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### **An Act to Amend Chapter 151 of the Session Laws for the Year 1929 Concerning Sales of Real Property on Execution and Lien Foreclosure and the Redemption Therefrom.**

Colorado General Assembly

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## CHAPTER 140

## REAL PROPERTY

## LIEN FORECLOSURES—REDEMPTION

(S. B. No. 76. By Senators Qulst, Fairfield and Simonson)

## AN ACT

AN ACT TO AMEND CHAPTER 151 OF THE SESSION LAWS FOR THE YEAR 1929 CONCERNING SALES OF REAL PROPERTY ON EXECUTION AND LIEN FORECLOSURE AND THE REDEMPTION THEREFROM.

*Be It Enacted by the General Assembly of the State of Colorado:*

Section Amended

Section 1. That Section 2 of Chapter 151 of the Session Laws of the State of Colorado for the year 1929 be, and the same is, hereby amended to read as follows:

Senior  
Encumbrancer  
or Lienor May  
Redeem Within  
10 Days

"Section 2. If no such redemption be made within said six month period, the encumbrancer or lienor having the lien, senior, according to the records of the Recorder's office of the County where the real estate is situate, on the sold premises or some part thereof subsequent to the lien upon which such sale was held may redeem within ten days after the expiration of the above redemption period, by paying the amount required by the preceding section, and each subsequent encumbrancer and lienor in succession, shall have and be allowed a five day period to redeem.

according to the priority of his lien and may redeem within the five day period allotted to him by paying all redemption amounts theretofore paid with interest and the amount of all such liens with interest prior to his own held by such person as are evidenced in the manner required in this section, or, if no encumbrancer or lienor prior to himself has redeemed then by paying the amount required in the preceding section.

Subsequent  
Encumbrancer  
and Lienor  
May Redeem  
Within 5 Days

No lienor or encumbrancer shall be entitled to redeem, unless, within the redemption period in the preceding section provided for, he files a notice of his intention to redeem with the public trustee, sheriff, or other official making the sale and unless his lien appears by instruments duly recorded or filed as permitted by law. No lienor shall be entitled to redeem under this section unless his lien appears by an instrument so recorded or filed prior to the expiration of the six month period of redemption in the preceding section provided for. The calendar dates of the periods of redemption allowed the respective lienors shall be considered as being fixed at the time of the expiration of the six month period of redemption in the preceding section provided for and such periods shall not be advanced according to the calendar by the fact that any prior lienor may have redeemed before his full period of redemption has expired.

Lienor or  
Encumbrancer  
Entitled To  
Redeem—When

Calendar  
Dates Fixed

A lienor redeeming shall pay to the public trustee, sheriff, or other official making the sale the amount required to redeem and shall produce to such official, documents evidencing his right to redeem, such as the original mortgage, trust deed, lien or other document evidencing the original lien, together with

Lienor Pay  
Amount  
Required and  
Furnish  
Evidence of  
Right to Redeem

the certificate of record endorsed thereon or a certified copy thereof, or the record thereof, and also the assignment thereof or the evidence of the assignment thereof, together with an affidavit of himself or his agent showing the amount then actually owing on such lien."

**Section Amended**

Section 2. That Chapter 151 of the Session Laws of the State of Colorado for the year 1929 be and the same is hereby amended by adding thereto the following section to-wit:

**Officer Making  
Sale Issue  
Purchaser  
Certificate**

"Whenever any land or tenements shall be sold by virtue of any foreclosure, mortgage, trust deed or other lien and by virtue of an execution and levy it shall be the duty of the trustee, sheriff or other officer making such sale to issue and give the purchaser or purchasers of such land and tenements purchased a certificate in writing describing the lands and tenements purchased and the sum paid therefor and also stating that the purchaser shall be entitled to a deed of such lands and tenements at the expiration of the periods of redemption provided for by law unless the same shall be redeemed as provided for by law and such trustee shall, within ten days from the date of such sale, file for record in the office of the recorder of the county where said lands and tenements are situate, a duplicate of such certificate signed by him, and such certificate or certified copy thereof, shall be taken and deemed evidence of the facts therein contained."

**Contents of  
Certificate**

**File Certificate  
Within 10 Days**

**Repealing  
Clause**

Section 3. All Acts or parts of Acts inconsistent with this Act shall be, and the same are hereby, repealed.

**Section 4.** The General Assembly hereby declares **Safety Clause** that this Act is necessary for the immediate preservation of the public peace, health and safety.

**Section 5.** In the opinion of the General Assem- **Emergency** bly an emergency exists; therefore, this Act shall take effect and be in force from and after its passage.

Approved April 11, 1931.