

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

REREVISED

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

LLS NO. 26-0603.01 Alison Killen x4350

SENATE BILL 26-144

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A BILL FOR AN ACT

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

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

HOUSE
Amended 3rd Reading
April 21, 2026

HOUSE
Amended 2nd Reading
April 14, 2026

SENATE
Amended 3rd Reading
April 8, 2026

SENATE
Amended 2nd Reading
April 7, 2026

Section 1 of the bill modifies the fees of county treasurers by specifying fee amounts treasurers are required or allowed to collect in connection with the public auction and related proceedings for issuance of a treasurer's deed described in **section 50**. The bill adds, commencing on or before December 31, 2026, and every fifth year thereafter, an upward adjustment of the maximum dollar amount of all treasurer fees. The fees described in **sections 1** and **50** apply to services performed or transactions occurring on or after June 1, 2026.

Sections 2 through **49** make technical modifications to the provisions governing county treasurer tax lien sales for the collection of delinquent property taxes. The bill clarifies certain definitions and standardizes the use of defined terms. The bill modifies certain provisions and repeals obsolete provisions in conformity with the new process to obtain a treasurer's deed for a property subject to a tax lien set forth in **section 50**.

Section 50 recreates, with changes, the public auction process established in 2024 that is required prior to the issuance of a treasurer's deed to protect against an unconstitutional taking of a taxpayer's property, or property value, in excess of their tax debt. The bill models the public auction process on the public trustee foreclosure process. The bill creates new definitions and modifies and expands the provisions for a public auction, including related rights, limitations, and records. The modified process applies to a treasurer's deed issued on or after June 1, 2026, regardless of the date of the tax lien sale, application for treasurer's deed, or commencement of any related proceeding.

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

SECTION 1. In Colorado Revised Statutes, 24-21-403, **add** (2.5) as follows:

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

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

SECTION 2. In Colorado Revised Statutes, 30-1-102, **amend** (1) introductory portion, (1)(i), (1)(l), (1)(n), (1)(r); **repeal** (1)(k) and (1)(t); and **add** (1)(u), (1.7), and (4) as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

27 ==

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

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

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

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

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

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

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

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

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

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

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

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

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

8 **SECTION 6.** In Colorado Revised Statutes, 39-11-100.3, **amend**
9 (1), (2), and (4); and **add** (2.5), (2.7), and (5) as follows:

10 **39-11-100.3. Definitions.**

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

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

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

21 (2.5) "IMMEDIATE FAMILY" MEANS A SPOUSE, PARENT,
22 GRANDPARENT, CHILD, GRANDCHILD, OR SIBLING OF AN INDIVIDUAL AND
23 INCLUDES A SPOUSE OF ANY IMMEDIATE FAMILY MEMBER.

24 (2.7) "INVESTOR" MEANS AN INDIVIDUAL, BUSINESS ENTITY,
25 TRUST, OR OTHER ENTITY THAT MAY PURCHASE A TAX LIEN ON PROPERTY
26 AT A TAX LIEN SALE.

27 (4) ~~"Public auction" means the sale of lands or town lots under~~

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

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

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

13 **39-11-101. Notice to delinquent owner.**

14 The treasurer shall make a list of all ~~lands and town lots~~ PROPERTY
15 the tax liens on which are subject to TAX LIEN sale, describing such ~~land~~
16 ~~and town lots~~ PROPERTY as the same ~~are~~ IS described on the tax roll.
17 Except as otherwise provided in section 39-2-117 (1)(a), no later than
18 September 1 of each year, the treasurer shall send a notice by FIRST CLASS
19 mail, ~~at~~ TO the person's last-known MAILING address, to each person by
20 whom taxes for the previous year are known to be due and unpaid. The
21 notice ~~shall~~ MUST indicate the amount of the person's delinquency and
22 state that if the amount of the delinquency is not paid by the date
23 specified in the notice, which shall not be less than fifteen CALENDAR
24 days from the date of mailing of the notice, the treasurer will advertise
25 and sell a tax lien on the person's property on the date specified in the
26 notice at ~~public auction~~ TAX LIEN SALE for the delinquent taxes, interest,
27 and applicable fees. If such list is not made until after September 1, the

1 TAX LIEN sale held thereunder shall not be void by reason thereof.

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

4 **39-11-102. Treasurer to publish and post notice.**

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

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

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

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

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

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

24 ~~(I) A distraint warrant has been delivered to the owner of the~~
25 ~~mobile home or to his or her agent in accordance with section~~
26 ~~39-10-111.5 (3); and~~

27 ~~(II) The county treasurer publishes the notice described in~~

1 subsection (2) of this section on the treasurer's website.

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

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

6 **39-11-104. Publisher's affidavit - form.**

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

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

16 **39-11-106. Advertising and tax lien sale fees.**

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

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

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

1 **39-11-107. Erroneous assessments - abatement.**

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

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

15 **39-11-108. Manner of conducting tax lien sale - definitions.**

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

1 means of the internet or other electronic medium.

2 (2) A ~~public auction~~ TAX LIEN SALE conducted by means of the
3 internet or other electronic medium to sell ~~lands and town lots~~ PROPERTY
4 under this ~~article shall~~ ARTICLE 11 MUST allow members of the public to
5 submit bids by computer and permit the treasurer to accept bids for as
6 long as the treasurer deems necessary. The county and its employees
7 acting in their official capacity in preparing, conducting, and executing
8 a TAX LIEN sale of ~~lands and town lots~~ PROPERTY under this ~~article~~
9 ARTICLE 11 are not liable for the failure of a device that prevents a person
10 from participating in a sale under this ~~article~~ ARTICLE 11. As used in this
11 subsection (2), "device" includes, but is not limited to, computer
12 hardware, a computer network, a computer software application, and an
13 internet website.

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

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

3 **39-11-109. Time of tax lien sale.**

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

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

9 **39-11-110. When tax lien sale can be held.**

10 If, from any cause, the tax lien on ~~real~~ property cannot be duly
11 advertised and offered for sale at ~~public auction~~ on or before the second
12 Monday of December, ~~it is the duty of the treasurer to~~ SHALL hold the
13 ~~public auction~~ TAX LIEN SALE on any subsequent day in which it can be
14 held, allowing time for the publication of notice as provided in section
15 39-11-102.

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

18 **39-11-111. Method of payment.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 as follows:

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

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

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

19 as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 **NOTICE**

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

22 **(description of property)**

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

1

2 County Clerk and Recorder.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 certificate of purchase issued by a treasurer on account of any delinquent
2 property taxes or any special assessment of any kind or nature shall MAY
3 remain a lien ~~thereon~~ for a period longer than ~~fifteen~~ SEVEN years after
4 the ~~original~~ issuance thereof, except as provided in subsection (3) of this
5 section. This section ~~shall~~ DOES not apply to any ~~tax certificate or~~
6 certificate of purchase issued to and held by the county, city, city and
7 county, or district levying ~~such~~ THE tax or special assessment; except that,
8 in the event of an assignment of ~~such tax certificate or~~ THE certificate of
9 purchase ~~so~~ issued to and held by ~~such~~ THE county, city, city and county,
10 or district, the lien of ~~such tax certificate or~~ THE certificate of purchase
11 ~~shall~~ MUST cease ~~fifteen~~ SEVEN years after the date of its issuance subject
12 only to the provisions of subsection (3) of this section.
13 NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, A LIEN ON
14 PROPERTY CREATED BY A TAX LIEN SALE CERTIFICATE OF PURCHASE
15 ISSUED PRIOR TO JANUARY 1, 2026, MAY REMAIN A LIEN FOR A PERIOD OF
16 FIFTEEN YEARS AFTER THE DATE OF ISSUANCE.

