# LIST OF CHAPTERS

# VOLUME 1

# PART ONE: INTRODUCTORY

- Chapter 1 ORIGIN OF COLORADO TITLES
- Chapter 2 REAL PROPERTY
- Chapter 3 MANUFACTURED HOMES

# PART TWO: RIGHTS IN REAL PROPERTY

- Chapter 4 PERSONS WHO MAY ACQUIRE, HOLD, AND CONVEY
- Chapter 5 PROPERTY OF MARRIED PERSONS
- Chapter 6 PROPERTY OF PARTIES TO CIVIL UNION
- Chapter 7 JOINT TENANCY AND TENANCY IN COMMON
- Chapter 8 ESTATES IN REAL PROPERTY
- Chapter 9 CONDOMINIUMS AND OTHER TYPES OF MULTIPLE OWNERSHIP
- Chapter 10 EASEMENTS, PROFITS, LICENSES, AND FRANCHISES
- Chapter 11 MORTGAGES AND DEEDS OF TRUST
- Chapter 12 LIENS
- Chapter 13 HOMESTEADS
- Chapter 14 COVENANTS
- Chapter 15 CEMETERIES

# VOLUME 2

# PART THREE: TRANSFER OF INTERESTS IN REAL PROPERTY

- Chapter 16 SURVEYS, BOUNDARIES, AND DESCRIPTIONS
- Chapter 17 LAND CONTRACTS
- Chapter 18 LEASES
- Chapter 19 DEEDS AND CONVEYANCING
- Chapter 20 TRANSFER OF PROPERTY AT DEATH
- Chapter 21 ADVERSE POSSESSION AND PRESCRIPTION
- Chapter 22 ADVERSE POSSESSION (ON AND AFTER JULY 1, 2008)
- Chapter 23 ABANDONMENT, FORFEITURE, AND OTHER TRANSFERS OF TITLE
- Chapter 24 FORECLOSURE
- Chapter 25 RECORDING AND NOTICE

# PART FOUR: REAL PROPERTY LITIGATION

- Chapter 26 LITIGATION REGARDING POSSESSION OR TITLE
- Chapter 27 REAL PROPERTY IN BANKRUPTCY
- Chapter 28 REAL PROPERTY TORTS
- Chapter 29 REAL PROPERTY CRIMES

Table of Contents

# PART FIVE: GOVERNMENT INVOLVEMENT WITH REAL PROPERTY

- Chapter 30 REAL PROPERTY TAXATION
- Chapter 31 STATE LANDS
- Chapter 32 PUBLIC ROADS
- Chapter 33 TOLL ROADS
- Chapter 34 DEDICATION
- Chapter 35 EMINENT DOMAIN
- Chapter 36 LAND SUBDIVISION

INDEX

# **TABLE OF CONTENTS**

# VOLUME 1

# PART ONE: INTRODUCTORY

#### Chapter 1 ORIGIN OF COLORADO TITLES

#### § 1.1 MEXICAN GRANTS

- § 1.1.1—In General
- § 1.1.2—Treaty of Guadalupe Hidalgo
- § 1.1.3—Particular Grants

#### § 1.2 UNITED STATES GRANTS AND PATENTS

- § 1.2.1—The Property Power of Congress
- § 1.2.2—Disposition of Public Lands

## § 1.3 GRANTS TO THE STATE OF COLORADO

- § 1.3.1—Enabling Act Grants
- § 1.3.2—Territorial Lands
- § 1.3.3—Fort Lewis Lands
- § 1.3.4—Grand Junction School Lands
- § 1.3.5—Desert Lands

#### § 1.4 GRANTS TO RAILROADS

- § 1.4.1—Union Pacific Grants
- § 1.4.2—Denver and Rio Grande Railway Grant
- § 1.4.3—General Right of Way Act of 1875
- § 1.4.4—Conveyances and Other Transfers by Railroads
- § 1.4.5—Disposition of Abandoned or Forfeited Railroad Grants

#### § 1.5 TOWNSITES

- § 1.5.1—Townsite Act of 1844
- § 1.5.2—Townsite Act of 1867
- § 1.5.3—Titles Under the Townsite Acts

#### § 1.6 INDIAN LANDS

#### EXHIBIT

Exhibit 1A — Map of Mexican Land Grants

#### Chapter 2 REAL PROPERTY

#### § 2.1 PROPERTY

- § 2.1.1—"Property" as the Thing Owned
- § 2.1.2—"Property" as Rights in the Thing Owned
- § 2.1.3—"Property" as a Basis for Due Process
- § 2.1.4—"Owner"; "Ownership"
- § 2.1.5—Title Opinions

#### § 2.2 REAL PROPERTY DEFINED

- § 2.2.1—Statutory Definitions
- § 2.2.2—Particular Categories of Rights as Real Property

#### § 2.3 REAL PROPERTY VERSUS PERSONAL PROPERTY

- § 2.3.1—Classification of Property as Real or Personal
- § 2.3.2—Law Applicable
- § 2.3.3—Method of Conveyance or Encumbrance
- § 2.3.4—Descent and Distribution
- § 2.3.5—Legal Remedies
- § 2.3.6—Taxation
- § 2.3.7—Protection of Vested Water Rights

# § 2.4 CONSTITUENTS OF REAL PROPERTY

- § 2.4.1-Land
- § 2.4.2—Public Land
- § 2.4.3—Minerals
- § 2.4.4—Pore Space
- § 2.4.5—Mining Claims
- § 2.4.6—Mine Dumps and Tailings

- § 2.4.7—Royalties
  § 2.4.8—Ownership Above or Below the Surface
  § 2.4.9—Water and Water Rights
  § 2.4.10—Wind and Wind Rights
  § 2.4.11—Fructus Naturales
  § 2.4.12—Fructus Industriales
  § 2.4.13—Fixtures
- § 2.4.14—Manufactured Homes
- § 2.4.15—Appurtenances
- § 2.4.16—Improvements

#### Chapter 3 MANUFACTURED HOMES

#### § 3.1 IN GENERAL

- § 3.1.1—Definition
- § 3.1.2—Administration
- § 3.1.3—Sale or Transfer of Manufactured Home
- § 3.1.4—Change of Location of Manufactured Home

#### § 3.2 NEW MANUFACTURED HOMES

- § 3.2.1—Bill of Sale; Certificate or Statement of Origin
- § 3.2.2—New Certificate of Title

