

**NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.**

# An Act

SENATE BILL 26-144

BY SENATOR(S) Frizell and Lindstedt, Kipp, Marchman, Roberts, Snyder, Coleman;  
also REPRESENTATIVE(S) Winter T. and Camacho, Caldwell, Duran, Weinberg, McCluskie.

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

*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

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*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

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:

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

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

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

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

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

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

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

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

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

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

(I) FOR PROCESSING AN APPLICATION FOR A TREASURER'S DEED,

THREE HUNDRED DOLLARS;

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

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

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

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

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

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

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

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

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

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

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

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

(XIV) FOR PROCESSING A PUBLIC AUCTION, IF THE HOLDER OF A CERTIFICATE OF OPTION FOR A TREASURER'S DEED IS NOT THE LAWFUL

HOLDER, NO MORE THAN THREE HUNDRED DOLLARS.

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

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

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

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

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

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

support, or child support debt.

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

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

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

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

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

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

(1.6) THE SURCHARGE DESCRIBED IN SUBSECTION (1) 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 6.** In Colorado Revised Statutes, 39-11-100.3, **amend** (1), (2), and (4); and **add** (2.5), (2.7), and (5) as follows:

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

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

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

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

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

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

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

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

**SECTION 7.** In Colorado Revised Statutes, **amend** 39-11-101 as follows:

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

The treasurer shall make a list of all ~~lands and town lots~~ PROPERTY the tax liens on which are subject to TAX LIEN sale, describing such ~~land and town lots~~ PROPERTY as the same ~~are~~ IS described on the tax roll. Except as otherwise provided in section 39-2-117 (1)(a), no later than September 1 of each year, the treasurer shall send a notice by FIRST CLASS mail, ~~at~~ TO the

person's last-known MAILING address, to each person by whom taxes for the previous year are known to be due and unpaid. The notice ~~shall~~ MUST indicate the amount of the person's delinquency and state that if the amount of the delinquency is not paid by the date specified in the notice, which shall not be less than fifteen CALENDAR days from the date of mailing of the notice, the treasurer will advertise and sell a tax lien on the person's property on the date specified in the notice at ~~public auction~~ TAX LIEN SALE for the delinquent taxes, interest, and applicable fees. If such list is not made until after September 1, the TAX LIEN sale held thereunder shall not be void by reason thereof.

**SECTION 8.** In Colorado Revised Statutes, 39-11-102, **amend** (2); and **repeal** (3) as follows:

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

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

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

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

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

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

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

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

~~(H) The county treasurer publishes the notice described in subsection (2) of this section on the treasurer's website.~~

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

**SECTION 9.** In Colorado Revised Statutes, 39-11-104, **amend** (1) as follows:

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

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

**SECTION 10.** In Colorado Revised Statutes, **amend** 39-11-106 as follows:

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

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

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

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

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

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

**SECTION 12.** In Colorado Revised Statutes, **amend** 39-11-108 as follows:

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

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

(2) A ~~public auction~~ TAX LIEN SALE conducted by means of the internet or other electronic medium to sell ~~lands and town lots~~ PROPERTY under this ~~article shall~~ ARTICLE 11 MUST allow members of the public to submit bids by computer and permit the treasurer to accept bids for as long as the treasurer deems necessary. The county and its employees acting in their official capacity in preparing, conducting, and executing a TAX LIEN sale of ~~lands and town lots~~ PROPERTY under this ~~article~~ ARTICLE 11 are not

liable for the failure of a device that prevents a person from participating in a sale under this ~~article~~ ARTICLE 11. As used in this subsection (2), "device" includes, but is not limited to, computer hardware, a computer network, a computer software application, and an internet website.

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

**SECTION 13.** In Colorado Revised Statutes, **amend** 39-11-109 as follows:

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

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

**SECTION 14.** In Colorado Revised Statutes, **amend** 39-11-110 as follows:

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

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

**SECTION 15.** In Colorado Revised Statutes, **amend** 39-11-111 as follows:

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

When the treasurer sells any tax lien on any ~~lands or lots~~ PROPERTY for delinquent taxes, the treasurer may accept payment of the purchase price in the form of cash, ~~negotiable paper~~, BANK CHECK, POST OFFICE MONEY ORDER, CASHIER'S CHECK, or electronic funds transfer, subject to the treasurer's bidding rules.

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

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

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

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

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

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

In all advertisements for the sale of tax liens on ~~real~~ property for

delinquent taxes and in entries required to be made by the assessor, county clerk and recorder, treasurer, or other officers in lists, books, rolls, certificates, receipts, deeds, or notices, letters, figures, and abbreviations may be used to denote townships, ranges, sections, parts of sections, lots, blocks, dates and amounts of taxes, delinquent interest, and costs.

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

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

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

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

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

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

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

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

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

~~(b) Notwithstanding the amount specified for the fee in this section, the executive director of the department of revenue by rule or as otherwise provided by law may reduce the amount of the fee if necessary pursuant to section 24-75-402 (3), C.R.S., to reduce the uncommitted reserves of the fund to which all or any portion of the fee is credited. After the uncommitted reserves of the fund are sufficiently reduced, the executive director by rule or as otherwise provided by law may increase the amount of the fee as provided in section 24-75-402 (4), C.R.S.~~

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

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

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

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

(4) The treasurer shall announce bidding rules at the beginning of the ~~public auction~~ TAX LIEN SALE, and the rules announced ~~shall~~ apply to all bidders throughout the ~~public auction~~ SALE. If the ~~public auction~~ TAX LIEN SALE is conducted by means of the internet or other electronic medium, the treasurer shall ~~cause~~ POST the internet bidding rules ~~to be posted~~ on the medium for at least two weeks before the date of sale. The internet bidding

rules posted shall apply to all bidders throughout the ~~public auction~~ SALE.

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

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

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

**SECTION 21.** In Colorado Revised Statutes, **amend** 39-11-117 as follows:

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

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

C.R.S.

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

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

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

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

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

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

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

(3) Whenever any certificate given by the treasurer for a tax lien on

any ~~land, interest, or improvement~~ PROPERTY sold for delinquent taxes is lost or wrongfully withheld from the rightful owner thereof and ~~such land, interest, or improvement~~ THE PROPERTY has not been redeemed, the board of county commissioners may receive evidence of ~~such~~ THE loss or wrongful detention and, upon satisfactory proof of such fact, may cause a certificate of such proof and finding, properly attested by the county clerk and recorder under the seal of the county, to be delivered to ~~such~~ THE rightful claimant, and THE COUNTY CLERK AND RECORDER SHALL DULY MAKE a record thereof ~~shall be duly made by the county clerk and recorder~~ in the recorded proceedings of ~~such~~ THE board.

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

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

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

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

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

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

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

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

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

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

Any irrigation or drainage district ~~in this state~~ having in its possession or under its control certificates of purchase resulting from the sale of a tax lien on ~~land~~ PROPERTY for the nonpayment of irrigation or drainage district taxes or assessments may assign, sell, or transfer ~~such~~ THOSE certificates OF PURCHASE in such manner, at such times, and on such terms as may be determined by resolution adopted by the board of directors of ~~such~~ THE district, and thereupon ~~such~~ THE district shall execute and

deliver such instruments as may be necessary TO fully to convey all of its right, title, and interest in or to ~~such~~ THOSE certificates OF PURCHASE.

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

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

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

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

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

(1) ~~Before July 1, 2024,~~ Before any ~~purchaser~~ LAWFUL HOLDER OF A CERTIFICATE OF PURCHASE, or assignee of ~~such purchaser~~ A LAWFUL HOLDER of a CERTIFICATE OF PURCHASE FOR A tax lien on any ~~land, town or city lot, or mining claim~~ PROPERTY sold for taxes or special assessments due either to the state or any county or incorporated town or city within the same at any sale of tax liens for delinquent taxes levied or assessments authorized by law is entitled to a deed for the ~~land, lot, or claim so purchased,~~ ~~he~~ PROPERTY SUBJECT TO THE TAX LIEN, THE LAWFUL HOLDER OR THE LAWFUL HOLDER'S ASSIGNEE shall ~~make request upon~~ FILE WITH the treasurer ~~who~~ AN APPLICATION FOR A TREASURER'S DEED. UPON RECEIPT OF AN APPLICATION FOR A TREASURER'S DEED, THE TREASURER shall then comply with the ~~following:~~ PROCEDURES SET FORTH IN ARTICLE 11.5 OF THIS TITLE 39.

