

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 26-0603.01 Alison Killen x4350

SENATE BILL 26-144

SENATE SPONSORSHIP

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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 REPEALING 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.

HOUSE
Amended 2nd Reading
April 14, 2026

SENATE
Amended 3rd Reading
April 8, 2026

SENATE
Amended 2nd Reading
April 7, 2026

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, 24-21-403, **add** (2.5) as follows:

24-21-403. Core goals - powers and duties - rules.

(2.5) THE SURCHARGE DESCRIBED IN SUBSECTION (2) OF THIS SECTION IS NOT APPLICABLE ON ANY DOCUMENT FILED OR RECORDED BY THE COUNTY CLERK AND RECORDER IF THE DOCUMENT IS EXEMPTED FROM FEES PURSUANT TO SECTION 30-1-103 (1).

SECTION 2. 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:

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

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

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

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

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

12 (n) For each certificate of redemption delivered, ~~seven~~ TEN
13 dollars;

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

18 (t) ~~For the notice, computation, and recording provided in section~~
19 ~~32-1-1604, C.R.S., thirty dollars.~~

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

22 (1.7) (a) THE COUNTY TREASURER IS ENTITLED TO CHARGE AND
23 RECEIVE THE FOLLOWING FEES IN ADMINISTERING ARTICLE 11.5 OF TITLE
24 39:

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

27 (II) FOR PROCESSING AN ASSIGNMENT OF A CERTIFICATE OF

- 1 PURCHASE, NO MORE THAN TWENTY-FIVE DOLLARS;
- 2 (III) FOR ACCEPTING AND FILING AN INTENT TO REPURCHASE FROM
- 3 A LAWFUL HOLDER IN A PUBLIC AUCTION, ONE HUNDRED DOLLARS;
- 4 (IV) FOR PROCESSING A NOTICE OF INTENT TO REDEEM, NO MORE
- 5 THAN TWENTY-FIVE DOLLARS;
- 6 (V) FOR PROCESSING AND ISSUING A CERTIFICATE OF REDEMPTION,
- 7 THIRTY DOLLARS;
- 8 (VI) FOR THE ISSUANCE OF A TREASURER'S DEED, SIXTY DOLLARS;
- 9 (VII) FOR PROCESSING A WITHDRAWAL OF AN APPLICATION FOR
- 10 TREASURER'S DEED, SEVENTY DOLLARS;
- 11 (VIII) FOR PROCESSING AN ADMINISTRATIVE WITHDRAWAL, ONE
- 12 HUNDRED DOLLARS;
- 13 (IX) FOR PROCESSING A RESCISSION OF PUBLIC AUCTION, ONE
- 14 HUNDRED DOLLARS;
- 15 (X) FOR RECOMMENCING A PUBLIC AUCTION HELD IN VIOLATION
- 16 OF AN AUTOMATIC STAY, ONE HUNDRED DOLLARS;
- 17 (XI) FOR RECOMMENCING A PUBLIC AUCTION AFTER A
- 18 BANKRUPTCY PROCEEDING WHERE PUBLICATIONS WERE NOT COMPLETE,
- 19 ONE HUNDRED FIFTY DOLLARS;
- 20 (XII) FOR RECOMMENCING A PUBLIC AUCTION AFTER SET ASIDE,
- 21 ONE HUNDRED DOLLARS;
- 22 (XIII) FOR ISSUING A CERTIFICATE OF LAWFUL HOLDER
- 23 REPURCHASE, SIXTY DOLLARS; AND
- 24 (XIV) FOR PROCESSING A PUBLIC AUCTION, IF THE HOLDER OF A
- 25 CERTIFICATE OF OPTION FOR A TREASURER'S DEED IS NOT THE LAWFUL
- 26 HOLDER, NO MORE THAN THREE HUNDRED DOLLARS.

27 ==

1 (b) THE COUNTY TREASURER MAY CHARGE A LESSER FEE THAN IS
2 SET FORTH IN SUBSECTION (1.7)(a) OF THIS SECTION, WHEN THE
3 VALUATION FOR ASSESSMENT FOR THE PROPERTY SUBJECT TO PUBLIC
4 AUCTION, AS DETERMINED AT THE TIME OF RECORDING THE APPLICATION
5 FOR PUBLIC AUCTION, IS LESS THAN FIVE HUNDRED DOLLARS, OR IF THE
6 PROPERTY IS A MOBILE HOME, MANUFACTURED HOME, MODULAR HOME, OR
7 TINY HOME.

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

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

26 **SECTION 3. In Colorado Revised Statutes, 30-1-103, amend (3)**
27 **as follows:**

1 **30-1-103. Fees of county clerk and recorders - report - repeal.**

2 (3) (a) County governments shall be exempt from all fees
3 authorized to be collected under the provisions of this section whenever
4 the county or any agency thereof is the grantor or grantee of the document
5 being recorded or whenever a delegate child support enforcement unit
6 files or records documents for the purpose of collecting child support,
7 child support arrears, maintenance, maintenance when combined with
8 child support, retroactive support, or child support debt.

9 (b) SURCHARGES ARE NOT APPLICABLE BY THE CLERK AND
10 RECORDER IF THE DOCUMENT IS EXEMPTED FROM RECORDING OR FILING
11 FEES.

12 **SECTION 4.** In Colorado Revised Statutes, 39-10-114, **amend**
13 (2)(b) as follows:

14 **39-10-114. Abatement - cancellation of taxes.**

15 (2) (b) When any real property has been stricken off to a county
16 by virtue of a tax LIEN sale and there has been no transfer by the county
17 of a certificate of purchase thereon, the TREASURER MAY DETERMINE THE
18 taxes on such property ~~may be determined to be~~ ARE uncollectible after
19 a period of ~~six~~ FIVE years from the date of THE TAXES becoming
20 delinquent, and ~~they may be canceled by~~ the board of county
21 commissioners MAY CANCEL THE TAXES. ~~Such~~ The cancellation of the
22 taxes on a property shall not affect the rights of the county under article
23 11 of this ~~title~~ TITLE 39 to subsequently transfer any ~~tax sale~~ certificate OF
24 PURCHASE nor ~~its~~ THE COUNTY'S right to receive a ~~tax~~ TREASURER'S deed
25 UNDER ARTICLE 11.5 OF THIS TITLE 39 and to exercise its rights thereunder
26 with respect to ~~such~~ THE property FOR WHICH TAXES ARE CANCELLED BY
27 THE BOARD OF COUNTY COMMISSIONERS.

1 **SECTION 5.** In Colorado Revised Statutes, 30-10-421, **add (1.6)**
2 **as follows:**

3 **30-10-421. Filing surcharge.**

4 **(1.6) THE SURCHARGE DESCRIBED IN SUBSECTION (1) OF THIS**
5 **SECTION IS NOT APPLICABLE ON ANY DOCUMENT FILED OR RECORDED BY**
6 **THE COUNTY CLERK AND RECORDER IF THE DOCUMENT IS EXEMPTED FROM**
7 **FEES PURSUANT TO SECTION 30-1-103(1).**

8 **SECTION 6.** 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 7.** 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 8.** 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 9.** 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 10.** In Colorado Revised Statutes, **amend** 39-11-106
15 as 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 11.** In Colorado Revised Statutes, **amend** 39-11-107
27 as 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 12.** In Colorado Revised Statutes, **amend** 39-11-108
14 as 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 13.** 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 14.** 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 15.** 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, BANK CHECK, POST OFFICE
22 MONEY ORDER, CASHIER'S CHECK, or electronic funds transfer, subject to
23 the treasurer's bidding rules.

24 **SECTION 16.** In Colorado Revised Statutes, **amend** 39-11-112
25 as follows:

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

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

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

16 **SECTION 17.** In Colorado Revised Statutes, **amend** 39-11-113
17 as follows:

18 **39-11-113. Abbreviations, letters, and figures may be used.**

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

25 **SECTION 18.** In Colorado Revised Statutes, 39-11-114, **amend**
26 (1) introductory portion, (1)(b), and (2); and **repeal** (1)(h), (1)(i), (1)(j),
27 and (3) as follows:

1 **39-11-114. Record of sales of tax liens on property.**

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

6 ~~(b) The description of each tract of land or town lot for which a~~
7 ~~tax lien is sold~~ A DESCRIPTION OF THE PROPERTY ON WHICH THE TAX LIENS
8 ARE SUBJECT TO SALE;

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

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

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

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

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

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

1 ~~After the uncommitted reserves of the fund are sufficiently reduced, the~~
2 ~~executive director by rule or as otherwise provided by law may increase~~
3 ~~the amount of the fee as provided in section 24-75-402 (4), C.R.S.~~

4 **SECTION 19.** In Colorado Revised Statutes, 39-11-115, **amend**
5 (1), (2) introductory portion, and (4) as follows:

6 **39-11-115. To whom tax lien shall be sold.**

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

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

25 (4) The treasurer shall announce bidding rules at the beginning of
26 the ~~public auction~~ TAX LIEN SALE, and the rules announced ~~shall~~ apply to
27 all bidders throughout the ~~public auction~~ SALE. If the ~~public auction~~ TAX

1 LIEN SALE is conducted by means of the internet or other electronic
2 medium, the treasurer shall ~~cause~~ POST the internet bidding rules ~~to be~~
3 ~~posted~~ on the medium for at least two weeks before the date of sale. The
4 internet bidding rules posted ~~shall~~ apply to all bidders throughout the
5 ~~public auction~~ SALE.

6 **SECTION 20.** In Colorado Revised Statutes, **amend** 39-11-116
7 as follows:

8 **39-11-116. Procedure when purchaser fails to pay.**

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

27 **SECTION 21.** In Colorado Revised Statutes, **amend** 39-11-117

1 as follows:

2 **39-11-117. Certificate of purchase.**

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

14 **SECTION 22.** In Colorado Revised Statutes, **amend** 39-11-119
15 as follows:

16 **39-11-119. Subsequent payment by holder.**

17 Any person desiring to pay any subsequent taxes on any ~~lands or~~
18 ~~town lots~~ PROPERTIES for which ~~such~~ THE person holds the ~~tax~~ certificates
19 OF PURCHASE shall produce such certificates to the treasurer, or, if
20 certificates are retained by the treasurer, the TREASURER SHALL NOTIFY
21 THE person ~~shall be notified by the treasurer~~ of the amount due. Upon
22 receipt of payment, the treasurer shall record the amount of the
23 subsequent tax and the date of payment on the permanent record. The
24 treasurer may receive a fee for such services, as provided in section
25 30-1-102 (1)(j). ~~C.R.S.~~

26 **SECTION 23.** In Colorado Revised Statutes, **amend** 39-11-120
27 as follows:

1 **39-11-120. Certificate of purchase - application for tax lien for**
2 **treasurer's deed - lost or wrongfully withheld - county held.**

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

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

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

1 recorder in the recorded proceedings of ~~such~~ THE board.

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

22 **SECTION 24.** In Colorado Revised Statutes, **amend** 39-11-122
23 as follows:

24 **39-11-122. Transfer of certificates of purchase by counties.**

25 Any county in this state having in its possession or under its
26 control certificates of purchase resulting from the sale of a tax lien on
27 ~~land~~ PROPERTY for the nonpayment of general taxes may assign, sell, or

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

15 **SECTION 25.** In Colorado Revised Statutes, **amend** 39-11-123
16 as follows:

17 **39-11-123. Transfer of certificates of purchase - irrigation or**
18 **drainage district taxes.**

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

25 **SECTION 26.** In Colorado Revised Statutes, **amend** 39-11-125
26 as follows:

27 **39-11-125. Disposal of certificates of purchase by districts.**

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

11 **SECTION 27.** In Colorado Revised Statutes, **amend** 39-11-126
12 as follows:

13 **39-11-126. Agreement with county commissioners.**

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

20 **SECTION 28.** In Colorado Revised Statutes, **amend** 39-11-128
21 as follows:

22 **39-11-128. Condition precedent to deed - notice.**

23 (1) ~~Before July 1, 2024,~~ Before any ~~purchaser~~ LAWFUL HOLDER OF
24 A CERTIFICATE OF PURCHASE, or assignee of ~~such purchaser~~ A LAWFUL
25 HOLDER of a CERTIFICATE OF PURCHASE FOR A tax lien on any ~~land, town~~
26 ~~or city lot, or mining claim~~ PROPERTY sold for taxes or special
27 assessments due either to the state or any county or incorporated town or

1 city within the same at any sale of tax liens for delinquent taxes levied or
2 assessments authorized by law is entitled to a deed for the ~~land, lot, or~~
3 ~~claim so purchased, he~~ PROPERTY SUBJECT TO THE TAX LIEN, THE LAWFUL
4 HOLDER OR THE LAWFUL HOLDER'S ASSIGNEE shall ~~make request upon~~ FILE
5 WITH the treasurer ~~who~~ AN APPLICATION FOR A TREASURER'S DEED. UPON
6 RECEIPT OF AN APPLICATION FOR A TREASURER'S DEED, THE TREASURER
7 shall then comply with the ~~following:~~ PROCEDURES SET FORTH IN ARTICLE
8 11.5 OF THIS TITLE 39.

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

24 (b) ~~In all cases or instances where the valuation for assessment of~~
25 ~~the property is five hundred dollars or more, the treasurer shall publish~~
26 ~~such notice, three times, at intervals of one week, in some daily, weekly,~~
27 ~~or semiweekly newspaper published in such county, not more than five~~

1 months nor less than three months before the time at which the tax deed
2 may issue, and he shall send by registered or certified mail a copy of such
3 notice to each person not found to be served whose address is known or
4 can be determined upon diligent inquiry. If no such newspaper is
5 published in the county, then said notice shall be published in the
6 newspaper that is published in Colorado nearest the county seat of the
7 county in which such land, lot, or claim is situated. The purchaser or
8 assignee, at the time of making such request for notification on the
9 treasurer, shall pay to the treasurer a fee, as provided in section 30-1-102,
10 C.R.S. The treasurer shall make and carefully preserve among the files of
11 his office a record of all things done in compliance with this section and
12 shall certify to the same.

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

26 **SECTION 29.** In Colorado Revised Statutes, **repeal** 39-11-129.

27 **SECTION 30.** In Colorado Revised Statutes, **repeal** 39-11-130.

1 **SECTION 31**. In Colorado Revised Statutes, **repeal** 39-11-131.

2 **SECTION 32**. In Colorado Revised Statutes, **repeal** 39-11-133.

3 **SECTION 33**. In Colorado Revised Statutes, **repeal** 39-11-134.

4 **SECTION 34**. In Colorado Revised Statutes, **repeal** 39-11-135.

5 **SECTION 35**. In Colorado Revised Statutes, **repeal** 39-11-136.

6 **SECTION 36**. In Colorado Revised Statutes, **repeal** 39-11-137.

7 **SECTION 37**. In Colorado Revised Statutes, **amend** 39-11-138

8 as follows:

9 **39-11-138. When successor of treasurer shall act.**

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

18 **SECTION 38**. In Colorado Revised Statutes, **amend** 39-11-139

19 as follows:

20 **39-11-139. Posting list of county-held tax liens and**
21 **county-acquired treasurer's deeds.**

22 No later than the fifteenth day of January of each year, each county
23 treasurer shall deliver to the county clerk and recorder of the county
24 treasurer's county a list showing all ~~tax~~ certificates ~~therefore~~ OF
25 PURCHASE issued and held in the name of the county and a list of all
26 property the title to which has been acquired by the county through
27 issuance of a ~~tax~~ TREASURER'S deed FOLLOWING PUBLIC AUCTION IN

1 ACCORDANCE WITH ARTICLE 11.5 OF THIS TITLE 39. A copy of ~~such lists~~
2 ~~shall~~ THE LIST DESCRIBED IN THIS SECTION MUST be posted in a
3 conspicuous place in the courthouse for not less than thirty days.