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

24 (3) In the event of an assignment of a ~~tax certificate or~~ certificate
25 of purchase ~~held by a county, city, city and county, or district levying~~
26 ~~such tax wherein such certificate~~ THAT is ~~fifteen~~ SEVEN years old at the
27 time of assignment or will become ~~fifteen~~ SEVEN years old within one

1 year from the date of such assignment, the assignee thereof ~~shall be~~ IS
2 entitled to a ~~tax~~ TREASURER'S deed in the manner provided by law if ~~such~~
3 THE assignee or other legal holder of ~~such~~ THE certificate institutes
4 proceedings to procure a ~~tax~~ TREASURER'S deed by ~~making a demand~~
5 ~~upon~~ FILING AN APPLICATION FOR PUBLIC AUCTION FOR TREASURER'S DEED
6 WITH the treasurer for THE same, as provided ~~by law~~ IN ARTICLE 11.5 OF
7 THIS TITLE 39, within one year from the date of ~~such~~ THE assignment. ~~by~~
8 ~~the county, city, city and county, or district levying such tax.~~

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

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

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

27 **SECTION 48.** In Colorado Revised Statutes, **amend** 39-11-149

1 as follows:

2 **39-11-149. Sales en masse valid.**

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

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

21 **39-11-150. Sales of tax liens on severed mineral interests.**

22 Sales of tax liens for delinquent taxes due on severed mineral
23 interests ~~shall~~ MUST take place at the same place and time and under the
24 same circumstances as in this ~~article~~ ARTICLE 11, but, where the surface
25 estate ownership is coterminous with the severed mineral interest, the
26 owner of the surface estate ~~shall have~~ HAS the right of first refusal to
27 purchase the tax lien on the severed mineral interest, and the surface

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

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

17 **39-11-151. County officials and employees may not acquire a**
18 **tax lien by tax lien sale.**

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

25 (b) No tax lien SOLD FOR DELINQUENT TAXES ON A PROPERTY
26 PURSUANT TO THIS ARTICLE 11 ~~shall~~ MAY be sold to an elected or
27 appointed county official, to a county employee, or to a member of the

1 immediate family of such person or to the agent of any such county
2 official or employee during the time the official or employee holds office
3 or is employed.

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

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

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

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

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

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

27 

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

3 **39-11-152. Combined sale of delinquent tax liens and special**
4 **assessment liens.**

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

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

13 **39-12-101. Limitation of actions for recovery of land.**

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

1 RELATED TO A TAX LIEN UNDER THIS ARTICLE 11.5.

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

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

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

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

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

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

23 (8) "FEES AND COSTS" MEANS ALL FEES PURSUANT TO SECTION
24 30-1-102 AND ALL CHARGES, EXPENSES, AND COSTS DESCRIBED IN SECTION
25 39-11.5-108.

26 (9) "INVESTOR" HAS THE MEANING SET FORTH IN SECTION
27 39-11-100.3 (2.7).

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

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

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

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

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

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

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

27 (17) "POSTING" MEANS PLACEMENT OF THE NOTICE OF PUBLIC

1 AUCTION THAT MEETS THE REQUIREMENTS SET FORTH IN SECTION
2 39-11.5-105 (4), IN A CONSPICUOUS LOCATION ON THE PROPERTY.

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

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

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

11 (21) "PUBLISH", "PUBLICATION", "REPUBLISH", OR
12 "REPUBLICATION" MEANS PLACEMENT BY A TREASURER OF A LEGAL
13 NOTICE THAT MEETS THE REQUIREMENTS SET FORTH IN SECTION
14 24-70-103, CONTAINING A NOTICE OF PUBLIC AUCTION, OMITTING THE
15 COPIES OF THE STATUTES, IN A NEWSPAPER SELECTED BY THE TREASURER
16 THAT IS IN THE COUNTY OR COUNTIES WHERE THE PROPERTY TO BE
17 AUCTIONED IS LOCATED.

18 (22) "PURCHASER" MEANS A PERSON TO WHOM THE TREASURER
19 AWARDS THE CERTIFICATE OF OPTION FOR A TREASURER'S DEED AS THE
20 WINNING BIDDER AT THE PUBLIC AUCTION WHO TIMELY SUBMITS PROPER
21 FUNDS, OR, IF NO VALID BIDS ARE RECEIVED AT THE PUBLIC AUCTION, THE
22 LAWFUL HOLDER WHO DOES NOT FILE A WITHDRAWAL OF THE APPLICATION
23 FOR PUBLIC AUCTION FOR TREASURER'S DEED PURSUANT TO SECTION
24 39-11.5-401.

25 (23) "REDEMPTION STATEMENT" MEANS A STATEMENT PROVIDED
26 TO THE PROPERTY OWNER BY THE TREASURER AS DESCRIBED IN SECTION
27 39-11.5-106 (2).

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

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

9 (26) "TREASURER" HAS THE MEANING SET FORTH IN SECTION
10 39-1-102 (17) AS APPLIED TO THE COUNTY IN WHICH A PROPERTY IS
11 LOCATED.

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

17 **39-11.5-102. Lawful holder - application for treasurer's deed**
18 **- fee.**

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

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

25 APPLICATION FOR TREASURER'S DEED
26 TO THE COUNTY TREASURER OF _____ COUNTY, COLORADO:
27 TREASURER'S DEED NUMBER _____

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

11 LEGAL DESCRIPTION:

12 SITUATED IN THE COUNTY OF _____, STATE OF COLORADO.

13 PROPERTY ADDRESS: _____

14 ACCOUNT/SCHEDULE NUMBER: _____

15 PARCEL NUMBER: _____

16 CURRENT ASSESSED OWNER: _____

17 LAWFUL HOLDER NAME: _____

18 LAWFUL HOLDER ADDRESS: _____

19 LAWFUL HOLDER CITY, STATE, AND ZIP CODE: _____

20 LAWFUL HOLDER SIGNATURE: _____

21 DATE: _____

22 CURRENT YEAR TAXES: _____

23 JR LIEN ENDORSEMENTS: _____

24 INVESTMENT BALANCE OF TAX LIEN: _____

25 (b) A LAWFUL HOLDER MUST SUBMIT CERTIFICATE OF PURCHASE,
26 OR A RECORDED COPY THEREOF, IF RECORDED BY THE TREASURER AT THE
27 TIME OF THE TAX LIEN SALE, FOR EACH PROPERTY INCLUDED IN AN

1 APPLICATION FOR TREASURER'S DEED AND ANY ASSIGNMENTS OF EACH
2 CERTIFICATE OF PURCHASE IN ACCORDANCE WITH THIS SECTION.

