASSIGNEE OF THE
21 CERTIFICATE OF REPURCHASE SHALL BE ENTITLED TO A TREASURER'S DEED
22 UNDER PART 3 OF THIS ARTICLE 11.5.

23 (2) THE FAILURE OF A TREASURER TO COMPLY WITH THIS SECTION
24 DOES NOT AFFECT THE VALIDITY OF THE PUBLIC AUCTION OR THE RIGHTS
25 OF THE GRANTEE OF A TREASURER'S DEED.

26 **39-11.5-403. Certificate of repurchase - assignment.**

27 (1) (a) A CERTIFICATE OF OPTION FOR A TREASURER'S DEED OR A

1 CERTIFICATE OF REPURCHASE THAT IS ISSUED TO ANY PERSON UNDER THIS
2 PART 4 IS ASSIGNABLE BY ENDORSEMENT THEREON OR BY SEPARATE
3 ASSIGNMENT, AND THE ASSIGNEE MUST BE TREATED FOR ALL PURPOSES AS
4 THE ORIGINAL HOLDER OF THE CERTIFICATE OF OPTION FOR A TREASURER'S
5 DEED OR CERTIFICATE OF REPURCHASE.

6 (b) A SEPARATE ASSIGNMENT OF A CERTIFICATE OF OPTION FOR A
7 TREASURER'S DEED OR CERTIFICATE OF REPURCHASE MUST CONTAIN:

8 (I) THE NAME AND ADDRESS OF THE ASSIGNEE;

9 (II) THE NAME AND ADDRESS OF THE ASSIGNOR;

10 (III) THE LEGAL DESCRIPTION OF THE PROPERTY SUBJECT TO THE
11 ASSIGNED CERTIFICATE;

12 (IV) THE NAME OF THE PROPERTY OWNER; AND

13 (V) THE TREASURER'S DEED NUMBER.

14 (2) A FEE NOT TO EXCEED TWENTY-FIVE DOLLARS MAY BE
15 CHARGED BY THE TREASURER TO THE ASSIGNOR OR ASSIGNEE FOR FILING
16 AN ENDORSEMENT OR SEPARATE ASSIGNMENT WITH THE TREASURER
17 UNDER THIS SECTION.

18 **39-11.5-404. Certificate as prima facie evidence.**

19 A CERTIFICATE OF OPTION FOR A TREASURER'S DEED OR
20 CERTIFICATE OF REPURCHASE OR A CERTIFIED COPY THEREOF IS DEEMED
21 TO BE PRIMA FACIE EVIDENCE OF ALL STATEMENTS OR RECITALS
22 CONTAINED THEREIN.

23 PART 5

24 ISSUANCE OF TREASURER'S DEED AND NATURE OF TITLE

25 **39-11.5-501. Title vests upon expiration of repurchase period**
26 **- treasurer's deed - definition.**

27 (1) UPON THE EXPIRATION OF THE REPURCHASE PERIOD ALLOWED

1 TO THE LAWFUL HOLDER UNDER PART 3 OF THIS ARTICLE 11.5 OR, UPON
2 THE CLOSE OF THE EIGHTH BUSINESS DAY AFTER THE PUBLIC AUCTION,
3 TITLE TO THE PROPERTY VESTS IN THE HOLDER OF THE CERTIFICATE OF
4 OPTION FOR A TREASURER'S DEED, OR IN THE HOLDER OF THE CERTIFICATE
5 OF REPURCHASE IN THE CASE OF A REPURCHASE. SUBJECT TO THE RIGHT TO
6 CLAIM OVERBID MONEY PURSUANT TO SECTION 39-11.5-303 AND THE
7 PROVISIONS OF SECTION 38-41-212 (2), THE TITLE IS FREE AND CLEAR OF
8 ALL LIENS AND ENCUMBRANCES JUNIOR TO THE CERTIFICATE OF
9 PURCHASE. NO LATER THAN TEN BUSINESS DAYS AFTER BOTH TITLE VESTS
10 AND THE TREASURER HAS RECEIVED ALL STATUTORY FEES AND COSTS, THE
11 TREASURER SHALL EXECUTE AND RECORD A TREASURER'S DEED PURSUANT
12 TO SECTION 39-11.5-502 TO THE HOLDER OF THE CERTIFICATE OF OPTION
13 FOR A TREASURER'S DEED OR, IN THE CASE OF REPURCHASE, TO THE
14 HOLDER OF THE CERTIFICATE OF REPURCHASE, CONFIRMING THE TRANSFER
15 OF TITLE TO THE PROPERTY. FAILURE OF THE TREASURER TO EXECUTE AND
16 RECORD THE TREASURER'S DEED OR TO RECORD THE TREASURER'S DEED
17 WITHIN THE TIME SPECIFIED IN THIS SUBSECTION (1) DOES NOT AFFECT THE
18 VALIDITY OF THE TREASURER'S DEED OR THE VESTING OF TITLE.