## § 3.3 CERTIFICATES OF TITLE

- § 3.3.1—Applications for Certificates of Title In General
- § 3.3.2—Applications for Certificates of Title Procedures
- § 3.3.3—Applications for Certificates of Title Manufactured Homes Registered in Other States
- § 3.3.4—Certificates of Title Contents
- § 3.3.5—Certificates of Title Disposition
- § 3.3.6—Certificates of Title Lost Certificates
- § 3.3.7—Certificates of Title Surrender and Cancellation of Certificate
- § 3.3.8—Certificates of Title Bonds for Certificates

# § 3.4 MANUFACTURED HOME IDENTIFICATION NUMBERS

- § 3.4.1—Use of Identification Number in Application for Certificate of Title
- § 3.4.2—Manufactured Home Identification Inspection
- § 3.4.3—Assignment of Manufactured Home Identification Numbers
- § 3.4.4—Amended Certificates

# § 3.5 TRANSFER OF OWNERSHIP OF MANUFACTURED HOMES

- § 3.5.1—Certificates of Title Transfer
- § 3.5.2—Sale or Transfer to Dealer
- § 3.5.3—Transfer by Bequest, Descent, or Law

# § 3.6 MANUFACTURED HOME AS REAL PROPERTY

- § 3.6.1—Procedure for Manufactured Homes to Become Real Property
- § 3.6.2—Affidavit of Real Property

# § 3.7 SECURITY INTERESTS IN MANUFACTURED HOMES

- § 3.7.1—In General
- § 3.7.2—Existing Mortgages
- § 3.7.3—Foreign Mortgages
- § 3.7.4—Filing of Mortgage
- § 3.7.5—Disposition After Mortgaging
- § 3.7.6—Duration of Lien of Mortgage
- § 3.7.7—Priority of Mortgages; Second or Other Junior Mortgages
- § 3.7.8—Release of Mortgages
- § 3.7.9—Mechanics' Liens, Warehousemen's Liens, and Other Liens
- § 3.7.10—Repossession of Manufactured Homes

Table of Contents

# § 3.8 FILING AND RECORDING OF DOCUMENTS RELATED TO A MANUFACTURED HOME

- § 3.8.1—In General
- § 3.8.2—Filing and Recording Application Form, Verification and Supporting Materials
- § 3.8.3—Filing and Recording of Certificate of Permanent Location
- § 3.8.4—Form of Certificate of Permanent Location
- § 3.8.5—Filing and Recording of Certificate of Removal
- § 3.8.6—Filing and Recording of Certificate of Destruction

# PART TWO: RIGHTS IN REAL PROPERTY

# Chapter 4 PERSONS WHO MAY ACQUIRE, HOLD, AND CONVEY

# § 4.1 INTRODUCTORY

#### § 4.2 MARRIED PERSONS

- § 4.2.1—Historical Background
- § 4.2.2—Conveyance of Property of Married Women
- § 4.2.3—Conveyance of Property of Married Men

# § 4.3 DESIGNATED BENEFICIARIES

§ 4.3.1—In General

# § 4.4 MINORS

- § 4.4.1—In General
- § 4.4.2—Conservatorships of Minors
- § 4.4.3—Custodial Property
- § 4.4.4—Custodian Under Colorado Uniform Transfers to Minors Act

# § 4.5 INCOMPETENT PERSONS

- § 4.5.1—Conveyances by Incompetent Persons
- § 4.5.2—Conservatorships of Incompetent Persons

# § 4.6 CONSERVATORS

- § 4.6.1—Title of Conservator
- § 4.6.2—Powers of Conservator
- § 4.6.3—Persons Dealing with Conservator in Good Faith
- § 4.6.4—Inalienability of Protected Person's Interest
- § 4.6.5—Foreign Conservators

# § 4.7 AMERICAN INDIANS

# § 4.8 ALIENS

- § 4.8.1—Generally
- § 4.8.2—Unpatented Mining Claims

# § 4.9 CONVICTS

# § 4.10 TRADE NAMES

# § 4.11 TRADE NAMES PRIOR TO MAY 30, 2006

- § 4.11.1—Filing or Recording with the Clerk and Recorder
- § 4.11.2—Filing with the Secretary of State and Clerk and Recorder
- § 4.11.3—Registering with the Department of Revenue

# § 4.12 TRADE NAMES ON AND AFTER MAY 30, 2006

- § 4.12.1—Filing with the Secretary of State
- § 4.12.2—Registering with the Department of Revenue
- § 4.12.3—Recording with the Clerk and Recorder

## § 4.13 STATEMENTS OF AUTHORITY

- § 4.13.1—In General
- § 4.13.2—Partnerships
- § 4.13.3—Unincorporated Nonprofit Associations
- § 4.13.4—Trade Names

#### § 4.14 CORPORATIONS GENERALLY

#### § 4.15 DOMESTIC CORPORATIONS

- § 4.15.1—Existence
- § 4.15.2—Power to Acquire and Hold Real Property
- § 4.15.3—Power to Convey Real Property
- § 4.15.4—Authority of Officers to Bind Corporation

#### § 4.16 SPECIAL PURPOSE CORPORATIONS

- § 4.16.1—Corporations Not for Profit
- § 4.16.2—Ditch and Reservoir Companies
- § 4.16.3—Acequia Ditch Corporations
- § 4.16.4—Pipeline Companies
- § 4.16.5—Water Users' Associations

#### § 4.17 SUSPENDED AND DISSOLVED CORPORATIONS

- § 4.17.1—Prior to January 1, 1959
- § 4.17.2—On and After January 1, 1959
- § 4.17.3—For-Profit Corporations Formed and Dissolved Before July 1, 1994
- § 4.17.4—On and After July 1, 1994
- § 4.17.5—Nonprofit Corporations

#### § 4.18 OTHER CORPORATIONS AND ORGANIZATIONS

- § 4.18.1—Cemetery Companies
- § 4.18.2—Credit Unions
- § 4.18.3—Savings and Loan Associations
- § 4.18.4—Corporations Sole
- § 4.18.5—Religious, Educational, and Benevolent Societies

- § 4.18.6—Public Benefit Corporations
- § 4.18.7—Cooperatives
- § 4.18.8—Limited Cooperative Associations
- § 4.18.9—Foreign Corporations
- § 4.18.10—Common-Interest Community Unit Owners Associations
- § 4.18.11—Railroad Corporations

#### § 4.19 UNINCORPORATED ASSOCIATIONS

- § 4.19.1—In General
- § 4.19.2—Unincorporated Nonprofit Associations
- § 4.19.3—Limited Partnership Associations

#### § 4.20 GENERAL PARTNERSHIPS

- § 4.20.1—Power to Acquire and Hold Real Property
- § 4.20.2—Partnership Property
- § 4.20.3—Partner's Property Rights
- § 4.20.4—Conveyances of Partnership Real Property
- § 4.20.5—Recovery of Property