(a) ~~The treasurer shall serve or cause to be served, by personal service or by either registered or certified mail, a notice of such purchase on every person in actual possession or occupancy of such land, lot, or claim, and also on the person in whose name the same was taxed or specially assessed if, upon diligent inquiry, such person can be found in the county or if his residence outside the county is known, and upon all persons having an interest or title of record in or to the same if, upon diligent inquiry, the~~

~~residence of such persons can be determined, not more than five months nor less than three months before the time of issuance of such deed. In such notice the treasurer shall state when the applicant or his assignor purchased the tax lien on such land, lot, or claim, in whose name such property was taxed, the description of the land, lot, or claim for which a tax lien was purchased, for what year taxed or specially assessed, and when the time of redemption will expire or when the tax deed shall be issued.~~

~~(b) In all cases or instances where the valuation for assessment of the property is five hundred dollars or more, the treasurer shall publish such notice, three times, at intervals of one week, in some daily, weekly, or semiweekly newspaper published in such county, not more than five months nor less than three months before the time at which the tax deed may issue, and he shall send by registered or certified mail a copy of such notice to each person not found to be served whose address is known or can be determined upon diligent inquiry. If no such newspaper is published in the county, then said notice shall be published in the newspaper that is published in Colorado nearest the county seat of the county in which such land, lot, or claim is situated. The purchaser or assignee, at the time of making such request for notification on the treasurer, shall pay to the treasurer a fee, as provided in section 30-1-102, C.R.S. The treasurer shall make and carefully preserve among the files of his office a record of all things done in compliance with this section and shall certify to the same.~~

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

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

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

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

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

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

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

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

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

**SECTION 37.** In Colorado Revised Statutes, **amend** 39-11-138 as follows:

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

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

**SECTION 38.** In Colorado Revised Statutes, **amend** 39-11-139 as follows:

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

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

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

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

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

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

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

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

Whenever any county or city and county in this state holds ~~tax sale~~ certificates OF PURCHASE which are believed by the board of county commissioners to be void for irregularity in the assessment of property or sale of a tax lien on property or otherwise, the board of county commissioners of the county or city and county may institute an action in the district court of the county, under the provisions of article 51 of title 13, C.R.S., to have the matter determined as to whether ~~said~~ THOSE certificates OF PURCHASE are void. ~~Such~~ THESE actions ~~shall~~ MUST be brought in the name of the board of county commissioners. Any number of ~~such~~ certificates OF PURCHASE may be included in one action, and the fee owners of record of the tax liens on the ~~lands~~ PROPERTY on account of the sale of which the certificates OF PURCHASE were issued ~~shall~~ MUST be made defendants in the action. If any defendant is a nonresident of the state or cannot be found, service of summons may be had upon ~~such~~ THAT defendant in accordance with the provisions of rule 4 of the Colorado rules of civil procedure. If the court, by its decree, finds and determines that any such certificate OF PURCHASE is void, then the tax lien on the ~~real estate~~ PROPERTY on account of the sale of which ~~such~~ THE certificate OF PURCHASE was issued ~~shall~~ MUST be resold for taxes at the next succeeding TAX LIEN sale for delinquent taxes; and if the irregularity on account of

which ~~such~~ THE certificate OF PURCHASE was held void is in the assessment of the property, then the board of county commissioners shall direct the assessor to reassess the ~~same~~ CERTIFICATE OF PURCHASE, and, if the delinquent taxes are not thereafter duly paid pursuant to ~~such~~ THAT reassessment, the tax lien on ~~such~~ THE property ~~shall~~ MUST likewise be sold at the next ~~delinquent~~ tax LIEN sale following ~~such~~ THE reassessment. No appeal ~~shall lie~~ LIES from the final decree of the court in cases brought under this section. No costs of the action ~~shall~~ MAY be assessed against any defendant who files a disclaimer or fails to appear in the action.

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

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

(1) ~~Before July 1, 2024,~~ In cases where a tax lien on ~~real estate~~ PROPERTY has been struck off to the county at A tax ~~sales~~ LIEN SALE and the county has held the certificate of ~~sale~~ PURCHASE for three years or more, the board of county commissioners may apply for PUBLIC AUCTION FOR TREASURER'S DEED and receive a ~~tax~~ TREASURER'S deed in ~~like~~ THE SAME manner as is provided by law in the case of ~~delinquent tax sale~~ certificates OF PURCHASE held by individuals. ~~The board of county commissioners, whenever the county becomes entitled to a tax deed, may cause the treasurer to issue, serve, and publish notices, pursuant to law, of application for such tax deed in like manner as in the case of individual certificate holders~~ INVESTORS IN ACCORDANCE WITH ARTICLE 11.5 OF THIS TITLE 39.

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

~~benefit of the public, said board shall apply for and receive a tax deed therefor.~~

~~(3) Before July 1, 2024, upon making application in the case of tax certificates held by the counties for five years or more, the treasurer shall not be required to give the notice that a request or demand for tax deed has been made upon him provided for in section 39-11-128. The treasurer, in lieu of such notice, at least sixty days before the day said tax deed issues, shall give notice by registered or certified mail, addressed to the last-known residence of the person in whose name the real estate is assessed for the years during which said taxes have not been paid, that a tax deed has been applied for on the particular described property and that said tax deed will issue on a day certain. Before July 1, 2024, the treasurer shall also post in a public place in the office of the treasurer and on the treasurer's website, at least sixty days before said deed issues, a notice stating that a deed will be issued to the county on the real estate described in said notice. Said notice shall contain the name of the person to whom the property is assessed together with the date said tax deed will issue.~~

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

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

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

~~(c) Before July 1, 2024, Upon being presented with such THE list OF~~

TAX LIENS, the board of county commissioners shall determine that the tax liens were struck off to the county, that ~~such~~ THE certificates of sale PURCHASE relating thereto have been held by the county for ~~thirty~~ FIVE years or more, and that no ~~tax~~ TREASURER'S deed has been obtained or applied for as provided in this section AND ARTICLE 11.5 OF THIS TITLE 39. Upon making ~~such~~ THAT determination, the board of county commissioners may declare that ~~such~~ THE certificates OF PURCHASE are void, and an order to that effect ~~shall~~ MUST be duly entered in the recorded proceedings of the board, which order ~~shall~~ MUST direct the treasurer to cancel such certificates of sale PURCHASE.

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

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

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

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

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

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

commissioners of such valuation.

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

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

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

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

#### **NOTICE**

Public notice is hereby given that the following ~~real~~ property

acquired by the County of ....., Colorado, by ~~tax~~ TREASURER'S deed, to wit:

**(description of property)**

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

.....  
County Clerk and Recorder.

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

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

(6) ~~The foregoing provisions of~~ This section ~~shall~~ DOES not apply to any city and county having a population of more than three hundred thousand. Sales and leases by such city and county ~~shall~~ MUST be made in compliance with the applicable provisions of its charter or ordinances. ~~All sales and leases made before August 1, 1964, by such city and county of any~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) No lien upon real property created by a ~~tax certificate or a~~ certificate of purchase issued by a treasurer on account of any delinquent property taxes or any special assessment ~~of any kind or nature shall~~ MAY remain a lien ~~thereon~~ for a period longer than ~~fifteen~~ SEVEN years after the ~~original~~ issuance thereof, except as provided in subsection (3) of this section. This section ~~shall~~ DOES not apply to any ~~tax certificate or~~ certificate of purchase issued to and held by the county, city, city and county, or district levying ~~such~~ THE tax or special assessment; except that, in the event of an assignment of ~~such tax certificate or~~ THE certificate of purchase ~~so~~ issued to and held by ~~such~~ THE county, city, city and county, or district, the lien of ~~such tax certificate or~~ THE certificate of purchase ~~shall~~ MUST cease ~~fifteen~~ SEVEN years after the date of its issuance subject only to the provisions of subsection (3) of this section. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, A LIEN ON PROPERTY CREATED BY A TAX LIEN SALE CERTIFICATE OF PURCHASE ISSUED PRIOR TO JANUARY 1, 2026, MAY REMAIN A LIEN FOR A PERIOD OF FIFTEEN YEARS AFTER THE DATE OF ISSUANCE.

