

Commencing a Foreclosure in 2008 Jefferson County

DOCUMENTS REQUIRED 38-38-101

1. Notice of Election and Demand (NED)

- 38-38-101 (a)
- One copy
- Signed by the attorney (no notarization) signed by the holder (notarized)
- The NED shall include the following:
- 38-38-101 (4)
 - a. Names of Original Grantors and Grantees and original beneficiaries
 - b. Name of Holder of Evidence of Debt
 - c. Date of DOT being foreclosed
 - d. The recording date, county, book, and page or reception number of the recording of the deed of trust being foreclosed
 - e. Original Principal Balance
 - f. Outstanding principal balance as of the date of the NED
 - g. Property description – this must be the legal description
 - h. Statement whether it's all or a portion of the property
 - i. Statement of what the violation is
 - j. Attorney's name, address and Colorado Bar Registration Number

2. Evidence of Debt (EOD)

- 38-38-101 (b)
 - Original EOD with all original assignments and indorsements
- OR LACKING THE ORIGINAL EOD ONE OF THE FOLLOWING
- Corporate Surety Bond for one and one-half (1½) times face value {38-38-101 (b) (I)}
 - Copy of the EOD and Certification citing 38-38-100.3 (20) signed by the attorney or holder (notarized) {38-38-101(b) (II) (2) and (6)}

3. Deed of Trust (DOT)

- 38-38-101 (c)
- Original
- OR LACKING THE ORIGINAL ONE OF THE FOLLOWING
- Certified copy 38-38-1010 (c) (I) from the County Clerk and Recorder
 - Copy and certification 38-38-101 (c) (II) citing 38-38-100.3 (20) and signed by the attorney or holder (notarized)

4. Combined Notice

- 38-38-101 (d)
- Jefferson County Public Trustee will create this document pursuant to 38-38-103

5. Mailing Lists

- Initial Mailing List 38-38-101 (e) containing the names and addresses of the persons listed in section 38-38-103 (1) (a) (I)
- Supplemental Mailing List 38-38-101 (f) listing the names and address of the persons listed in section 38-38-103 (1) (a) (II) no less than 60 calendar days prior to the first scheduled sale date
- Amended Mailing Lists may be filed from time to time by the attorney must be filed by the attorney, but no less than 65 calendar days prior to the actual date of sale 38-38-103 (2) (a)

DETERMINING AGRICULTURAL SALES 38-38-108 (2)

(a) (I)

1. If necessary, the Jefferson County Public Trustee shall make a determination 10 to 20 calendar days after the recording of the NED
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 NED filed
3. Our determination is binding
4. Statements used in determining agricultural status no longer need to be recorded.
5. Costs for determining agricultural property status may be included as a portion of the fees and costs charged by the attorney

PUBLIC TRUSTEE FEE SCHEDULE **JEFFERSON COUNTY DEPOSIT**

- Jefferson County requires a \$500 deposit for all foreclosures started under the law effective January 1, 2008.

OR

- ACH agreement.
- This deposit will be applied to:
 - a. Opening and Administering the Foreclosure
 - b. Recording the Notice of Election and Demand
 - c. \$200.00 for all five required publications
 - d. \$25.00 for the electronic transmittal fee
 - e. \$40.00 for postage and copies.

PLEASE DO NOT SUBMIT COPIES OF STATUTES FOR MAILING.
THIS IS COVERED IN THE COST OF POSTAGE AND COPIES.