19 (2) NOTWITHSTANDING ANY PROVISION OF LAW TO THE
20 CONTRARY, A TREASURER MAY NOT INCLUDE AN ASSIGNEE AS A GRANTEE
21 IN A TREASURER'S DEED, UNLESS THE FOLLOWING REQUIREMENTS ARE
22 MET:

23 (a) THE TREASURER HAS RECEIVED A RECORDED COPY OF THE
24 ASSIGNMENT EXECUTED IN ACCORDANCE WITH SECTION 39-11.5-403
25 WITHIN TEN BUSINESS DAYS FROM THE DATE OF THE PUBLIC AUCTION; AND

26 (b) THE ASSIGNMENT WAS DATED, SIGNED, AND NOTARIZED OR
27 RECORDED PRIOR TO THE TIME TITLE VESTS.

1 (3) EXECUTION OF A TREASURER'S DEED PURSUANT TO THIS
2 SECTION DOES NOT AFFECT THE EXISTENCE OF ANY PUBLIC OR PRIVATE
3 ROADS, RIGHTS-OF-WAY, CONSERVATION EASEMENTS, OTHER EASEMENTS,
4 OR EQUITABLE SERVITUDES THAT RUN WITH PROPERTY AND HAVE BOTH
5 BENEFITS AND BURDENS, ALL AS CLAIMED OR EXISTING PRIOR TO THE
6 EXECUTION OF THE TREASURER'S DEED.

7 (4) AS USED IN THIS SECTION, "REPURCHASE PERIODS" MEANS THE
8 PERIODS OF TIME DURING WHICH THE LAWFUL HOLDER MAY REPURCHASE
9 THE CERTIFICATE OF OPTION FOR A TREASURER'S DEED, AS DESCRIBED IN
10 SECTION 39-11.5-301 (4).

11 **39-11.5-502. Form of treasurer's deed.**

12 THE TREASURER'S DEED EXECUTED BY A TREASURER AFTER A
13 PUBLIC AUCTION MAY BE IN SUBSTANTIALLY THE FOLLOWING FORM:

14 THE FOLLOWING DESCRIBED REAL PROPERTY IS THE SUBJECT OF
15 THIS TREASURER'S DEED:

16 TREASURER'S DEED NUMBER: _____

17 LEGAL DESCRIPTION:

18 ALSO KNOWN BY STREET ADDRESS AS:

19 ASSESSOR SCHEDULE/ACCOUNT NO: _____

20 ORIGINAL ASSESSED OWNER: _____

21 THE TAXES ASSESSED UPON THIS PROPERTY FOR THE YEARS _____
22 - _____ REMAINED DUE AND UNPAID AT THE DATE OF THE PUBLIC
23 TAX LIEN SALE ("SALE");

24 THE _____ COUNTY TREASURER, BY VIRTUE OF THE
25 AUTHORITY VESTED IN THEM BY LAW, CONDUCTED THE TAX LIEN
26 SALE ON _____ (MONTH, DAY, YEAR) IN SUBSTANTIAL
27 CONFORMITY WITH STATUTORY REQUIREMENTS;