4 **SECTION 39.** In Colorado Revised Statutes, **amend** 39-11-140
5 as follows:

6 **39-11-140. Treasurer's deed recorded - entry.**

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

11 **SECTION 40.** In Colorado Revised Statutes, **amend** 39-11-141
12 as follows:

13 **39-11-141. Action to determine validity of certificate of**
14 **purchase.**

15 Whenever any county or city and county in this state holds ~~tax sale~~
16 certificates OF PURCHASE which are believed by the board of county
17 commissioners to be void for irregularity in the assessment of property or
18 sale of a tax lien on property or otherwise, the board of county
19 commissioners of the county or city and county may institute an action in
20 the district court of the county, under the provisions of article 51 of title
21 13, ~~C.R.S.~~, to have the matter determined as to whether ~~said~~ THOSE
22 certificates OF PURCHASE are void. ~~Such~~ THESE actions ~~shall~~ MUST be
23 brought in the name of the board of county commissioners. Any number
24 of ~~such~~ certificates OF PURCHASE may be included in one action, and the
25 fee owners of record of the tax liens on the ~~lands~~ PROPERTY on account
26 of the sale of which the certificates OF PURCHASE were issued ~~shall~~ MUST
27 be made defendants in the action. If any defendant is a nonresident of the

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

18 **SECTION 41.** In Colorado Revised Statutes, 39-11-142, **amend**
19 (1), (2), (4), (6)(a), (6)(c), (6)(d), (6)(e), and (7); and **repeal** (3) and (5)
20 as follows:

21 **39-11-142. Disposition of certificates of purchase held by**
22 **counties.**

23 (1) ~~Before July 1, 2024~~, In cases where a tax lien on ~~real estate~~
24 PROPERTY has been struck off to the county at A tax ~~sales~~ LIEN SALE and
25 the county has held the certificate of ~~sale~~ PURCHASE for three years or
26 more, the board of county commissioners may apply for PUBLIC AUCTION
27 FOR TREASURER'S DEED and receive a ~~tax~~ TREASURER'S deed in ~~like~~ THE

1 SAME manner as is provided by law in the case of ~~delinquent tax sale~~
2 ~~certificates OF PURCHASE held by individuals. The board of county~~
3 ~~commissioners, whenever the county becomes entitled to a tax deed, may~~
4 ~~cause the treasurer to issue, serve, and publish notices, pursuant to law,~~
5 ~~of application for such tax deed in like manner as in the case of individual~~
6 ~~certificate holders~~ INVESTORS IN ACCORDANCE WITH ARTICLE 11.5 OF THIS
7 TITLE 39.

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

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

1 assessed for the years during which said taxes have not been paid, that a
2 tax deed has been applied for on the particular described property and that
3 said tax deed will issue on a day certain. Before July 1, 2024, the treasurer
4 shall also post in a public place in the office of the treasurer and on the
5 treasurer's website, at least sixty days before said deed issues, a notice
6 stating that a deed will be issued to the county on the real estate described
7 in said notice. Said notice shall contain the name of the person to whom
8 the property is assessed together with the date said tax deed will issue.

9 (4) In all cases, the owner of the property shall MUST have the
10 right of redemption of the property as provided by law.

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

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

1 (c) ~~Before July 1, 2024,~~ Upon being presented with ~~such~~ THE list
2 OF TAX LIENS, the board of county commissioners shall determine that the
3 tax liens were struck off to the county, that ~~such~~ THE certificates of ~~sale~~
4 PURCHASE relating thereto have been held by the county for ~~thirty~~ FIVE
5 years or more, and that no ~~tax~~ TREASURER'S deed has been obtained or
6 applied for as provided in this section AND ARTICLE 11.5 OF THIS TITLE 39.
7 Upon making ~~such~~ THAT determination, the board of county
8 commissioners may declare that ~~such~~ THE certificates OF PURCHASE are
9 void, and an order to that effect ~~shall~~ MUST be duly entered in the
10 recorded proceedings of the board, which order ~~shall~~ MUST direct the
11 treasurer to cancel such certificates of ~~sale~~ PURCHASE.

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

17 (e) Any action concerning a determination and declaration by a
18 board of county commissioners made pursuant to this subsection (6) shall
19 MUST be commenced within one year after the date of the board's order,
20 or said action shall be forever barred.

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

1 **SECTION 42.** In Colorado Revised Statutes, 39-11-143, **amend**
2 (1), (2), (2.5), (3), (4), and (6) as follows:

3 **39-11-143. Appraisal - county may retain, lease, or sell -**
4 **definitions.**

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

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

13 (2.5) If the board of county commissioners retains ~~such real~~
14 property for a present or future public project, as defined in section
15 30-20-301 (2), ~~C.R.S.~~, it shall pass a resolution describing the project for
16 which the property is retained. The board of county commissioners may
17 rent or lease any ~~lot or parcel~~ PROPERTY retained for a present or future
18 public project in accordance with subsection (3) of this section. For
19 purposes of this section, using property to generate revenue for the county
20 is not a public project.

21 (3) The board of county commissioners may lease such real
22 property to an affiliated entity, but no lease shall be for a period
23 exceeding five years. For purposes of this subsection (3), "affiliated
24 entity" means a nonprofit entity with which the county enters into a
25 contract for the delivery of goods or services to the county or to third
26 parties on behalf of the county.

27 (4) (a) Any ~~such real~~ property that is not retained or leased in

1 accordance with subsection (2.5) or (3) of this section ~~shall~~ MUST be sold
2 at public sale by the board of county commissioners within one year after
3 the property is conveyed to the county; except that the board of county
4 commissioners may reject any bid that is less than the value of the
5 property as determined by the assessor. Prior to offering ~~such~~ THE
6 property for sale, the board of county commissioners shall obtain from the
7 assessor a certificate as to the current actual value and the valuation for
8 assessment of the ~~same~~ PROPERTY. A notice of such sale ~~shall~~ MUST be
9 posted in a public place in the county courthouse at least thirty days
10 before the date of sale, and ~~such~~ THE notice of sale ~~shall~~ MUST also be
11 advertised in two issues of a newspaper of general circulation in the
12 county in which the property is situated, said newspaper notices ~~to~~ MUST
13 appear one week apart and within the thirty days as above provided. ~~Such~~
14 THE notice ~~shall~~ MUST reserve the right upon the part of the board of
15 county commissioners to reject any bid that is less than the value
16 determined by the assessor. ~~Said~~ THE notice ~~shall~~ MUST be substantially
17 in the following form:

18 **NOTICE**

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

22 **(description of property)**

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

1
2

County Clerk and Recorder.

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

9 (b) ~~Such real~~ THE property ~~shall~~ MUST be sold at public sale for
10 the highest and best bid for any ~~lots or parcels~~ PROPERTY, as determined
11 in the discretion of the board of county commissioners; except that the
12 board of county commissioners may reject any bid that is less than the
13 value of the property as determined by the assessor. ~~Such real~~ THE
14 property may be sold in ~~such~~ lots or parcels and upon ~~such~~ terms of
15 payment as the board of county commissioners deems acceptable, but no
16 deed ~~shall~~ MAY be issued until the purchaser has made payment in full.
17 Upon written application of any person, the board of county
18 commissioners shall offer for sale the property requested by ~~such~~ THE
19 person to be sold; except that no ~~parcel shall~~ PROPERTY MAY be divided
20 for the purpose of ~~such~~ THE requested sale unless the board of county
21 commissioners specifically permits ~~such~~ THE division. The board of
22 county commissioners may, prior to the sale of any ~~lot or parcel~~
23 PROPERTY, reserve or grant streets, alleys, or roads or utilities or other
24 easements, public or private, under ~~such~~ terms and conditions as it may
25 deem advisable.

26 (6) ~~The foregoing provisions of~~ This section ~~shall~~ DOES not apply
27 to any city and county having a population of more than three hundred

1 thousand. Sales and leases by such city and county ~~shall~~ MUST be made
2 in compliance with the applicable provisions of its charter or ordinances.
3 ~~All sales and leases made before August 1, 1964, by such city and county~~
4 ~~of any real estate acquired by it under tax deeds, whether made or~~
5 ~~authorized by the board of county commissioners, the mayor of said city~~
6 ~~and county, or in purported compliance with its charter or ordinances, are~~
7 ~~deemed valid, and such sales and leases are hereby confirmed. All actions~~
8 ~~or proceedings to set aside or question the validity of such sales or leases~~
9 ~~made before August 1, 1964, by such city and county shall be brought~~
10 ~~within six months from said date and not thereafter. This subsection (6)~~
11 ~~shall not reinstate any such action or proceeding barred by law before~~
12 ~~August 1, 1964.~~

13 **SECTION 43.** In Colorado Revised Statutes, **amend** 39-11-144
14 as follows:

15 **39-11-144. County property, prior sales validated.**

16 All sales of ~~such real estate~~ PROPERTY made by the board of county
17 commissioners of any county ~~shall~~ MUST be deemed valid, and ~~such~~
18 THESE sales are ~~hereby~~ confirmed if ~~such sales~~ THEY were made at either
19 public or private sale ~~whether~~ AND made by deed ~~issued by the treasurer~~
20 ~~upon direction of the board of county commissioners or by deed~~ issued by
21 a duly appointed commissioner to convey upon direction of the board of
22 county commissioners.

23 **SECTION 44.** In Colorado Revised Statutes, **amend** 39-11-145
24 as follows:

25 **39-11-145. Proceeds of sales.**

26 All net proceeds from the sale, lease, or other disposition of ~~such~~
27 ~~real estate~~ PROPERTY so conveyed to the county by the ~~treasurer shall~~

1 COMMISSIONER MUST be paid to the treasurer of ~~such~~ THE county, and the
2 treasurer shall distribute ~~said~~ THE proceeds to the various taxing
3 jurisdictions in which ~~such real-estate~~ THE PROPERTY is situated in the
4 same proportion that the ad valorem taxes levied by each taxing
5 jurisdiction in the preceding calendar year bears to the total of all ad
6 valorem taxes levied on ~~such real-estate~~ THE PROPERTY in the preceding
7 calendar year.

8 **SECTION 45.** In Colorado Revised Statutes, **amend** 39-11-146
9 as follows:

10 **39-11-146. Lien of special assessment not affected.**

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

15 **SECTION 46.** In Colorado Revised Statutes, **amend** 39-11-147
16 as follows:

17 **39-11-147. Treasurer to report payments.**

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

23 **SECTION 47.** In Colorado Revised Statutes, **amend** 39-11-148
24 as follows:

25 **39-11-148. Limitations on certificates of purchase - special**
26 **improvement liens.**

27 (1) No lien upon ~~real~~ property created by a ~~tax certificate or a~~

1 certificate of purchase issued by a treasurer on account of any delinquent
2 property taxes or any special assessment of any kind or nature shall MAY
3 remain a lien ~~thereon~~ for a period longer than ~~fifteen~~ FIVE years after the
4 ~~original~~ issuance thereof, except as provided in subsection (3) of this
5 section. This section ~~shall~~ DOES not apply to any ~~tax certificate or~~
6 certificate of purchase issued to and held by the county, city, city and
7 county, or district levying ~~such~~ THE tax or special assessment; except that,
8 in the event of an assignment of ~~such tax certificate or~~ THE certificate of
9 purchase ~~so~~ issued to and held by ~~such~~ THE county, city, city and county,
10 or district, the lien of ~~such tax certificate or~~ THE certificate of purchase
11 ~~shall~~ MUST cease ~~fifteen~~ FIVE years after the date of its issuance subject
12 only to the provisions of subsection (3) of this section.

13 (2) No treasurer's deed ~~shall~~ MAY issue ~~on~~ AFTER PUBLIC AUCTION
14 IN CONNECTION WITH any tax LIEN sale evidenced by ~~tax certificate or~~
15 certificate of purchase where ~~such tax certificate or~~ THE certificate of
16 purchase has ceased to be a lien pursuant to the provisions of this section
17 and application for ~~such~~ PUBLIC AUCTION FOR THE treasurer's deed is not
18 pending at the time of the expiration of the limitation period provided for
19 in this section.

20 (3) In the event of an assignment of a ~~tax certificate or~~ certificate
21 of purchase ~~held by a county, city, city and county, or district levying~~
22 ~~such tax wherein such certificate~~ THAT is ~~fifteen~~ FIVE years old at the time
23 of assignment or will become ~~fifteen~~ FIVE years old within one year from
24 the date of such assignment, the assignee thereof ~~shall be~~ IS entitled to a
25 ~~tax~~ TREASURER'S deed in the manner provided by law if ~~such~~ THE
26 assignee or other legal holder of ~~such~~ THE certificate institutes
27 proceedings to procure a ~~tax~~ TREASURER'S deed by ~~making a demand~~

1 ~~upon~~ FILING AN APPLICATION FOR PUBLIC AUCTION FOR TREASURER'S DEED
2 WITH the treasurer for THE same, as provided by law IN ARTICLE 11.5 OF
3 THIS TITLE 39, within one year from the date of ~~such~~ THE assignment. ~~by~~
4 ~~the county, city, city and county, or district levying such tax.~~

5 (4) Whenever a lien created by a ~~tax~~ certificate OF PURCHASE has
6 expired, ~~by reason of the provisions of this section,~~ the treasurer shall
7 immediately issue a certificate of cancellation describing the ~~real estate~~
8 PROPERTY included in the certificate of purchase ~~or tax certificate~~ and
9 giving the date of cancellation, and ~~he~~ shall also make proper entries in
10 the book of sales in ~~his~~ THE TREASURER'S office as follows: "Canceled by
11 provision of section 39-11-148, C.R.S.", with the date of ~~such~~ THE entry.
12 ~~He~~ THE TREASURER shall also present every ~~such~~ certificate of
13 cancellation to the county clerk and recorder who shall enter the same in
14 the record of ~~land~~ PROPERTY for which a tax lien was sold for delinquent
15 taxes and endorse the date of entry on the certificate of cancellation and
16 file the same, and ~~such~~ THE certificate and the record thereof ~~shall~~ MUST
17 be prima facie evidence of the cancellation of the certificate of purchase
18 ~~or tax certificate~~ and of the release of the lien of ~~such~~ THE certificate on
19 the ~~lands therein~~ PROPERTY described THEREIN. IF A TAX LIEN WAS SOLD,
20 IN WHOLE OR IN PART, DUE TO A DELINQUENT SPECIAL ASSESSMENT, THE
21 TREASURER SHALL NOTIFY THE GOVERNMENTAL ENTITY IMPOSING THE
22 SPECIAL ASSESSMENT OF THE CANCELLATION OF THE LIEN. Failure to
23 record ~~such~~ THE certificate of cancellation ~~shall~~ MUST not extend the lien
24 created by the certificate of purchase. ~~or tax certificate.~~ The treasurer and
25 county clerk and recorder ~~shall~~ ARE not ~~be~~ entitled to any fees OR
26 SURCHARGES for the issuing of ~~such~~ A certificate of cancellation ~~nor for~~
27 ~~the~~ OR MAKING entries in their books ~~made~~ under the provisions of this

1 subsection (4).