#### § 4.21 OTHER PARTNERSHIPS

- § 4.21.1—Limited Partnerships
- § 4.21.2—Limited Liability Partnerships; Limited Liability Limited Partnerships

#### § 4.22 JOINT VENTURES

- § 4.22.1—Power to Acquire and Hold Real Property
- § 4.22.2—Power to Convey Real Property

# § 4.23 LIMITED LIABILITY COMPANIES

- § 4.23.1—In General
- § 4.23.2—Formation
- § 4.23.3—Members and Managers

Table of Contents

§ 4.23.4—Power to Acquire, Hold, and Convey Real Property § 4.23.5—Dissolution

#### § 4.24 DELINQUENCY AND DISSOLUTION OF ENTITIES

- § 4.24.1—Delinquency
- § 4.24.2—Effect of Delinquency
- § 4.24.3—Dissolution
- § 4.24.4—Effect of Dissolution

# § 4.25 FOREIGN ENTITIES

#### § 4.26 TRUSTS AND TRUSTEES

§ 4.26.1—Power to Acquire and Hold Real Property § 4.26.2—Power to Convey Real Property

# § 4.27 CITIES AND TOWNS

§ 4.27.1—Power to Acquire and Hold Real Property§ 4.27.2—Power to Convey Real Property

#### § 4.28 COUNTIES

§ 4.28.1—Power to Acquire and Hold Real Property § 4.28.2—Power to Convey Real Property

#### § 4.29 SCHOOL DISTRICTS

#### § 4.30 CHARTER SCHOOLS

- § 4.30.1—Organization of Charter Schools
- § 4.30.2—Power to Acquire and Hold Real Property

# § 4.31 SPECIAL DISTRICTS

- § 4.31.1—Special Districts
- § 4.31.2—Regional Service Authorities
- § 4.31.3—Special Statutory Districts

## § 4.32 STATE OF COLORADO

# § 4.33 UNITED STATES

#### Chapter 5 PROPERTY OF MARRIED PERSONS

#### § 5.1 TENANCIES BY THE ENTIRETY

#### § 5.2 COMMUNITY PROPERTY

- § 5.2.1—In General
- § 5.2.2—Rights in Property Acquired in Community Property States
- § 5.2.3—Uniform Disposition of Community Property at Death Act

#### § 5.3 MARITAL PROPERTY

# § 5.4 DISPOSITION OF PROPERTY IN MARITAL DISSOLUTION PROCEEDINGS

- § 5.4.1—Disposition of Marital Property
- § 5.4.2—Jurisdiction Over Separate Property
- § 5.4.3—Manner of Division

#### § 5.5 PROPERTY SETTLEMENT AGREEMENTS

- § 5.5.1—Marital Agreements
- § 5.5.2—Separation Agreements

#### EXHIBIT

Exhibit 5A—Tenancy by the Entirety

#### Chapter 6 PROPERTY OF PARTIES TO CIVIL UNION

#### § 6.1 PROPERTY OF PARTIES TO CIVIL UNION

- § 6.1.1—Definitions
- § 6.1.2—Right to Acquire and Dispose of Real Property
- § 6.1.3—Agreements of Parties to Civil Union

#### Chapter 7 JOINT TENANCY AND TENANCY IN COMMON

#### § 7.1 INTRODUCTORY

#### § 7.2 JOINT TENANCY

- § 7.2.1—Creation of Joint Tenancy
- § 7.2.2—Interests of Joint Tenants
- § 7.2.3—Mutual Rights and Obligations of Joint Tenants
- § 7.2.4—Survivorship Aspects
- § 7.2.5—Severance of Joint Tenancy

# § 7.3 THE 2008 JOINT TENANCY ACT

- § 7.3.1—In General
- § 7.3.2—The Four Unities
- § 7.3.3—Presumption of Equal Interests
- § 7.3.4—Unequal Interests
- § 7.3.5—Termination

#### § 7.4 TENANCY IN COMMON

- § 7.4.1—Creation of Tenancy in Common
- § 7.4.2—Interests of Tenants in Common
- § 7.4.3—Mutual Rights and Obligations of Tenants in Common
- § 7.4.4—Termination of Tenancy in Common
- § 7.4.5—Tenancy in Common of Boundary Line Trees

#### § 7.5 TENANCY IN COPARCENARY

#### EXHIBIT

Exhibit 7A—Unity of Interests of Joint Tenants

#### Chapter 8 ESTATES IN REAL PROPERTY

#### § 8.1 GENERAL CONSIDERATIONS

- § 8.1.1—Introduction
- § 8.1.2—Classification of Estates

#### § 8.2 ESTATES LESS THAN FREEHOLD

- § 8.2.1—In General
- § 8.2.2—Estates for Years
- § 8.2.3—Periodic Estates
- § 8.2.4—Estates at Will
- § 8.2.5—Estates at Sufferance
- § 8.2.6—Holdover Tenancies

#### § 8.3 FREEHOLD ESTATES — ESTATES IN FEE

- § 8.3.1—Fee Simple
- § 8.3.2—Fee Tail
- § 8.3.3—Fee Simple Conditional
- § 8.3.4—Defeasible Fees
- § 8.3.5—Barriers to Understanding the Colorado Law of Defeasible Estates
- § 8.3.6—Determinable Fees
- § 8.3.7—Conditional Fees

#### § 8.4 FREEHOLD ESTATES — LIFE ESTATES

- § 8.4.1—In General
- § 8.4.2—Rule in Shelley's Case
- § 8.4.3—Effect of Power of Sale

- § 8.4.4—Rights and Obligations of Life Tenant
- § 8.4.5—Dower and Curtesy

# § 8.5 FUTURE INTERESTS

- § 8.5.1—Reversions
- § 8.5.2—Remainders
- § 8.5.3—Possibilities of Reverter
- § 8.5.4—Rights of Entry for Condition Broken
- § 8.5.5—Transmissibility of Future Interests

# **§ 8.6 POWERS OF APPOINTMENT**

- § 8.6.1—Definitions
- § 8.6.2—Classification of Powers of Appointment
- § 8.6.3—Power of Appointment as Vested or Contingent
- § 8.6.4—Disclaimer of Power of Appointment or Other Power Not Held in Fiduciary Capacity
- § 8.6.5—Disclaimer of by Appointee, Object, or Taker in Default of Exercise of Power of Appointment
- § 8.6.6—Disclaimer of Power Held in Fiduciary Capacity
- § 8.6.7—Release of Power of Appointment
- § 8.6.8—Exercise of Power of Appointment

