

CHAPTER 27

PROPERTY

HOUSE BILL 15-1069

BY REPRESENTATIVE(S) Ryden, Becker K., Fields, Kagan, Melton, Mitsch Bush, Neville P., Pabon, Pettersen, Priola, Rosenthal, Roupe, Williams, Windholz, Young;
also SENATOR(S) Holbert.

AN ACT**CONCERNING INFORMATION REQUIRED TO BE INCLUDED IN RECORDED WRITTEN INSTRUMENTS
FILED WITH THE COUNTY CLERK AND RECORDER TO CLAIM A HOMESTEAD EXEMPTION.**

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

SECTION 1. In Colorado Revised Statutes, 38-41-202, **amend** (2) (b) and (4) as follows:

38-41-202. Homestead to be created automatically in certain cases - filing of statement required in other cases. (2) (b) The spouse of the owner of the property may homestead ~~such~~ THE property in the manner provided in paragraph (a) of this subsection (2) with the same effect as if the owner had done so.

(4) If the owner of the property (householder) or the spouse of ~~such~~ THE owner records in the office of the county clerk and recorder of the county where the property is ~~situate~~ SITUATED an instrument in writing describing ~~such~~ THE property, setting forth the NAME OF THE OWNER OF THE PROPERTY AND THE nature and source of the owner's interest ~~therein~~ IN THE PROPERTY, and stating that the owner or the owner's spouse is homesteading ~~such~~ THE property (which instrument may be acknowledged as provided by law), then the signature of both spouses to convey or encumber ~~such~~ THE property ~~shall be~~ IS required.

SECTION 2. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 5, 2015, if adjournment sine die is on May 6, 2015); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect

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

unless approved by the people at the general election to be held in November 2016 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: March 18, 2015