2 (5) Whenever a lien created pursuant to a ~~tax~~ certificate OF
3 PURCHASE becomes unenforceable pursuant to section 31-25-1119,
4 ~~C.R.S.~~, the treasurer shall immediately issue a certificate of cancellation
5 describing the ~~real estate~~ PROPERTY included in the certificate of purchase
6 ~~or tax certificate~~ indicating ~~thereon~~ the date of cancellation and shall
7 make the appropriate entries in the book of sales in ~~his~~ THE TREASURER'S
8 office, as follows: "Canceled by provision of sections 31-25-1119 and
9 39-11-148, C.R.S.", with the date of ~~such~~ THE entry. ~~He~~ THE TREASURER
10 ~~shall~~ MAY present every ~~such~~ certificate of cancellation to the county
11 clerk and recorder who shall enter the same in the record of ~~land~~
12 PROPERTY for which a tax lien was sold for delinquent taxes and endorse
13 the date of entry on the ~~said~~ certificate of cancellation and file the same,
14 and ~~such~~ THE certificate and the record thereof ~~shall be~~ IS prima facie
15 evidence of the cancellation of the certificate of purchase ~~or tax~~
16 ~~certificate~~ and of the release of the lien of ~~such~~ THE certificate on the
17 ~~lands~~ PROPERTY therein described. Failure to record ~~such~~ THE certificate
18 of cancellation ~~shall~~ DOES not extend the lien created by the certificate of
19 purchase. ~~or tax certificate~~. The treasurer and county clerk and recorder
20 ~~shall~~ ARE not ~~be~~ entitled to any fees for ~~the~~ issuing and recording of ~~such~~
21 A certificate of cancellation ~~nor~~ OR for ~~the~~ MAKING entries in their books
22 ~~made~~ under the provisions of this subsection (5).

23 **SECTION 48.** In Colorado Revised Statutes, **amend** 39-11-149
24 as follows:

25 **39-11-149. Sales en masse valid.**

26 If two or more noncontiguous ~~lots, tracts of land, or mining claims~~
27 PROPERTIES or portions thereof have not been separately valued and

1 assessed or, having been separately valued and assessed, whether having
2 a common ownership or not, have had tax liens ~~thereof~~ sold en masse for
3 a gross sum for the nonpayment of taxes and charges, ~~thereon~~, then, after
4 seven years from the date of any ~~such~~ TAX LIEN sale, ~~such~~ THE assessment
5 and TAX LIEN sale and any ~~tax sale~~ certificate OF PURCHASE issued ~~thereon~~
6 ~~shall~~ MUST be deemed valid and legal and ~~shall be so~~ considered SO in all
7 actions, suits, or proceedings in which is involved the validity of any such
8 assessment, TAX LIEN sale, ~~tax sale~~ certificate OF PURCHASE, or treasurer's
9 deed issued ~~thereon~~. ~~There is excepted from this section any such action,~~
10 ~~suit, or proceeding pending on August 1, 1964, wherein any party thereto~~
11 ~~has or may assert the invalidity of any such assessment, sale, tax sale~~
12 ~~certificate, or treasurer's deed.~~ IN ACCORDANCE WITH ARTICLE 11.5 OF
13 THIS TITLE 39. Nothing in this section ~~shall be construed to alter, amend,~~
14 ~~or repeal~~ ALTERS, AMENDS, OR REPEALS section 39-11-148.

15 **SECTION 49.** In Colorado Revised Statutes, **amend** 39-11-150
16 as follows:

17 **39-11-150. Sales of tax liens on severed mineral interests.**

18 Sales of tax liens for delinquent taxes due on severed mineral
19 interests ~~shall~~ MUST take place at the same place and time and under the
20 same circumstances as in this ~~article~~ ARTICLE 11, but, where the surface
21 estate ownership is coterminous with the severed mineral interest, the
22 owner of the surface estate ~~shall have~~ HAS the right of first refusal to
23 purchase the tax lien on the severed mineral interest, and the surface
24 owner ~~shall~~ MUST be allowed to pay all delinquent taxes due and owing
25 for the severed mineral interest in lieu of the proceeds that would be
26 collected from a ~~tax~~ sale of a tax lien on the severed mineral interest. The
27 treasurer shall notify the surface owner, by mail, at ~~his~~ THE OWNER'S

1 last-known MAILING address, of ~~his~~ THE right of refusal at least ten days
2 prior to the sale of a tax lien on the severed mineral interest. The surface
3 owner ~~shall have~~ HAS until two BUSINESS days prior to the TAX LIEN sale
4 to exercise the right of first refusal. If the surface owner does not exercise
5 ~~his~~ THE right of first refusal, the tax lien on such severed mineral interest
6 ~~shall be~~ IS sold. No action for the recovery of a severed mineral interest
7 for which a ~~tax deed~~ CERTIFICATE OF PURCHASE was issued under the
8 provisions of this ~~article shall lie~~ ARTICLE 11 LIES unless brought within
9 the same time period as that limiting actions for the recovery of ~~land~~
10 PROPERTY pursuant to section 39-12-101.

11 **SECTION 50.** In Colorado Revised Statutes, 39-11-151, **amend**
12 (1)(b), (2), and (3); **repeal** (1)(a) as follows:

13 **39-11-151. County officials and employees may not acquire a**
14 **tax lien by tax lien sale.**

15 (1) (a) ~~No property for which a tax lien is sold for delinquent taxes~~
16 ~~under this article shall be conveyed to an elected or appointed county~~
17 ~~official, to a county employee, or to a member of the immediate family of~~
18 ~~any such person or to the agent of any such county official or employee,~~
19 ~~if the tax lien on such property is sold during the time the official or~~
20 ~~employee holds office or is employed.~~

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

27 (2) The purchase of any tax lien ~~or the conveyance of any property~~

1 by tax deed pursuant to this article is exempt from the provisions of this
2 section under the following circumstances:

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

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

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

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

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

23

24 **SECTION 51.** In Colorado Revised Statutes, **amend** 39-11-152
25 as follows:

26 **39-11-152. Combined sale of delinquent tax liens and special**
27 **assessment liens.**

1 Whenever provision is made in this article for the sale of a tax lien
2 on property, such sale ~~shall~~ MUST include the sale of any lien for
3 delinquent special assessments on such property which have been
4 certified to the county treasurer for collection. The separate sale of liens
5 for delinquent general taxes and for delinquent special assessments on
6 property is hereby prohibited.

7 **SECTION 52.** In Colorado Revised Statutes, **repeal** 39-12-101
8 as follows:

9 **39-12-101. Limitation of actions for recovery of land.**

10 ~~No action for the recovery of land for which a tax deed was issued~~
11 ~~under the provisions of article 11 of this title for delinquent taxes shall lie~~
12 ~~unless the same is brought within five years after the execution and~~
13 ~~delivery of the deed therefor by the treasurer, any laws to the contrary~~
14 ~~notwithstanding; except that, when any owner of such land, for which a~~
15 ~~tax deed has been issued, at the time of the execution and delivery of the~~
16 ~~deed by the treasurer is under legal disability, it shall be lawful for him to~~
17 ~~bring a suit or action for the recovery of the land within the period during~~
18 ~~which he has the right to make redemption of such land from the tax sale~~
19 ~~upon which the deed is based. When a recovery of any of such land is~~
20 ~~effected in any suit, action, or proceeding, the value of all improvements~~
21 ~~made in good faith on such lands, and all sums paid for the tax lien on~~
22 ~~said land and for improvements, and all costs incident to the issuance and~~
23 ~~recording of the treasurer's deed, and all taxes and assessments paid~~
24 ~~thereon after the sale of the tax lien thereof, including the redemption~~
25 ~~value of all tax sale certificates redeemed, held, or surrendered for~~
26 ~~redemption by the grantee in such treasurer's deed or his heirs or assigns,~~
27 ~~shall be ascertained by the court or jury trying the action for recovery and~~

1 shall be paid, together with interest thereon at the rate of twelve percent
2 per annum, by the person recovering said land to the persons entitled
3 thereto, and the payment of such sum shall be a condition precedent to the
4 entry of judgment or decree in such suit, action, or proceeding. All such
5 treasurer's deeds executed by the treasurer purporting to convey lands and
6 improvements thereon for all purposes shall be deemed to be color of title
7 from and after the time the same is recorded in the office of the county
8 clerk and recorder for the county in which said lands are located. The
9 term "improvements" includes sums and amounts of money expended
10 thereon in good faith by the grantee and his successors and assigns in
11 search of minerals and oil, as well as other expenditures for the
12 improvements of such lands which add to the cost and value thereof.

13 **SECTION 53.** In Colorado Revised Statutes, repeal and reenact,
14 **with amendments,** article 11.5 of title 39 as follows:

15 **ARTICLE 11.5**

16 **Issuance of Treasurer's Deeds**

17 **PART 1**

18 **PUBLIC AUCTION**

19 **39-11.5-101. Definitions.**

20 AS USED IN THIS ARTICLE 11.5, UNLESS THE CONTEXT OTHERWISE
21 REQUIRES:

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

25 (2) "BUSINESS DAY" MEANS ANY DAY THE TREASURER'S OFFICE IS
26 OPEN TO THE PUBLIC FOR CONDUCTING OFFICIAL BUSINESS. BUSINESS DAYS
27 DO NOT INCLUDE WEEKENDS, COLORADO LEGAL HOLIDAYS, OR ANY DAY

1 THE OFFICE IS CLOSED PURSUANT TO COUNTY POLICY OR EMERGENCY
2 ORDER.

3 (3) "CERTIFICATE OF OPTION FOR A TREASURER'S DEED" MEANS A
4 CERTIFICATE ISSUED BY A TREASURER TO THE SUCCESSFUL PURCHASER
5 AT THE PUBLIC AUCTION PURSUANT TO SECTION 39-11.5-401.

6 (4) "CERTIFICATE OF PURCHASE" MEANS A CERTIFICATE
7 PREPARED BY A TREASURER THAT IS ISSUED TO THE PURCHASER OF A TAX
8 LIEN SALE IN ACCORDANCE WITH SECTION 39-11-117.

9 (5) "CERTIFICATE OF REDEMPTION" MEANS A CERTIFICATE
10 PREPARED BY A TREASURER AFTER PROPERTY SUBJECT TO A TAX LIEN SALE
11 IS REDEEMED BY THE OWNER PRIOR TO PUBLIC AUCTION IN ACCORDANCE
12 WITH SECTION 39-11.5-106.

13 (6) "CERTIFICATE OF REPURCHASE" MEANS A CERTIFICATE
14 PREPARED BY A TREASURER WHEN A LAWFUL HOLDER REPURCHASES A
15 CERTIFICATE OF OPTION FOR A TREASURER'S DEED AFTER THE PUBLIC
16 AUCTION IN ACCORDANCE WITH SECTION 39-11.5-402.

17 (7) "CLAIM FOR OVERBID MONEY" MEANS A CLAIM FOR OVERBID
18 MONEY FORM AS SPECIFIED IN SECTION 39-11.5-303.

19 (8) "FEES AND COSTS" MEANS ALL FEES PURSUANT TO SECTION
20 30-1-102 AND ALL CHARGES, EXPENSES, AND COSTS DESCRIBED IN SECTION
21 39-11.5-108.

22 (9) "INVESTOR" HAS THE MEANING SET FORTH IN SECTION
23 39-11-100.3 (2.7).

24 (10) "JUNIOR LIEN" MEANS A LIEN OR ENCUMBRANCE UPON THE
25 PROPERTY FOR WHICH THE AMOUNT DUE AND OWING THEREUNDER IS
26 SUBORDINATE TO THE TAX LIEN THAT WAS DULY RECORDED IN THE OFFICE
27 OF THE COUNTY CLERK AND RECORDER PRIOR TO THE RECORDING OF THE

1 APPLICATION FOR PUBLIC AUCTION FOR TREASURER'S DEED.

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

5 (12) "LAWFUL HOLDER" MEANS A PERSON IN POSSESSION OF A
6 CERTIFICATE OF PURCHASE FOR A TAX LIEN ISSUED IN ACCORDANCE WITH
7 ARTICLE 11 OF THIS TITLE 39, OR THE ASSIGNEE, TRANSFEREE, OR
8 ATTORNEY FOR SUCH HOLDER.

9 (13) "MAILING LIST" MEANS A MAILING LIST ASSEMBLED BY THE
10 TREASURER PURSUANT TO SECTION 39-11.5-105.

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

15 (15) "NOTICE OF PUBLIC AUCTION" MEANS A NOTICE OF PUBLIC
16 AUCTION CREATED AND SENT BY THE TREASURER IN ACCORDANCE WITH
17 SECTION 39-11.5-104.

18 (16) "OVERBID" MEANS THE AMOUNT OF MONEY A PROPERTY IS
19 SOLD FOR AT A PUBLIC AUCTION IN EXCESS OF THE TOTAL PROPERTY TAX
20 DEBT AMOUNT, INCLUDING THE AMOUNT OF MONEY OWED TO THE LAWFUL
21 HOLDER OF THE CERTIFICATE OF PURCHASE AND THE FEES AND COSTS
22 INCURRED BY THE TREASURER IN COMPLYING WITH THIS ARTICLE 11.5.

23 (17) "POSTING" MEANS PLACEMENT OF THE NOTICE OF PUBLIC
24 AUCTION THAT MEETS THE REQUIREMENTS SET FORTH IN SECTION
25 39-11.5-105 (4), IN A CONSPICUOUS LOCATION ON THE PROPERTY.

26 (18) "PROPERTY" MEANS A PROPERTY SUBJECT TO A TAX LIEN, THE
27 CERTIFICATE OF PURCHASE FOR WHICH IS HELD BY THE LAWFUL HOLDER.

1 (19) "PROPERTY OWNER", "CURRENT OWNER", OR "OWNER" MEANS
2 A PERSON THAT CURRENTLY HOLDS TITLE TO, OR HAS A RECORDED
3 CONTRACTUAL RIGHT TO PURCHASE, THE PROPERTY THAT IS SUBJECT TO
4 A TAX LIEN.

5 (20) "PUBLIC AUCTION" OR "AUCTION" MEANS A PUBLIC SALE
6 CONDUCTED BY THE TREASURER PURSUANT TO THIS ARTICLE 11.5.

7 (21) "PUBLISH", "PUBLICATION", "REPUBLISH", OR
8 "REPUBLICATION" MEANS PLACEMENT BY A TREASURER OF A LEGAL
9 NOTICE THAT MEETS THE REQUIREMENTS SET FORTH IN SECTION
10 24-70-103, CONTAINING A NOTICE OF PUBLIC AUCTION, OMITTING THE
11 COPIES OF THE STATUTES, IN A NEWSPAPER SELECTED BY THE TREASURER
12 THAT IS IN THE COUNTY OR COUNTIES WHERE THE PROPERTY TO BE
13 AUCTIONED IS LOCATED.

14 (22) "PURCHASER" MEANS A PERSON TO WHOM THE TREASURER
15 AWARDS THE CERTIFICATE OF OPTION FOR A TREASURER'S DEED AS THE
16 WINNING BIDDER AT THE PUBLIC AUCTION WHO TIMELY SUBMITS PROPER
17 FUNDS, OR, IF NO VALID BIDS ARE RECEIVED AT THE PUBLIC AUCTION, THE
18 LAWFUL HOLDER WHO DOES NOT FILE A WITHDRAWAL OF THE APPLICATION
19 FOR PUBLIC AUCTION FOR TREASURER'S DEED PURSUANT TO SECTION
20 39-11.5-401.

21 (23) "REDEMPTION STATEMENT" MEANS A STATEMENT PROVIDED
22 TO THE PROPERTY OWNER BY THE TREASURER AS DESCRIBED IN SECTION
23 39-11.5-106 (2).

24 (24) "SURFACE OWNER" MEANS A PERSON OR ENTITY THAT HOLDS
25 TITLE TO, OR A RECORDED CONTRACTUAL RIGHT TO PURCHASE, THE
26 SURFACE ESTATE OF A PARCEL OF REAL PROPERTY.