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

23 (3) IN THE EVENT THAT THE AMOUNT OF THE TAX LIEN BALANCE
24 OR ANY NONMATERIAL MISSTATEMENT IS ERRONEOUSLY SET FORTH IN THE
25 APPLICATION FOR A TREASURER'S DEED, THE ERROR DOES NOT AFFECT THE
26 VALIDITY OF THE APPLICATION FOR TREASURER'S DEED, THE NOTICE OF
27 PUBLIC AUCTION, THE PUBLICATION, THE POSTING, THE PUBLIC AUCTION,

1 THE CERTIFICATE OF OPTION FOR A TREASURER'S DEED DESCRIBED IN
2 SECTION 39-11.5-401, THE CERTIFICATE OF REDEMPTION DESCRIBED IN
3 SECTION 39-11.5-106(4), THE CERTIFICATE OF REPURCHASE DESCRIBED IN
4 SECTION 39-11.5-402, THE TREASURER'S DEED AS DESCRIBED IN SECTION
5 39-11.5-501, OR ANY OTHER DOCUMENT EXECUTED IN CONNECTION
6 THEREWITH.

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

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

26 (5) (a) THE TREASURER MAY REQUIRE THE LAWFUL HOLDER TO
27 MAKE A DEPOSIT OF UP TO ONE THOUSAND DOLLARS PLUS THE AMOUNT OF

1 FEES PERMITTED PURSUANT TO SECTION 30-1-102 (1.7), AT THE TIME THE
2 APPLICATION FOR TREASURER'S DEED IS ACCEPTED, TO BE APPLIED
3 AGAINST THE FEES AND COSTS OF THE TREASURER IN PROCEEDING
4 PURSUANT TO THIS ARTICLE 11.5.

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

10 **39-11.5-103. Review of application - recording.**

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

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

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

27 (4) THE RECORDED DOCUMENT MUST BE RETAINED IN THE

1 COUNTY'S PUBLIC RECORDS IN THE COUNTY WHERE THE PROPERTY IS
2 LOCATED.

3 **39-11.5-104. Notice of application - title review - mailing list.**

4 (1) (a) NO MORE THAN TEN CALENDAR DAYS AFTER RECORDING AN
5 APPLICATION FOR A TREASURER'S DEED PURSUANT TO SECTION
6 39-11.5-102(2), THE TREASURER SHALL MAIL BY FIRST CLASS MAIL A
7 NOTICE OF APPLICATION FOR A TREASURER'S DEED TO THE OWNER OF
8 RECORD OF THE PROPERTY ADDRESS SET FORTH IN THE APPLICATION FOR
9 A TREASURER'S DEED.

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

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

24 (2) NOT MORE THAN THIRTY CALENDAR DAYS AFTER RECORDING
25 THE APPLICATION FOR A TREASURER'S DEED AS SET FORTH IN SECTION
26 39-11.5-103, THE TREASURER SHALL ORDER A TITLE SEARCH OR BEGIN A
27 REVIEW OF RELEVANT COUNTY RECORDS OF THE COUNTY CLERK AND

1 RECORDER CONCERNING THE PROPERTY.

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

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

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

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

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

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

26 (e) THE LESSEE OF THE PROPERTY, ADDRESSED TO "LESSEE" AT THE
27 ADDRESS OF THE PROPERTY, IF THE PROPERTY IS COMMERCIAL,

1 RESIDENTIAL, AGRICULTURAL REAL PROPERTY, OR A MANUFACTURED
2 HOME, MOBILE HOME, MODULAR HOME, OR TINY HOME AND IF THE LEASE
3 IS RECORDED;

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

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

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

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

21

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22 **39-11.5-105. Notice of public auction - mailing - publication -**
23 **posting.**

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

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

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

4 (b) THE DATE OF TAX LIEN SALE;

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

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

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

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

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

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

16 (i) THE LOCATION OF THE PUBLIC AUCTION, INCLUDING THE
17 INFORMATION REQUIRED BY SUBSECTION (3) OF THIS SECTION, IF
18 APPLICABLE;

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

20 (k) LEGIBLE COPIES OF SECTIONS 39-11.5-106, 39-11.5-110,
21 39-11.5-112, AND 39-11.5-301.

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

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

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

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

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

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

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

26 (c) THE FEES AND COSTS ALLOWED FOR PUBLICATION OF THE
27 NOTICE OF PUBLIC AUCTION MUST BE AS PROVIDED BY LAW FOR THE

1 PUBLICATION OF LEGAL NOTICES OR ADVERTISING.

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

4 NOTICE OF PUBLIC AUCTION

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

8 [INSERT LEGAL DESCRIPTION]

9 [INSERT PROPERTY ADDRESS]

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

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

21 (b) NO MORE THAN TEN BUSINESS DAYS AFTER MAILING THE
22 NOTICE OF PUBLIC AUCTION, IF AN APPLICATION FOR TREASURER'S DEED
23 CONSISTS OF MULTIPLE PROPERTIES NOT EXCEEDING TWENTY-FIVE,
24 CONTIGUOUS OR NONCONTIGUOUS, AND THE ASSESSED VALUE OF EACH
25 PROPERTY INDIVIDUALLY, AT THE TIME OF THE RECORDING OF THE
26 APPLICATION FOR TREASURER'S DEED, IS LESS THAN FIVE HUNDRED
27 DOLLARS, THE TREASURER SHALL POST THE NOTICE OF PUBLIC AUCTION,

1 OMITTING THE STATUTES REQUIRED BY SUBSECTION (2)(k) OF THIS
2 SECTION, ON THE TREASURER'S WEBSITE.

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

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

17 **39-11.5-106. Property owner redemption procedure.**

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

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

1 AND OR REDEEM THE CERTIFICATE OF PURCHASE AS PROVIDED IN THIS
2 SECTION.

3 (2) (a) NO LATER THAN THREE BUSINESS DAYS FOLLOWING THE
4 TIMELY FILING OF AN INTENT TO REDEEM, THE TREASURER SHALL PROVIDE
5 A REDEMPTION STATEMENT TO A PROPERTY OWNER PURSUANT TO THIS
6 SECTION IN A STATEMENT SPECIFYING THE AMOUNT, ITEMIZED AND IN
7 SUBSTANTIALLY THE SAME FORM AS A BID PURSUANT TO SECTION
8 39-11.5-107; AND

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

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

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

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

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

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

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

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

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

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

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

27 (8) FOLLOWING EXPIRATION OF THE PERIOD FOR WHICH THE

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

7 **39-11.5-107. Bid required - form of bid.**

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

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

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

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

25 **BID**
26 TREASURER OF THE COUNTY (OR CITY AND COUNTY)
27 OF _____, STATE OF COLORADO.