# § 8.7 TRUSTS

- § 8.7.1—In General
- § 8.7.2—Nature of Trusts
- § 8.7.3—Express Trusts
- § 8.7.4—Resulting and Constructive Trusts

# § 8.8 RULE AGAINST PERPETUITIES AND RESTRAINTS ON ALIENATION

- § 8.8.1—Rule Against Perpetuities
- § 8.8.2—Restraints on Alienation

# § 8.9 MERGER OF ESTATES

# Chapter 9 CONDOMINIUMS AND OTHER TYPES OF MULTIPLE OWNERSHIP

# § 9.1 INTRODUCTORY

# § 9.2 CONDOMINIUMS

- § 9.2.1—Nature of Condominiums
- § 9.2.2—Condominium Declaration
- § 9.2.3—Condominium Conversions
- § 9.2.4—Taxation
- § 9.2.5—Rights and Liabilities of Unit Owners

# § 9.3 TIME-SHARE ESTATES

- § 9.3.1—Nature and Creation of Time-Share Estates
- § 9.3.2—Liability of Owners of Time-Share Estates

#### § 9.4 COOPERATIVE HOUSING CORPORATIONS

- § 9.4.1—Formation of Cooperative Housing Corporation § 9.4.2—Rights and Obligations of Stockholder
- g 5.1.2 Rights and Songations of Stockholder

# § 9.5 COMMON-INTEREST COMMUNITIES

- § 9.5.1—Nature and Creation of Common-Interest Community
- § 9.5.2—Common-Interest Community Declaration
- § 9.5.3—Plats and Maps
- § 9.5.4—Information To Be Made Available to Unit Owners
- § 9.5.5—Association Records
- § 9.5.6—HOA Information Resource Center
- § 9.5.7—Registration
- § 9.5.8—Leasehold Common-Interest Communities
- § 9.5.9—Taxation of Common-Interest Ownership Units
- § 9.5.10—[Reserved]
- § 9.5.11—Conveyance or Encumbrance of Common Elements

Table of Contents

- § 9.5.12—Taking of Units or Common Areas by Eminent Domain
- § 9.5.13—Lien for Assessments
- § 9.5.14—Foreclosure of Lien for Assessments
- § 9.5.15—Local Regulation
- § 9.5.16—Withdrawal and Deannexation
- § 9.5.17—Termination of Common-Interest Community

#### Chapter 10 EASEMENTS, PROFITS, LICENSES, AND FRANCHISES

# § 10.1 EASEMENTS

- § 10.1.1—Definitions and Types of Easements
- § 10.1.2—Easements Distinguished from Other Rights
- § 10.1.3—Easements Appurtenant and in Gross
- § 10.1.4—Particular Kinds of Easements
- § 10.1.5—Creation of Easements Generally
- § 10.1.6—Creation of Easements by Express Grant
- § 10.1.7—Creation of Easements by Express Reservation or Exception
- § 10.1.8—Creation of Easements by Implication
- § 10.1.9—Creation of Easements by Necessity at Common Law
- § 10.1.10—Creation of Easements by Necessity under the Colorado Constitution
- § 10.1.11—Distinction between Easements at Common Law and under the Colorado Constitution
- § 10.1.12—Creation of Easements by Prescription
- § 10.1.13—Creation of Easements by Estoppel
- § 10.1.14—Easements upon Abandonment or Vacation of Public Road
- § 10.1.15-Extent of Easement
- § 10.1.16—Transfer or Division of Dominant Tenement
- § 10.1.17—Transfer of Servient Tenement
- § 10.1.18—Termination or Extinguishment of Easements

# § 10.2 CONSERVATION EASEMENTS

- § 10.2.1—Conservation Easements in Gross
- § 10.2.2—Nature of Conservation Easements in Gross
- § 10.2.3—Creation of Conservation Easements in Gross
- § 10.2.4—Termination of Conservation Easements in Gross
- § 10.2.5—Remedies
- § 10.2.6—Taxation of Conservation Easements in Gross
- § 10.2.7—Other Interests Not Impaired
- § 10.2.8—Pre-existing Conservation Easements

# § 10.3 RAILROAD RIGHTS-OF-WAY

- § 10.3.1—Powers of Railway Corporation
- § 10.3.2—Acquisition of Rights-of-Way by Railroads
- § 10.3.3—Change of Right-of-Way
- § 10.3.4—Sale of Right-of-Way

# § 10.4 PROFITS

## § 10.5 LICENSES

- § 10.5.1—Definition of License
- § 10.5.2—Licenses Distinguished from Other Interests
- § 10.5.3—Creation of Licenses
- § 10.5.4—Characteristics of Licenses
- § 10.5.5—Executed Licenses

# § 10.6 FRANCHISES

- § 10.6.1—In General
- § 10.6.2—Particular Kinds of Franchises
- § 10.6.3—Term of Franchise

Table of Contents

#### Chapter 11 MORTGAGES AND DEEDS OF TRUST

#### § 11.1 INTRODUCTORY

#### § 11.2 BACKGROUND AND CHARACTERISTICS

- § 11.2.1—Historical Development
- § 11.2.2—Mortgage and Deed of Trust Compared
- § 11.2.3—Interpretation
- § 11.2.4—Restrictions

#### § 11.3 MORTGAGES AND DEEDS OF TRUST

- § 11.3.1—Definition and Nature
- § 11.3.2—Form
- § 11.3.3—Mortgage as Incident of Obligation
- § 11.3.4—Absolute Conveyance as Mortgage Only

#### § 11.4 PROPERTY MORTGAGED

- § 11.4.1—Mortgagor's Title
- § 11.4.2—After-Acquired Title; After-Acquired Property
- § 11.4.3—Fixtures and Crops

#### § 11.5 OBLIGATION SECURED

- § 11.5.1—Necessity for Obligation
- § 11.5.2—Future Obligations or Advances
- § 11.5.3—Other Debts
- § 11.5.4—Taxes, Insurance, and Other Charges

#### § 11.6 COLLATERAL PROVISIONS

- § 11.6.1—Covenants by Mortgagor
- § 11.6.2—Right to and Assignment of Rents
- § 11.6.3—Right to Possession
- § 11.6.4—Due-on-Sale or Encumbrance Clause
- § 11.6.5—Prepayment Penalties

# § 11.7 **PRIORITIES**

- § 11.7.1—In General
- § 11.7.2—Taxes and Assessments
- § 11.7.3—Mechanic's Liens
- § 11.7.4-Leases
- § 11.7.5—Subordination Agreements
- § 11.7.6—Purchase Money Mortgages
- § 11.7.7—Options
- § 11.7.8—Receiver's Receipts