27 (25) "TAX LIEN" MEANS A LIEN ON A PROPERTY SOLD FOR SPECIAL

1 ASSESSMENTS, TAXES, OR SPECIAL ASSESSMENTS AND TAXES DUE EITHER
2 TO THE STATE OR ANY COUNTY OR INCORPORATED TOWN OR CITY FOR
3 WHICH THE TREASURER ISSUED A CERTIFICATE OF PURCHASE TO THE
4 LAWFUL HOLDER.

5 (26) "TREASURER" HAS THE MEANING SET FORTH IN SECTION
6 39-1-102 (17) AS APPLIED TO THE COUNTY IN WHICH A PROPERTY IS
7 LOCATED.

8 (27) "TREASURER'S DEED" MEANS A DEED OR, IN THE CASE OF A
9 MANUFACTURED HOME, MOBILE HOME, MODULAR HOME, OR TINY HOME,
10 A CERTIFICATE OF OWNERSHIP, ISSUED BY THE TREASURER AS DESCRIBED
11 IN SECTION 39-11.5-501 IN THE FORM SPECIFIED IN SECTION 39-11.5-502
12 OR 39-11.5-503.

13 **39-11.5-102. Lawful holder - application for treasurer's deed**
14 **- fee.**

15 (1) AFTER AUGUST 1 OF THE THIRD CALENDAR YEAR FOLLOWING
16 THE DATE OF A TAX LIEN SALE, A LAWFUL HOLDER MAY APPLY FOR A
17 TREASURER'S DEED FOR THE PROPERTY DESCRIBED IN THE CERTIFICATE OF
18 PURCHASE IN ACCORDANCE WITH THIS SECTION.

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

21 APPLICATION FOR TREASURER'S DEED
22 TO THE COUNTY TREASURER OF _____ COUNTY, COLORADO:
23 TREASURER'S DEED NUMBER _____
24 THE UNDERSIGNED, AS THE LAWFUL HOLDER OF TREASURER'S TAX
25 LIEN SALE CERTIFICATE(S) OF PURCHASE NO.(S) _____ ISSUED
26 PURSUANT TO THE TAX LIEN SALE HELD ON THE ____ DAY OF
27 _____, 20__ , FOR THE TAXES AND/OR SPECIAL ASSESSMENTS IN

1 THE AMOUNT OF \$ _____ FOR THE TAX YEAR(S) _____ HEREBY
2 REQUESTS THAT THE COUNTY TREASURER, GIVE NOTICE AND TAKE
3 SUCH PROCEEDINGS AS ARE REQUIRED BY LAW SO THAT THE
4 UNDERSIGNED MAY BE ENTITLED TO A TREASURER'S DEED TO THE
5 PROPERTY DESCRIBED IN THE CERTIFICATE OF PURCHASE, MORE
6 PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

7 LEGAL DESCRIPTION:
8 SITUATED IN THE COUNTY OF _____, STATE OF COLORADO.
9 PROPERTY ADDRESS: _____
10 ACCOUNT/SCHEDULE NUMBER: _____
11 PARCEL NUMBER: _____
12 CURRENT ASSESSED OWNER: _____
13 LAWFUL HOLDER NAME: _____
14 LAWFUL HOLDER ADDRESS: _____
15 LAWFUL HOLDER CITY, STATE, AND ZIP CODE: _____
16 LAWFUL HOLDER SIGNATURE: _____
17 DATE: _____
18 CURRENT YEAR TAXES: _____
19 JR LIEN ENDORSEMENTS: _____
20 INVESTMENT BALANCE OF TAX LIEN: _____

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

26 (c) ANY NUMBER OF PROPERTIES NOT EXCEEDING TWENTY-FIVE,
27 WHETHER CONTIGUOUS OR NONCONTIGUOUS, WHEN HELD UNDER ONE

1 TITLE OF OWNERSHIP, OR WHETHER INCLUDED IN AN IRRIGATION DISTRICT
2 OR NOT SO INCLUDED, AND ALTHOUGH TAX LIENS FOR THE PROPERTY WERE
3 SEPARATELY SOLD AT THE TAX LIEN SALE OR COVERED BY MORE THAN
4 ONE TAX SALE CERTIFICATE, MAY BE INCLUDED AND DESCRIBED IN ONE
5 APPLICATION FOR A TREASURER'S DEED AS PROVIDED FOR IN THIS
6 SUBSECTION (2). THESE PROPERTIES, NOT EXCEEDING TWENTY-FIVE IN
7 NUMBER, MAY ALSO BE INCLUDED AND DESCRIBED IN A SINGLE
8 APPLICATION FOR A TREASURER'S DEED NOTICE AND ARE IN CONFORMITY
9 WITH THIS ARTICLE 11.5 IN ALL OTHER RESPECTS. THE NOTICE OF PUBLIC
10 AUCTION MUST PROMINENTLY DISPLAY THE NAME OF THE PERSON IN
11 WHOSE NAME THE PROPERTY WAS TAXED OR SPECIALLY ASSESSED FOR THE
12 YEAR IN WHICH THE TAX LIEN WAS SOLD. THIS NAME MUST APPEAR AT OR
13 NEAR THE BEGINNING OF THE NOTICE AND IN CLOSE PROXIMITY TO THE
14 REFERENCE TO THE TAX LIEN SALE CERTIFICATE NUMBER AND THE
15 DESCRIPTION OF THE PROPERTY INVOLVED. THE INFORMATION IN THE
16 NOTICE MUST BE SUFFICIENT TO ALLOW IDENTIFICATION OF THE PROPERTY
17 WITH THE NAME OF THE PERSON ASSESSED IF ALL CERTIFICATES INCLUDED
18 IN A SINGLE NOTICE FOR PUBLIC AUCTION ARE HELD BY THE SAME PERSON.

19 (3) IN THE EVENT THAT THE AMOUNT OF THE TAX LIEN BALANCE
20 OR ANY NONMATERIAL MISSTATEMENT IS ERRONEOUSLY SET FORTH IN THE
21 APPLICATION FOR A TREASURER'S DEED, THE ERROR DOES NOT AFFECT THE
22 VALIDITY OF THE APPLICATION FOR TREASURER'S DEED, THE NOTICE OF
23 PUBLIC AUCTION, THE PUBLICATION, THE POSTING, THE PUBLIC AUCTION,
24 THE CERTIFICATE OF OPTION FOR A TREASURER'S DEED DESCRIBED IN
25 SECTION 39-11.5-401, THE CERTIFICATE OF REDEMPTION DESCRIBED IN
26 SECTION 39-11.5-106(4), THE CERTIFICATE OF REPURCHASE DESCRIBED IN
27 SECTION 39-11.5-402, THE TREASURER'S DEED AS DESCRIBED IN SECTION

1 39-11.5-501, OR ANY OTHER DOCUMENT EXECUTED IN CONNECTION
2 THEREWITH.

3 (4) (a) A LAWFUL HOLDER OF A CERTIFICATE OF PURCHASE WHO
4 HAS APPLIED FOR A TREASURER'S DEED PURSUANT TO THIS SECTION MAY
5 ASSIGN OR TRANSFER THE CERTIFICATE OF PURCHASE AT ANY TIME DURING
6 THE PENDENCY OF THE PUBLIC AUCTION PROCESS. UPON RECEIPT OF
7 WRITTEN NOTICE SIGNED BY THE LAWFUL HOLDER, OR THE LAWFUL
8 HOLDER'S ATTORNEY, EVIDENCING THE ASSIGNMENT OR TRANSFER OF THE
9 CERTIFICATE OF PURCHASE AND IDENTIFYING THE ASSIGNEE OR
10 TRANSFEREE, THE TREASURER SHALL PROCEED WITH THE PUBLIC AUCTION
11 AS IF THE ASSIGNEE OR TRANSFEREE WERE THE ORIGINAL APPLICANT.

12 (b) THE ASSIGNMENT OR TRANSFER OF A CERTIFICATE OF
13 PURCHASE DURING THE PENDENCY OF THE TREASURER'S DEED PROCESS
14 MUST BE DEEMED MADE WITHOUT RECOURSE UNLESS OTHERWISE AGREED
15 IN A WRITTEN STATEMENT SIGNED BY THE ASSIGNOR OR TRANSFEROR. THE
16 LAWFUL HOLDER OF A CERTIFICATE OF PURCHASE, CERTIFICATE OF OPTION
17 FOR A TREASURER'S DEED, OR CERTIFICATE OF REPURCHASE WHO ASSIGNS
18 OR TRANSFERS THEIR CERTIFICATE HAS NO DUTY OR LIABILITY TO THE
19 ASSIGNEE OR TRANSFEREE OR TO ANY THIRD PARTY FOR ANY ACT OR
20 OMISSION WITH RESPECT TO THE PROVISIONS OF THIS ARTICLE 11.5 AFTER
21 THE DATE OF ASSIGNMENT OR TRANSFER.

22 (5) (a) THE TREASURER MAY REQUIRE THE LAWFUL HOLDER TO
23 MAKE A DEPOSIT OF UP TO ONE THOUSAND DOLLARS PLUS THE AMOUNT OF
24 FEES PERMITTED PURSUANT TO SECTION 30-1-102 (1.7), AT THE TIME THE
25 APPLICATION FOR TREASURER'S DEED IS ACCEPTED, TO BE APPLIED
26 AGAINST THE FEES AND COSTS OF THE TREASURER IN PROCEEDING
27 PURSUANT TO THIS ARTICLE 11.5.

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

6 **39-11.5-103. Review of application - recording.**

7 (1) THE TREASURER MAY ACCEPT AN APPLICATION FOR A
8 TREASURER'S DEED. IF ACCEPTED, THE TREASURER SHALL REVIEW THE
9 APPLICATION AS SOON AS PRACTICABLE BUT NOT LATER THAN FORTY-FIVE
10 CALENDAR DAYS FROM THE DATE OF ACCEPTANCE TO DETERMINE
11 WHETHER IT COMPLIES WITH THE REQUIREMENTS OF THIS ARTICLE 11.5.

12 (2) IF THE TREASURER DETERMINES THAT AN APPLICATION
13 COMPLIES WITH THE REQUIREMENTS OF THIS ARTICLE 11.5, THE
14 TREASURER SHALL COLLECT FROM A LAWFUL HOLDER ALL DELINQUENT
15 TAXES OWED AND ENDORSE ALL SUBSEQUENT CERTIFICATES OF PURCHASE
16 FOR TAX LIENS ON SUCH PROPERTY AND SHALL VERIFY THAT ALL
17 SUBSEQUENT TAXES HAVE BEEN PAID IN FULL BY THE LAWFUL HOLDER.

18 (3) THE TREASURER SHALL RECORD AN APPLICATION FOR A
19 TREASURER'S DEED AND THE CERTIFICATE OF PURCHASE, AND ALL
20 ENDORSEMENTS, WITHIN TEN BUSINESS DAYS FOLLOWING THE
21 TREASURER'S DETERMINATION THAT ALL SUBSEQUENT TAXES HAVE BEEN
22 PAID IN FULL.

23 (4) THE RECORDED DOCUMENT MUST BE RETAINED IN THE
24 COUNTY'S PUBLIC RECORDS IN THE COUNTY WHERE THE PROPERTY IS
25 LOCATED.

26 **39-11.5-104. Notice of application - title review - mailing list.**

27 (1)(a) NO MORE THAN TEN CALENDAR DAYS AFTER RECORDING AN

1 APPLICATION FOR A TREASURER'S DEED PURSUANT TO SECTION
2 39-11.5-102(2), THE TREASURER SHALL MAIL BY FIRST CLASS MAIL A
3 NOTICE OF APPLICATION FOR A TREASURER'S DEED TO THE OWNER OF
4 RECORD OF THE PROPERTY ADDRESS SET FORTH IN THE APPLICATION FOR
5 A TREASURER'S DEED.

6 (b) THE TREASURER SHALL NOTIFY THE OWNER OF A
7 MANUFACTURED HOME, MOBILE HOME, MODULAR HOME, OR TINY HOME
8 AND ANY LIENHOLDER OF RECORD, BY FIRST CLASS MAIL TO THE OWNER'S
9 LAST-KNOWN MAILING ADDRESS, THAT AN APPLICATION FOR A
10 TREASURER'S DEED FOR THE HOME HAS BEEN RECORDED BY THE
11 TREASURER ON BEHALF OF THE LAWFUL HOLDER OF THE CERTIFICATE OF
12 PURCHASE PURSUANT TO SECTION 39-11.5-103. THE TREASURER SHALL
13 THEREAFTER PROCEED IN LIKE MANNER AS IS PROVIDED BY LAW IN THE
14 CASE OF CERTIFICATES OF PURCHASE HELD BY AN INVESTOR.

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

20 (2) NOT MORE THAN THIRTY CALENDAR DAYS AFTER RECORDING
21 THE APPLICATION FOR A TREASURER'S DEED AS SET FORTH IN SECTION
22 39-11.5-103, THE TREASURER SHALL ORDER A TITLE SEARCH OR BEGIN A
23 REVIEW OF RELEVANT COUNTY RECORDS OF THE COUNTY CLERK AND
24 RECORDER CONCERNING THE PROPERTY.

25 (3) THE TITLE SEARCH DESCRIBED IN SUBSECTION (2) OF THIS
26 SECTION MUST BE RECEIVED OR A REVIEW OF RELEVANT COUNTY RECORDS
27 OF THE COUNTY CLERK AND RECORDER CONCERNING THE PROPERTY MUST

1 BE COMPLETED NO LATER THAN ONE HUNDRED EIGHTY CALENDAR DAYS
2 FROM THE DATE OF THE RECORDING OF THE APPLICATION OF PUBLIC
3 AUCTION.

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

9 (a) THE OWNER OF THE PROPERTY AT THE TIME OF THE TAX LIEN
10 SALE, AT THE PROPERTY ADDRESS, AND THE LAST-KNOWN MAILING
11 ADDRESS ASSOCIATED WITH THE PROPERTY AS SHOWN IN THE RECORDS OF
12 THE TREASURER;

13 (b) THE OWNER OF THE PROPERTY AT THE TIME OF THE TAX LIEN
14 SALE, AT THE OWNER'S LAST-KNOWN MAILING ADDRESS AS SHOWN IN THE
15 RECORDS OF THE TREASURER, IF DIFFERENT THAN THE PROPERTY ADDRESS;

16 (c) THE LAWFUL HOLDER OF THE CERTIFICATE OF PURCHASE, OR
17 ANY ASSIGNEES OR TRANSFEREES OF THE CERTIFICATE OF PURCHASE;

18 (d) THE OCCUPANT OF THE PROPERTY, ADDRESSED TO "OCCUPANT"
19 AT THE ADDRESS OF THE PROPERTY, IF THE PROPERTY IS COMMERCIAL,
20 RESIDENTIAL, AGRICULTURAL REAL PROPERTY, OR A MANUFACTURED
21 HOME, MOBILE HOME, MODULAR HOME, OR TINY HOME;

22 (e) THE LESSEE OF THE PROPERTY, ADDRESSED TO "LESSEE" AT THE
23 ADDRESS OF THE PROPERTY, IF THE PROPERTY IS COMMERCIAL,
24 RESIDENTIAL, AGRICULTURAL REAL PROPERTY, OR A MANUFACTURED
25 HOME, MOBILE HOME, MODULAR HOME, OR TINY HOME AND IF THE LEASE
26 IS RECORDED;

27 (f) THE CURRENT OWNER OF THE PROPERTY, IF DIFFERENT THAN

1 THE OWNER, AT THE TIME OF THE TAX LIEN SALE; AND

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

6 (5) IF A RECORDED INSTRUMENT DOES NOT SPECIFY THE ADDRESS
7 OF THE PARTY PURPORTING TO HAVE AN INTEREST IN THE PROPERTY
8 UNDER THE RECORDED INSTRUMENT, THAT PARTY IS NOT ENTITLED TO
9 NOTICE AND ANY INTEREST IN THE PROPERTY UNDER SUCH INSTRUMENT
10 IS EXTINGUISHED UPON THE EXECUTION AND DELIVERY OF A TREASURER'S
11 DEED PURSUANT TO SECTION 39-11.5-501.

