

## **PUBLIC TRUSTEE SALE ANNOUNCEMENT**

(Effective March 24, 2016)

This is the published Public Trustee Sale for

\_\_\_\_\_.

In case of an emergency, please retrace your steps to the lobby and exit the front doors.

1. Introductions:
2. Today's sales fall under multiple laws. Please perform your due diligence to determine which laws affect the property you are bidding on.
3. CRS 38-38-106 (7)(b) states the Public Trustee may establish written policies available to the general public relating to all aspects of the foreclosure sale that are consistent with foreclosure statutes. These policies have been reviewed by the County Attorney for Jefferson County.
4. Our sale policy is posted on our web site, posted in our lobby, posted in the sale room and read at the start of each sale. Our other policies, information and forms are available in our office and on our web site.

### **DISRUPTION OF PUBLIC TRUSTEE PROCEEDINGS**

Any person who disrupts a sale or the function of Office of the Public Trustee will be asked to leave. The

Public Trustee has the authority to prohibit such persons from attending the sale or attending any proceedings. The failure to leave this public building, after being asked to do so, will be reported to law enforcement officials.

It is unlawful to fail to leave the premises of a public building following a request to do so if the conduct of a person disrupts, impairs, interferes with or obstructs the lawful missions, processes, procedures or functions being performed in the public building.

Colorado Revised Statutes 18-9-110: No person shall willfully disrupt proceedings conducted by an official in any public building. A person may not refuse to leave upon being requested by the public official. Any person who violates any of the provisions of this section commits a Class 2 Misdemeanor. A copy of these statutes is available on our web site, in the sale room and in our office.

## **SALE ORDER AND PROCEDURE**

1. So that everyone can clearly hear the bids, do not talk or visit during the sale. You may use

electronic devices in the sale room, but you must silence them.

2. Any discussions or financial transactions with other bidders must be done OUTSIDE this office PRIOR to the sale. If this rule is violated, you will be reported to law enforcement. Colorado law states that rigging a bid or any aspect of the bidding process is illegal.
3. Properties with registered over bidders will be sold first in order of foreclosure number.
4. The sale officially concludes only after all funds are collected.

**BIDDING AND BID FORMS: PLEASE USE CURRENT BID FORMS:**

1. The Public Trustee issues no warranties, expressed or implied, concerning properties offered for sale. Please do your research and due diligence before bidding.
2. ALL sales are final.
3. Those interested in bidding must personally attend the sale. If you can't attend and wish someone to bid for you, we must have a letter of agency notarized pursuant to CRS 15-14-607.
4. Forms must be submitted in person. Bids will not be accepted by United States mail, any alternate delivery of bids on paper or any form of electronic transmission.

5. Pay attention to the description of the property at auction. Know what you are bidding on.
6. Anyone interested in bidding today must present the completed “Over Bidder’s Information” form for each property you plan to bid on. Completing this form does not obligate you to bid. You can print forms from our website. Please use legal sized paper.
7. Bid forms must be submitted by 1:45 p.m. so that we have time to set up the over bid sale. **NO EXCEPTIONS.** We are in the sale room at 1:15 p.m. to accept bid forms.
8. Minimum overbid is one dollar (\$1.00).
9. Each time a bid is made, the bidder must announce the bidder’s name, first, and then the full amount of the bid. No other comments. Bidders must remain in sight of the auctioneer.
10. Excess bid funds received at sale will be processed pursuant to CRS 38-38-111. Excess bid funds is defined as the amount received in excess of the written or amended bid amount of the holder of the evidence of debt.

**PAYMENTS TO PUBLIC TRUSTEE**  
**GOVERNED BY CRS 38-37-108**

1. Sale funds will be collected as soon as property is struck and sold. Your payment must include the lender’s total bid amount AND the

complete amount of your overbid. You do not have time to leave this office to get any additional funds. You can only bid up to the amount of certified funds and cash you have with you.

