



**SUSIE VELASQUEZ  
WELD COUNTY PUBLIC TRUSTEE**

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**NOTICE**

To: Foreclosing Attorneys  
From: Susie Velasquez, Public Trustee  
Date: August 14, 2009  
Re: HB 1276 - Deferment Procedures

All deadlines in HB 1276 begin running when the Public Trustee's office has determined that the foreclosure file is 'complete and accurate'. Deadlines do not run from the NED recording date nor the date the file was submitted to this office. Once the file is determined to be 'complete and accurate' by this office, the file is accepted and assigned a foreclosure number. This is the date from which deferment deadlines are calculated. You will know when your foreclosure packet is 'complete and accurate' upon receipt of an email from this office. Also, at that time you will receive a copy of the Combined Notice to be published.

If a property is considered to be eligible for deferment, a separate document must be submitted to the Public Trustee at the time of the initial filing of the foreclosure documents. There is not a mandatory form; however, it must be a separate document. Attached is a suggested *Notice to Public Trustee Regarding Foreclosure Deferment Eligibility* form.

If the separate document regarding eligibility for deferment is not submitted with the initial foreclosure packet and it is later determined that the property is eligible, the NED must then be re-recorded. The fee for re-recording of the NED is \$75.00.

Posting should be done only on eligible properties. The *Affidavit of Posting* (suggested form attached) must be signed by either the holder or the attorney for holder. If the Affidavit is signed or filed on behalf of a qualified holder or a qualified holder's attorney, it does not need to be notarized. If it is signed or filed on behalf of a nonqualified holder or a nonqualified holder's attorney, it must be notarized. *Affidavits of Posting* not legally signed will be rejected.

Please do not file the Affidavit of Posting before the foreclosure file has been accepted by the Public Trustee because it will be very difficult for this office to keep track of a document for a foreclosure that has not yet been opened.

Deferment forms can also be found on the Division of Housing and Colorado Public Trustees Association web sites. Please let me know if you have any questions.