1 A TAX LIEN CERTIFICATE OF PURCHASE WAS ISSUED
2 TO _____, ("LAWFUL HOLDER") FOR THIS PROPERTY
3 FOR THE PAYMENT OF THE TAXES, DELINQUENT INTEREST, AND
4 COSTS THEN DUE AND REMAINING UNPAID;
5 MORE THAN THREE YEARS HAVE ELAPSED SINCE THE DATE OF
6 THE TAX LIEN SALE, THE PROPERTY OWNER'S STATUTORY
7 REDEMPTION PERIOD HAS EXPIRED, AND THE PROPERTY HAS NOT
8 BEEN REDEEMED;
9 THE LAWFUL HOLDER FILED AN APPLICATION FOR TREASURER'S
10 DEED FOR THE ABOVE-DESCRIBED PROPERTY ON
11 _____ (MONTH, DAY, YEAR). THE APPLICATION WAS
12 RECORDED ON _____ (MONTH, DAY, YEAR), IN THE
13 REAL ESTATE RECORDS OF _____ COUNTY, COLORADO
14 AT RECEPTION NO. _____;
15 THE TREASURER PROVIDED NOTICE OF THE PUBLIC AUCTION AS
16 REQUIRED BY LAW AND THEN PROCEEDED TO HOLD A PUBLIC
17 AUCTION ON _____ (MONTH, DAY, YEAR). AT
18 THE PUBLIC AUCTION, _____
19 ("PURCHASER"), WHOSE ADDRESS IS _____,
20 COUNTY OF _____, STATE OF _____, BID
21 THE SUM OF \$ _____ FOR SAID PROPERTY. BEING THE
22 PERSON WHO SUBMITTED THE WINNING BID AT THE PUBLIC
23 AUCTION AND WHO TIMELY SUBMITTED PROPER FUNDS, THE
24 TREASURER AWARDED A CERTIFICATE OF OPTION FOR A
25 TREASURER'S DEED TO THE PURCHASER;
26 THE LAWFUL HOLDER SUBSEQUENTLY REPURCHASED THE
27 CERTIFICATE OF OPTION FOR A TREASURER'S DEED BY PAYING TO

1 THE TREASURER THE AMOUNT THE PURCHASER PAID AT THE
2 PUBLIC AUCTION, WITH INTEREST FROM THE DATE OF SALE,
3 ALONG WITH ALL APPLICABLE FEES OR COSTS. THE REPURCHASE
4 WAS MADE ON _____ (MONTH, DAY, YEAR) AND,
5 AFTER THE REPURCHASE OF THE ABOVE-DESCRIBED PROPERTY,
6 THE LAWFUL HOLDER IS ENTITLED TO A TREASURER'S DEED; OR
7 ON _____ (MONTH, DAY,
8 YEAR), _____ ("PURCHASER") ASSIGNED THE
9 CERTIFICATE OF OPTION FOR A TREASURER'S DEED ON THE
10 PROPERTY, ALONG WITH ALL RIGHTS, TITLE, AND INTEREST, TO
11 _____ ("ASSIGNEE") LOCATED
12 _____ (ASSIGNEE MAILING ADDRESS).
13 THEN, _____ (MONTH, DAY, YEAR),
14 _____ (ASSIGNEE), ASSIGNED THE SAME CERTIFICATE
15 OF OPTION FOR A TREASURER'S DEED AND ALL ASSOCIATED
16 RIGHTS, TITLE, AND INTEREST TO _____ (SECOND
17 ASSIGNEE), LOCATED AT
18 _____ (SECOND ASSIGNEE
19 MAILING ADDRESS), IF APPLICABLE.
20 ALL STATUTORY PROVISIONS PRESCRIBING THE PREREQUISITES
21 TO OBTAINING A TREASURER'S DEED HAVE BEEN FULFILLED AT
22 THIS TIME.
23 NOW, THEREFORE, IN CONSIDERATION OF THE ABOVE, I,
24 _____, TREASURER OF _____ COUNTY
25 CONVEY TO _____ (NAME OR
26 PURCHASER, LAWFUL HOLDER, OR ASSIGNEE) WHOSE ADDRESS IS
27 _____, COUNTY OF _____, STATE OF

1 _____ ALL RIGHT, TITLE, AND INTEREST IN THE
2 PROPERTY, SUBJECT TO ANY ENCUMBRANCES AND RESTRICTIONS
3 OF RECORD.

4 EXECUTED ON: _____
5 _____, TREASURER OF _____ COUNTY,
6 STATE OF COLORADO
7 (SEAL)

8 _____ (SIGNAT
9 URE)

10 BY:

11 WHEN RECORDED, RETURN TO COUNTY TREASURER

12 **39-11.5-503. Treasurer's deed as evidence of compliance.**

13 A TREASURER'S DEED EXECUTED BY A TREASURER OR OTHER
14 OFFICIAL PURSUANT TO THIS ARTICLE 11.5 IS PRIMA FACIE EVIDENCE OF
15 COMPLIANCE WITH ALL STATUTORY REQUIREMENTS FOR THE PUBLIC
16 AUCTION AND EXECUTION OF THE TREASURER'S DEED AND EVIDENCE OF
17 THE TRUTH OF THE RECITALS CONTAINED IN THE TREASURER'S DEED.

