

Commencing a Foreclosure In Boulder County

Pursuant to laws effective 1/1/2010, in order to start the foreclosure process, the following is submitted to the Public Trustee's office, along with a Referral of the case and a Certificate of the current owner of the debt:

1. Original or certified copy of the recorded deed of trust.
2. Original promissory note or bond if original note has been lost. Some qualified foreclosing lenders may submit certain documentation in lieu of the note if they fall under the guidelines of C.R.S. 38-38-100.3(20).
3. Notice of Election and Demand for Foreclosure.
4. Mailing List, which includes names and addresses of parties to receive Combined Notice of the sale, rights to cure and rights to redeem.
5. Additional documents required under foreclosure statutes.
6. Payment of required fees.

The above documents are submitted to the Public Trustee by a **Colorado-licensed attorney representing the lender** of the loan in default. The Public Trustee records the Notice of Election and Demand (NED) and starts the foreclosure proceedings. This must be done within ten business day after receiving the documents from the lender's attorney.

A **Combined Notice** of Sale, Rights to Cure and Redeem is sent to parties listed on the mailing list or amended mailing list. The mailing list or lists must include all parties whose interests appear in an instrument recorded subsequent to the foreclosed deed of trust and prior to the recording of the NED. The notices are sent to the addresses shown on the recorded instrument. If there is no address, then by statute it is not necessary to send the notice in care of the county seat.

The Public Trustee sets the sale date to be **not less than 110 calendar days not more than 125 calendar days from the date of recording of the NED for NON-agricultural properties or not less than 215 calendar days nor more than 230 calendar days from the date of recording of the NED for agricultural properties.**

Boulder County Deposit Requirement

- Boulder County requires an initial deposit of \$650 for all foreclosures OR
- Drawdown account with our office

DETERMINING AGRICULTURAL SALES 38-38-108(2)(A)(I)

1. If necessary the Boulder County Public Trustee shall make a determination immediately upon the opening of the foreclosure.
2. This office shall accept as evidence:
 - a. Certified copy of recorded subdivision plat
 - b. Written statement from city or town clerk
 - c. Written statement from county assessor
 - d. Statements must be dated no more than 6 months before the NED was filed
3. Our determination is binding
4. Statements used in determining agricultural status no longer need to be recorded
5. Cost for determining status may be included as a portion of the fees and costs charged by the attorney

PLEASE DO NO SUBMIT COPIES OF STATUTES FOR MAILING. THIS IS COVERED IN THE COST OF POSTAGE AND COPIES.