#### § 11.8 EXTENSION, MODIFICATION, OR RENEWAL

#### § 11.9 PAYMENT, SATISFACTION, AND DISCHARGE

- § 11.9.1—Discharge by Payment
- § 11.9.2—Release
- § 11.9.3—Form of Written Request for Release of a Deed of Trust With Production of the Evidence of Debt
- § 11.9.4—Form of Written Request for Release of a Deed of Trust Without Production of the Evidence of Debt
- § 11.9.5—Recording and Return of Release of Deed of Trust
- § 11.9.6—Partial Release
- § 11.9.7—Unauthorized or Mistaken Release
- § 11.9.8—Discharge by Bar of Statute of Limitations
- § 11.9.9—Discharge by Decree
- § 11.9.10—Deed in Lieu of Foreclosure
- § 11.9.11—Merger

# § 11.10 SUBROGATION

- § 11.10.1—In General
- § 11.10.2—Recording Subrogation Rights

#### §11.11 TRANSFER

- § 11.11.1—Transfer by Mortgagor or Trustor
- § 11.11.2—Transfer by Trustee
- § 11.11.3—Transfer by Mortgagee or Beneficiary

#### Chapter 12 LIENS

#### § 12.1 INTRODUCTORY

#### § 12.2 EQUITABLE LIENS

- § 12.2.1—In General
- § 12.2.2—Express Contracts Resulting in Equitable Liens
- § 12.2.3—Equitable Liens Not Based on Express Contract (Implied Liens)

#### § 12.3 JUDGMENT LIENS

- § 12.3.1—In General
- § 12.3.2—Creation of Judgment Lien
- § 12.3.3—Property Subject to Judgment Lien
- § 12.3.4—Duration of Judgment Lien
- § 12.3.5—Priorities
- § 12.3.6—Extinguishment of Judgment Lien
- § 12.3.7—Lien of Order for Restitution

#### § 12.4 ATTACHMENT LIENS

- § 12.4.1—In General
- § 12.4.2—Actions in Which Attachment May Issue
- § 12.4.3—Property Subject to Attachment
- § 12.4.4—Procedure for Issuance and Levy of Attachment
- § 12.4.5—Duration of Attachment Lien
- § 12.4.6—Priorities
- § 12.4.7—Sale of Attached Property
- § 12.4.8—Release of Attachment Lien

#### § 12.5 EXECUTION LIENS

- § 12.5.1—In General
- § 12.5.2—Property Subject to Execution
- § 12.5.3—Procedure for Issuance and Levy of Execution
- § 12.5.4—Duration of Lien
- § 12.5.5—Sale of Property
- § 12.5.6—Release of Execution Lien

#### § 12.6 GENERAL MECHANIC'S LIENS

- § 12.6.1—Nature and Origin
- § 12.6.2—Purpose
- § 12.6.3—Construction of Mechanic's Lien Law
- § 12.6.4—Notice of Lien Law
- § 12.6.5—Persons Entitled to Lien
- § 12.6.6—Contract with Owner
- § 12.6.7—Lienable Items
- § 12.6.8—Effect of Statutory Contract
- § 12.6.9—Amount of Lien
- § 12.6.10—Attachment of Lien
- § 12.6.11—Payment
- § 12.6.12—Stop Notices
- § 12.6.13—Notice of Nonresponsibility
- § 12.6.14—Notice of Intent to File Lien
- § 12.6.15—Lien Statement
- § 12.6.16—Duration of Lien
- § 12.6.17—Enforcement of Lien
- § 12.6.18—Money Judgment
- § 12.6.19—Satisfaction of Lien
- § 12.6.20—Lien Waivers
- § 12.6.21—Priorities
- § 12.6.22—Mechanics' Lien Trust Fund Statute
- § 12.6.23—Performance and Payment Bonds
- § 12.6.24—Substitution of Bond by Owner

#### § 12.7 BROKERS' LIENS

- § 12.7.1—Lien
- § 12.7.2—Lien Waiver
- § 12.7.3—Limitation with Respect to Renewal Commissions
- § 12.7.4-Mediation
- § 12.7.5—Notice of Intent to Record a Notice of Lien
- § 12.7.6—Notice of Lien
- § 12.7.7—Attachment of Lien
- § 12.7.8—Duration of Brokers' Lien
- § 12.7.9—Priorities
- § 12.7.10—Satisfaction or Release
- § 12.7.11—Bonding Around the Lien

#### § 12.8 MINING LIENS

- § 12.8.1—In General
- § 12.8.2—Persons Entitled to Lien

#### § 12.9 DITCH LIENS

- § 12.9.1—Lien for Cleaning and Repair of Ditch
- § 12.9.2—Ditch Lien Statement
- § 12.9.3—Duration of Ditch Lien
- § 12.9.4—Enforcement of Ditch Lien
- § 12.9.5—Release of Ditch Lien

#### § 12.10 LIENS ON WELLS AND EQUIPMENT

- § 12.10.1—Persons Entitled to Lien
- § 12.10.2—Attachment of Lien
- § 12.10.3—Lien Statement
- § 12.10.4—Duration of Lien
- § 12.10.5—Priorities

#### § 12.11 ASSESSMENT LIENS

- § 12.11.1—Assessment District Liens
- § 12.11.2—Municipal Assessment Liens

#### § 12.12 STATE TAX LIENS

- § 12.12.1—Property Tax Liens
- § 12.12.2—Inheritance and Gift Tax Liens
- § 12.12.3—Estate Tax
- § 12.12.4—Sales and Use Tax Liens
- § 12.12.5—Employment Security Tax Lien
- § 12.12.6—Gasoline and Special Fuel Tax Lien
- § 12.12.7—Certificate of Taxes Due

#### § 12.13 OTHER STATUTORY LIENS

- § 12.13.1—Nonconsensual Liens
- § 12.13.2—Consensual Liens

#### § 12.14 FEDERAL LIENS

- § 12.14.1—General Federal Tax Liens
- § 12.14.2—Special Federal Estate and Gift Tax Liens
- § 12.14.3—Federal Environmental Liens
- § 12.14.4—Liens in Bankruptcy

#### § 12.15 SPURIOUS LIENS

- § 12.15.1—In General
- § 12.15.2—Action to Enforce Lien
- § 12.15.3—Declaration of Invalidity