18 **39-11.5-504. Effect of treasurer's deed on certain classes of**
19 **persons.**

20 (1) ALL EXECUTED CERTIFICATES OF PURCHASE BY A TREASURER
21 MAY BE REQUESTED TO HAVE A TREASURER'S DEED IN THE MANNER
22 PROVIDED BY SECTION 39-11.5-102, NOTWITHSTANDING THE FACT THAT
23 PROPERTY MAY BE OWNED OR CONSIST OF THE ESTATE OF A DECEASED
24 PERSON, A MENTALLY INCOMPETENT PERSON, OR AN INCAPACITATED
25 PERSON AND NOTWITHSTANDING THE DEATH, MENTAL INCOMPETENCY, OR
26 INCAPACITY OF ONE OR MORE OF THE OWNERS OF THE PROPERTY COVERED
27 BY THE CERTIFICATE OF PURCHASE.

1 (2) ANY SUCH TREASURER'S DEED PROCESS IS GOOD AGAINST A
2 MENTALLY INCOMPETENT OR AN INCAPACITATED PERSON AND AGAINST
3 THE HEIRS-AT-LAW, LEGATEES, DEVISEES, CREDITORS, CONSERVATORS,
4 GUARDIANS, PERSONAL REPRESENTATIVES, EXECUTORS, AND
5 ADMINISTRATORS OF ANY DECEDENT OR MENTALLY INCOMPETENT OR
6 INCAPACITATED PERSON AND ALL PERSONS CLAIMING BY, THROUGH, OR
7 UNDER THE DECEDENT OR MENTALLY INCOMPETENT OR INCAPACITATED
8 PERSON. THE TREASURER SHALL GIVE NOTICE OF SUCH TREASURER'S DEED
9 PROCEEDINGS, AS PROVIDED BY LAW, TO THE PROPERTY OWNER AT THE
10 ADDRESS, AS THOUGH LIVING AND MENTALLY COMPETENT, TO ALL
11 PERSONS HAVING INTERESTS THEN OF RECORD, AND TO THE LESSEE OR
12 LESSEES OF THE PREMISES AS PROVIDED IN SECTION 39-11.5-104 (4). THE
13 TREASURER SHALL NOT BE REQUIRED TO GIVE NOTICE OF SUCH
14 TREASURER'S DEED PROCEEDINGS TO ANY HEIR-AT-LAW, LEGATEE,
15 DEVISEE, CREDITOR, CONSERVATOR, GUARDIAN, PERSONAL
16 REPRESENTATIVE, EXECUTOR, OR ADMINISTRATOR OF ANY DECEDENT OR
17 MENTALLY INCOMPETENT OR INCAPACITATED PERSON OR TO ANY PERSON
18 CLAIMING BY, THROUGH, OR UNDER ANY DECEDENT OR MENTALLY
19 INCOMPETENT OR INCAPACITATED PERSON UNLESS THE CLAIM OR
20 INTEREST OF THE PERSON THEN APPEARS ON RECORD.

21 (3) THE INTEREST AND CLAIM IN AND TO THE REAL ESTATE OF ALL
22 MENTALLY INCOMPETENT OR INCAPACITATED PERSONS AND OF ALL
23 PERSONS CLAIMING BY, THROUGH, OR UNDER ANY MENTALLY
24 INCOMPETENT OR INCAPACITATED PERSON, OR DECEDENT, INCLUDING
25 MINORS AND INCAPACITATED PERSONS, IS TERMINATED AND CONCLUDED
26 BY THE TREASURER'S DEED PROCESS UNLESS THEY REDEEM FROM THE
27 TREASURER WITHIN THE TIME PRESCRIBED BY LAW.

1 **39-11.5-505. Omitted party - definitions.**

2 (1) AS USED IN THIS SECTION, "OMITTED PARTY" MEANS ANY
3 PERSON WHO, PRIOR TO THE RECORDING OF AN APPLICATION FOR
4 TREASURER'S DEED FOR A PROPERTY, HAS EITHER ACQUIRED A RECORD
5 INTEREST IN THE PROPERTY OR HAS OBTAINED A VALID POSSESSORY
6 INTEREST IN AND IS IN ACTUAL POSSESSION OF THE PROPERTY, WHICH
7 INTEREST IS JUNIOR TO THE CERTIFICATE OF PURCHASE AND WOULD
8 OTHERWISE BE EXTINGUISHED BY THE TREASURER'S DEED.