12 (6) IF ANY NOTICE SENT PURSUANT TO THIS SECTION IS RETURNED
13 AS UNDELIVERABLE, THE COUNTY TREASURER SHALL CONDUCT A
14 REASONABLE SEARCH TO LOCATE AND NOTIFY THE INTENDED RECIPIENT
15 WITHIN THIRTY CALENDAR DAYS OF RECEIPT OF THE RETURNED MAIL AS
16 UNDELIVERABLE.

17

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18 **39-11.5-105. Notice of public auction - mailing - publication -**
19 **posting.**

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

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

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

27 (b) THE DATE OF TAX LIEN SALE;

1 (c) THE NAME OF THE ORIGINAL PURCHASER AT THE TAX LIEN
2 SALE;

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

4 (e) THE NAME OF THE OWNER OF THE PROPERTY AT THE TIME OF
5 THE TAX LIEN SALE;

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

8 (g) THE LEGAL DESCRIPTION OF THE PROPERTY AND SITE ADDRESS,
9 IF APPLICABLE;

10 (h) THE DATE AND TIME OF THE ORIGINALLY SCHEDULED PUBLIC
11 AUCTION;

12 (i) THE LOCATION OF THE PUBLIC AUCTION, INCLUDING THE
13 INFORMATION REQUIRED BY SUBSECTION (3) OF THIS SECTION, IF
14 APPLICABLE;

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

16 (k) LEGIBLE COPIES OF SECTIONS 39-11.5-106, 39-11.5-110,
17 39-11.5-112, AND 39-11.5-301.

18 (3) IF THE PUBLIC AUCTION IS CONDUCTED BY MEANS OF THE
19 INTERNET OR OTHER ELECTRONIC MEDIUM, THEN THE NOTICE OF PUBLIC
20 AUCTION REQUIRED TO BE MAILED PURSUANT TO THIS SECTION MUST
21 INCLUDE A STATEMENT OF OR DIRECTIONS WHERE TO OBTAIN THE
22 FOLLOWING:

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

24 (b) THE LOCATION OF COMPUTER WORKSTATIONS AVAILABLE TO
25 THE PUBLIC;

26 (c) INSTRUCTIONS ON ACCESSING THE PUBLIC AUCTION AND
27 SUBMITTING BIDS; AND

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

5 (4) (a) NO LESS THAN THIRTY CALENDAR DAYS PRIOR TO THE FIRST
6 SCHEDULED PUBLIC AUCTION DATE, IF THE VALUATION FOR ASSESSMENT
7 OF THE PROPERTY THAT IS THE SUBJECT OF THE PUBLIC AUCTION, AT THE
8 TIME OF THE RECORDING OF THE APPLICATION FOR TREASURER'S DEED, IS
9 FIVE HUNDRED DOLLARS OR MORE, THE TREASURER SHALL COMMENCE
10 PUBLICATION OF THE NOTICE OF PUBLIC AUCTION, OMITTING THE
11 STATUTES, FOR THREE WEEKS, WHICH MEANS PUBLICATION ONCE EACH
12 WEEK FOR THREE SUCCESSIVE WEEKS IN A NEWSPAPER THAT IS PUBLISHED
13 DAILY, WEEKLY, OR SEMI-WEEKLY IN THE COUNTY WHERE THE PROPERTY
14 IS LOCATED.

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

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

25 (d) THE NOTICE OF PUBLIC AUCTION MUST BE IN SUBSTANTIALLY
26 THE FOLLOWING FORMAT:

27 NOTICE OF PUBLIC AUCTION

1 NOTICE IS GIVEN THAT ON [DATE], AT [LOCATION], THE COUNTY
2 TREASURER WILL CONDUCT A PUBLIC AUCTION FOR A TREASURER'S
3 DEED DUE TO DELINQUENT PROPERTY TAXES.

4 [INSERT LEGAL DESCRIPTION]

5 [INSERT PROPERTY ADDRESS]

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

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

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

26 (6) NO LESS THAN THIRTY CALENDAR DAYS PRIOR TO THE FIRST
27 SCHEDULED PUBLIC AUCTION DATE, THE TREASURER SHALL POST, IN A

1 CONSPICUOUS LOCATION ON A PROPERTY; EXCEPT THAT THE TREASURER
2 IS NOT REQUIRED TO MAKE THE POST REQUIRED BY THIS SUBSECTION (6)
3 IF A PROPERTY IS SEVERED MINERAL RIGHTS. FOR A MANUFACTURED
4 HOME, MOBILE HOME, MODULAR HOME, OR TINY HOME, THE TREASURER
5 SHALL PROVIDE NOTICE, INCLUDING A STATEMENT OF TAXES DUE FOR THE
6 OWNER TO REDEEM, IN ACCORDANCE WITH SUBSECTION (2) OF THIS
7 SECTION.

8 (7) THE TREASURER SHALL MAKE, OR CAUSE TO BE MADE, AN
9 AFFIDAVIT SHOWING THE POSTING OF THE NOTICE OF PUBLIC AUCTION
10 PURSUANT TO THIS SECTION. THE TREASURER SHALL RETAIN AFFIDAVITS
11 IN THE TREASURER'S RECORDS PURSUANT TO THE COUNTY RETENTION
12 POLICY.

13 **39-11.5-106. Property owner redemption procedure.**

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

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

26 (2) (a) NO LATER THAN THREE BUSINESS DAYS FOLLOWING THE
27 TIMELY FILING OF AN INTENT TO REDEEM, THE TREASURER SHALL PROVIDE

1 A REDEMPTION STATEMENT TO A PROPERTY OWNER PURSUANT TO THIS
2 SECTION IN A STATEMENT SPECIFYING THE AMOUNT, ITEMIZED AND IN
3 SUBSTANTIALLY THE SAME FORM AS A BID PURSUANT TO SECTION
4 39-11.5-107; AND

5 (b) A FEE NOT EXCEEDING TWENTY-FIVE DOLLARS MAY BE
6 CHARGED TO A PROPERTY OWNER FOR FILING AN INTENT TO REDEEM OR
7 REQUESTING AN UPDATED REDEMPTION STATEMENT UNDER THIS SECTION.

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

11 (b) A PROPERTY OWNER MAY REDEEM A PROPERTY AT ANY TIME
12 BEFORE THE EXPIRATION OF A REDEMPTION STATEMENT BY PAYING THE
13 TREASURER, _____ BY THE METHOD OF PAYMENT SPECIFIED BY THE
14 TREASURER, THE AMOUNT REQUIRED TO REDEEM AS SPECIFIED IN
15 SUBSECTION (2) OF THIS SECTION.

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

20 (d) NO LATER THAN THE TENTH BUSINESS DAY AFTER RECEIVING
21 THE REDEMPTION PAYMENT, THE TREASURER SHALL RECORD THE
22 WITHDRAWAL OF THE APPLICATION FOR TREASURER'S DEED ALONG WITH
23 THE CERTIFICATE OF REDEMPTION IN THE COUNTY RECORDS.

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

26 (4) NO MORE THAN TEN BUSINESS DAYS AFTER RECEIVING THE
27 REDEMPTION PAYMENT, THE TREASURER SHALL RECORD A CERTIFICATE OF

1 REDEMPTION PURSUANT TO THIS SUBSECTION (4) IF A CERTIFICATE OF
2 PURCHASE OR TAX LIEN WAS RECORDED SEPARATELY AT THE TIME OF THE
3 TAX LIEN SALE.

4 (5) ALL FEES AND COSTS OF THE TREASURER FOR ACTIONS
5 PERFORMED UNDER THIS SECTION AND THE COST OF RECORDING THE
6 CERTIFICATE OF REDEMPTION AND WITHDRAWAL OF THE APPLICATION OF
7 PUBLIC AUCTION ARE PART OF THE TREASURER'S COSTS FOR PURPOSES OF
8 THIS ARTICLE 11.5.

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

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

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

23 (8) FOLLOWING EXPIRATION OF THE PERIOD FOR WHICH THE
24 REDEMPTION STATEMENT IS EFFECTIVE, BUT NO LESS THAN SEVEN
25 CALENDAR DAYS PRIOR TO THE DATE OF THE PUBLIC AUCTION, THE
26 PROPERTY OWNER MAY MAKE A WRITTEN REQUEST TO THE TREASURER
27 FOR AN UPDATE OF THE AMOUNT NECESSARY TO REDEEM. UPON RECEIPT

1 BY THE TREASURER OF A WRITTEN REQUEST FOR UPDATED REDEMPTION
2 FIGURES, SUBSECTION (3) OF THIS SECTION APPLIES.

3 **39-11.5-107. Bid required - form of bid.**

4 (1) (a) A TREASURER SHALL PREPARE, NO LATER THAN SEVEN
5 CALENDAR DAYS PRIOR TO THE SCHEDULED AUCTION DATE, A BID FORM
6 FOR A LAWFUL HOLDER'S APPROVAL. THE BID FORM MUST BE APPROVED BY
7 A LAWFUL HOLDER AND SUBMITTED TO THE TREASURER NO LATER THAN
8 NOON ON THE SECOND BUSINESS DAY PRIOR TO THE SCHEDULED PUBLIC
9 AUCTION, AS PROVIDED IN THIS SECTION, AND MUST SET FORTH ALL MONEY
10 DUE AND OWING TO THE LAWFUL HOLDER, INCLUDING ALL TREASURER
11 FEES AND COSTS.

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

17 (2) A LAWFUL HOLDER NEED NOT PERSONALLY ATTEND A PUBLIC
18 AUCTION.

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

21 **BID**
22 TREASURER OF THE COUNTY (OR CITY AND COUNTY)
23 OF _____, STATE OF COLORADO.
24 DATE: _____
25 TREASURER'S DEED NUMBER: _____
26 LAWFUL HOLDER/TREASURER, WHOSE MAILING ADDRESS
27 IS _____, BIDS THE SUM OF \$ _____

1 IN YOUR PUBLIC AUCTION TO BE HELD ON THE ____ DAY
2 OF _____, 20__ .

3 STREET ADDRESS OF PROPERTY BEING SOLD, IF APPLICABLE:
4 _____

5 THE FOLLOWING IS AN ITEMIZATION OF ALL AMOUNTS DUE THE
6 LAWFUL HOLDER OF THE TAX LIEN.

7 STATUTORY RATE OF INTEREST ON TAX LIEN AS OF THE DATE OF
8 PUBLIC AUCTION: _____

9 (INAPPLICABLE ITEMS MAY BE OMITTED):

10 AMOUNT DUE ON TAX LIEN \$ _____

11 INTEREST \$ _____

12 ENDORSEMENT(S) \$ _____

13 CURRENT YEARS TAXES \$ _____

14 CATEGORY SUBTOTAL \$ _____

15 TREASURER FEES AND COSTS:

16 TREASURER STATUTORY FEE \$ _____

17 TREASURER SOFTWARE COSTS \$ _____

18 TITLE COMMITMENTS OR ABTRACTOR COSTS
19 \$ _____

20 MAILINGS \$ _____

21 PUBLICATION COSTS \$ _____

22 POSTING COSTS \$ _____

23 ELECTRONIC AUCTION COSTS \$ _____

24 CERTIFICATE OF OPTION FOR A TREASURER'S DEED RECORDING
25 COST \$ _____

26 TREASURER DEED FEE \$ _____

27 DEED RECORDING COST \$ _____

1 OTHER (DESCRIBE) \$ _____
2 CATEGORY SUBTOTAL: \$ _____
3 BID \$ _____ (TOTAL DUE LAWFUL HOLDER)

4 NAME OF THE LAWFUL HOLDER OR ATTORNEY FOR THE HOLDER: (IF
5 BID SUBMITTED BY LAWFUL HOLDER OR AN ATTORNEY FOR THE
6 LAWFUL HOLDER)

7 LAWFUL HOLDER/OR ATTORNEY: _____

8 ATTORNEY REGISTRATION NUMBER: _____

9 ATTORNEY ADDRESS: _____

10 ATTORNEY BUSINESS TELEPHONE: _____

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

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

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

25 (7) OTHER THAN A BID BY A LAWFUL HOLDER NOT EXCEEDING THE
26 TOTAL AMOUNT DUE, AS SHOWN ON THE BID FORM PURSUANT TO

1 SUBSECTION (3) OF THIS SECTION, THE PAYMENT OF ANY AMOUNT BID AT
2 AN AUCTION MUST BE RECEIVED BY A TREASURER NO LATER THAN THE
3 DATE AND TIME OF THE AUCTION, OR AT AN ALTERNATIVE TIME AFTER THE
4 AUCTION AND ON THE DAY OF THE AUCTION, AS SPECIFIED IN WRITING BY
5 THE TREASURER. A BID PAYMENT MUST BE MADE IN THE FORM SPECIFIED
6 BY THE TREASURER. IF A TREASURER HAS NOT RECEIVED FULL PAYMENT
7 OF THE BID AMOUNT FROM THE HIGHEST BIDDER AT AN AUCTION IN
8 ACCORDANCE WITH THIS SUBSECTION (7), THE NEXT HIGHEST BIDDER WHO
9 TIMELY TENDERS THE FULL AMOUNT OF THE BID UNDER THIS SUBSECTION
10 (7) IS DEEMED THE SUCCESSFUL BIDDER AT THE AUCTION PURSUANT TO
11 SECTION 39-11.5-110 (4).

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

16 (9) IF A PROPERTY IS SOLD TO A THIRD-PARTY BIDDER OR A
17 LAWFUL HOLDER AS A COMPETITIVE BIDDER, A TREASURER MAY COLLECT
18 UP TO THREE HUNDRED DOLLARS FROM THE SUCCESSFUL BIDDER FOR
19 PERFORMING ACTIONS RELATED TO PROCESSING THE PUBLIC AUCTION
20 PURSUANT TO SECTION 30-1-102 (1.7)(a)(XIV).

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

1 **39-11.5-108. Fees and costs.**

2 (1) ALL FEES PURSUANT TO SECTION 30-1-102 AND COSTS
3 INCURRED UNDER THIS ARTICLE 11.5 ARE FEES AND COSTS OF THE PUBLIC
4 AUCTION CHARGEABLE AS ADDITIONAL AMOUNTS OWING UNDER THE
5 CERTIFICATE OF PURCHASE. THE AMOUNTS MUST BE DEDUCTED FROM THE
6 PROCEEDS OF ANY PUBLIC AUCTION OR, IF THERE ARE NO CASH PROCEEDS
7 FROM A PUBLIC AUCTION ADEQUATE TO PAY THE FEES AND COSTS TO THE
8 EXTENT OF THE INADEQUACY, THE LAWFUL HOLDER MUST PAY THE FEES
9 AND COSTS. THE TREASURER MAY DECLINE TO ISSUE A TREASURER'S DEED
10 PURSUANT TO SECTION 39-11.5-501 UNTIL ALL MONEY DUE TO THE
11 TREASURER HAS BEEN PAID.