1 DATE: _____
2 TREASURER'S DEED NUMBER: _____
3 LAWFUL HOLDER/TREASURER, WHOSE MAILING ADDRESS
4 IS _____, BIDS THE SUM OF \$ _____
5 IN YOUR PUBLIC AUCTION TO BE HELD ON THE ____ DAY
6 OF _____, 20__ .
7 STREET ADDRESS OF PROPERTY BEING SOLD, IF APPLICABLE:
8 _____
9 THE FOLLOWING IS AN ITEMIZATION OF ALL AMOUNTS DUE THE
10 LAWFUL HOLDER OF THE TAX LIEN.
11 STATUTORY RATE OF INTEREST ON TAX LIEN AS OF THE DATE OF
12 PUBLIC AUCTION: _____
13 (INAPPLICABLE ITEMS MAY BE OMITTED):
14 AMOUNT DUE ON TAX LIEN \$ _____
15 INTEREST \$ _____
16 ENDORSEMENT(S) \$ _____
17 CURRENT YEARS TAXES \$ _____
18 CATEGORY SUBTOTAL \$ _____
19 TREASURER FEES AND COSTS:
20 TREASURER STATUTORY FEE \$ _____
21 TREASURER SOFTWARE COSTS \$ _____
22 TITLE COMMITMENTS OR ABTRACTOR COSTS
23 \$ _____
24 MAILINGS \$ _____
25 PUBLICATION COSTS \$ _____
26 POSTING COSTS \$ _____
27 ELECTRONIC AUCTION COSTS \$ _____

1 CERTIFICATE OF OPTION FOR A TREASURER'S DEED RECORDING
2 COST \$ _____
3 TREASURER DEED FEE \$ _____
4 DEED RECORDING COST \$ _____
5 OTHER (DESCRIBE) \$ _____
6 CATEGORY SUBTOTAL: \$ _____
7 BID \$ _____ (TOTAL DUE LAWFUL HOLDER)

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

11 LAWFUL HOLDER/OR ATTORNEY: _____

12 ATTORNEY REGISTRATION NUMBER: _____

13 ATTORNEY ADDRESS: _____

14 ATTORNEY BUSINESS TELEPHONE: _____

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

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

24 (6) A LAWFUL HOLDER MUST BID NO LESS THAN THE AMOUNT OF
25 THE TOTAL DEBT, AS DETERMINED BY THE TREASURER, FOR THE
26 CERTIFICATE OF PURCHASE BEING SOLD. THE FAILURE OF A LAWFUL

1 HOLDER TO BID THE AMOUNT REQUIRED BY THIS SECTION DOES NOT
2 AFFECT THE VALIDITY OF THE AUCTION.

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

16 (8) A TREASURER MAY ESTABLISH WRITTEN POLICIES RELATING TO
17 ALL ASPECTS OF A PUBLIC AUCTION THAT ARE CONSISTENT WITH THE
18 PROVISIONS OF THIS ARTICLE 11.5. THE WRITTEN POLICIES MUST BE MADE
19 AVAILABLE TO THE GENERAL PUBLIC.

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

25 (10) IF A LAWFUL HOLDER IS THE HIGHEST BIDDER WITH A BID
26 AMOUNT THAT EXCEEDS THE TOTAL AMOUNT DUE TO THE LAWFUL HOLDER
27 AS SHOWN ON THE BID FORM CREATED PURSUANT TO THIS SECTION, A

1 LAWFUL HOLDER IS REQUIRED TO PAY ONLY THE EXCESS OF THE BID OVER
2 THE AMOUNT DUE. A LAWFUL HOLDER SHALL PAY THE EXCESS AMOUNT TO
3 THE TREASURER WITHIN THREE BUSINESS DAYS AFTER THE PUBLIC
4 AUCTION.

5 **39-11.5-108. Fees and costs.**

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

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

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

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

22 (c) ANY GENERAL OR SPECIAL TAXES OR DITCH OR WATER
23 ASSESSMENTS LEVIED OR ACCRUED AGAINST THE PROPERTY AND ANY
24 GOVERNMENTAL OR QUASI-GOVERNMENTAL LIEN, FINE, PENALTY, OR
25 ASSESSMENT AGAINST THE PROPERTY, IF PAID PURSUANT TO THIS ARTICLE
26 11.5; AND

27 (d) SUMS DUE ON ANY PRIOR LIEN OR ENCUMBRANCE ON THE

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

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

11 **39-11.5-109. Public auction - timing of - electronic bid.**

12 (1) THE INITIAL PUBLIC AUCTION HELD PURSUANT TO THIS ARTICLE
13 11.5 MUST BE SCHEDULED FOR NO LESS THAN THIRTY CALENDAR DAYS
14 NOR MORE THAN SIXTY CALENDAR DAYS AFTER THE DATE OF MAILING THE
15 NOTICE OF PUBLIC AUCTION.

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

21 **39-11.5-110. Public auction - location - announcement -**
22 **records - definition.**

23 (1) (a) THE TREASURER SHALL CONDUCT THE PUBLIC AUCTION AT
24 ANY DOOR OR ENTRANCE TO, OR IN ANY ROOM IN ANY BUILDING
25 TEMPORARILY OR PERMANENTLY USED AS, A COURTHOUSE OR AT OR
26 WITHIN ANY BUILDING WHERE THE OFFICE OF THE COUNTY CLERK AND
27 RECORDER OR THE OFFICE OF THE TREASURER IS LOCATED, WHICH PLACE

1 MUST BE SPECIFICALLY DESIGNATED IN THE NOTICE OF PUBLIC AUCTION;
2 EXCEPT THAT A PUBLIC AUCTION MAY ALSO BE CONDUCTED BY MEANS OF
3 THE INTERNET OR OTHER ELECTRONIC MEDIUM. THE COUNTY, THE
4 TREASURER, AND EMPLOYEES OF THE COUNTY OR THE TREASURER, ACTING
5 IN THEIR OFFICIAL CAPACITIES IN PREPARING, CONDUCTING, AND
6 EXECUTING A PUBLIC AUCTION UNDER THIS ARTICLE 11.5 BY MEANS OF
7 THE INTERNET OR ANOTHER ELECTRONIC MEDIUM, ARE NOT LIABLE FOR
8 THE FAILURE OF A DEVICE THAT PREVENTS A PERSON FROM PARTICIPATING
9 IN A PUBLIC AUCTION UNDER THIS ARTICLE 11.5.

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

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

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

24 (b) IN LIEU OF READING THE INFORMATION REQUIRED BY
25 SUBSECTION (2)(a) OF THIS SECTION, A TREASURER MAY POST THE
26 INFORMATION AT THE LOCATION OF THE PUBLIC AUCTION, PROVIDE A
27 WRITTEN COPY OF THE INFORMATION TO ALL PERSONS PRESENT AT THE

1 PUBLIC AUCTION, OR POST THE INFORMATION ON THE INTERNET OR OTHER
2 ELECTRONIC MEDIUM, IF THE PUBLIC AUCTION IS CONDUCTED BY MEANS
3 OF THE INTERNET OR ANOTHER ELECTRONIC MEDIUM.

