

## CHAPTER 280

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**PROPERTY**

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**SENATE BILL 94-214**

BY SENATORS Wells, Johnson, Mares, R. Powers, and Schroeder;  
also REPRESENTATIVES Anderson, Benavidez, and Jerke.

**AN ACT****CONCERNING LIMITATIONS ON FORECLOSURE FOR DEFAULTS OF A TECHNICAL NATURE.**

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

**SECTION 1.** 38-38-104, Colorado Revised Statutes, 1982 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**38-38-104. Right to cure when default is nonpayment - right to cure for certain technical defaults.** (2.5) WHERE THE DEFAULT IN THE TERMS OF THE EVIDENCE OF DEBT AND DEED OF TRUST OR MORTGAGE ON WHICH THE OWNER CLAIMS THE RIGHT TO FORECLOSE IS THE FAILURE OF A BORROWER TO FURNISH BALANCE SHEETS OR TAX RETURNS, THE BORROWER MAY CURE SUCH DEFAULT IN THE MANNER PRESCRIBED IN THIS SECTION BY PROVIDING TO THE OWNER OF THE EVIDENCE OF DEBT, DEED OF TRUST, OR MORTGAGE THE REQUIRED BALANCE SHEETS, TAX RETURNS, OR OTHER ADEQUATE EVIDENCE OF THE BORROWER'S FINANCIAL CONDITION SO LONG AS ALL SUMS CURRENTLY DUE UNDER THE EVIDENCE OF DEBT HAVE BEEN PAID AND ALL AMOUNTS DUE UNDER PARAGRAPHS (a) THROUGH (c) OF SUBSECTION (1) OF THIS SECTION, WHERE APPLICABLE, HAVE BEEN PAID.

**SECTION 2. Effective date - applicability.** This act shall take effect July 1, 1994, and shall apply to foreclosures arising from defaults occurring on or after said date.

**SECTION 3. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 31, 1994

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