#### § 12.16 ENFORCEMENT

#### § 12.17 RELEASES

#### Chapter 13 HOMESTEADS

#### § 13.1 INTRODUCTORY

#### § 13.2 CREATION OF HOMESTEAD EXEMPTION

- § 13.2.1—Persons Entitled to a Homestead Exemption
- § 13.2.2—Property Subject to Selection
- § 13.2.3—Quality of Interest Subject to Selection
- § 13.2.4—Creation of Homestead Exemption by Marginal Notation
- § 13.2.5—Automatic Creation of Homestead Exemption
- § 13.2.6—Creation of Homestead Exemption by Recording Instrument in Writing

## § 13.3 OPERATION AND EFFECT OF HOMESTEAD EXEMPTION

- § 13.3.1—In General
- § 13.3.2—Liens and Priorities
- § 13.3.3—Exemption of Proceeds and Replacement Home
- § 13.3.4—Waiver
- § 13.3.5—Abandonment of Homestead

# § 13.4 TRANSFER OF HOMESTEADED PROPERTY

- § 13.4.1—Conveyance by Owner of Homesteaded Property
- § 13.4.2—Execution and Sale of Homesteaded Property
- § 13.4.3—Devolution of Homestead Exemption on Death

#### Chapter 14 COVENANTS

#### § 14.1 COVENANTS RUNNING WITH THE LAND

#### § 14.2 COVENANTS OF TITLE

- § 14.2.1—In General
- § 14.2.2—Covenant of Seisin
- § 14.2.3—Covenant of Right to Convey
- § 14.2.4—Covenant Against Encumbrances
- § 14.2.5—Covenant of Warranty
- § 14.2.6—Covenant of Quiet Enjoyment
- § 14.2.7—Covenant of Further Assurances

#### § 14.3 IMPLIED WARRANTY OF HABITABILITY

- § 14.3.1—Habitability of Home
- § 14.3.2—Habitability of Land
- § 14.3.3—Habitability of Rental Premises

#### § 14.4 RESTRICTIVE COVENANTS

- § 14.4.1—In General
- § 14.4.2—Creation of Restrictive Covenants
- § 14.4.3—Modification or Termination of Restrictive Covenants
- § 14.4.4—Interpretation of Restrictive Covenants
- § 14.4.5—Interpretation of Particular Restrictions
- § 14.4.6—Approval of Plans
- § 14.4.7—Enforcement of Restrictive Covenants
- § 14.4.8—Denial of Equitable Enforcement of Restrictive Covenants

#### § 14.5 TRANSFER FEE COVENANTS

- § 14.5.1—Transfer Fee
- § 14.5.2—Transfer Fee Covenants
- § 14.5.3—Binding Effect of Transfer Fee Covenant
- § 14.5.4—Liability for Recording and Failing to Release Transfer Fee Covenant
- § 14.5.5—Recording Notice of Pre-existing Transfer Fee
- § 14.5.6—Failure to Record Notice of Pre-existing Transfer Fee
- § 14.5.7—Request for Written Statement of Amount of Transfer Fee
- § 14.5.8—Affidavit of Failure to Provide Written Statement of Amount of Transfer Fee

#### Chapter 15 CEMETERIES

#### § 15.1 CEMETERY COMPANIES

- § 15.1.1—Formation of Cemetery Companies
- § 15.1.2—Powers of Cemetery Companies
- § 15.1.3—Survey and Plat of Cemetery Lots
- § 15.1.4—Records and Reports
- § 15.1.5—Rights of Previous Lot Owners
- § 15.1.6—Burial Rights
- § 15.1.7—Right to Reclaim Abandoned Graves

#### § 15.2 CEMETERY AUTHORITIES

- § 15.2.1—In General
- § 15.2.2—Power to Acquire Land
- § 15.2.3—Survey and Plat of Cemetery Lots
- § 15.2.4—Burial Rights
- § 15.2.5—Right to Reclaim Abandoned Graves

# § 15.3 CEMETERY DISTRICTS

- § 15.3.1—Creation of Cemetery Districts
- § 15.3.2—Powers of Cemetery Districts
- § 15.3.3—Burial Rights
- § 15.3.4—Right to Reclaim Abandoned Graves

#### § 15.4 MUNICIPAL CEMETERIES

- § 15.4.1—Establishment of Municipal Cemeteries
- § 15.4.2—Burial Rights
- § 15.4.3—Right to Reclaim Abandoned Graves
- § 15.5 EXEMPTION FROM EXECUTION
- § 15.6 PRIVATE BURIAL GROUNDS

# VOLUME 2

# PART THREE: TRANSFER OF INTERESTS IN REAL PROPERTY

#### Chapter 16 SURVEYS, BOUNDARIES, AND DESCRIPTIONS

#### § 16.1 SURVEYS

- § 16.1.1—In General
- § 16.1.2—Subdividing a Section
- § 16.1.3—Monumentation of Subdivisions
- § 16.1.4—Land Survey Plats
- § 16.1.5—Survey Plat Records
- § 16.1.6—Improvement Location Certificates
- § 16.1.7—Establishment of Corners
- § 16.1.8—Apportionment
- § 16.1.9—Monument Records
- § 16.1.10—Global Positioning Systems

#### § 16.2 BOUNDARIES

- § 16.2.1—Establishment of Boundaries
- § 16.2.2—Water Boundaries
- § 16.2.3—Road Boundaries
- § 16.2.4—Unit Boundaries
- § 16.2.5—County Boundaries

#### § 16.3 DESCRIPTIONS

- § 16.3.1—In General
- § 16.3.2—Types of Description
- § 16.3.3—Construction of Descriptions

## § 16.4 SURVEYOR'S AFFIDAVIT OF CORRECTION

§ 16.4.1—Errors That May Be Corrected

#### **EXHIBIT**

Exhibit 16A — Patented Mining Claim

# Chapter 17 LAND CONTRACTS

#### § 17.1 INTRODUCTORY

- § 17.1.1—Types of Land Contracts
- § 17.1.2—Land Contracts Distinguished from Other Agreements

#### § 17.2 CONTRACTS TO BUY AND SELL

- § 17.2.1—In General
- § 17.2.2—Statute of Frauds
- § 17.2.3—Possession
- § 17.2.4—Property Tax
- § 17.2.5—Insurance
- § 17.2.6—Transfer of Purchaser's Interest in Contract

# § 17.3 INSTALLMENT LAND CONTRACTS

- § 17.3.1—In General
- § 17.3.2—Prepayment
- § 17.3.3—Foreclosure
- §17.3.4—Redemption

# § 17.4 OPTIONS

- § 17.4.1—Options Defined and Distinguished
- § 17.4.2—Assignment and Termination of Options