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

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

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

18 (c) ANY GENERAL OR SPECIAL TAXES OR DITCH OR WATER
19 ASSESSMENTS LEVIED OR ACCRUED AGAINST THE PROPERTY AND ANY
20 GOVERNMENTAL OR QUASI-GOVERNMENTAL LIEN, FINE, PENALTY, OR
21 ASSESSMENT AGAINST THE PROPERTY, IF PAID PURSUANT TO THIS ARTICLE
22 11.5; AND

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

1 THIS ARTICLE 11.5.

2 (3) IN THE CASE OF A PROPERTY OWNER REDEMPTION MADE
3 PURSUANT TO SECTION 39-11.5-106, LAWFUL HOLDERS' FEES AND COSTS
4 SPECIFYING THE AMOUNT, ITEMIZED IN SUBSTANTIALLY THE SAME FORM
5 AS A BID PURSUANT TO SECTION 39-11.5-107 INCLUDING TREASURER FEES
6 AND COSTS MUST BE INCLUDED IN THE STATEMENT OF REDEMPTION.

7 **39-11.5-109. Public auction - timing of - electronic bid.**

8 (1) THE INITIAL PUBLIC AUCTION HELD PURSUANT TO THIS ARTICLE
9 11.5 MUST BE SCHEDULED FOR NO LESS THAN THIRTY CALENDAR DAYS
10 NOR MORE THAN SIXTY CALENDAR DAYS AFTER THE DATE OF MAILING THE
11 NOTICE OF PUBLIC AUCTION.

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

17 **39-11.5-110. Public auction - location - announcement -**
18 **records - definition.**

19 (1) (a) THE TREASURER SHALL CONDUCT THE PUBLIC AUCTION AT
20 ANY DOOR OR ENTRANCE TO, OR IN ANY ROOM IN ANY BUILDING
21 TEMPORARILY OR PERMANENTLY USED AS, A COURTHOUSE OR AT OR
22 WITHIN ANY BUILDING WHERE THE OFFICE OF THE COUNTY CLERK AND
23 RECORDER OR THE OFFICE OF THE TREASURER IS LOCATED, WHICH PLACE
24 MUST BE SPECIFICALLY DESIGNATED IN THE NOTICE OF PUBLIC AUCTION;
25 EXCEPT THAT A PUBLIC AUCTION MAY ALSO BE CONDUCTED BY MEANS OF
26 THE INTERNET OR OTHER ELECTRONIC MEDIUM. THE COUNTY, THE
27 TREASURER, AND EMPLOYEES OF THE COUNTY OR THE TREASURER, ACTING

1 IN THEIR OFFICIAL CAPACITIES IN PREPARING, CONDUCTING, AND
2 EXECUTING A PUBLIC AUCTION UNDER THIS ARTICLE 11.5 BY MEANS OF
3 THE INTERNET OR ANOTHER ELECTRONIC MEDIUM, ARE NOT LIABLE FOR
4 THE FAILURE OF A DEVICE THAT PREVENTS A PERSON FROM PARTICIPATING
5 IN A PUBLIC AUCTION UNDER THIS ARTICLE 11.5.

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

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

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

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

27 (3) (a) A TREASURER, ACTING IN THEIR INDIVIDUAL CAPACITY,

1 MUST NOT BID AT A PUBLIC AUCTION HELD PURSUANT TO THIS SECTION.

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

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

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

22 (b) IN A PUBLIC AUCTION CONDUCTED BY MEANS OF THE INTERNET
23 OR OTHER ELECTRONIC MEDIUM, IF A PERSON BIDDING FAILS TO PAY THE
24 AMOUNT DUE, A TREASURER MAY OFFER THE CERTIFICATE OF OPTION FOR
25 A TREASURER'S DEED, WITHOUT ADDITIONAL ADVERTISEMENT, TO
26 ANOTHER BIDDER, WHETHER OR NOT THE PUBLIC AUCTION HAS CLOSED; OR
27 MAY AGAIN OFFER AND SELL A CERTIFICATE OF PURCHASE ON THE

1 PROPERTY; OR AT A TREASURER'S DISCRETION, THE TREASURER MAY
2 RECOVER THE AMOUNT BID BY CIVIL ACTION BROUGHT IN THE NAME OF
3 THE COUNTY IN ANY COURT OF COMPETENT JURISDICTION.

4 (c) A TREASURER MAY PROHIBIT A PERSON WHO FAILS TO PAY THE
5 AMOUNT DUE FROM BIDDING ON PUBLIC AUCTIONS UNDER THIS ARTICLE
6 11.5 FOR NOT MORE THAN FIVE YEARS.

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

11 **39-11.5-111. Continuance of public auction - effect of**
12 **bankruptcy - withdrawal of application.**

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

1 PUBLIC AUCTION IS HELD OR OTHERWISE CONTINUED PURSUANT TO THIS
2 SUBSECTION (1)(a). A TREASURER MUST NOT CONTINUE A PUBLIC AUCTION
3 TO A DATE LATER THAN TWELVE MONTHS FROM THE ORIGINALLY
4 DESIGNATED DATE IN THE NOTICE OF PUBLIC AUCTION, EXCEPT AS
5 PROVIDED IN SUBSECTION (2) OF THIS SECTION.

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

1 SCHEDULED PUBLIC AUCTION IN THE SAME MANNER AS SET FORTH IN
2 SECTION 39-11.5-105.

3 (2) (a) IF ALL PUBLICATIONS OF A NOTICE OF PUBLIC AUCTION
4 PRESCRIBED BY SECTION 39-11.5-105 (4) OR 13-56-201 (1) HAVE BEEN
5 COMPLETED BEFORE ANY INJUNCTION OR BANKRUPTCY PETITION IS FILED
6 WHICH AUTOMATICALLY STAYS THE TREASURER FROM CONDUCTING THE
7 PUBLIC AUCTION, THE TREASURER SHALL ANNOUNCE, POST, OR PROVIDE
8 NOTICE OF THAT FACT ON THE THEN-SCHEDULED PUBLIC AUCTION DATE,
9 TAKE NO ACTION AT THE THEN-SCHEDULED PUBLIC AUCTION, AND ALLOW
10 THE PUBLIC AUCTION TO BE AUTOMATICALLY CONTINUED FROM WEEK TO
11 WEEK IN ACCORDANCE WITH SUBSECTION (1)(a) OF THIS SECTION, UNLESS
12 OTHERWISE REQUESTED IN WRITING PRIOR TO ANY SUCH PUBLIC AUCTION
13 BY THE LAWFUL HOLDER.

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

27 (II) (A) UPON THE TERMINATION OF ANY INJUNCTION OR UPON THE

1 ENTRY OF A BANKRUPTCY COURT ORDER DISMISSING THE BANKRUPTCY
2 CASE, ABANDONING THE PROPERTY BEING SOLD, CLOSING THE
3 BANKRUPTCY CASE, OR GRANTING RELIEF FROM THE AUTOMATIC STAY
4 PROVISIONS OF THE FEDERAL BANKRUPTCY CODE OF 1978, TITLE 11 OF THE
5 UNITED STATES CODE, AS AMENDED, AND UPON RECEIPT OF A REQUEST OF
6 A LAWFUL HOLDER TO RESTART THE TREASURER'S DEED PROCESS, THE
7 TREASURER SHALL RERECORD THE APPLICATION FOR TREASURER'S DEED
8 AND PROCEED WITH ALL ADDITIONAL TREASURER'S DEED PROCEDURES
9 PROVIDED BY THIS ARTICLE 11.5 AS THOUGH THE TREASURER'S DEED
10 PROCESS HAD JUST COMMENCED.

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

18 (III) IF A PUBLIC AUCTION IS HELD IN VIOLATION OF THE
19 AUTOMATIC STAY PROVISIONS OF THE FEDERAL BANKRUPTCY CODE OF
20 1978, TITLE 11 OF THE UNITED STATES CODE, AS AMENDED, AND AN
21 ORDER IS SUBSEQUENTLY ENTERED BY A BANKRUPTCY COURT OF
22 COMPETENT JURISDICTION DISMISSING THE BANKRUPTCY, ABANDONING
23 THE PROPERTY BEING SOLD, OR CLOSING THE BANKRUPTCY CASE, OR AN
24 ORDER IS SUBSEQUENTLY ENTERED GRANTING RELIEF FROM THE
25 AUTOMATIC STAY PROVIDED BY THE FEDERAL BANKRUPTCY CODE, THEN
26 THE CERTIFICATE OF PURCHASE MUST IMMEDIATELY BE DEEMED
27 REINSTATED, AND THE CERTIFICATE OF PURCHASE MUST HAVE THE SAME

1 PRIORITY AS IF THE PUBLIC AUCTION HAD NOT OCCURRED. IMMEDIATELY
2 UPON REINSTATEMENT, THE APPLICATION FOR TREASURER'S DEED SHALL
3 BE DEEMED REVIVED.

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

25 (A) IF THE ASSESSED VALUE OF A PROPERTY AT THE TIME OF THE
26 RERECORDING OF AN APPLICATION FOR TREASURER'S DEED IS LESS THAN
27 FIVE HUNDRED DOLLARS, NO PUBLICATION IS REQUIRED; OR

1 (B) IF THERE IS NO NEWSPAPER OF GENERAL CIRCULATION IN A
2 COUNTY WHERE A PROPERTY IS LOCATED, A TREASURER SHALL POST A
3 NOTICE CONSPICUOUSLY IN THE OFFICES OF THE COUNTY CLERK AND
4 RECORDER, THE TREASURER, AND THE ASSESSOR, AND IN AT LEAST TWO
5 OTHER PUBLIC PLACES IN THE COUNTY SEAT.

6 (V) IF A LAWFUL HOLDER DOES NOT NOTIFY A TREASURER IN
7 WRITING OF THE ENTRY OF AN ORDER DISMISSING THE BANKRUPTCY CASE,
8 ABANDONING THE PROPERTY BEING SOLD, CLOSING THE BANKRUPTCY
9 CASE, OR GRANTING RELIEF FROM THE AUTOMATIC STAY PROVIDED BY THE
10 FEDERAL BANKRUPTCY CODE OF 1978, TITLE 11 OF THE UNITED STATES
11 CODE, AS AMENDED, WITHIN THE TIME ALLOWED UNDER SUBSECTION
12 (2)(b)(IV) OF THIS SECTION, THE TREASURER SHALL ADMINISTRATIVELY
13 WITHDRAW THE APPLICATION FOR TREASURER'S DEED PURSUANT TO
14 SUBSECTION (3)(b) OF THIS SECTION UPON RECEIPT OF THE ORDER
15 DISMISSING THE BANKRUPTCY CASE, ABANDONING THE PROPERTY BEING
16 SOLD, CLOSING THE BANKRUPTCY CASE, OR GRANTING RELIEF FROM THE
17 AUTOMATIC STAY PROVIDED BY THE FEDERAL BANKRUPTCY CODE OF
18 1978, TITLE 11 OF THE UNITED STATES CODE, AS AMENDED.

19 (VI) ALL FEES AND COSTS OF PROVIDING AND PUBLISHING THE
20 AMENDED NOTICE OF PUBLIC AUCTION AND PUBLICATION ARE PART OF THE
21 TREASURER'S DEED COSTS.

22 (c) IF A PUBLIC AUCTION IS SET ASIDE BY COURT ORDER, UNLESS
23 THE COURT ORDER SPECIFIES OTHERWISE, THE FOLLOWING PROCEDURES
24 APPLY:

25 (I) UPON RECEIPT OF THE COURT ORDER, THE TREASURER'S FEE
26 SPECIFIED IN SECTION 30-1-102 (1.7)(a)(XII), AND THE COSTS OF
27 RECORDING THE COURT ORDER AS SPECIFIED IN THIS SUBSECTION (2)(c),

1 THE TREASURER SHALL ATTACH TO THE ORDER A COPY OF THE
2 CERTIFICATE OF OPTION FOR A TREASURER'S DEED, ANY ASSIGNMENTS
3 THEREOF, AND, IF APPLICABLE, THE TREASURER'S DEED, EACH MARKED
4 "NULL AND VOID", AND RECORD THE ORDER TOGETHER WITH THESE
5 DOCUMENTS.

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

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

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

26 (B) NO MORE THAN TEN CALENDAR DAYS AFTER RECEIVING
27 NOTICE TO SCHEDULE A NEW PUBLIC AUCTION, THE TREASURER SHALL

1 MAIL BY FIRST CLASS MAIL A NOTICE OF PUBLIC AUCTION SETTING FORTH
2 THE RESCHEDULED PUBLIC AUCTION DATE TO EACH PERSON ENTITLED TO
3 RECEIVE THE NOTICE OF PUBLIC AUCTION PURSUANT TO SECTION
4 39-11.5-104.

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

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

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

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

26 (V) NOTHING IN THIS SECTION PREVENTS A LAWFUL HOLDER FROM
27 SEEKING A RESCISSION OF SALE PURSUANT TO SECTION 39-11.5-114 IF THE

1 REQUIREMENTS IN THAT SECTION ARE MET.

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

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

11 (b) IF THERE IS NO PUBLIC AUCTION AND IF A WITHDRAWAL IS NOT
12 FILED WITHIN FORTY-FIVE CALENDAR DAYS AFTER THE LAST POSSIBLE
13 PUBLIC AUCTION DATE PERMITTED BY LAW, A TREASURER MAY TRANSMIT
14 BY MAIL OR ELECTRONIC TRANSMISSION TO A LAWFUL HOLDER A NOTICE
15 THAT A WITHDRAWAL OF THEIR APPLICATION FOR TREASURER'S DEED MAY
16 BE RECORDED BY THE TREASURER UNLESS A RESPONSE IS RECEIVED BY THE
17 TREASURER WITHIN THIRTY CALENDAR DAYS AFTER THE DATE THE
18 TREASURER'S NOTICE IS TRANSMITTED. IF A RESPONSE IS RECEIVED BY THE
19 TREASURER AND NO WITHDRAWAL IS FILED WITHIN FORTY-FIVE DAYS
20 AFTER THE NOTICE IS TRANSMITTED, THE TREASURER MAY RECORD A
21 WITHDRAWAL OF THE APPLICATION FOR TREASURER'S DEED. IF NO
22 RESPONSE IS RECEIVED BY THE TREASURER WITHIN THIRTY CALENDAR
23 DAYS AFTER THE NOTICE IS TRANSMITTED, THE TREASURER MAY RECORD
24 A WITHDRAWAL OF THE APPLICATION FOR TREASURER'S DEED AT ANY TIME
25 AFTER THE EXPIRATION OF THE THIRTY-DAY NOTICE PERIOD. IF A
26 WITHDRAWAL IS RECORDED DURING THE PENDENCY OF AN AUTOMATIC
27 STAY IMPOSED ON A PUBLIC AUCTION BASED ON ANY PROCEEDING FILED

1 UNDER THE FEDERAL BANKRUPTCY CODE OF 1978, TITLE 11 OF THE
2 UNITED STATES CODE, AS AMENDED, THE WITHDRAWAL IS VOID AND OF
3 NO FORCE AND EFFECT, AND THE TREASURER SHALL MAIL BY FIRST CLASS
4 MAIL TO ALL PERSONS ON THE MAILING LIST A NOTICE THAT THE
5 WITHDRAWAL OF APPLICATION FOR TREASURER'S DEED OCCURRED DURING
6 THE PENDENCY OF AN INJUNCTION OR BANKRUPTCY STAY AND IS VOID AND
7 OF NO FORCE AND EFFECT. THE TREASURER SHALL CAUSE THE NOTICE TO
8 BE RECORDED IN THE OFFICE OF THE COUNTY CLERK AND RECORDER OF
9 THE COUNTY WHERE THE PROPERTY DESCRIBED IN THE NOTICE IS
10 LOCATED. THE LAWFUL HOLDER SHALL PAY ALL UNPAID FEES AND COSTS
11 OWED AND INCURRED BY THE TREASURER, AS WELL AS A WITHDRAWAL FEE
12 IN THE AMOUNT AUTHORIZED BY SECTION 30-1-102 (1.7)(a)(VIII). THE
13 AMOUNT DUE MUST ACCRUE INTEREST AT THE RATE PROVIDED BY LAW.
14 UNTIL ALL AMOUNTS DUE AND OWING ARE PAID, A TREASURER IS
15 ENTITLED TO HOLD ALL DOCUMENTATION IN THE TREASURER'S POSSESSION
16 AND TO WITHHOLD ALL OTHER SERVICES REQUESTED BY A LAWFUL
17 HOLDER WITH RESPECT TO A CERTIFICATE OF OPTION FOR A TREASURER'S
18 DEED.