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

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

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

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

26 (b) IN A PUBLIC AUCTION CONDUCTED BY MEANS OF THE INTERNET
27 OR OTHER ELECTRONIC MEDIUM, IF A PERSON BIDDING FAILS TO PAY THE

1 AMOUNT DUE, A TREASURER MAY OFFER THE CERTIFICATE OF OPTION FOR
2 A TREASURER'S DEED, WITHOUT ADDITIONAL ADVERTISEMENT, TO
3 ANOTHER BIDDER, WHETHER OR NOT THE PUBLIC AUCTION HAS CLOSED; OR
4 MAY AGAIN OFFER AND SELL A CERTIFICATE OF PURCHASE ON THE
5 PROPERTY; OR AT A TREASURER'S DISCRETION, THE TREASURER MAY
6 RECOVER THE AMOUNT BID BY CIVIL ACTION BROUGHT IN THE NAME OF
7 THE COUNTY IN ANY COURT OF COMPETENT JURISDICTION.

8 (c) A TREASURER MAY PROHIBIT A PERSON WHO FAILS TO PAY THE
9 AMOUNT DUE FROM BIDDING ON PUBLIC AUCTIONS UNDER THIS ARTICLE
10 11.5 FOR NOT MORE THAN FIVE YEARS.

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

15 **39-11.5-111. Continuance of public auction - effect of**
16 **bankruptcy - withdrawal of application.**

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

1 PUBLIC AUCTION DATE AND IS NOT CONTINUED FROM THE
2 THEN-SCHEDULED PUBLIC AUCTION DATE PURSUANT TO THIS SUBSECTION
3 (1)(a) IS DEEMED TO HAVE BEEN CONTINUED FOR A PERIOD OF ONE WEEK,
4 AND FROM WEEK TO WEEK THEREAFTER IN LIKE MANNER, UNTIL THE
5 PUBLIC AUCTION IS HELD OR OTHERWISE CONTINUED PURSUANT TO THIS
6 SUBSECTION (1)(a). A TREASURER MUST NOT CONTINUE A PUBLIC AUCTION
7 TO A DATE LATER THAN TWELVE MONTHS FROM THE ORIGINALLY
8 DESIGNATED DATE IN THE NOTICE OF PUBLIC AUCTION, EXCEPT AS
9 PROVIDED IN SUBSECTION (2) OF THIS SECTION.

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

1 ORIGINAL NOTICE OF PUBLIC AUCTION WAS ERRONEOUS, TO THE PERSONS
2 AND ADDRESSES ON THE MAILING LIST NO MORE THAN TEN CALENDAR
3 DAYS AFTER THE FIRST CORRECTED PUBLICATION OR REPUBLICATION AND
4 NO LESS THAN FORTY-FIVE CALENDAR DAYS PRIOR TO THE NEWLY
5 SCHEDULED PUBLIC AUCTION IN THE SAME MANNER AS SET FORTH IN
6 SECTION 39-11.5-105.

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

18 (b) (I) IF THE PUBLICATIONS OF A NOTICE OF PUBLIC AUCTION
19 PRESCRIBED BY SECTION 39-11.5-105 (4) OR 13-56-201 (1) HAVE NOT
20 COMMENCED, OR IF ALL THE PUBLICATIONS HAVE NOT BEEN COMPLETED,
21 BEFORE THE DATE THAT AN INJUNCTION OR A BANKRUPTCY PETITION IS
22 FILED WHICH AUTOMATICALLY STAYS THE TREASURER FROM CONDUCTING
23 THE PUBLIC AUCTION, THE TREASURER SHALL IMMEDIATELY CANCEL ANY
24 REMAINING PUBLICATIONS OF THE NOTICE OF PUBLIC AUCTION AND, ON
25 THE DATE SET FOR THE PUBLIC AUCTION, ANNOUNCE, POST, OR PROVIDE A
26 NOTICE THAT THE PUBLIC AUCTION HAS BEEN ENJOINED OR HAS BEEN
27 STAYED BY THE AUTOMATIC STAY PROVISIONS OF THE FEDERAL

1 BANKRUPTCY CODE OF 1978, TITLE 11 OF THE UNITED STATES CODE, AS
2 AMENDED. THE PUBLIC AUCTION MAY NOT BE CONTINUED UNDER
3 SUBSECTION (1)(a) OF THIS SECTION.

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

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

22 (III) IF A PUBLIC AUCTION IS HELD IN VIOLATION OF THE
23 AUTOMATIC STAY PROVISIONS OF THE FEDERAL BANKRUPTCY CODE OF
24 1978, TITLE 11 OF THE UNITED STATES CODE, AS AMENDED, AND AN
25 ORDER IS SUBSEQUENTLY ENTERED BY A BANKRUPTCY COURT OF
26 COMPETENT JURISDICTION DISMISSING THE BANKRUPTCY, ABANDONING
27 THE PROPERTY BEING SOLD, OR CLOSING THE BANKRUPTCY CASE, OR AN

1 ORDER IS SUBSEQUENTLY ENTERED GRANTING RELIEF FROM THE
2 AUTOMATIC STAY PROVIDED BY THE FEDERAL BANKRUPTCY CODE, THEN
3 THE CERTIFICATE OF PURCHASE MUST IMMEDIATELY BE DEEMED
4 REINSTATED, AND THE CERTIFICATE OF PURCHASE MUST HAVE THE SAME
5 PRIORITY AS IF THE PUBLIC AUCTION HAD NOT OCCURRED. IMMEDIATELY
6 UPON REINSTATEMENT, THE APPLICATION FOR TREASURER'S DEED SHALL
7 BE DEEMED REVIVED.

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

1 LIMITATIONS:

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

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

10 (V) IF A LAWFUL HOLDER DOES NOT NOTIFY A TREASURER IN
11 WRITING OF THE ENTRY OF AN ORDER DISMISSING THE BANKRUPTCY CASE,
12 ABANDONING THE PROPERTY BEING SOLD, CLOSING THE BANKRUPTCY
13 CASE, OR GRANTING RELIEF FROM THE AUTOMATIC STAY PROVIDED BY THE
14 FEDERAL BANKRUPTCY CODE OF 1978, TITLE 11 OF THE UNITED STATES
15 CODE, AS AMENDED, WITHIN THE TIME ALLOWED UNDER SUBSECTION
16 (2)(b)(IV) OF THIS SECTION, THE TREASURER SHALL ADMINISTRATIVELY
17 WITHDRAW THE APPLICATION FOR TREASURER'S DEED PURSUANT TO
18 SUBSECTION (3)(b) OF THIS SECTION UPON RECEIPT OF THE ORDER
19 DISMISSING THE BANKRUPTCY CASE, ABANDONING THE PROPERTY BEING
20 SOLD, CLOSING THE BANKRUPTCY CASE, OR GRANTING RELIEF FROM THE
21 AUTOMATIC STAY PROVIDED BY THE FEDERAL BANKRUPTCY CODE OF
22 1978, TITLE 11 OF THE UNITED STATES CODE, AS AMENDED.