2. If you do not have certified funds or cash to honor your winning bid, we will immediately re-open the auction at the bid submitted immediately prior to your un-honored bid. Failure to honor bids is disruptive to the sale process and can impact the result of the sale. In order to avoid further disruption of the sale process, if you fail to honor your winning bid, you cannot bid on any property for the remainder of that sale. If you fail to honor bids at future sales you are put on notice that you will be banned from bidding at the next four scheduled sales to avoid further disruption of the sale process. Your word is your bond.
3. When paying, you must produce a government issued photo ID and provide an “inkless” fingerprint.
4. Receipts will be emailed to you.
5. Sale of other properties will continue while payment is taken. If you wish to bid on a property while you are paying, you may. However, you must first present good funds for your winning bid.

6. We do not take personal checks, business checks, credit cards, debit cards or letters of credit.
7. Under Colorado law, certified funds checks **MUST** be made payable to the Jefferson County Public Trustee.
8. We accept wire transfers which must be sent the day prior to the sale. Funds must be in our account and be verified.
9. Any amount that you tender over your accepted bid amount can be applied to other properties you win during that day's sale. Remaining funds after you have paid for all properties where you are the winning bidder will be reimbursed to the holder of the Certificate of Purchase by check. This check will be available after 7:30 a.m. on the following Thursday. At your request, we will mail the check.

**WINNING BIDDERS:**

1. The Certificate of Purchase is **ONLY** the evidence of your investment in the property. The Certificate of Purchase does not transfer the title of the property. When the Intent to Redeem is filed, the holder of the Certificate of Purchase will be contacted for a signed and notarized redemption statement that must comply with CRS 38-38-302.

2. Recorded copies of the Certificate of Purchase are available from the Jefferson County Clerk and Recorder. Unofficial copies are available from the Public Trustee's web site.

## **REDEMPTIONS AND DEEDS**

1. Please be aware that if the successful bidder is the holder of the evidence of debt, the foreclosing attorney or the holder of the evidence of debt may rescind the sale anytime within eight business days after the sale. If the successful bidder is a third party, the sale must be set aside by court order.
2. We have always carefully reviewed every Statement of Redemption to make sure that claimed expenses meet the requirements of Colorado laws regarding fees and costs. There are copies of those laws in our office, in the sale room and on our web site. Allowable costs are only those incurred on or after the sale date when the investor becomes the COP holder. There must be a legitimate and detailed receipt and detailed receipt or invoice proving those allowable fees and costs were incurred on OR after the date of sale AND as of the date of the statement.
3. Remember – as the COP holder you DO NOT have title. You may protect your investment;

but it is against the law to enter the property to start remodeling or to remove items from the property.

4. Issuing Public Trustee's Confirmation Deed:

There are four sets of laws affecting how Public Trustee Confirmation Deeds are issued.

Winning bidders will receive a packet of information so they may determine which redemption laws affect their winning bid and when the Confirmation Deed will be issued.

This information is available in our office, in the sale room and on our web site.

5. Please consult your legal advisor for clarification of your rights, the rights of the homeowner and other lien holder's rights during the redemption period – especially if there is a federal tax lien or levy on the property.

## **ACCESS TO PROPERTY**

As the grantee named in the Certificate of Purchase, you do NOT HAVE IMMEDIATE RIGHT OF ACCESS TO THE PROPERTY. A Certificate of Purchase does not transfer title to you. It merely evidences your investment made at the time of sale. You may access the property when title vests. If you need assistance with

evictions, it is suggested that you contact the Jefferson County Sheriff's Office Civil Division located in Suite 1520 of this building.

## **CONCLUSION**

1. As the Public Trustee, on behalf of the lenders who have submitted written bids for those properties without over bidders, I tender those bids for those properties as shown on today's list. Those properties are struck off, sold and will return to the lender.
2. All other Public Trustee foreclosures set for sale today are continued to a future date as specified on the Jefferson County Final Sale Continuance List which is posted on our web page at <http://gts.co.jefferson.co.us/AllReports.aspx> and will be held in the Jury Assembly room in the court side of the Jefferson County Administration and Courts Facility, 100 Jefferson County Parkway, Golden, CO 80419.
3. The Continuance Report and all of our reports are posted for free on our web site.
4. This concludes the Jefferson County Public Trustee Sale for \_\_\_\_\_.