# § 17.5 TITLE OF VENDOR AND PURCHASER

- § 17.5.1—Equitable Conversion
- § 17.5.2—Abstracts

# § 17.6 CONVEYANCE IN FULFILLMENT OF CONTRACT

- § 17.6.1—Escrows
- § 17.6.2—Marketable (or Merchantable) Title
- § 17.6.3—Vendor's Lien
- § 17.6.4—Merger

# § 17.7 TERMINATION AND BREACH OF CONTRACT

- § 17.7.1—Termination
- § 17.7.2—Vendor's Remedies for Breach
- § 17.7.3—Purchaser's Remedies for Breach
- § 17.7.4—Statutes of Limitations

# § 17.8 EQUITY PURCHASE CONTRACTS

- § 17.8.1—Contracts Between a Home Owner and an Equity Purchaser
- § 17.8.2—Regulation of Equity Purchasers
- § 17.8.3—Language
- § 17.8.4—Short Sales

#### Chapter 18 LEASES

#### § 18.1 INTRODUCTORY

- § 18.1.1—Historical Background of Landlord-Tenant Law
- § 18.1.2—Nature of Relationship of Landlord and Tenant

#### § 18.2 LEASES GENERALLY

- § 18.2.1—Character and Nature of Leasehold Interests
- § 18.2.2—Statute of Frauds
- § 18.2.3—Implied Covenants in Leases
- § 18.2.4—Interpretation of Leases
- § 18.2.5—Security Deposits
- § 18.2.6—Waiver
- § 18.2.7—Option to Purchase
- § 18.2.8—Right to Extend or Renew
- § 18.2.9—Transfers by Landlord
- § 18.2.10—Transfers by Tenant
- § 18.2.11—Termination and Surrender
- § 18.2.12—Rent Control

## § 18.3 RESIDENTIAL RENTAL AGREEMENTS

- § 18.3.1—Warranty of Habitability of Residential Premises
- § 18.3.2—Tenant's Remedies for Breach of Warranty of Habitability
- § 18.3.3—Landlord's Defenses to a Claim of Breach of Warranty of Habitability
- § 18.3.4—Retaliation
- § 18.3.5—Tenant's Obligations Regarding Maintenance and Repairs
- § 18.3.6—Unlawful Removal or Exclusion

#### § 18.4 CROP LEASES

- § 18.4.1—In General
- § 18.4.2—Recordation of Crop Leases
- § 18.4.3—Away-Going Crops

#### § 18.5 OIL AND GAS LEASES

- § 18.5.1—In General
- § 18.5.2—Implied Covenants in Oil and Gas Leases
- § 18.5.3—Use of Surface
- § 18.5.4—Abandonment of Oil and Gas Lease

#### § 18.6 MINING LEASES

- § 18.6.1—Caption
- § 18.6.2—Implied Covenants in Mining Leases

#### § 18.7 MOBILE HOME PARK LEASES

- § 18.7.1—In General
- § 18.7.2—Commencement of Mobile Home Park Tenancy
- § 18.7.3—Rental Agreement
- § 18.7.4—Security Deposits
- § 18.7.5—Termination of Mobile Home Park Tenancy
- § 18.7.6—Statutory Reasons for Termination
- § 18.7.7—Eviction Procedure
- § 18.7.8—Termination for Nonpayment of Rent
- § 18.7.9—Prohibited Actions
- § 18.7.10—Responsibilities of Landlord
- § 18.7.11—Rights of Home Owners
- § 18.7.12—Rights of Home Owners and Landlords
- § 18.7.13—Mediation and Court Actions
- § 18.7.14—Sale of Mobile Home Park
- § 18.7.15—Access by Counties and Municipalities

#### Chapter 19 DEEDS AND CONVEYANCING

#### § 19.1 INTRODUCTORY

#### § 19.2 COMMON-LAW CONVEYANCES

#### § 19.3 MODERN CONVEYANCES

- § 19.3.1—In General
- § 19.3.2—Warranty Deed
- § 19.3.3—Special Warranty Deed
- § 19.3.4—Bargain and Sale (Grant) Deed
- § 19.3.5—Quitclaim Deed

#### § 19.4 REQUISITES

- § 19.4.1—Writing
- § 19.4.2-Caption
- § 19.4.3—Parties
- § 19.4.4—Designation and Identity of Grantor
- § 19.4.5—Capacity in Which Conveyance Is Made
- § 19.4.6—Address or Residence of Grantor
- § 19.4.7—Designation and Identity of Grantee
- § 19.4.8—Conveyance to Grantee in Representative Capacity
- § 19.4.9—Address or Residence of Grantee
- § 19.4.10—Operative Words of Conveyance
- § 19.4.11—Consideration
- § 19.4.12—Description of Property

#### § 19.5 EXECUTION

- § 19.5.1—Signature
- § 19.5.2—Execution by Married Woman
- § 19.5.3—Execution by Spouse Not in Title
- § 19.5.4—Execution by Attorney-In-Fact
- § 19.5.5—Execution by Corporation
- § 19.5.6—Execution by State of Colorado
- § 19.5.7—Execution by County or Municipality
- § 19.5.8—Seal
- § 19.5.9—Acknowledgment

#### § 19.6 DELIVERY AND ACCEPTANCE

- § 19.6.1—In General
- § 19.6.2—Presumptions as to Delivery
- § 19.6.3—Conditional Delivery
- § 19.6.4—Acceptance

#### § 19.7 DOCUMENTARY FEES

- § 19.7.1—Revenue Stamps
- § 19.7.2—Nature of and Authority for Documentary Fee
- § 19.7.3—Imposition of Documentary Fee
- § 19.7.4—Exemptions

#### § 19.8 MATTERS AFFECTING VALIDITY

- § 19.8.1—Void Deeds
- § 19.8.2—Voidable Deeds
- § 19.8.3—Fraudulent Conveyances
- § 19.8.4—Gifts in Contemplation of Marriage
- § 19.8.5—Failure of Consideration
- § 19.8.6—Surrender or Cancellation of Deed
- § 19.8.7—Lost Deed
- § 19.8.8—Revocable Deed

#### § 19.9 INTERPRETATION AND OPERATION OF DEEDS

- § 19.9.1—Interpretation in General
- § 19.9.2—Interests or Property Conveyed
- § 19.9.3—Exceptions and Reservations
- § 19.9.4—Possession
- § 19.9.5—Taxes
- § 19.9.6—Reformation of Instruments
- § 19.9.7—Confirmation and Correction Deeds
- § 19.9.8—Curative Statutes and Documents