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

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

1 APPLY:

2 (I) UPON RECEIPT OF THE COURT ORDER, THE TREASURER'S FEE
3 SPECIFIED IN SECTION 30-1-102 (1.7)(a)(XII), AND THE COSTS OF
4 RECORDING THE COURT ORDER AS SPECIFIED IN THIS SUBSECTION (2)(c),
5 THE TREASURER SHALL ATTACH TO THE ORDER A COPY OF THE
6 CERTIFICATE OF OPTION FOR A TREASURER'S DEED, ANY ASSIGNMENTS
7 THEREOF, AND, IF APPLICABLE, THE TREASURER'S DEED, EACH MARKED
8 "NULL AND VOID", AND RECORD THE ORDER TOGETHER WITH THESE
9 DOCUMENTS.

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

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

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

1 NOT EARLIER THAN THE SCHEDULED AUCTION DATE AS OF THE DATE OF
2 THE COURT ORDER.

3 (B) NO MORE THAN TEN CALENDAR DAYS AFTER RECEIVING
4 NOTICE TO SCHEDULE A NEW PUBLIC AUCTION, THE TREASURER SHALL
5 MAIL BY FIRST CLASS MAIL A NOTICE OF PUBLIC AUCTION SETTING FORTH
6 THE RESCHEDULED PUBLIC AUCTION DATE TO EACH PERSON ENTITLED TO
7 RECEIVE THE NOTICE OF PUBLIC AUCTION PURSUANT TO SECTION
8 39-11.5-104.

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

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

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

25 (F) IF A WRITTEN REQUEST TO RESCHEDULE A PUBLIC AUCTION IN
26 ACCORDANCE WITH THIS SUBSECTION (2) IS NOT RECEIVED BY THE
27 TREASURER WITHIN ONE YEAR OF THE ISSUANCE OF AN ORDER, AN

1 APPLICATION FOR TREASURER'S DEED MUST BE WITHDRAWN ACCORDING
2 TO SUBSECTION (3)(b) OF THIS SECTION.

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

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

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

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

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

23 **39-11.5-112. Treatment of overbid - agreement to assist in**
24 **recovery of overbid.**

25 (1) UPON THE EXPIRATION OF THE CLAIM FOR OVERBID MONEY
26 PERIOD PROVIDED IN SECTION 39-11.5-301, ANY REMAINING OVERBID
27 MUST BE PAID IN ORDER OF RECORDING PRIORITY TO JUNIOR LIENORS, WHO

1 HAVE DULY FILED A CLAIM FOR OVERBID MONEY PURSUANT TO SECTION
2 39-11.5-303, IN EACH CASE UP TO THE UNPAID AMOUNT OF EACH SUCH
3 JUNIOR LIENOR'S LIEN PLUS ALLOWABLE FEES AND COSTS. A JUNIOR
4 LIENOR HOLDING A LIEN THAT IS NOT ENTITLED TO CLAIM AN OVERBID
5 MONEY BY VIRTUE OF BEING RECORDED AFTER THE APPLICATION FOR
6 TREASURER'S DEED OR A LIENOR THAT HAS NOT TIMELY FILED A CLAIM FOR
7 OVERBID MONEY PURSUANT TO SECTION 39-11.5-303 DOES NOT HAVE ANY
8 CLAIM TO ANY PORTION OF THE OVERBID. AFTER PAYMENT TO ALL JUNIOR
9 LIENORS ENTITLED TO RECEIVE A PORTION OF THE OVERBID PURSUANT TO
10 THIS SECTION, ANY REMAINING OVERBID MONEY MUST BE PAID TO THE
11 PROPERTY OWNER.

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

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

21 (b) TO PAY THE PROPERTY OWNER AS REQUIRED PURSUANT TO THIS
22 SUBSECTION (2), A TREASURER SHALL SEND A NOTICE TO THE PROPERTY
23 OWNER. IF THE AMOUNT OF REMAINING OVERBID IS EQUAL TO OR GREATER
24 THAN TWENTY-FIVE DOLLARS, THE TREASURER SHALL MAKE REASONABLE
25 EFFORTS TO IDENTIFY THE PROPERTY OWNER'S CURRENT MAILING
26 ADDRESS. THE TREASURER SHALL MAIL BY FIRST-CLASS MAIL TO THE
27 PROPERTY OWNER A NOTICE REGARDING THE REMAINING OVERBID TO THE

1 BEST AVAILABLE ADDRESS NO LATER THAN THIRTY CALENDAR DAYS
2 AFTER THE EXPIRATION OF THE CLAIM FOR OVERBID MONEY PERIOD AS
3 PROVIDED IN SECTION 39-11.5-303 (2).

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

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

1 UNCLAIMED REMAINING OVERBID MONEY IS TRANSFERRED TO THE STATE
2 TREASURER OR TO THE GENERAL FUND OF THE COUNTY, THE TREASURER
3 IS DISCHARGED FROM ANY FURTHER LIABILITY OR RESPONSIBILITY FOR THE
4 MONEY.

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

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

1 **39-11.5-113. Use of electronic documents authorized.**

2 CONSISTENT WITH THE "UNIFORM ELECTRONIC TRANSACTIONS
3 ACT", ARTICLE 71.3 OF TITLE 24, ANY DOCUMENT OR RECORD RELATED TO
4 A PUBLIC AUCTION MAY BE ACCEPTED BY THE TREASURER IN AN
5 ELECTRONIC FORMAT OR MAY BE MADE AVAILABLE TO THE PUBLIC BY THE
6 TREASURER IN AN ELECTRONIC FORMAT. THE TREASURER SHALL
7 ESTABLISH AND UNIFORMLY APPLY WRITTEN POLICIES FOR DETERMINING
8 WHETHER AND THE EXTENT TO WHICH THE TREASURER SHALL ACCEPT
9 DOCUMENTS OR RECORDS IN ELECTRONIC FORM; EXCEPT THAT, THE
10 TREASURER SHALL NOT REQUIRE THE USE OF AN ELECTRONIC FORMAT FOR
11 ANY PURPOSE UNDER THIS ARTICLE 11.5 EXCEPT AS NECESSARY FOR SALES
12 CONDUCTED BY MEANS OF THE INTERNET OR ANOTHER ELECTRONIC
13 MEDIUM.

14 **39-11.5-114. Rescission of public auction.**

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

1 THE LAWFUL HOLDER OR ASSIGNEE OR SIGNED BY THEIR ATTORNEY.

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

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

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

23 (4) (a) AFTER THE RECORDING OF A NOTICE OF RESCISSION OF
24 PUBLIC AUCTION, A LAWFUL HOLDER OR THE ASSIGNEE MAY NOTIFY THE
25 TREASURER IN WRITING TO RESCHEDULE THE PUBLIC AUCTION. THE
26 TREASURER SHALL SET A NEW PUBLIC AUCTION AT LEAST THIRTY
27 CALENDAR DAYS BUT NOT MORE THAN FORTY-FIVE CALENDAR DAYS

1 AFTER THE DATE ON WHICH THE TREASURER RECEIVES NOTICE TO
2 SCHEDULE A NEW PUBLIC AUCTION, SUBJECT TO THE REQUIREMENTS OF
3 SECTION 39-11.5-109.