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

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

(4) Whenever a lien created by a tax certificate OF PURCHASE has expired, ~~by reason of the provisions of this section,~~ the treasurer shall immediately issue a certificate of cancellation describing the ~~real estate~~ PROPERTY included in the certificate of purchase ~~or tax certificate~~ and giving the date of cancellation, and ~~he~~ shall also make proper entries in the book of sales in ~~his~~ THE TREASURER'S office as follows: "Canceled by provision of section 39-11-148, C.R.S.", with the date of ~~such~~ THE entry. ~~He~~ THE TREASURER shall also present every ~~such~~ certificate of cancellation to the county clerk and recorder who shall enter the same in the record of ~~land~~ PROPERTY for which a tax lien was sold for delinquent taxes and endorse the date of entry on the certificate of cancellation and file the same, and ~~such~~ THE certificate and the record thereof ~~shall~~ MUST be prima facie evidence of the cancellation of the certificate of purchase ~~or tax certificate~~ and of the release of the lien of ~~such~~ THE certificate on the ~~lands therein~~ PROPERTY described THEREIN. IF A TAX LIEN WAS SOLD, IN WHOLE OR IN PART, DUE TO A DELINQUENT SPECIAL ASSESSMENT, THE TREASURER SHALL NOTIFY THE GOVERNMENTAL ENTITY IMPOSING THE SPECIAL ASSESSMENT OF THE CANCELLATION OF THE LIEN. Failure to record ~~such~~ THE certificate of cancellation ~~shall~~ MUST not extend the lien created by the certificate of

purchase. ~~or tax certificate.~~ The treasurer and county clerk and recorder ~~shall~~ ARE not be entitled to any fees OR SURCHARGES for the issuing of such A certificate of cancellation ~~nor for the~~ OR MAKING entries in their books ~~made~~ under the provisions of this subsection (4).

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

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

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

If two or more noncontiguous ~~lots, tracts of land, or mining claims~~ PROPERTIES or portions thereof have not been separately valued and assessed or, having been separately valued and assessed, whether having a common ownership or not, have had tax liens ~~thereof~~ sold en masse for a gross sum for the nonpayment of taxes and charges, ~~thereon~~; then, after seven years from the date of any ~~such~~ TAX LIEN sale, ~~such~~ THE assessment and TAX LIEN sale and any ~~tax sale~~ certificate OF PURCHASE issued ~~thereon~~ ~~shall~~ MUST be deemed valid and legal and ~~shall be so~~ considered SO in all

actions, suits, or proceedings in which is involved the validity of any such assessment, TAX LIEN sale, ~~tax sale certificate OF PURCHASE~~, or treasurer's deed issued thereon. ~~There is excepted from this section any such action, suit, or proceeding pending on August 1, 1964, wherein any party thereto has or may assert the invalidity of any such assessment, sale, tax sale certificate, or treasurer's deed.~~ IN ACCORDANCE WITH ARTICLE 11.5 OF THIS TITLE 39. Nothing in this section ~~shall be construed to alter, amend, or repeat~~ ALTERS, AMENDS, OR REPEALS section 39-11-148.

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

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

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

**SECTION 50.** In Colorado Revised Statutes **amend** 39-11-151 as follows:

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

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

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

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

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

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

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

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

(3) Any county official, county employee, or member of the immediate family of any such person, or the agent of any such county official or employee, who knowingly purchases any tax lien ~~or receives a conveyance of property~~ in violation of the provisions of this section

commits a class 2 misdemeanor and shall MUST be punished as provided in section 18-1.3-501.

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

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

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

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

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

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

~~said land to the persons entitled thereto, and the payment of such sum shall be a condition precedent to the entry of judgment or decree in such suit, action, or proceeding. All such treasurer's deeds executed by the treasurer purporting to convey lands and improvements thereon for all purposes shall be deemed to be color of title from and after the time the same is recorded in the office of the county clerk and recorder for the county in which said lands are located. The term "improvements" includes sums and amounts of money expended thereon in good faith by the grantee and his successors and assigns in search of minerals and oil, as well as other expenditures for the improvements of such lands which add to the cost and value thereof.~~

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

**ARTICLE 11.5**  
**Issuance of Treasurer's Deeds**  
**PART 1**  
**PUBLIC AUCTION**

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

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

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

(2) "BUSINESS DAY" MEANS ANY DAY THE TREASURER'S OFFICE IS OPEN TO THE PUBLIC FOR CONDUCTING OFFICIAL BUSINESS. BUSINESS DAYS DO NOT INCLUDE WEEKENDS, COLORADO LEGAL HOLIDAYS, OR ANY DAY THE OFFICE IS CLOSED PURSUANT TO COUNTY POLICY OR EMERGENCY ORDER.

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

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

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

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

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

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

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

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

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

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

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

(14) "NONMATERIAL MISSTATEMENT" MEANS A MINOR OR INCONSEQUENTIAL ERROR OR OMISSION THAT DOES NOT SIGNIFICANTLY

AFFECT THE MEANING, VALIDITY, OR ENFORCEABILITY OF A DOCUMENT OR OTHER RECORD CONTAINING THE NONMATERIAL MISSTATEMENT.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

APPLICATION FOR TREASURER'S DEED  
TO THE COUNTY TREASURER OF \_\_\_\_\_ COUNTY, COLORADO:

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

LEGAL DESCRIPTION:

SITUATED IN THE COUNTY OF \_\_\_\_\_, STATE OF COLORADO.

PROPERTY ADDRESS: \_\_\_\_\_

ACCOUNT/SCHEDULE NUMBER: \_\_\_\_\_

PARCEL NUMBER: \_\_\_\_\_

CURRENT ASSESSED OWNER: \_\_\_\_\_

LAWFUL HOLDER NAME: \_\_\_\_\_

LAWFUL HOLDER ADDRESS: \_\_\_\_\_

LAWFUL HOLDER CITY, STATE, AND ZIP CODE: \_\_\_\_\_

LAWFUL HOLDER SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

CURRENT YEAR TAXES: \_\_\_\_\_

JR LIEN ENDORSEMENTS: \_\_\_\_\_

INVESTMENT BALANCE OF TAX LIEN: \_\_\_\_\_

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

(c) ANY NUMBER OF PROPERTIES NOT EXCEEDING TWENTY-FIVE, WHETHER CONTIGUOUS OR NONCONTIGUOUS, WHEN HELD UNDER ONE TITLE OF OWNERSHIP, OR WHETHER INCLUDED IN AN IRRIGATION DISTRICT OR NOT SO INCLUDED, AND ALTHOUGH TAX LIENS FOR THE PROPERTY WERE SEPARATELY SOLD AT THE TAX LIEN SALE OR COVERED BY MORE THAN ONE TAX SALE CERTIFICATE, MAY BE INCLUDED AND DESCRIBED IN ONE APPLICATION FOR A TREASURER'S DEED AS PROVIDED FOR IN THIS

SUBSECTION (2). THESE PROPERTIES, NOT EXCEEDING TWENTY-FIVE IN NUMBER, MAY ALSO BE INCLUDED AND DESCRIBED IN A SINGLE APPLICATION FOR A TREASURER'S DEED NOTICE AND ARE IN CONFORMITY WITH THIS ARTICLE 11.5 IN ALL OTHER RESPECTS. THE NOTICE OF PUBLIC AUCTION MUST PROMINENTLY DISPLAY THE NAME OF THE PERSON IN WHOSE NAME THE PROPERTY WAS TAXED OR SPECIALLY ASSESSED FOR THE YEAR IN WHICH THE TAX LIEN WAS SOLD. THIS NAME MUST APPEAR AT OR NEAR THE BEGINNING OF THE NOTICE AND IN CLOSE PROXIMITY TO THE REFERENCE TO THE TAX LIEN SALE CERTIFICATE NUMBER AND THE DESCRIPTION OF THE PROPERTY INVOLVED. THE INFORMATION IN THE NOTICE MUST BE SUFFICIENT TO ALLOW IDENTIFICATION OF THE PROPERTY WITH THE NAME OF THE PERSON ASSESSED IF ALL CERTIFICATES INCLUDED IN A SINGLE NOTICE FOR PUBLIC AUCTION ARE HELD BY THE SAME PERSON.