9 (2) (a) THE INTEREST OF AN OMITTED PARTY IN PROPERTY THAT IS
10 THE SUBJECT OF A TREASURER'S DEED PROCESS MAY BE TERMINATED IF
11 THE OMITTED PARTY, OR ANYONE CLAIMING BY, THROUGH, OR UNDER AN
12 OMITTED PARTY, IN A CIVIL ACTION COMMENCED AT ANY TIME AFTER A
13 PUBLIC AUCTION, BY ANY INTERESTED PERSON, AS DEFINED IN SUBSECTION
14 (2)(c) OF THIS SECTION, BY AN OMITTED PARTY, OR BY ANYONE CLAIMING
15 BY, THROUGH, OR UNDER AN OMITTED PARTY, IS AFFORDED RIGHTS TO
16 CLAIM OVERBID MONEY UPON SUCH TERMS THAT THE COURT MAY DEEM
17 EQUITABLE UNDER THE CIRCUMSTANCES, WHICH TERMS SHALL NOT,
18 HOWEVER, BE MORE FAVORABLE THAN THE PERSON'S STATUTORY RIGHTS.
19 THE COURT SHALL GIVE FULL CONSIDERATION TO WHETHER THE OMITTED
20 PARTY OR ANYONE CLAIMING BY, THROUGH, OR UNDER AN OMITTED
21 PARTY WAS GIVEN OR HAD ACTUAL NOTICE OR KNOWLEDGE OF THE
22 TREASURER'S DEED PROCESS AND WAS GIVEN AN OPPORTUNITY TO
23 EXERCISE STATUTORY RIGHTS TO CLAIM OVERBID MONEY.

24 (b) FOR PURPOSES OF THIS SECTION, THE LIEN THAT IS THE SUBJECT
25 OF THE PUBLIC AUCTION SHALL NOT BE EXTINGUISHED BY MERGER WITH
26 THE TITLE TO THE PROPERTY ACQUIRED PURSUANT TO SECTION
27 39-11.5-501 UNTIL THE INTEREST OF ANY OMITTED PARTY HAS BEEN

1 AFFIRMED PURSUANT TO SUBSECTION (3) OF THIS SECTION OR HAS BEEN
2 TERMINATED AS PROVIDED IN SUBSECTION (2)(a) OF THIS SECTION OR BY
3 OPERATION OF LAW. AN OMITTED PARTY, OR ANYONE CLAIMING BY,
4 THROUGH, OR UNDER AN OMITTED PARTY, CANNOT EXTINGUISH THE LIEN
5 THAT IS SUBJECT TO THE PUBLIC AUCTION BY ENFORCEMENT OF THE LIEN
6 OF THE OMITTED PARTY.

7 (c) AS USED IN THIS SECTION, "INTERESTED PERSON" MEANS A
8 LAWFUL HOLDER OF A CERTIFICATE OF PURCHASE, A HOLDER OF A
9 CERTIFICATE OF OPTION FOR A TREASURER'S DEED OR CERTIFICATE OF
10 REPURCHASE ISSUED PURSUANT TO SECTION 39-11.5-401 OR 39-11.5-402,
11 A PROPERTY OWNER PURSUANT TO SECTION 39-11.5-501, OR A PERSON
12 CLAIMING AN INTEREST IN THE PROPERTY BY, THROUGH, OR UNDER SUCH
13 LAWFUL HOLDER OR PROPERTY OWNER.

14 (d) AN OMITTED PARTY, OR ANYONE CLAIMING BY, THROUGH, OR
15 UNDER AN OMITTED PARTY, ONLY HAS A REMEDY TO CLAIM OVERBID
16 MONEY AS SET FORTH IN THIS SUBSECTION (2). AN INTERESTED PERSON IS
17 NOT ABLE TO EXTINGUISH AN OMITTED PARTY'S INTEREST EXCEPT AS SET
18 FORTH IN THIS SUBSECTION (2) OR BY WRITTEN WAIVER OR AGREEMENT
19 SIGNED BY THE OMITTED PARTY OR ANYONE CLAIMING BY, THROUGH, OR
20 UNDER AN OMITTED PARTY.