19 **39-11.5-112. Treatment of overbid - agreement to assist in**
20 **recovery of overbid.**

21 (1) UPON THE EXPIRATION OF THE CLAIM FOR OVERBID MONEY
22 PERIOD PROVIDED IN SECTION 39-11.5-301, ANY REMAINING OVERBID
23 MUST BE PAID IN ORDER OF RECORDING PRIORITY TO JUNIOR LIENORS, WHO
24 HAVE DULY FILED A CLAIM FOR OVERBID MONEY PURSUANT TO SECTION
25 39-11.5-303, IN EACH CASE UP TO THE UNPAID AMOUNT OF EACH SUCH
26 JUNIOR LIENOR'S LIEN PLUS ALLOWABLE FEES AND COSTS. A JUNIOR
27 LIENOR HOLDING A LIEN THAT IS NOT ENTITLED TO CLAIM AN OVERBID

1 MONEY BY VIRTUE OF BEING RECORDED AFTER THE APPLICATION FOR
2 TREASURER'S DEED OR A LIENOR THAT HAS NOT TIMELY FILED A CLAIM FOR
3 OVERBID MONEY PURSUANT TO SECTION 39-11.5-303 DOES NOT HAVE ANY
4 CLAIM TO ANY PORTION OF THE OVERBID. AFTER PAYMENT TO ALL JUNIOR
5 LIENORS ENTITLED TO RECEIVE A PORTION OF THE OVERBID PURSUANT TO
6 THIS SECTION, ANY REMAINING OVERBID MONEY MUST BE PAID TO THE
7 PROPERTY OWNER.

8 (2) (a) IF A TREASURER MAINTAINS A WEBSITE FOR THEIR OFFICE,
9 THE TREASURER SHALL INCLUDE THE FOLLOWING STATEMENT ON THE
10 WEBSITE:

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

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

27 (c) ANY AGREEMENT TO PAY COMPENSATION TO RECOVER OR

1 ASSIST IN RECOVERING AN UNCLAIMED OVERBID TRANSFERRED TO THE
2 ADMINISTRATOR UNDER THIS SECTION OR TO THE COUNTY TREASURER PER
3 A COUNTY RESOLUTION IS ENFORCEABLE IF THE COMPENSATION TO BE PAID
4 UNDER THE TERMS OF THE AGREEMENT DOES NOT EXCEED TEN PERCENT
5 OF THE AMOUNT OF THE OVERBID MONEY AND IF ENTERED INTO AT LEAST
6 TWO YEARS AFTER THE DATE OF THE TRANSFER.

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

1 (b) IF THE UNCLAIMED REMAINING OVERBID MONEY EXCEEDS FIVE
2 HUNDRED DOLLARS AND HAS NOT BEEN CLAIMED BY ANY PERSON
3 ENTITLED THERETO WITHIN SIXTY CALENDAR DAYS AFTER THE EXPIRATION
4 OF THE CLAIM FOR OVERBID MONEY PERIOD PROVIDED BY SECTION
5 39-11.5-303 (2), THE TREASURER SHALL, WITHIN NINETY CALENDAR DAYS
6 AFTER THE EXPIRATION OF THE CLAIM FOR OVERBID MONEY PERIOD,
7 PUBLISH A NOTICE, ONE TIME ONLY, IN A NEWSPAPER OF GENERAL
8 CIRCULATION IN THE COUNTY WHERE THE PROPERTY IS LOCATED. THE
9 NOTICE MUST CONTAIN THE NAME OF THE PROPERTY OWNER, THE
10 PROPERTY OWNER'S ADDRESS AS GIVEN IN THE CERTIFICATE OF PURCHASE,
11 AND THE LEGAL DESCRIPTION AND STREET ADDRESS, IF ANY, OF THE
12 PROPERTY SOLD AT THE PUBLIC AUCTION. THE NOTICE MUST STATE THAT
13 AN OVERBID WAS REALIZED FROM THE PUBLIC AUCTION AND THAT, UNLESS
14 THE OVERBID IS CLAIMED BY THE PROPERTY OWNER OR OTHER PERSON
15 ENTITLED THERETO WITHIN TWO YEARS AFTER THE PUBLIC AUCTION, THE
16 MONEY WILL BE _____ TRANSFERRED TO THE STATE TREASURER FOR
17 DISPOSITION IN ACCORDANCE WITH THE "REVISED UNIFORM UNCLAIMED
18 PROPERTY ACT", ARTICLE 13 OF TITLE 38. THE TREASURER SHALL ALSO
19 MAIL BY FIRST-CLASS MAIL A COPY OF THE NOTICE TO THE PROPERTY
20 OWNER AT THE BEST AVAILABLE ADDRESS.

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

24 **39-11.5-113. Use of electronic documents authorized.**
25 CONSISTENT WITH THE "UNIFORM ELECTRONIC TRANSACTIONS
26 ACT", ARTICLE 71.3 OF TITLE 24, ANY DOCUMENT OR RECORD RELATED TO
27 A PUBLIC AUCTION MAY BE ACCEPTED BY THE TREASURER IN AN

1 ELECTRONIC FORMAT OR MAY BE MADE AVAILABLE TO THE PUBLIC BY THE
2 TREASURER IN AN ELECTRONIC FORMAT. THE TREASURER SHALL
3 ESTABLISH AND UNIFORMLY APPLY WRITTEN POLICIES FOR DETERMINING
4 WHETHER AND THE EXTENT TO WHICH THE TREASURER SHALL ACCEPT
5 DOCUMENTS OR RECORDS IN ELECTRONIC FORM; EXCEPT THAT, THE
6 TREASURER SHALL NOT REQUIRE THE USE OF AN ELECTRONIC FORMAT FOR
7 ANY PURPOSE UNDER THIS ARTICLE 11.5 EXCEPT AS NECESSARY FOR SALES
8 CONDUCTED BY MEANS OF THE INTERNET OR ANOTHER ELECTRONIC
9 MEDIUM.

10 **39-11.5-114. Rescission of public auction.**

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

25 (b) UPON RECEIPT OF A NOTICE OF RESCISSION OF A PUBLIC
26 AUCTION, ANY ASSIGNMENT OF THE CERTIFICATE OF OPTION FOR A
27 TREASURER'S DEED, THE TREASURER'S FEE FOR THE RESCISSION SPECIFIED

1 IN SECTION 30-1-102 (1.7)(a)(IX), AND THE COSTS OF RECORDING THE
2 NOTICE OF RESCISSION OF A PUBLIC AUCTION, THE TREASURER SHALL
3 RECORD THE NOTICE OF RESCISSION OF THE PUBLIC AUCTION IN THE
4 COUNTY RECORDS.

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

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

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

27 (b) NO LATER THAN TEN CALENDAR DAYS AFTER RECEIVING

1 NOTICE TO SCHEDULE A NEW PUBLIC AUCTION, THE TREASURER SHALL
2 MAIL BY FIRST-CLASS MAIL A NOTICE OF PUBLIC AUCTION SETTING FORTH
3 THE RESCHEDULED PUBLIC AUCTION DATE TO EACH PERSON WHO WAS
4 ENTITLED TO RECEIVE THE NOTICE OF PUBLIC AUCTION PURSUANT TO
5 SECTION 39-11.5-104.

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

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

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

19 (d) ALL FEES AND COSTS OF A TREASURER FOR ACTIONS
20 PERFORMED UNDER THIS SECTION AND THE COST OF RECORDING THE
21 NOTICE OF RESCISSION OF PUBLIC AUCTION MUST BE PART OF THE
22 TREASURER'S DEED COSTS.

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

26 (f) IF A WRITTEN REQUEST TO RESCHEDULE THE PUBLIC AUCTION
27 IS NOT RECEIVED BY A TREASURER WITHIN ONE YEAR OF THE RECORDING

1 OF A NOTICE OF RESCISSION, AN APPLICATION FOR TREASURER'S DEED
2 MUST BE WITHDRAWN.

3 (5) NOTHING IN THIS SECTION PREVENTS ANY PERSON FROM
4 SEEKING A RESCISSION OF A PUBLIC AUCTION THROUGH A COURT OF
5 COMPETENT JURISDICTION.

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

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

14 THE UNDERSIGNED, AS TREASURER FOR THE COUNTY OF
15 _____, STATE OF COLORADO, BY THIS ENDORSEMENT,
16 HEREBY CONFIRMS THE REINSTATEMENT OF THIS CERTIFICATE OF
17 PURCHASE IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION
18 39-11.5-113, COLORADO REVISED STATUTES.

19 DATE:

20 SIGNATURE:

21 TREASURER

22 FOR THE COUNTY OF _____,

23 STATE OF COLORADO.

24 **39-11.5-115. Unclaimed refunds - disposition.**

25 MONEY PAYABLE AS A REFUND FOR OVERPAYMENT OF A
26 REDEMPTION PURSUANT TO PART 1 OF THIS ARTICLE 11.5 THAT REMAINS
27 UNCLAIMED BY THE PROPERTY OWNER FOR TWO YEARS AFTER THE MONEY

1 BECAME PAYABLE IS PRESUMED ABANDONED AND MAY BE REPORTED AND
2 PAID TO THE STATE TREASURER IN ACCORDANCE WITH SECTIONS
3 38-13-401 AND 38-13-603.

4 **39-11.5-116. Abbreviations, letters, and figures may be used.**

5 IN ALL ADVISEMENTS FOR THE PUBLIC AUCTION AND IN ENTRIES
6 REQUIRED TO BE MADE BY THE ASSESSOR, COUNTY CLERK AND RECORDER,
7 TREASURER, OR OTHER COUNTY OFFICERS IN LISTS, BOOKS, ROLLS,
8 CERTIFICATES, RECEIPTS, DEEDS, OR NOTICES, THE ASSESSOR, COUNTY
9 CLERK AND RECORDER, TREASURER, OR OTHER COUNTY OFFICER MAY USE
10 LETTERS, FIGURES, AND ABBREVIATIONS TO DENOTE TOWNSHIPS, RANGES,
11 SECTIONS, PARTS OF SECTIONS, LOTS, BLOCKS, DATES AND AMOUNTS OF
12 TAXES, DELINQUENT INTEREST, AND COSTS.

13 PART 2

14 SEVERED MINERALS - RIGHT OF FIRST REFUSAL

15 **39-11.5-201. County-held severed mineral rights - procedure**
16 **- form.**

17 (1) ANY COUNTY IN THIS STATE HAVING IN ITS POSSESSION
18 CERTIFICATES OF PURCHASE RESULTING FROM A TAX LIEN SALE FOR
19 NONPAYMENT ON SEVERED MINERALS MAY AFTER THREE YEARS FILE AN
20 APPLICATION FOR TREASURER'S DEED IN THE SAME MANNER AS A LAWFUL
21 HOLDER OF A CERTIFICATE OF PURCHASE.

22 (2) NO LESS THAN THIRTY CALENDAR DAYS PRIOR TO AN
23 ORIGINALLY SCHEDULED PUBLIC AUCTION DATE, A TREASURER MAY MAIL
24 BY FIRST-CLASS MAIL A COPY OF A NOTICE OF PUBLIC AUCTION ALONG
25 WITH A RIGHT OF FIRST REFUSAL FORM TO THE RECORD OWNER OF THE
26 SURFACE PROPERTY. THE RIGHT OF FIRST REFUSAL FORM MUST BE
27 SUBSTANTIALLY IN THE FOLLOWING FORM:

1 NOTICE BY SURFACE OWNER TO EXERCISE RIGHT OF FIRST
2 REFUSAL
3 To _____ COUNTY TREASURER
4 UNDER THE RIGHT OF FIRST REFUSAL GRANTED TO ME BY
5 SECTION 39-11.5-201, COLORADO REVISED STATUTES, I
6 _____ (FULL NAME) DO NOW EXERCISE THE OPTION TO
7 PURCHASE THE SEVERED MINERALS WITH THE FOLLOWING LEGAL
8 DESCRIPTION: INSERT LEGAL DESCRIPTION
9 LOCATED AT _____ (ADDRESS), IF
10 APPLICABLE
11 IN THE AMOUNT OF \$ _____ (INSERT FULL AMOUNT
12 DUE TO REDEEM SEVERED MINERAL RIGHTS)
13 WHICH I SHALL PAY ON OR BEFORE _____ DATE
14 (DATE SHALL BE SET AT TEN BUSINESS DAYS OR NOON THE DAY
15 BEFORE THE CURRENTLY SCHEDULED PUBLIC AUCTION,
16 WHICHEVER OCCURS FIRST).
17 WITNESS MY SIGNATURE THIS _____ DAY OF
18 _____, 20__.
19 _____
20 SIGNATURE OF SURFACE OWNER(S)

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

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

26 (c) UPON RECEIPT OF A RIGHT OF FIRST REFUSAL PAYMENT, A
27 TREASURER SHALL EXECUTE AND RECORD A WITHDRAWAL OF THE

1 APPLICATION FOR TREASURER'S DEED PURSUANT TO SECTION 39-11.5-111
2 (3).

3 (d) NO MORE THAN TEN BUSINESS DAYS AFTER RECEIPT OF A RIGHT
4 OF FIRST REFUSAL PAYMENT, A TREASURER SHALL EXECUTE AND RECORD
5 A CERTIFICATE OF REDEMPTION PURSUANT TO SECTION 39-11.5-106 (4).

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

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

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

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

1 PART 3

2 REPURCHASE - CLAIM FOR OVERBID MONEY

3 **39-11.5-301. Repurchase - procedure.**

4 (1) A LAWFUL HOLDER IS ENTITLED TO REPURCHASE A CERTIFICATE
5 OF OPTION FOR A TREASURER'S DEED IF THE FOLLOWING REQUIREMENTS
6 ARE MET TO THE SATISFACTION OF THE TREASURER:

7 (a) THE LAWFUL HOLDER WAS NOT THE SUCCESSFUL PURCHASER
8 AT THE PUBLIC AUCTION;

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

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

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

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

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

27 (b) INTEREST CALCULATED FROM THE DATE OF THE PUBLIC

1 AUCTION THROUGH THE END OF THE EIGHTH BUSINESS DAY AFTER THE
2 PUBLIC AUCTION, THE AMOUNT OF WHICH IS BASED ON THE INTEREST RATE
3 USED ON THE BID PURSUANT TO SECTION 39-11.5-107 (3); AND

4 (c) ANY FEES AND COSTS INCURRED AS DEEMED REASONABLE BY
5 THE TREASURER.

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

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

21 (6) UPON RECEIPT OF THE REPURCHASE FUNDS, THE TREASURER
22 SHALL:

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

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

27 (c) DISBURSE ALL REPURCHASE PROCEEDS TO THE CERTIFICATE OF

1 OPTION FOR A TREASURER'S DEED HOLDER IN THE AMOUNT ON THE
2 REPURCHASE STATEMENT WITH INTEREST THROUGH THE DATE
3 REPURCHASE PROCEEDS WERE RECEIVED FROM THE LAWFUL HOLDER. ANY
4 ADDITIONAL INTEREST PAID MUST BE REFUNDED TO THE LAWFUL HOLDER.