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

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

(b) THE ASSIGNMENT OR TRANSFER OF A CERTIFICATE OF PURCHASE DURING THE PENDENCY OF THE TREASURER'S DEED PROCESS MUST BE DEEMED MADE WITHOUT RECOURSE UNLESS OTHERWISE AGREED IN A WRITTEN STATEMENT SIGNED BY THE ASSIGNOR OR TRANSFEROR. THE LAWFUL HOLDER OF A CERTIFICATE OF PURCHASE, CERTIFICATE OF OPTION

FOR A TREASURER'S DEED, OR CERTIFICATE OF REPURCHASE WHO ASSIGNS OR TRANSFERS THEIR CERTIFICATE HAS NO DUTY OR LIABILITY TO THE ASSIGNEE OR TRANSFEREE OR TO ANY THIRD PARTY FOR ANY ACT OR OMISSION WITH RESPECT TO THE PROVISIONS OF THIS ARTICLE 11.5 AFTER THE DATE OF ASSIGNMENT OR TRANSFER.

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

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

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

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

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

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

(4) THE RECORDED DOCUMENT MUST BE RETAINED IN THE COUNTY'S

PUBLIC RECORDS IN THE COUNTY WHERE THE PROPERTY IS LOCATED.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) IF A RECORDED INSTRUMENT DOES NOT SPECIFY THE ADDRESS OF THE PARTY PURPORTING TO HAVE AN INTEREST IN THE PROPERTY UNDER THE RECORDED INSTRUMENT, THAT PARTY IS NOT ENTITLED TO NOTICE AND ANY INTEREST IN THE PROPERTY UNDER SUCH INSTRUMENT IS EXTINGUISHED

UPON THE EXECUTION AND DELIVERY OF A TREASURER'S DEED PURSUANT TO SECTION 39-11.5-501.

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

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

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

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

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

(b) THE DATE OF TAX LIEN SALE;

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

(d) ANY ASSIGNMENTS OF THE CERTIFICATE OF PURCHASE;

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

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

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

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

(i) THE LOCATION OF THE PUBLIC AUCTION, INCLUDING THE

INFORMATION REQUIRED BY SUBSECTION (3) OF THIS SECTION, IF APPLICABLE;

(j) THE PUBLICATION DATE, IF APPLICABLE; AND

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

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

(a) THE WEB ADDRESS FOR THE PUBLIC AUCTION;

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

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

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

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

(b) IF THERE IS NOT A NEWSPAPER THAT SATISFIES THE CRITERIA IDENTIFIED IN SUBSECTION (4)(a) OF THIS SECTION, THE TREASURER SHALL

POST THE NOTICE OF PUBLIC AUCTION, OMITTING THE STATUTES REQUIRED BY SUBSECTION (2)(k) OF THIS SECTION, CONSPICUOUSLY IN THE OFFICES OF THE COUNTY CLERK AND RECORDER, THE TREASURER, AND THE ASSESSOR, IN AT LEAST TWO OTHER PUBLIC PLACES IN THE COUNTY SEAT, AND SHALL POST THE NOTICE ON THE TREASURER'S WEBSITE.

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

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

**NOTICE OF PUBLIC AUCTION**

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

[INSERT LEGAL DESCRIPTION]

[INSERT PROPERTY ADDRESS]

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

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

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

(6) NO LESS THAN THIRTY CALENDAR DAYS PRIOR TO THE FIRST SCHEDULED PUBLIC AUCTION DATE, THE TREASURER SHALL POST, IN A CONSPICUOUS LOCATION ON A PROPERTY; EXCEPT THAT THE TREASURER IS NOT REQUIRED TO MAKE THE POST REQUIRED BY THIS SUBSECTION (6) IF A PROPERTY IS SEVERED MINERAL RIGHTS. FOR A MANUFACTURED HOME, MOBILE HOME, MODULAR HOME, OR TINY HOME, THE TREASURER SHALL PROVIDE NOTICE, INCLUDING A STATEMENT OF TAXES DUE FOR THE OWNER TO REDEEM, IN ACCORDANCE WITH SUBSECTION (2) OF THIS SECTION.

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

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

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

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

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

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

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

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

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

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

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

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

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

(6) IF AN AGGRIEVED PERSON CONTESTS THE AMOUNT SET FORTH IN THE REDEMPTION STATEMENT PREPARED THE BY TREASURER PURSUANT TO SUBSECTION (2) OF THIS SECTION AND A COURT DETERMINES THAT THE TREASURER MADE A MATERIAL MISSTATEMENT IN THE REDEMPTION STATEMENT WITH RESPECT TO THE AMOUNT DUE AND OWING TO THE LAWFUL

HOLDER, THE COURT SHALL, IN ADDITION TO OTHER RELIEF, AWARD TO THE AGGRIEVED PERSON THE AGGRIEVED PERSON'S COURT COSTS AND REASONABLE ATTORNEY FEES AND COSTS.

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

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

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

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

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

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

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

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

**BID**

TREASURER OF THE COUNTY (OR CITY AND COUNTY) OF \_\_\_\_\_, STATE OF COLORADO.

DATE: \_\_\_\_\_

TREASURER'S DEED NUMBER: \_\_\_\_\_

LAWFUL HOLDER/TREASURER, WHOSE MAILING ADDRESS IS \_\_\_\_\_, BIDS THE SUM OF \$ \_\_\_\_\_ IN YOUR PUBLIC AUCTION TO BE HELD ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

STREET ADDRESS OF PROPERTY BEING SOLD, IF APPLICABLE:

\_\_\_\_\_

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

STATUTORY RATE OF INTEREST ON TAX LIEN AS OF THE DATE OF PUBLIC AUCTION: \_\_\_\_\_

(INAPPLICABLE ITEMS MAY BE OMITTED):

AMOUNT DUE ON TAX LIEN \$ \_\_\_\_\_

INTEREST \$ \_\_\_\_\_

ENDORSEMENT(S) \$ \_\_\_\_\_

CURRENT YEARS TAXES \$ \_\_\_\_\_

CATEGORY SUBTOTAL \$ \_\_\_\_\_

TREASURER FEES AND COSTS:

TREASURER STATUTORY FEE \$ \_\_\_\_\_

TREASURER SOFTWARE COSTS \$ \_\_\_\_\_

TITLE COMMITMENTS OR ABTRACTOR COSTS \$ \_\_\_\_\_

MAILINGS \$ \_\_\_\_\_

PUBLICATION COSTS \$ \_\_\_\_\_

POSTING COSTS \$ \_\_\_\_\_

ELECTRONIC AUCTION COSTS \$ \_\_\_\_\_

CERTIFICATE OF OPTION FOR A TREASURER'S DEED RECORDING COST \$ \_\_\_\_\_

TREASURER DEED FEE \$ \_\_\_\_\_

DEED RECORDING COST \$ \_\_\_\_\_

OTHER (DESCRIBE) \$ \_\_\_\_\_

CATEGORY SUBTOTAL: \$ \_\_\_\_\_

BID \$ \_\_\_\_\_ (TOTAL DUE LAWFUL HOLDER)

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

LAWFUL HOLDER/OR ATTORNEY: \_\_\_\_\_

ATTORNEY REGISTRATION NUMBER: \_\_\_\_\_

ATTORNEY ADDRESS: \_\_\_\_\_

ATTORNEY BUSINESS TELEPHONE: \_\_\_\_\_

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

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

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

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

(8) A TREASURER MAY ESTABLISH WRITTEN POLICIES RELATING TO ALL ASPECTS OF A PUBLIC AUCTION THAT ARE CONSISTENT WITH THE

PROVISIONS OF THIS ARTICLE 11.5. THE WRITTEN POLICIES MUST BE MADE AVAILABLE TO THE GENERAL PUBLIC.

