

Commencing a Foreclosure in 2008

Boulder 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 where 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 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 OF THE ORIGINAL ONE OF THE FOLLOWING
- Copy and certification 38-38-101(c)(II) citing 38-38-100.3(20) and signed by the attorney or holder (notarized)

- Certified copy 38-38-101(c)(I) from the County Clerk and Recorder

4. **Combined Notice**

- 38-38-101(d)
- Boulder 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 address of the persons listed in section 38-38-103(1)(a)(I)
- Supplemental Mailing List 38-38-101(f) listing the names and addresses 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)

Boulder County Deposit Requirement

- Boulder County requires a initial deposit of \$300 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 NOT SUBMIT COPIES OF STATUTES FOR MAILING. THIS IS COVERED IN THE COST OF POSTAGE AND COPIES.