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

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

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

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

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

27 (e) AFTER A PUBLIC AUCTION HAS BEEN RESCINDED AND

1 RESCHEDULED PURSUANT TO THIS SUBSECTION (4), THE PUBLIC AUCTION
2 MAY BE CONTINUED IN ACCORDANCE WITH SECTION 39-11.5-111 (1)(a).

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

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

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

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

18 THE UNDERSIGNED, AS TREASURER FOR THE COUNTY OF
19 _____, STATE OF COLORADO, BY THIS ENDORSEMENT,
20 HEREBY CONFIRMS THE REINSTATEMENT OF THIS CERTIFICATE OF
21 PURCHASE IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION
22 39-11.5-113, COLORADO REVISED STATUTES.

23 DATE:

24 SIGNATURE:

25 TREASURER

26 FOR THE COUNTY OF _____,

27 STATE OF COLORADO.

1 BY FIRST-CLASS MAIL A COPY OF A NOTICE OF PUBLIC AUCTION ALONG
2 WITH A RIGHT OF FIRST REFUSAL FORM TO THE RECORD OWNER OF THE
3 SURFACE PROPERTY. THE RIGHT OF FIRST REFUSAL FORM MUST BE
4 SUBSTANTIALLY IN THE FOLLOWING FORM:

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

24 SIGNATURE OF SURFACE OWNER(S)

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

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

3 (c) UPON RECEIPT OF A RIGHT OF FIRST REFUSAL PAYMENT, A
4 TREASURER SHALL EXECUTE AND RECORD A WITHDRAWAL OF THE
5 APPLICATION FOR TREASURER'S DEED PURSUANT TO SECTION 39-11.5-111
6 (3).

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

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

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

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

26 (5) A SURFACE OWNER SHALL PURCHASE THE ENTIRE SEVERED
27 MINERAL PROPERTY LOCATED BENEATH THEIR PROPERTY. NO PARTIAL

1 PURCHASE IS PERMITTED UNDER THIS SECTION. THE PRIORITY OF LIENS FOR
2 PURPOSES OF THIS SECTION MUST BE DETERMINED WITHOUT
3 CONSIDERATION OF THE FACT THAT THE LIEN RELATES TO ONLY A PORTION
4 OF THE PROPERTY OR TO A PARTIAL INTEREST THEREIN.

5 PART 3

6 REPURCHASE - CLAIM FOR OVERBID MONEY

7 **39-11.5-301. Repurchase - procedure.**

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

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

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

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

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

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

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

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

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

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

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

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

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

1 HOLDER;

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

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

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

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

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

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

1 **39-11.5-302. Effect of repurchase.**

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

8 **39-11.5-303. Claim for overbid money - procedure.**

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

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

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

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

1 TREASURER; AND

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

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

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

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

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

26 (4) ANY REDEMPTION RIGHTS GRANTED UNDER FEDERAL LAW ARE
27 SEPARATE AND DISTINCT FROM A CLAIM FOR OVERBID MONEY RIGHTS

1 GRANTED PURSUANT TO THIS PART 3. ALL LIENS THAT ARE JUNIOR TO THE
2 CERTIFICATE OF PURCHASE PURSUANT TO THIS ARTICLE 11.5 MUST BE
3 DIVESTED BY THE PUBLIC AUCTION UNDER THIS ARTICLE 11.5, SUBJECT TO
4 THE CLAIM FOR OVERBID MONEY PROVIDED IN THIS PART 3. THE
5 TREASURER CONDUCTING A PUBLIC AUCTION UNDER THIS ARTICLE 11.5 IS
6 NOT DESIGNATED TO RECEIVE REDEMPTIONS UNDER FEDERAL LAW.

7 **39-11.5-304. Lessee, easement holder, and installment contract**
8 **vendor considered as lienors - installment land contract vendee**
9 **considered as owner.**

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

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

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

27 (2) FOR THE PURPOSES OF THIS ARTICLE 11.5, AN INSTALLMENT

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

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

13 PART 4

14 CERTIFICATE OF OPTION FOR A TREASURER'S DEED

15 **39-11.5-401. Certificate of option for a treasurer's deed -**
16 **issuance - priority.**

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

- 21 (a) THE NAMES OF THE PROPERTY OWNER;
22 (b) THE DESCRIPTION OF THE PROPERTY;
23 (c) THE SUM PAID FOR THE PROPERTY;
24 (d) THE NAME AND MAILING ADDRESS OF THE PURCHASER;
25 (e) A STATEMENT THAT THE PURCHASER OR ASSIGNEE OF THE
26 CERTIFICATE OF OPTION FOR A TREASURER'S DEED IS ENTITLED TO A
27 TREASURER'S DEED AT THE EXPIRATION OF THE REPURCHASE PERIOD

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

3 (f) THE TREASURER'S DEED NUMBER;

4 (g) THE DATE OF THE PUBLIC AUCTION; AND

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

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

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

16 **39-11.5-402. Certificate of repurchase - issuance.**

17 (1) NO LATER THAN THREE BUSINESS DAYS FOLLOWING A
18 TREASURER'S RECEIPT OF REPURCHASE MONEY PAID PURSUANT TO SECTION
19 39-11.5-301, THE TREASURER SHALL EXECUTE AND RECORD IN EACH
20 COUNTY WHERE THE PROPERTY, OR A PORTION THEREOF, IS LOCATED A
21 CERTIFICATE OF REPURCHASE CONTAINING:

22 (a) THE NAME OF THE PURCHASER;

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

24 (c) THE REPURCHASE AMOUNT PAID;

25 (d) THE DATE OF THE PUBLIC AUCTION;

26 (e) THE LEGAL DESCRIPTION OF THE PROPERTY;

27 (f) THE TREASURER'S DEED NUMBER; AND

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

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

7 **39-11.5-403. Certificate of repurchase - assignment.**

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

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

16 (I) THE NAME AND ADDRESS OF THE ASSIGNEE;

17 (II) THE NAME AND ADDRESS OF THE ASSIGNOR;

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

20 (IV) THE NAME OF THE PROPERTY OWNER; AND

21 (V) THE TREASURER'S DEED NUMBER.

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

26 **39-11.5-404. Certificate as prima facie evidence.**

27 A CERTIFICATE OF OPTION FOR A TREASURER'S DEED OR

1 CERTIFICATE OF REPURCHASE OR A RECORDED COPY THEREOF IS DEEMED
2 TO BE PRIMA FACIE EVIDENCE OF ALL STATEMENTS OR RECITALS
3 CONTAINED THEREIN.