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

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

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

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

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

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

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

(c) ANY GENERAL OR SPECIAL TAXES OR DITCH OR WATER ASSESSMENTS LEVIED OR ACCRUED AGAINST THE PROPERTY AND ANY

GOVERNMENTAL OR QUASI-GOVERNMENTAL LIEN, FINE, PENALTY, OR ASSESSMENT AGAINST THE PROPERTY, IF PAID PURSUANT TO THIS ARTICLE 11.5; AND

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

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

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

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

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

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

(1) (a) THE TREASURER SHALL CONDUCT THE PUBLIC AUCTION AT ANY DOOR OR ENTRANCE TO, OR IN ANY ROOM IN ANY BUILDING TEMPORARILY OR PERMANENTLY USED AS, A COURTHOUSE OR AT OR WITHIN ANY BUILDING WHERE THE OFFICE OF THE COUNTY CLERK AND RECORDER OR THE OFFICE OF THE TREASURER IS LOCATED, WHICH PLACE MUST BE SPECIFICALLY DESIGNATED IN THE NOTICE OF PUBLIC AUCTION; EXCEPT THAT A PUBLIC AUCTION MAY ALSO BE CONDUCTED BY MEANS OF THE INTERNET

OR OTHER ELECTRONIC MEDIUM. THE COUNTY, THE TREASURER, AND EMPLOYEES OF THE COUNTY OR THE TREASURER, ACTING IN THEIR OFFICIAL CAPACITIES IN PREPARING, CONDUCTING, AND EXECUTING A PUBLIC AUCTION UNDER THIS ARTICLE 11.5 BY MEANS OF THE INTERNET OR ANOTHER ELECTRONIC MEDIUM, ARE NOT LIABLE FOR THE FAILURE OF A DEVICE THAT PREVENTS A PERSON FROM PARTICIPATING IN A PUBLIC AUCTION UNDER THIS ARTICLE 11.5.

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) AT THE REQUEST OF A LAWFUL HOLDER OR UPON A TREASURER'S OWN INITIATIVE, A TREASURER SHALL CORRECT ANY ERRORS IN A PUBLISHED NOTICE OF PUBLIC AUCTION AND SHALL CONTINUE THE THEN-SCHEDULED PUBLIC AUCTION TO A FUTURE DATE WITHIN THE PERIOD OF CONTINUANCE ALLOWED BY THIS SUBSECTION (1) TO PERMIT A CORRECTED NOTICE OF PUBLIC AUCTION TO BE PUBLISHED OR THE ORIGINAL NOTICE OF PUBLIC AUCTION TO BE REPUBLISHED PURSUANT TO SECTION 39-11.5-105 (4). IF A TREASURER FAILED TO PUBLISH THE NOTICE OF PUBLIC AUCTION AS REQUIRED BY SECTION 39-11.5-105 (4), THE TREASURER SHALL CONTINUE THE THEN-SCHEDULED PUBLIC AUCTION TO A FUTURE DATE WITHIN THE PERIOD OF CONTINUANCE ALLOWED BY SUBSECTION (1)(a) OF THIS SECTION. A FUTURE PUBLIC AUCTION DATE TO WHICH A TREASURER CONTINUES A PUBLIC AUCTION PURSUANT TO THIS SUBSECTION (1)(b) MUST BE NO LATER THAN THIRTY CALENDAR DAYS AFTER THE THIRD PUBLICATION OF A CORRECTED NOTICE OF PUBLIC AUCTION OR REPUBLICATION OF THE NOTICE OF PUBLIC AUCTION. THE TREASURER SHALL MAIL BY FIRST CLASS MAIL A COPY OF THE NOTICE OF PUBLIC AUCTION, OR CORRECTED NOTICE OF PUBLIC AUCTION IF THE ORIGINAL NOTICE OF PUBLIC AUCTION WAS ERRONEOUS, TO THE PERSONS AND ADDRESSES ON THE MAILING LIST NO MORE THAN TEN CALENDAR DAYS AFTER THE FIRST CORRECTED PUBLICATION OR

REPUBLICATION AND NO LESS THAN FORTY-FIVE CALENDAR DAYS PRIOR TO THE NEWLY SCHEDULED PUBLIC AUCTION IN THE SAME MANNER AS SET FORTH IN SECTION 39-11.5-105.

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

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

(II) (A) UPON THE TERMINATION OF ANY INJUNCTION OR UPON THE ENTRY OF A BANKRUPTCY COURT ORDER DISMISSING THE BANKRUPTCY CASE, ABANDONING THE PROPERTY BEING SOLD, CLOSING THE BANKRUPTCY CASE, OR GRANTING RELIEF FROM THE AUTOMATIC STAY PROVISIONS OF THE FEDERAL BANKRUPTCY CODE OF 1978, TITLE 11 OF THE UNITED STATES CODE, AS AMENDED, AND UPON RECEIPT OF A REQUEST OF A LAWFUL HOLDER TO RESTART THE TREASURER'S DEED PROCESS, THE TREASURER SHALL RERECORD THE APPLICATION FOR TREASURER'S DEED AND PROCEED WITH ALL ADDITIONAL TREASURER'S DEED PROCEDURES PROVIDED BY THIS ARTICLE 11.5 AS THOUGH THE TREASURER'S DEED PROCESS HAD JUST

COMMENCED.

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

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

(IV) IF A LAWFUL HOLDER NOTIFIES A TREASURER IN WRITING OF THE ENTRY OF AN ORDER DISMISSING THE BANKRUPTCY CASE, ABANDONING THE PROPERTY BEING SOLD, CLOSING THE BANKRUPTCY CASE, OR GRANTING RELIEF FROM THE AUTOMATIC STAY PROVIDED BY THE FEDERAL BANKRUPTCY CODE OF 1978, TITLE 11 OF THE UNITED STATES CODE, AS AMENDED, NO LATER THAN FIFTY CALENDAR DAYS PRIOR TO THE LAST POSSIBLE PUBLIC AUCTION DATE PURSUANT TO SUBSECTIONS (1)(a) AND (2)(e) OF THIS SECTION, THE TREASURER SHALL SET A NEW PUBLIC AUCTION DATE AT LEAST TWENTY-FOUR CALENDAR DAYS BUT NOT MORE THAN FORTY-NINE CALENDAR DAYS AFTER THE DATE ON WHICH THE TREASURER RECEIVES THIS NOTICE. NO LATER THAN TEN BUSINESS DAYS AFTER RECEIVING THE NOTICE, THE TREASURER SHALL MAIL BY FIRST CLASS MAIL AN AMENDED NOTICE OF PUBLIC AUCTION CONTAINING THE DATE OF THE RESCHEDULED PUBLIC AUCTION TO EACH PERSON APPEARING ON THE MAILING LIST. NO LATER THAN TWENTY CALENDAR DAYS AFTER RECEIVING THE NOTICE, BUT NO LESS THAN TEN CALENDAR DAYS PRIOR TO THE NEW PUBLIC AUCTION, THE TREASURER SHALL PUBLISH THE AMENDED NOTICE OF

PUBLIC AUCTION, OMITTING THE COPIES OF THE STATUTES ONE TIME ONLY IN A NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY WHERE THE PROPERTY IS LOCATED, SUBJECT TO THE FOLLOWING LIMITATIONS:

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

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

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

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

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

(I) UPON RECEIPT OF THE COURT ORDER, THE TREASURER'S FEE SPECIFIED IN SECTION 30-1-102 (1.7)(a)(XII), AND THE COSTS OF RECORDING THE COURT ORDER AS SPECIFIED IN THIS SUBSECTION (2)(c), THE TREASURER SHALL ATTACH TO THE ORDER A COPY OF THE CERTIFICATE OF OPTION FOR A TREASURER'S DEED, ANY ASSIGNMENTS THEREOF, AND, IF APPLICABLE, THE

TREASURER'S DEED, EACH MARKED "NULL AND VOID", AND RECORD THE ORDER TOGETHER WITH THESE DOCUMENTS.