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

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

17 (9) (a) A LAWFUL HOLDER SHALL REPURCHASE THE ENTIRE
18 PROPERTY. NO PARTIAL REPURCHASE SHALL BE PERMITTED UNDER THIS
19 SECTION.

20 (b) THE PRIORITY OF LIENS FOR PURPOSES OF THIS SECTION MUST
21 BE DETERMINED WITHOUT CONSIDERATION OF THE FACT THAT THE OTHER
22 LIEN RELATES TO ONLY A PORTION OF THE PROPERTY OR TO A PARTIAL
23 INTEREST THEREIN.

24 **39-11.5-302. Effect of repurchase.**

25 IF THE LAWFUL HOLDER MAKES A REPURCHASE, THE CERTIFICATE
26 OF REPURCHASE, DULY RECORDED, OPERATES AS AN ASSIGNMENT TO THE
27 LAWFUL HOLDER OF THE ESTATE AND INTEREST ACQUIRED BY THE

1 PURCHASER AT THE PUBLIC AUCTION, SUBJECT TO THE RIGHTS OF OMITTED
2 PARTIES, AS DEFINED IN SECTION 39-11.5-505, AND PERSONS WHO MAY BE
3 ENTITLED SUBSEQUENTLY TO FILE A CLAIM FOR OVERBID MONEY.

4 **39-11.5-303. Claim for overbid money - procedure.**

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

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

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

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

25 (d) THE JUNIOR LIENOR HAS ATTACHED TO THE CLAIM FOR
26 OVERBID MONEY:

27 (I) THE ORIGINAL OR A RECORDED COPY OF THE INSTRUMENT AND

1 ANY ASSIGNMENT OF THE JUNIOR LIEN TO THE PERSON ATTEMPTING TO
2 CLAIM OVERBID MONEY. IF THE ORIGINAL INSTRUMENT IS DELIVERED TO
3 THE TREASURER, THE TREASURER SHALL RETURN THE INSTRUMENT TO THE
4 JUNIOR LIENOR AND RETAIN A COPY.

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

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

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

22 (4) ANY REDEMPTION RIGHTS GRANTED UNDER FEDERAL LAW ARE
23 SEPARATE AND DISTINCT FROM A CLAIM FOR OVERBID MONEY RIGHTS
24 GRANTED PURSUANT TO THIS PART 3. ALL LIENS THAT ARE JUNIOR TO THE
25 CERTIFICATE OF PURCHASE PURSUANT TO THIS ARTICLE 11.5 MUST BE
26 DIVESTED BY THE PUBLIC AUCTION UNDER THIS ARTICLE 11.5, SUBJECT TO
27 THE CLAIM FOR OVERBID MONEY PROVIDED IN THIS PART 3. THE

1 TREASURER CONDUCTING A PUBLIC AUCTION UNDER THIS ARTICLE 11.5 IS
2 NOT DESIGNATED TO RECEIVE REDEMPTIONS UNDER FEDERAL LAW.

3 **39-11.5-304. Lessee, easement holder, and installment contract**
4 **vendor considered as lienors - installment land contract vendee**
5 **considered as owner.**

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

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

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

23 (2) FOR THE PURPOSES OF THIS ARTICLE 11.5, AN INSTALLMENT
24 LAND CONTRACT VENDOR OF PROPERTY IS CONSIDERED A JUNIOR LIENOR
25 FOR THE UNPAID PORTION OF THE PURCHASE PRICE, INTEREST, AND OTHER
26 AMOUNTS PROVIDED UNDER THE INSTALLMENT LAND CONTRACT AND IS
27 SUBJECT TO ALL REQUIREMENTS IN THIS ARTICLE 11.5 WITH RESPECT TO

1 JUNIOR LIENORS; BUT THE INSTALLMENT LAND CONTRACT VENDOR SHALL
2 NOT BE CONSIDERED AN OWNER AS TO ANY PORTION OF SUCH PROPERTY.

3 (3) FOR THE PURPOSES OF THIS ARTICLE 11.5, AN INSTALLMENT
4 LAND CONTRACT VENDEE OF PROPERTY IS CONSIDERED AN OWNER EXCEPT
5 AS TO ANY PORTION OF SUCH PROPERTY THAT THE VENDEE MAY
6 THEREAFTER HAVE TRANSFERRED, AS EVIDENCED BY A RECORDED
7 INSTRUMENT, AND THE VENDEE IS SUBJECT TO ALL REQUIREMENTS IN THIS
8 ARTICLE 11.5 WITH RESPECT TO OWNERS.

9 PART 4

10 CERTIFICATE OF OPTION FOR A TREASURER'S DEED

11 **39-11.5-401. Certificate of option for a treasurer's deed -**
12 **issuance - priority.**

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

- 17 (a) THE NAMES OF THE PROPERTY OWNER;
- 18 (b) THE DESCRIPTION OF THE PROPERTY;
- 19 (c) THE SUM PAID FOR THE PROPERTY;
- 20 (d) THE NAME AND MAILING ADDRESS OF THE PURCHASER;
- 21 (e) A STATEMENT THAT THE PURCHASER OR ASSIGNEE OF THE
22 CERTIFICATE OF OPTION FOR A TREASURER'S DEED IS ENTITLED TO A
23 TREASURER'S DEED AT THE EXPIRATION OF THE REPURCHASE PERIOD
24 PROVIDED UNDER PART 3 OF THIS ARTICLE 11.5 UNLESS A REPURCHASE IS
25 MADE;
- 26 (f) THE TREASURER'S DEED NUMBER;
- 27 (g) THE DATE OF THE PUBLIC AUCTION; AND

1 (h) AN ATTACHED EXHIBIT THAT IS A COPY OF THE MAILING LIST
2 CREATED FOR THE PUBLIC AUCTION PURSUANT TO SECTION 39-11.5-105
3 AND ANY AMENDMENT TO THAT MAILING LIST, WHICH EXHIBIT MUST BE
4 RECORDED WITH THE CERTIFICATE OF OPTION FOR TREASURER'S DEED.

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

9 (3) THE LIEN REPRESENTED BY A CERTIFICATE OF OPTION FOR A
10 TREASURER'S DEED HAS THE SAME PRIORITY AS THE CERTIFICATE OF
11 PURCHASE SOLD AT A TAX LIEN SALE.

12 **39-11.5-402. Certificate of repurchase - issuance.**

13 (1) NO LATER THAN THREE BUSINESS DAYS FOLLOWING A
14 TREASURER'S RECEIPT OF REPURCHASE MONEY PAID PURSUANT TO SECTION
15 39-11.5-301, THE TREASURER SHALL EXECUTE AND RECORD IN EACH
16 COUNTY WHERE THE PROPERTY, OR A PORTION THEREOF, IS LOCATED A
17 CERTIFICATE OF REPURCHASE CONTAINING:

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

27 (2) THE FAILURE OF A TREASURER TO COMPLY WITH THIS SECTION

1 DOES NOT AFFECT THE VALIDITY OF THE PUBLIC AUCTION OR THE RIGHTS
2 OF THE GRANTEE OF A TREASURER'S DEED.

3 **39-11.5-403. Certificate of repurchase - assignment.**

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

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

- 12 (I) THE NAME AND ADDRESS OF THE ASSIGNEE;
- 13 (II) THE NAME AND ADDRESS OF THE ASSIGNOR;
- 14 (III) THE LEGAL DESCRIPTION OF THE PROPERTY SUBJECT TO THE
15 ASSIGNED CERTIFICATE;
- 16 (IV) THE NAME OF THE PROPERTY OWNER; AND
- 17 (V) THE TREASURER'S DEED NUMBER.

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

22 **39-11.5-404. Certificate as prima facie evidence.**

23 A CERTIFICATE OF OPTION FOR A TREASURER'S DEED OR
24 CERTIFICATE OF REPURCHASE OR A RECORDED COPY THEREOF IS DEEMED
25 TO BE PRIMA FACIE EVIDENCE OF ALL STATEMENTS OR RECITALS
26 CONTAINED THEREIN.

27 PART 5

1 ISSUANCE OF TREASURER'S DEED AND NATURE OF TITLE

2 **39-11.5-501. Title vests upon expiration of repurchase period**
3 **- treasurer's deed - definition.**

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

23 (2) NOTWITHSTANDING ANY PROVISION OF LAW TO THE
24 CONTRARY, A TREASURER MAY NOT INCLUDE AN ASSIGNEE AS A GRANTEE
25 IN A TREASURER'S DEED, UNLESS THE FOLLOWING REQUIREMENTS ARE
26 MET:

27 (a) THE TREASURER HAS RECEIVED A RECORDED COPY OF THE

1 ASSIGNMENT EXECUTED IN ACCORDANCE WITH SECTION 39-11.5-403
2 WITHIN TEN BUSINESS DAYS FROM THE DATE OF THE PUBLIC AUCTION; AND

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

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

11 (4) AS USED IN THIS SECTION, "REPURCHASE PERIODS" MEANS THE
12 PERIODS OF TIME DURING WHICH THE LAWFUL HOLDER MAY REPURCHASE
13 THE CERTIFICATE OF OPTION FOR A TREASURER'S DEED, AS DESCRIBED IN
14 SECTION 39-11.5-301 (5).

15 **39-11.5-502. Form of treasurer's deed.**

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

18 THE FOLLOWING DESCRIBED REAL PROPERTY IS THE SUBJECT OF
19 THIS TREASURER'S DEED:

20 TREASURER'S DEED NUMBER: _____

21 LEGAL DESCRIPTION:

22 ALSO KNOWN BY STREET ADDRESS AS:

23 ASSESSOR SCHEDULE/ACCOUNT NO: _____

24 ORIGINAL ASSESSED OWNER: _____

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

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

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

1 _____, TREASURER OF _____ COUNTY
2 CONVEY TO _____ (NAME OR
3 PURCHASER, LAWFUL HOLDER, OR ASSIGNEE) WHOSE ADDRESS IS
4 _____, COUNTY OF _____, STATE OF
5 _____ ALL RIGHT, TITLE, AND INTEREST IN THE
6 PROPERTY, SUBJECT TO ANY ENCUMBRANCES AND RESTRICTIONS
7 OF RECORD.

8 EXECUTED ON: _____
9 _____, TREASURER OF _____ COUNTY,
10 STATE OF COLORADO
11 (SEAL)

12 _____ (SIGNAT
13 URE)

14 BY:

15 WHEN RECORDED, RETURN TO COUNTY TREASURER

16 **39-11.5-503. Treasurer's deed as evidence of compliance.**

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

22 **39-11.5-504. Effect of treasurer's deed on certain classes of**
23 **persons.**

24 (1) ALL EXECUTED CERTIFICATES OF PURCHASE BY A TREASURER
25 MAY BE REQUESTED TO HAVE A TREASURER'S DEED IN THE MANNER
26 PROVIDED BY SECTION 39-11.5-102, NOTWITHSTANDING THE FACT THAT
27 PROPERTY MAY BE OWNED OR CONSIST OF THE ESTATE OF A DECEASED

1 PERSON, A MENTALLY INCOMPETENT PERSON, OR AN INCAPACITATED
2 PERSON AND NOTWITHSTANDING THE DEATH, MENTAL INCOMPETENCY, OR
3 INCAPACITY OF ONE OR MORE OF THE OWNERS OF THE PROPERTY COVERED
4 BY THE CERTIFICATE OF PURCHASE.

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

25 (3) THE INTEREST AND CLAIM IN AND TO THE REAL ESTATE OF ALL
26 MENTALLY INCOMPETENT OR INCAPACITATED PERSONS AND OF ALL
27 PERSONS CLAIMING BY, THROUGH, OR UNDER ANY MENTALLY

1 INCOMPETENT OR INCAPACITATED PERSON, OR DECEDENT, INCLUDING
2 MINORS AND INCAPACITATED PERSONS, IS TERMINATED AND CONCLUDED
3 BY THE TREASURER'S DEED PROCESS UNLESS THEY REDEEM FROM THE
4 TREASURER WITHIN THE TIME PRESCRIBED BY LAW.

5 **39-11.5-505. Omitted party - definitions.**

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

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

1 (b) FOR PURPOSES OF THIS SECTION, THE LIEN THAT IS THE SUBJECT
2 OF THE PUBLIC AUCTION SHALL NOT BE EXTINGUISHED BY MERGER WITH
3 THE TITLE TO THE PROPERTY ACQUIRED PURSUANT TO SECTION
4 39-11.5-501 UNTIL THE INTEREST OF ANY OMITTED PARTY HAS BEEN
5 AFFIRMED PURSUANT TO SUBSECTION (3) OF THIS SECTION OR HAS BEEN
6 TERMINATED AS PROVIDED IN SUBSECTION (2)(a) OF THIS SECTION OR BY
7 OPERATION OF LAW. AN OMITTED PARTY, OR ANYONE CLAIMING BY,
8 THROUGH, OR UNDER AN OMITTED PARTY, CANNOT EXTINGUISH THE LIEN
9 THAT IS SUBJECT TO THE PUBLIC AUCTION BY ENFORCEMENT OF THE LIEN
10 OF THE OMITTED PARTY.

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

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

25 (3) IF AN INTERESTED PERSON FILES WITH A TREASURER AT ANY
26 TIME AFTER A PUBLIC AUCTION A DOCUMENT AFFIRMING AN OMITTED
27 PARTY'S INTEREST IN A PROPERTY, SUBJECT TO THE TERMS, CONDITIONS,

1 AND PROVISIONS OF THE RECORDED INSTRUMENT FROM WHICH THE
2 OMITTED PARTY'S INTEREST IS DERIVED, OR IN THE CASE OF AN OMITTED
3 PARTY THAT IS A LESSEE, SUBJECT TO THE TERMS AND CONDITIONS OF THE
4 LEASE, WHETHER WRITTEN OR ORAL, THE INTEREST OF THE OMITTED
5 PARTY IN THE PROPERTY SHALL NOT BE AFFECTED BY THE PUBLIC
6 AUCTION, AND THE OMITTED PARTY SHALL HAVE NO CLAIM TO ANY
7 OVERBID MONEY.

8 PART 6

9 CURATIVE PROVISIONS

10 **39-11.5-601. Curative provisions.**

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

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

27 **39-11.5-602. Interaction with other law.**

1 NOTWITHSTANDING ANY LAW TO THE CONTRARY, ON OR AFTER
2 JUNE 1, 2026, A PURCHASER, LAWFUL HOLDER, OR TREASURER SHALL
3 FOLLOW THE PROCEDURES ESTABLISHED IN THIS ARTICLE 11.5 AND SHALL
4 NOT FOLLOW THE PROCEDURES ESTABLISHED IN ARTICLE 11 OF THIS TITLE
5 39 CONCERNING THE ISSUANCE OF A DEED. NOTWITHSTANDING ANY LAW
6 TO THE CONTRARY, ON OR AFTER JUNE 1, 2026, A TREASURER SHALL NOT
7 ISSUE A DEED PURSUANT TO ARTICLE 11 OF THIS TITLE 39.

8 **SECTION 54. Effective date.** This act takes effect June 1, 2026.

9 **SECTION 55. Applicability.** (1) This act applies to any fee
10 imposed, assessed, or collected by a county treasurer on or after June 1,
11 2026.

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

17 **SECTION 56. Safety clause.** The general assembly finds,
18 determines, and declares that this act is necessary for the immediate
19 preservation of the public peace, health, or safety or for appropriations for
20 the support and maintenance of the departments of the state and state
21 institutions.