

## JEFFERSON COUNTY PUBLIC TRUSTEE

### POLICY REGARDING CURE OR REDEMPTION RIGHTS UNDER HOA LIENS

Effective immediately, the Jefferson County Public Trustee will need the following information and documentation from persons or entities filing a Notice of Intent to Cure or a Notice of Intent to Redeem on a Homeowners Association lien (or assignment of such HOA lien):

A NOTARIZED statement or affidavit, in writing, from an authorized representative or officer of the HOA indicating (a) the date and reception number of recordation of the Declaration of Covenants for the subdivision and (b) indicating the address of the property and the amount of the lien claimed by the HOA, the time period for which the lien is claimed and an itemization of the monthly amount of the dues or assessment, fine or any other charges included in the lien claimed (c) if there are any amendments to the declaration and, if so, when were they recorded and (d) if CCOIA applies.

*In lieu* of providing the date and reception number of recordation of the Declaration of Covenants in the statement or affidavit above, the *filer may provide* a copy of the RECORDED Declaration of Covenants for the subdivision. The recorded Declaration MUST SHOW the recording date and recording information for the Declaration of Covenants, but does not need to be a certified copy. IF the filing party provides a copy of the recorded Declaration of Covenants, the *Public Trustee will still need to have* a NOTARIZED statement (or similar document) in writing from an authorized representative or officer of the HOA indicating the address of the property and the amount of the lien claimed by the HOA, the time period for which the lien is claimed and an itemization of the monthly amount of the dues or assessment, fine or any other charges included in the lien claimed.

The Public Trustee needs to receive evidence sufficient to determine if any portion or all of the HOA lien is entitled to cure or redemption rights according to law (38-38-104 and 38-38-302, C.R.S.). The filer may claim ONLY the junior lien portion of the HOA lien on the Notice of Intent to Cure or Notice of Intent to Redeem.

DATED:       October 1, 2008

Margaret Chapman, Jefferson County Public Trustee