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

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

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

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

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

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

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

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

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

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

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

(b) IF THERE IS NO PUBLIC AUCTION AND IF A WITHDRAWAL IS NOT FILED WITHIN FORTY-FIVE CALENDAR DAYS AFTER THE LAST POSSIBLE PUBLIC AUCTION DATE PERMITTED BY LAW, A TREASURER MAY TRANSMIT BY MAIL OR ELECTRONIC TRANSMISSION TO A LAWFUL HOLDER A NOTICE THAT A WITHDRAWAL OF THEIR APPLICATION FOR TREASURER'S DEED MAY BE RECORDED BY THE TREASURER UNLESS A RESPONSE IS RECEIVED BY THE TREASURER WITHIN THIRTY CALENDAR DAYS AFTER THE DATE THE TREASURER'S NOTICE IS TRANSMITTED. IF A RESPONSE IS RECEIVED BY THE TREASURER AND NO WITHDRAWAL IS FILED WITHIN FORTY-FIVE DAYS AFTER

THE NOTICE IS TRANSMITTED, THE TREASURER MAY RECORD A WITHDRAWAL OF THE APPLICATION FOR TREASURER'S DEED. IF NO RESPONSE IS RECEIVED BY THE TREASURER WITHIN THIRTY CALENDAR DAYS AFTER THE NOTICE IS TRANSMITTED, THE TREASURER MAY RECORD A WITHDRAWAL OF THE APPLICATION FOR TREASURER'S DEED AT ANY TIME AFTER THE EXPIRATION OF THE THIRTY-DAY NOTICE PERIOD. IF A WITHDRAWAL IS RECORDED DURING THE PENDENCY OF AN AUTOMATIC STAY IMPOSED ON A PUBLIC AUCTION BASED ON ANY PROCEEDING FILED UNDER THE FEDERAL BANKRUPTCY CODE OF 1978, TITLE 11 OF THE UNITED STATES CODE, AS AMENDED, THE WITHDRAWAL IS VOID AND OF NO FORCE AND EFFECT, AND THE TREASURER SHALL MAIL BY FIRST CLASS MAIL TO ALL PERSONS ON THE MAILING LIST A NOTICE THAT THE WITHDRAWAL OF APPLICATION FOR TREASURER'S DEED OCCURRED DURING THE PENDENCY OF AN INJUNCTION OR BANKRUPTCY STAY AND IS VOID AND OF NO FORCE AND EFFECT. THE TREASURER SHALL CAUSE THE NOTICE TO BE RECORDED IN THE OFFICE OF THE COUNTY CLERK AND RECORDER OF THE COUNTY WHERE THE PROPERTY DESCRIBED IN THE NOTICE IS LOCATED. THE LAWFUL HOLDER SHALL PAY ALL UNPAID FEES AND COSTS OWED AND INCURRED BY THE TREASURER, AS WELL AS A WITHDRAWAL FEE IN THE AMOUNT AUTHORIZED BY SECTION 30-1-102 (1.7)(a)(VIII). THE AMOUNT DUE MUST ACCRUE INTEREST AT THE RATE PROVIDED BY LAW. UNTIL ALL AMOUNTS DUE AND OWING ARE PAID, A TREASURER IS ENTITLED TO HOLD ALL DOCUMENTATION IN THE TREASURER'S POSSESSION AND TO WITHHOLD ALL OTHER SERVICES REQUESTED BY A LAWFUL HOLDER WITH RESPECT TO A CERTIFICATE OF OPTION FOR A TREASURER'S DEED.

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

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

SECTION, ANY REMAINING OVERBID MONEY MUST BE PAID TO THE PROPERTY OWNER.

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

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

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

(c) ANY AGREEMENT TO PAY COMPENSATION TO RECOVER OR ASSIST IN RECOVERING AN UNCLAIMED OVERBID TRANSFERRED TO THE ADMINISTRATOR UNDER THIS SECTION OR TO THE COUNTY TREASURER PER A COUNTY RESOLUTION IS ENFORCEABLE IF THE COMPENSATION TO BE PAID UNDER THE TERMS OF THE AGREEMENT DOES NOT EXCEED TEN PERCENT OF THE AMOUNT OF THE OVERBID MONEY AND IF ENTERED INTO AT LEAST TWO YEARS AFTER THE DATE OF THE TRANSFER.

(3) (a) THE TREASURER SHALL HOLD ANY UNCLAIMED REMAINING OVERBID FROM A PUBLIC AUCTION IN ESCROW FOR TWO YEARS FROM THE DATE OF THE PUBLIC AUCTION. THE TREASURER IS ANSWERABLE TO ANY PERSON LEGALLY ENTITLED TO THE MONEY WITHOUT INTEREST AT ANY TIME WITHIN THE TWO-YEAR PERIOD. ANY INTEREST EARNED ON THE ESCROWED MONEY MUST BE PAID TO THE COUNTY AT LEAST ANNUALLY. REMAINING OVERBID CLAIMS THAT ARE FOR LESS THAN TWENTY-FIVE DOLLARS AND THAT ARE NOT CLAIMED WITHIN SIX MONTHS FROM THE DATE OF THE PUBLIC AUCTION MUST BE PAID TO THE GENERAL FUND OF THE COUNTY, AND THE

MONEY PAID TO THE GENERAL FUND OF THE COUNTY BECOMES THE PROPERTY OF THE COUNTY. REMAINING OVERBID CLAIMS FOR AMOUNTS THAT ARE EQUAL TO OR GREATER THAN TWENTY-FIVE DOLLARS AND THAT ARE NOT CLAIMED WITHIN TWO YEARS FROM THE DATE OF THE PUBLIC AUCTION MAY BE UNCLAIMED PROPERTY FOR PURPOSES OF THE "REVISED UNIFORM UNCLAIMED PROPERTY ACT", ARTICLE 13 OF TITLE 38, AND MUST BE TRANSFERRED TO THE STATE TREASURER IN ACCORDANCE WITH ARTICLE 13 OF TITLE 38. AFTER UNCLAIMED REMAINING OVERBID MONEY IS TRANSFERRED TO THE STATE TREASURER OR TO THE GENERAL FUND OF THE COUNTY, THE TREASURER IS DISCHARGED FROM ANY FURTHER LIABILITY OR RESPONSIBILITY FOR THE MONEY.

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

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

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

CONSISTENT WITH THE "UNIFORM ELECTRONIC TRANSACTIONS ACT", ARTICLE 71.3 OF TITLE 24, ANY DOCUMENT OR RECORD RELATED TO A

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

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

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

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

(2) UPON RECORDING OF A NOTICE OF RESCISSION OF PUBLIC AUCTION BY A TREASURER, A CERTIFICATE OF OPTION FOR A TREASURER'S DEED IS DEEMED CANCELED AS IF THE PUBLIC AUCTION HAD NOT OCCURRED, AND THE CERTIFICATE OF PURCHASE IS DEEMED FULLY REINSTATED WITH THE SAME LIEN PRIORITY AS IF THE PUBLIC AUCTION HAD NOT OCCURRED. THE TREASURER SHALL CONFIRM THE REINSTATEMENT BY ENDORSEMENT ON

THE CERTIFICATE OF PURCHASE SUBMITTED PURSUANT TO SECTION 39-11.5-102.

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

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

(b) NO LATER THAN TEN CALENDAR DAYS AFTER RECEIVING NOTICE TO SCHEDULE A NEW PUBLIC AUCTION, THE TREASURER SHALL MAIL BY FIRST-CLASS MAIL A NOTICE OF PUBLIC AUCTION SETTING FORTH THE RESCHEDULED PUBLIC AUCTION DATE TO EACH PERSON WHO WAS ENTITLED TO RECEIVE THE NOTICE OF PUBLIC AUCTION PURSUANT TO SECTION 39-11.5-104.