21 (3) IF AN INTERESTED PERSON FILES WITH A TREASURER AT ANY
22 TIME AFTER A PUBLIC AUCTION A DOCUMENT AFFIRMING AN OMITTED
23 PARTY'S INTEREST IN A PROPERTY, SUBJECT TO THE TERMS, CONDITIONS,
24 AND PROVISIONS OF THE RECORDED INSTRUMENT FROM WHICH THE
25 OMITTED PARTY'S INTEREST IS DERIVED, OR IN THE CASE OF AN OMITTED
26 PARTY THAT IS A LESSEE, SUBJECT TO THE TERMS AND CONDITIONS OF THE
27 LEASE, WHETHER WRITTEN OR ORAL, THE INTEREST OF THE OMITTED

1 PARTY IN THE PROPERTY SHALL NOT BE AFFECTED BY THE PUBLIC
2 AUCTION, AND THE OMITTED PARTY SHALL HAVE NO CLAIM TO ANY
3 OVERBID MONEY.

4 PART 6

5 CURATIVE PROVISIONS

6 **39-11.5-601. Curative provisions.**

7 (1) IF A TREASURER FAILS TO COMPLY WITH ANY OF THE NOTICE
8 DEADLINES SET FORTH IN THIS ARTICLE 11.5, UNLESS THE PUBLIC AUCTION
9 HAS ALREADY BEEN WITHDRAWN BY THE LAWFUL HOLDER OR THEIR
10 ATTORNEY, FOLLOWING WRITTEN NOTICE TO THE LAWFUL HOLDER OR
11 THEIR ATTORNEY, THE TREASURER MAY RERECORD THE APPLICATION FOR
12 TREASURER'S DEED, AND THE TREASURER SHALL THEREAFTER COMPLY
13 WITH ALL THE NOTICE DEADLINES FROM THE LAST RECORDING DATE AS
14 SET FORTH ON THE RERECORDED APPLICATION FOR TREASURER'S DEED AS
15 THOUGH THE TREASURER'S DEED PROCESS HAD BEEN COMMENCED ON
16 THAT DATE.

17 (2) IN THE EVENT OF AN ERROR CONTAINED IN ANY CERTIFICATE
18 OF OPTION FOR A TREASURER'S DEED, CERTIFICATE OF REPURCHASE,
19 TREASURER'S DEED, OR OTHER RECORDED DOCUMENT PREPARED BY THE
20 OFFICE OF THE TREASURER, THE TREASURER MAY CORRECT SUCH ERROR
21 BY EXECUTING AND RECORDING A SCRIVENER'S ERROR AFFIDAVIT AS SET
22 FORTH IN SECTION 38-35-109 (5).

23 **39-11.5-602. Interaction with other law.**

24 NOTWITHSTANDING ANY LAW TO THE CONTRARY, ON OR AFTER
25 JUNE 1, 2026, A PURCHASER, LAWFUL HOLDER, OR TREASURER SHALL
26 FOLLOW THE PROCEDURES ESTABLISHED IN THIS ARTICLE 11.5 AND SHALL
27 NOT FOLLOW THE PROCEDURES ESTABLISHED IN ARTICLE 11 OF THIS TITLE

1 39 CONCERNING THE ISSUANCE OF A DEED. NOTWITHSTANDING ANY LAW
2 TO THE CONTRARY, ON OR AFTER JUNE 1, 2026, A TREASURER SHALL NOT
3 ISSUE A DEED PURSUANT TO ARTICLE 11 OF THIS TITLE 39.

4 **SECTION 51. Effective date.** This act takes effect June 1, 2026.

5 **SECTION 52. Applicability.** (1) This act applies to any fee
6 imposed, assessed, or collected by a county treasurer on or after June 1,
7 2026.

8 (2) The reenacted and amended article 11.5 of title 39, Colorado
9 Revised Statutes, as set forth in this act, applies to any treasurer's deed
10 issued on or after June 1, 2026, regardless of the date of the tax lien sale,
11 application for treasurer's deed, or commencement of any related
12 proceeding.

13 **SECTION 53. Safety clause.** The general assembly finds,
14 determines, and declares that this act is necessary for the immediate
15 preservation of the public peace, health, or safety or for appropriations for
16 the support and maintenance of the departments of the state and state
17 institutions.