

## Required Release Documentation

**COLORADO REVISED STATUTES** Section 38-39-102 has set out requirements for releasing a Deed of Trust. Based on these statutes a Release of Deed of Trust may be processed by the Public Trustee when the following documents have been properly presented:

1. **Original** Promissory Note that corresponds with the Deed of Trust being released, including the principal amount, dates and the number of notes involved. Per Colorado Revised Statutes we cannot accept a copy. The note **must** be marked **Paid in Full**. **Assignments and Powers-of-Attorney** should also be provided when applicable. For Partial and/or Full releases with a live note, the original note must be presented.
2. **Original or Copy** of the Deed of Trust being released. You can obtain a recorded copy from the Boulder County Clerk and Recorder, 1750 33<sup>rd</sup> Street, Suite 201, Boulder, CO 80301 (303) 413-7770, Ext. 0.
3. **Request for Release of Deed of Trust** signed by the legal holder of the Promissory Note. (we recommend a Bradford form No. 904)
4. Please make sure the return address is written on the back of the Release of Deed of Trust or in the "return to" box so that the clerk and recorder can forward the recorded release to the appropriate person.
5. The required fee to release a 1 page deed of Trust is \$26.00 and \$5.00 for each additional page. Please make checks payable to the **Boulder County Public Trustee**.
6. **If the original promissory note has been lost, a Lost Instrument Bond** must be submitted. A Lost Instrument Bond is a Corporate Surety Bond issued by a company authorized to issue such bonds in the State of Colorado. Please check with your insurance company for further assistance with this matter.
7. If the owner of the evidence of debt is a financial institution as described in C.R.S. 38-39-102 (3.5)(a), the Public Trustee may accept a request for release of deed of trust without the production of evidence of debt. (we recommend Bradford form No. 1197)
8. If the holder of the note is a private party and deceased a copy of the death certificate along with a copy of the will or Personal Representative Papers will need to be provided. The person appointed by the will or Personal Representative Papers would be required to sign the Release of Deed of Trust form. However if "Joint Tenants" is specifically written in the note, then the other note holder may sign the release and only a copy of the death certificate is required.