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

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

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

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

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

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

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

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

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

THE UNDERSIGNED, AS TREASURER FOR THE COUNTY OF \_\_\_\_\_, STATE OF COLORADO, BY THIS ENDORSEMENT, HEREBY CONFIRMS THE REINSTATEMENT OF THIS CERTIFICATE OF PURCHASE IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 39-11.5-113, COLORADO REVISED STATUTES.

DATE:

SIGNATURE:

TREASURER

FOR THE COUNTY OF \_\_\_\_\_,

STATE OF COLORADO.

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

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

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

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

PART 2

SEVERED MINERALS - RIGHT OF FIRST REFUSAL

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

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

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

NOTICE BY SURFACE OWNER TO EXERCISE RIGHT OF FIRST REFUSAL  
To \_\_\_\_\_ COUNTY TREASURER  
UNDER THE RIGHT OF FIRST REFUSAL GRANTED TO ME BY SECTION  
39-11.5-201, COLORADO REVISED STATUTES, I \_\_\_\_\_  
(FULL NAME) DO NOW EXERCISE THE OPTION TO PURCHASE THE

SEVERED MINERALS WITH THE FOLLOWING LEGAL DESCRIPTION:

INSERT LEGAL DESCRIPTION

LOCATED AT \_\_\_\_\_ (ADDRESS), IF

APPLICABLE

IN THE AMOUNT OF \$ \_\_\_\_\_ (INSERT FULL AMOUNT  
DUE TO REDEEM SEVERED MINERAL RIGHTS)

WHICH I SHALL PAY ON OR BEFORE \_\_\_\_\_ DATE  
(DATE SHALL BE SET AT TEN BUSINESS DAYS OR NOON THE DAY  
BEFORE THE CURRENTLY SCHEDULED PUBLIC AUCTION,  
WHICHEVER OCCURS FIRST).

WITNESS MY SIGNATURE THIS \_\_\_\_\_ DAY OF  
\_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
SIGNATURE OF SURFACE OWNER(S)

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

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

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

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

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

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

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

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

### PART 3 REPURCHASE - CLAIM FOR OVERBID MONEY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### PART 4 CERTIFICATE OF OPTION FOR A TREASURER'S DEED

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

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

(a) THE NAMES OF THE PROPERTY OWNER;

(b) THE DESCRIPTION OF THE PROPERTY;

(c) THE SUM PAID FOR THE PROPERTY;

(d) THE NAME AND MAILING ADDRESS OF THE PURCHASER;

(e) A STATEMENT THAT THE PURCHASER OR ASSIGNEE OF THE CERTIFICATE OF OPTION FOR A TREASURER'S DEED IS ENTITLED TO A TREASURER'S DEED AT THE EXPIRATION OF THE REPURCHASE PERIOD

PROVIDED UNDER PART 3 OF THIS ARTICLE 11.5 UNLESS A REPURCHASE IS MADE;

(f) THE TREASURER'S DEED NUMBER;

(g) THE DATE OF THE PUBLIC AUCTION; AND

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

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

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

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

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

(a) THE NAME OF THE PURCHASER;

(b) THE NAME AND ADDRESS OF THE LAWFUL HOLDER;

(c) THE REPURCHASE AMOUNT PAID;

(d) THE DATE OF THE PUBLIC AUCTION;

(e) THE LEGAL DESCRIPTION OF THE PROPERTY;

(f) THE TREASURER'S DEED NUMBER; AND

(g) A STATEMENT THAT THE LAWFUL HOLDER OR ASSIGNEE OF THE CERTIFICATE OF REPURCHASE SHALL BE ENTITLED TO A TREASURER'S DEED UNDER PART 3 OF THIS ARTICLE 11.5.

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

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

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

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

(I) THE NAME AND ADDRESS OF THE ASSIGNEE;

(II) THE NAME AND ADDRESS OF THE ASSIGNOR;

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

(IV) THE NAME OF THE PROPERTY OWNER; AND

(V) THE TREASURER'S DEED NUMBER.

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

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

A CERTIFICATE OF OPTION FOR A TREASURER'S DEED OR CERTIFICATE OF REPURCHASE OR A RECORDED COPY THEREOF IS DEEMED TO BE PRIMA

FACIE EVIDENCE OF ALL STATEMENTS OR RECITALS CONTAINED THEREIN.

PART 5  
ISSUANCE OF TREASURER'S DEED AND NATURE OF TITLE

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

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

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

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

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

(3) EXECUTION OF A TREASURER'S DEED PURSUANT TO THIS SECTION

DOES NOT AFFECT THE EXISTENCE OF ANY PUBLIC OR PRIVATE ROADS, RIGHTS-OF-WAY, CONSERVATION EASEMENTS, OTHER EASEMENTS, OR EQUITABLE SERVITUDES THAT RUN WITH PROPERTY AND HAVE BOTH BENEFITS AND BURDENS, ALL AS CLAIMED OR EXISTING PRIOR TO THE EXECUTION OF THE TREASURER'S DEED.

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

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

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

THE FOLLOWING DESCRIBED REAL PROPERTY IS THE SUBJECT OF THIS TREASURER'S DEED:  
TREASURER'S DEED NUMBER: \_\_\_\_\_  
LEGAL DESCRIPTION:  
ALSO KNOWN BY STREET ADDRESS AS:  
ASSESSOR SCHEDULE/ACCOUNT NO: \_\_\_\_\_  
ORIGINAL ASSESSED OWNER: \_\_\_\_\_  
THE TAXES ASSESSED UPON THIS PROPERTY FOR THE YEARS \_\_\_\_ - \_\_\_\_ REMAINED DUE AND UNPAID AT THE DATE OF THE PUBLIC TAX LIEN SALE ("SALE");  
THE \_\_\_\_\_ COUNTY TREASURER, BY VIRTUE OF THE AUTHORITY VESTED IN THEM BY LAW, CONDUCTED THE TAX LIEN SALE ON \_\_\_\_\_ (MONTH, DAY, YEAR) IN SUBSTANTIAL CONFORMITY WITH STATUTORY REQUIREMENTS;  
A TAX LIEN CERTIFICATE OF PURCHASE WAS ISSUED TO \_\_\_\_\_, ("LAWFUL HOLDER") FOR THIS PROPERTY FOR THE PAYMENT OF THE TAXES, DELINQUENT INTEREST, AND COSTS THEN DUE AND REMAINING UNPAID;  
MORE THAN THREE YEARS HAVE ELAPSED SINCE THE DATE OF THE TAX LIEN SALE, THE PROPERTY OWNER'S STATUTORY REDEMPTION PERIOD HAS EXPIRED, AND THE PROPERTY HAS NOT BEEN REDEEMED;  
THE LAWFUL HOLDER FILED AN APPLICATION FOR TREASURER'S DEED FOR THE ABOVE-DESCRIBED PROPERTY ON \_\_\_\_\_

(MONTH, DAY, YEAR). THE APPLICATION WAS RECORDED ON \_\_\_\_\_ (MONTH, DAY, YEAR), IN THE REAL ESTATE RECORDS OF \_\_\_\_\_ COUNTY, COLORADO AT RECEPTION NO. \_\_\_\_\_;

THE TREASURER PROVIDED NOTICE OF THE PUBLIC AUCTION AS REQUIRED BY LAW AND THEN PROCEEDED TO HOLD A PUBLIC AUCTION ON \_\_\_\_\_ (MONTH, DAY, YEAR). AT THE PUBLIC AUCTION, \_\_\_\_\_ ("PURCHASER"), WHOSE ADDRESS IS \_\_\_\_\_, COUNTY OF \_\_\_\_\_, STATE OF \_\_\_\_\_, BID THE SUM OF \$ \_\_\_\_\_ FOR SAID PROPERTY. BEING THE PERSON WHO SUBMITTED THE WINNING BID AT THE PUBLIC AUCTION AND WHO TIMELY SUBMITTED PROPER FUNDS, THE TREASURER AWARDED A CERTIFICATE OF OPTION FOR A TREASURER'S DEED TO THE PURCHASER;

THE LAWFUL HOLDER SUBSEQUENTLY REPURCHASED THE CERTIFICATE OF OPTION FOR A TREASURER'S DEED BY PAYING TO THE TREASURER THE AMOUNT THE PURCHASER PAID AT THE PUBLIC AUCTION, WITH INTEREST FROM THE DATE OF SALE, ALONG WITH ALL APPLICABLE FEES OR COSTS. THE REPURCHASE WAS MADE ON \_\_\_\_\_ (MONTH, DAY, YEAR) AND, AFTER THE REPURCHASE OF THE ABOVE-DESCRIBED PROPERTY, THE LAWFUL HOLDER IS ENTITLED TO A TREASURER'S DEED; OR

ON \_\_\_\_\_ (MONTH, DAY, YEAR), \_\_\_\_\_ ("PURCHASER") ASSIGNED THE CERTIFICATE OF OPTION FOR A TREASURER'S DEED ON THE PROPERTY, ALONG WITH ALL RIGHTS, TITLE, AND INTEREST, TO \_\_\_\_\_ ("ASSIGNEE") LOCATED \_\_\_\_\_ (ASSIGNEE MAILING ADDRESS).

