

## CHAPTER 285

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**PROPERTY**

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**HOUSE BILL 01-1358**

BY REPRESENTATIVE(S) Sinclair and Dean;  
also SENATOR(S) Thiebaut and Chlouber.

**AN ACT**

CONCERNING THE FINANCING OF THE OFFICES OF PUBLIC TRUSTEES.

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

**SECTION 1.** 38-37-104 (1) (a), (1) (b), (1) (c), (1) (d), (1) (e), and (2) (b), Colorado Revised Statutes, are amended, and the said 38-37-104 (2) is further amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS, to read:

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

(1) The public trustees of each county of this state shall perform the functions and exercise the powers conferred upon them by statute. They shall be entitled to receive as fees for such services the following sums and no other fees or perquisites whatever:

(a) For executing a release of a deed of trust, including the acknowledgment thereof, the sum of ~~ten~~ FIFTEEN dollars;

(b) For opening and administering a foreclosure under the powers conferred upon them by a deed of trust where the original principal amount of the indebtedness secured by such deed of trust does not exceed ~~three hundred twenty~~ FOUR HUNDRED thousand dollars, a fee of ~~one hundred~~ ONE HUNDRED FIFTY dollars, and, where such amount exceeds ~~three hundred twenty~~ FOUR HUNDRED thousand dollars, a fee of one thirty-second of one percent of such original principal amount or the outstanding principal balance, whichever is less, but in no case less than ~~one hundred~~ ONE HUNDRED FIFTY dollars;

(c) For accepting the filing of a notice of intent to redeem with the public trustee by a lienor or encumbrancer, the sum of ~~fifteen~~ FIFTY dollars;

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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.*

(d) For processing and executing a certificate of redemption, including the acknowledgment thereof, to a person or entity redeeming pursuant to the provisions of section 38-38-302 (2) or 38-38-402, the sum of ~~ten~~ THIRTY dollars;

(e) For executing a trustee's deed, including the acknowledgment thereof, the sum of ~~ten~~ THIRTY dollars;

(2) (b) For public trustees whose terms begin on or after July 1, 1998, BUT PRIOR TO JANUARY 1, 2003, the salary of the public trustee in the different counties of the state shall be fixed at the following amounts, to wit: In counties of the first and second class, thirty-two thousand dollars per annum for full-time public trustees and, in counties of the third class, eight thousand dollars per annum.

(b.3) FOR PUBLIC TRUSTEES WHOSE TERMS BEGIN ON OR AFTER JANUARY 1, 2003, THE SALARY OF THE PUBLIC TRUSTEE IN THE DIFFERENT COUNTIES OF THE STATE SHALL BE FIXED AT THE FOLLOWING AMOUNTS, TO WIT: IN COUNTIES OF THE FIRST AND SECOND CLASS, FORTY-EIGHT THOUSAND FIVE HUNDRED DOLLARS PER ANNUM, AND IN COUNTIES OF THE THIRD CLASS, TWELVE THOUSAND FIVE HUNDRED DOLLARS PER ANNUM.

(b.5) PUBLIC TRUSTEES IN COUNTIES OF THE SECOND CLASS WHOSE TERMS BEGIN ON OR AFTER JANUARY 1, 2003, MAY COLLECT BENEFITS IN ADDITION TO THEIR SALARY THAT DO NOT EXCEED BENEFITS RECEIVED BY OTHER ELECTED COUNTY OFFICERS WITHIN THEIR COUNTY.

**SECTION 2.** 38-37-105 (1) (c), Colorado Revised Statutes, is amended to read:

**38-37-105. Classification of counties for purposes of regulating fees and salaries of public trustees.** (1) For the purpose of providing for and regulating the fees and salaries of public trustees, the said several counties of this state are classified with reference to population and divided into three classes, as follows:

(c) Class 3: Alamosa, Archuleta, Baca, Bent, CITY AND COUNTY OF BROOMFIELD, Chaffee, Cheyenne, Clear Creek, Conejos, Costilla, Crowley, Custer, Delta, Dolores, Douglas, Eagle, Elbert, Fremont, Garfield, Gilpin, Grand, Gunnison, Hinsdale, Huerfano, Jackson, Kiowa, Kit Carson, Lake, La Plata, Las Animas, Lincoln, Logan, Mineral, Moffat, Montezuma, Montrose, Morgan, Otero, Ouray, Park, Phillips, Pitkin, Prowers, Rio Blanco, Rio Grande, Routt, Saguache, San Juan, San Miguel, Sedgwick, Summit, Teller, Washington, and Yuma.

**SECTION 3.** 38-37-105 (1) (b) and (1) (c), Colorado Revised Statutes, are amended to read:

**38-37-105. Classification of counties for purposes of regulating fees and salaries of public trustees.** (1) For the purpose of providing for and regulating the fees and salaries of public trustees, the said several counties of this state are classified with reference to population and divided into three classes, as follows:

(b) Class 2: Adams, Arapahoe, Boulder, DOUGLAS, El Paso, Jefferson, Larimer, Mesa, Pueblo, and Weld;

(c) Class 3: Alamosa, Archuleta, Baca, Bent, CITY AND COUNTY OF BROOMFIELD, Chaffee, Cheyenne, Clear Creek, Conejos, Costilla, Crowley, Custer, Delta, Dolores, ~~Douglas~~, Eagle, Elbert, Fremont, Garfield, Gilpin, Grand, Gunnison, Hinsdale, Huerfano, Jackson, Kiowa, Kit Carson, Lake, La Plata, Las Animas, Lincoln, Logan, Mineral, Moffat, Montezuma, Montrose, Morgan, Otero, Ouray, Park, Phillips, Pitkin, Prowers, Rio Blanco, Rio Grande, Routt, Saguache, San Juan, San Miguel, Sedgwick, Summit, Teller, Washington, and Yuma.

**SECTION 4.** 38-38-107 (2), Colorado Revised Statutes, is amended to read:

**38-38-107. Fees charged against grantor.** (2) The public trustee or sheriff may require that the owner of the evidence of debt secured by the deed of trust, mortgage, or other lien to be foreclosed deposit with the public trustee or sheriff at the time the notice of election and demand for sale is filed with the public trustee or the time the order of foreclosure is delivered to the sheriff a deposit of ~~two hundred~~ THREE HUNDRED dollars, which shall be applied against the fee and expenses of the public trustee or sheriff described in this section.

**SECTION 5. Effective date.** (1) Sections 1, 4, and 5 of this act shall take effect September 1, 2001, unless a referendum petition is filed during the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution. If such a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

(2) Section 2 of this act shall take effect November 15, 2001, unless a referendum petition is filed during the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution. If such a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

(3) Section 3 of this act shall take effect January 1, 2003, unless a referendum petition is filed during the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution. If such a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part shall take effect on the specified date only if approved by the people.

Approved: June 5, 2001