4 PART 5

5 ISSUANCE OF TREASURER'S DEED AND NATURE OF TITLE

6 **39-11.5-501. Title vests upon expiration of repurchase period**
7 **- treasurer's deed - definition.**

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

27 (2) NOTWITHSTANDING ANY PROVISION OF LAW TO THE

1 CONTRARY, A TREASURER MAY NOT INCLUDE AN ASSIGNEE AS A GRANTEE
2 IN A TREASURER'S DEED, UNLESS THE FOLLOWING REQUIREMENTS ARE
3 MET:

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

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

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

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

19 **39-11.5-502. Form of treasurer's deed.**

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

22 THE FOLLOWING DESCRIBED REAL PROPERTY IS THE SUBJECT OF
23 THIS TREASURER'S DEED:

24 TREASURER'S DEED NUMBER: _____

25 LEGAL DESCRIPTION:

26 ALSO KNOWN BY STREET ADDRESS AS:

27 ASSESSOR SCHEDULE/ACCOUNT NO: _____

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

1 COUNTY OF _____, STATE OF _____, BID
2 THE SUM OF \$ _____ FOR SAID PROPERTY. BEING THE
3 PERSON WHO SUBMITTED THE WINNING BID AT THE PUBLIC
4 AUCTION AND WHO TIMELY SUBMITTED PROPER FUNDS, THE
5 TREASURER AWARDED A CERTIFICATE OF OPTION FOR A
6 TREASURER'S DEED TO THE PURCHASER;
7 THE LAWFUL HOLDER SUBSEQUENTLY REPURCHASED THE
8 CERTIFICATE OF OPTION FOR A TREASURER'S DEED BY PAYING TO
9 THE TREASURER THE AMOUNT THE PURCHASER PAID AT THE
10 PUBLIC AUCTION, WITH INTEREST FROM THE DATE OF SALE,
11 ALONG WITH ALL APPLICABLE FEES OR COSTS. THE REPURCHASE
12 WAS MADE ON _____ (MONTH, DAY, YEAR) AND,
13 AFTER THE REPURCHASE OF THE ABOVE-DESCRIBED PROPERTY,
14 THE LAWFUL HOLDER IS ENTITLED TO A TREASURER'S DEED; OR
15 ON _____ (MONTH, DAY,
16 YEAR), _____ ("PURCHASER") ASSIGNED THE
17 CERTIFICATE OF OPTION FOR A TREASURER'S DEED ON THE
18 PROPERTY, ALONG WITH ALL RIGHTS, TITLE, AND INTEREST, TO
19 _____ ("ASSIGNEE") LOCATED
20 _____ (ASSIGNEE MAILING ADDRESS).
21 THEN, _____ (MONTH, DAY, YEAR),
22 _____ (ASSIGNEE), ASSIGNED THE SAME CERTIFICATE
23 OF OPTION FOR A TREASURER'S DEED AND ALL ASSOCIATED
24 RIGHTS, TITLE, AND INTEREST TO _____ (SECOND
25 ASSIGNEE), LOCATED AT
26 _____ (SECOND ASSIGNEE
27 MAILING ADDRESS), IF APPLICABLE.

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

4 NOW, THEREFORE, IN CONSIDERATION OF THE ABOVE, I,
5 _____, TREASURER OF _____ COUNTY
6 CONVEY TO _____ (NAME OR
7 PURCHASER, LAWFUL HOLDER, OR ASSIGNEE) WHOSE ADDRESS IS
8 _____, COUNTY OF _____, STATE OF
9 _____ ALL RIGHT, TITLE, AND INTEREST IN THE
10 PROPERTY, SUBJECT TO ANY ENCUMBRANCES AND RESTRICTIONS
11 OF RECORD.

12 EXECUTED ON: _____
13 _____, TREASURER OF _____ COUNTY,
14 STATE OF COLORADO
15 (SEAL)
16 _____ (SIGNAT
17 URE)

18 BY:
19 WHEN RECORDED, RETURN TO COUNTY TREASURER

20 **39-11.5-503. Treasurer's deed as evidence of compliance.**

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

26 **39-11.5-504. Effect of treasurer's deed on certain classes of**
27 **persons.**

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

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

1 INTEREST OF THE PERSON THEN APPEARS ON RECORD.

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

9 **39-11.5-505. Omitted party - definitions.**

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

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

1 PARTY OR ANYONE CLAIMING BY, THROUGH, OR UNDER AN OMITTED
2 PARTY WAS GIVEN OR HAD ACTUAL NOTICE OR KNOWLEDGE OF THE
3 TREASURER'S DEED PROCESS AND WAS GIVEN AN OPPORTUNITY TO
4 EXERCISE STATUTORY RIGHTS TO CLAIM OVERBID MONEY.

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

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

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

1 UNDER AN OMITTED PARTY.

2 (3) IF AN INTERESTED PERSON FILES WITH A TREASURER AT ANY
3 TIME AFTER A PUBLIC AUCTION A DOCUMENT AFFIRMING AN OMITTED
4 PARTY'S INTEREST IN A PROPERTY, SUBJECT TO THE TERMS, CONDITIONS,
5 AND PROVISIONS OF THE RECORDED INSTRUMENT FROM WHICH THE
6 OMITTED PARTY'S INTEREST IS DERIVED, OR IN THE CASE OF AN OMITTED
7 PARTY THAT IS A LESSEE, SUBJECT TO THE TERMS AND CONDITIONS OF THE
8 LEASE, WHETHER WRITTEN OR ORAL, THE INTEREST OF THE OMITTED
9 PARTY IN THE PROPERTY SHALL NOT BE AFFECTED BY THE PUBLIC
10 AUCTION, AND THE OMITTED PARTY SHALL HAVE NO CLAIM TO ANY
11 OVERBID MONEY.

12 PART 6

13 CURATIVE PROVISIONS

14 **39-11.5-601. Curative provisions.**

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

25 (2) IN THE EVENT OF AN ERROR CONTAINED IN ANY CERTIFICATE
26 OF OPTION FOR A TREASURER'S DEED, CERTIFICATE OF REPURCHASE,
27 TREASURER'S DEED, OR OTHER RECORDED DOCUMENT PREPARED BY THE

1 OFFICE OF THE TREASURER, THE TREASURER MAY CORRECT SUCH ERROR
2 BY EXECUTING AND RECORDING A SCRIVENER'S ERROR AFFIDAVIT AS SET
3 FORTH IN SECTION 38-35-109 (5).

4 **39-11.5-602. Interaction with other law.**

5 NOTWITHSTANDING ANY LAW TO THE CONTRARY, ON OR AFTER
6 JUNE 1, 2026, A PURCHASER, LAWFUL HOLDER, OR TREASURER SHALL
7 FOLLOW THE PROCEDURES ESTABLISHED IN THIS ARTICLE 11.5 AND SHALL
8 NOT FOLLOW THE PROCEDURES ESTABLISHED IN ARTICLE 11 OF THIS TITLE
9 39 CONCERNING THE ISSUANCE OF A DEED. NOTWITHSTANDING ANY LAW
10 TO THE CONTRARY, ON OR AFTER JUNE 1, 2026, A TREASURER SHALL NOT
11 ISSUE A DEED PURSUANT TO ARTICLE 11 OF THIS TITLE 39.

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

13 **SECTION 55. Applicability.** (1) This act applies to any fee
14 imposed, assessed, or collected by a county treasurer on or after June 1,
15 2026.

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

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