THEN, \_\_\_\_\_ (MONTH, DAY, YEAR), \_\_\_\_\_ (ASSIGNEE), ASSIGNED THE SAME CERTIFICATE OF OPTION FOR A TREASURER'S DEED AND ALL ASSOCIATED RIGHTS, TITLE, AND INTEREST TO \_\_\_\_\_ (SECOND ASSIGNEE), LOCATED AT \_\_\_\_\_ (SECOND ASSIGNEE MAILING ADDRESS), IF APPLICABLE.

ALL STATUTORY PROVISIONS PRESCRIBING THE PREREQUISITES TO OBTAINING A TREASURER'S DEED HAVE BEEN FULFILLED AT THIS TIME.

NOW, THEREFORE, IN CONSIDERATION OF THE ABOVE, I, \_\_\_\_\_, TREASURER OF \_\_\_\_\_ COUNTY

CONVEY TO \_\_\_\_\_ (NAME OR PURCHASER, LAWFUL HOLDER, OR ASSIGNEE) WHOSE ADDRESS IS \_\_\_\_\_, COUNTY OF \_\_\_\_\_, STATE OF \_\_\_\_\_ ALL RIGHT, TITLE, AND INTEREST IN THE PROPERTY, SUBJECT TO ANY ENCUMBRANCES AND RESTRICTIONS OF RECORD. EXECUTED ON: \_\_\_\_\_

\_\_\_\_\_, TREASURER OF \_\_\_\_\_ COUNTY, STATE OF COLORADO

(SEAL)

\_\_\_\_\_(SIGNATURE)  
E)

BY:

WHEN RECORDED, RETURN TO COUNTY TREASURER

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

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

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

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

(2) ANY SUCH TREASURER'S DEED PROCESS IS GOOD AGAINST A MENTALLY INCOMPETENT OR AN INCAPACITATED PERSON AND AGAINST THE HEIRS-AT-LAW, LEGATEES, DEVISEES, CREDITORS, CONSERVATORS, GUARDIANS, PERSONAL REPRESENTATIVES, EXECUTORS, AND ADMINISTRATORS OF ANY DECEDENT OR MENTALLY INCOMPETENT OR INCAPACITATED PERSON AND ALL PERSONS CLAIMING BY, THROUGH, OR

UNDER THE DECEDENT OR MENTALLY INCOMPETENT OR INCAPACITATED PERSON. THE TREASURER SHALL GIVE NOTICE OF SUCH TREASURER'S DEED PROCEEDINGS, AS PROVIDED BY LAW, TO THE PROPERTY OWNER AT THE ADDRESS, AS THOUGH LIVING AND MENTALLY COMPETENT, TO ALL PERSONS HAVING INTERESTS THEN OF RECORD, AND TO THE LESSEE OR LESSEES OF THE PREMISES AS PROVIDED IN SECTION 39-11.5-104 (4). THE TREASURER SHALL NOT BE REQUIRED TO GIVE NOTICE OF SUCH TREASURER'S DEED PROCEEDINGS TO ANY HEIR-AT-LAW, LEGATEE, DEVISEE, CREDITOR, CONSERVATOR, GUARDIAN, PERSONAL REPRESENTATIVE, EXECUTOR, OR ADMINISTRATOR OF ANY DECEDENT OR MENTALLY INCOMPETENT OR INCAPACITATED PERSON OR TO ANY PERSON CLAIMING BY, THROUGH, OR UNDER ANY DECEDENT OR MENTALLY INCOMPETENT OR INCAPACITATED PERSON UNLESS THE CLAIM OR INTEREST OF THE PERSON THEN APPEARS ON RECORD.

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

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

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

(2) (a) THE INTEREST OF AN OMITTED PARTY IN PROPERTY THAT IS THE SUBJECT OF A TREASURER'S DEED PROCESS MAY BE TERMINATED IF THE OMITTED PARTY, OR ANYONE CLAIMING BY, THROUGH, OR UNDER AN OMITTED PARTY, IN A CIVIL ACTION COMMENCED AT ANY TIME AFTER A PUBLIC AUCTION, BY ANY INTERESTED PERSON, AS DEFINED IN SUBSECTION (2)(c) OF THIS SECTION, BY AN OMITTED PARTY, OR BY ANYONE CLAIMING BY, THROUGH, OR UNDER AN OMITTED PARTY, IS AFFORDED RIGHTS TO CLAIM

OVERBID MONEY UPON SUCH TERMS THAT THE COURT MAY DEEM EQUITABLE UNDER THE CIRCUMSTANCES, WHICH TERMS SHALL NOT, HOWEVER, BE MORE FAVORABLE THAN THE PERSON'S STATUTORY RIGHTS. THE COURT SHALL GIVE FULL CONSIDERATION TO WHETHER THE OMITTED PARTY OR ANYONE CLAIMING BY, THROUGH, OR UNDER AN OMITTED PARTY WAS GIVEN OR HAD ACTUAL NOTICE OR KNOWLEDGE OF THE TREASURER'S DEED PROCESS AND WAS GIVEN AN OPPORTUNITY TO EXERCISE STATUTORY RIGHTS TO CLAIM OVERBID MONEY.

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

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

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

(3) IF AN INTERESTED PERSON FILES WITH A TREASURER AT ANY TIME AFTER A PUBLIC AUCTION A DOCUMENT AFFIRMING AN OMITTED PARTY'S INTEREST IN A PROPERTY, SUBJECT TO THE TERMS, CONDITIONS, AND PROVISIONS OF THE RECORDED INSTRUMENT FROM WHICH THE OMITTED PARTY'S INTEREST IS DERIVED, OR IN THE CASE OF AN OMITTED PARTY THAT

IS A LESSEE, SUBJECT TO THE TERMS AND CONDITIONS OF THE LEASE, WHETHER WRITTEN OR ORAL, THE INTEREST OF THE OMITTED PARTY IN THE PROPERTY SHALL NOT BE AFFECTED BY THE PUBLIC AUCTION, AND THE OMITTED PARTY SHALL HAVE NO CLAIM TO ANY OVERBID MONEY.

## PART 6 CURATIVE PROVISIONS

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

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

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

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

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

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

**SECTION 55. Applicability.** (1) This act applies to any fee

imposed, assessed, or collected by a county treasurer on or after June 1, 2026.

(2) The reenacted and amended article 11.5 of title 39, Colorado Revised Statutes, as set forth in this act, applies to any 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.

**SECTION 56. Safety clause.** The general assembly finds, determines, and declares that this act is necessary for the immediate

preservation of the public peace, health, or safety or for appropriations for the support and maintenance of the departments of the state and state institutions.

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James Rashad Coleman, Sr.  
PRESIDENT OF  
THE SENATE

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Julie McCluskie  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

---

Esther van Mourik  
SECRETARY OF  
THE SENATE

---

Vanessa Reilly  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

APPROVED \_\_\_\_\_  
(Date and Time)

---

Jared S. Polis  
GOVERNOR OF THE STATE OF COLORADO