#### Chapter 20 TRANSFER OF PROPERTY AT DEATH

#### § 20.1 INTESTATE SUCCESSION

- § 20.1.1—In General
- § 20.1.2—Persons Who May Inherit
- § 20.1.3—Share of Surviving Spouse or Party to Civil Union
- § 20.1.4—Share of Heirs Other Than Surviving Spouse
- § 20.1.5—Advancements

- § 20.1.6—Relationships
- § 20.1.7—Escheat
- § 20.1.8—Determination of Heirship

# § 20.2 WILLS

- § 20.2.1—General Requirements
- § 20.2.2—Types of Wills
- § 20.2.3—Foreign Wills
- § 20.2.4—Construction of Wills
- § 20.2.5—Exoneration
- § 20.2.6—Vesting of Title
- § 20.2.7—Foreign Probate
- § 20.2.8—Reformation of Wills

# § 20.3 LIMITATIONS ON TESTAMENTARY DISPOSITION AND SUCCESSION

- § 20.3.1—Pretermitted Heirs
- § 20.3.2—Marriage After Execution of Will
- § 20.3.3—Disfavored Heirs or Devisees

#### § 20.4 SPECIAL RIGHTS OF SPOUSE AND CHILDREN

- § 20.4.1—Statutory Homestead
- § 20.4.2—Exempt Property
- § 20.4.3—Family Allowance

# § 20.5 TERMINATION OF JOINT TENANCY OR LIFE ESTATE

- § 20.5.1—Proof of Death of Joint Tenant
- § 20.5.2—Proof of Death of Life Tenant

#### § 20.6 DEATH OF HOMESTEAD CLAIMANT

§ 20.6.1—In General

§ 20.6.2—Homestead Held in Joint Tenancy

#### § 20.7 DEATH OF PARTNER

## § 20.8 BENEFICIARY DEEDS

- § 20.8.1—Transfer of Title at Death
- § 20.8.2—Beneficiary Deeds
- § 20.8.3—Revocation of Beneficiary Deed
- § 20.8.4—Vesting of Title
- § 20.8.5—Recording of Interests Affecting Title to Property
- § 20.8.6—Effect of Beneficiary Deed on Property Held in Joint Tenancy
- § 20.8.7—Rights of Creditors and Others
- § 20.8.8—Protection of Purchasers from Grantee-Beneficiary
- § 20.8.9—Disclaimer

#### § 20.9 DESIGNATED BENEFICIARY AGREEMENTS

- § 20.9.1—Legislative Declaration
- § 20.9.2—Designated Beneficiary Agreements
- § 20.9.3—Requirements for a Valid Designated Beneficiary Agreement
- § 20.9.4—Rights and Protections Arising From a Designated Beneficiary Agreement
- § 20.9.5—Revocation of Designated Beneficiary Agreement

## EXHIBIT

Exhibit 20A-Rules of Intestate Succession

#### Chapter 21 ADVERSE POSSESSION AND PRESCRIPTION

#### § 21.1 THE COLORADO STATUTES

- § 21.1.1—The 20-Year Statutes
- § 21.1.2—The 18-Year Statute
- § 21.1.3—The Ten-Year Statutes
- § 21.1.4—The Seven-Year Statutes
- § 21.1.5—The Five-Year Statute
- § 21.1.6—The Two-Year Statute

## § 21.2 GENERAL CONSIDERATIONS

- § 21.2.1—Nature of Title by Adverse Possession
- § 21.2.2—Exceptions and Limitations
- § 21.2.3—Laches

## § 21.3 ESSENTIAL ELEMENTS

- § 21.3.1—In General
- § 21.3.2—Acts of Possession
- § 21.3.3—Extent of Possession
- § 21.3.4—Time of Possession
- § 21.3.5—Length of Possession
- § 21.3.6—Exclusive and Uninterrupted Possession
- § 21.3.7—Hostile Possession
- § 21.3.8—Persons Claiming Adversely
- § 21.3.9—Payment of Taxes
- § 21.3.10—Good Faith

#### § 21.4 CLAIMS UNDER COLOR OF TITLE

- § 21.4.1—Color of Title
- § 21.4.2—Recording of Instrument Giving Color of Title

#### § 21.5 ADVERSE POSSESSION OF WATER RIGHTS

#### Chapter 22 ADVERSE POSSESSION (ON AND AFTER JULY 1, 2008)

## § 22.1 THE 2008 AMENDMENT

## Chapter 23 ABANDONMENT, FORFEITURE, AND OTHER TRANSFERS OF TITLE

#### § 23.1 ABANDONMENT

- § 23.1.1—In General
- § 23.1.2—Abandonment of Water Rights
- § 23.1.3—Abandonment of Unpatented Mining Claims

- § 23.1.4—Abandonment of Public Roads
- § 23.1.5—Abandonment of Homesteads
- § 23.1.6—Abandonment of Leaseholds
- § 23.1.7—Abandonment of Easements
- § 23.1.8—Abandonment of Railroad Rights-of-Way
- § 23.1.9—Abandonment of State Highways
- § 23.1.10—Abandonment of Oil and Gas Leases

## § 23.2 FORFEITURE

- § 23.2.1—Forfeiture Resulting from Criminal Activity
- § 23.2.2—Forfeiture of Unpatented Mining Claims
- § 23.2.3—Other Forfeitures
- § 23.2.4—Forfeiture of Real Property Under Federal Law

## § 23.3 ESTOPPEL

- § 23.3.1—Equitable Estoppel
- § 23.3.2—Estoppel by Deed

# § 23.4 MERGER, CONSOLIDATION, AND INCORPORATION

- § 23.4.1—Merger of Entities
- § 23.4.2—Merger or Consolidation of Corporations
- § 23.4.3—Merger or Consolidation of Common-Interest Communities
- § 23.4.4—Merger of Credit Unions
- § 23.4.5—Merger of Savings and Loan Associations
- § 23.4.6—Annexation and Consolidation of Municipal Corporations
- § 23.4.7—Consolidation of School Districts
- § 23.4.8—Incorporation of Congregation, Church, or Society

## § 23.5 DISCLAIMER

- § 23.5.1—Disclaimer Prior to August 10, 2011
- § 23.5.2—Colorado Uniform Disclaimer of Property Interests Act — In General

- § 23.5.3—Colorado Uniform Disclaimer of Property Interests Act — Bar or Limitation of Disclaimer
- § 23.5.4—Colorado Uniform Disclaimer of Property Interests Act — Disclaimer of Interest in Property
- § 23.5.5—Colorado Uniform Disclaimer of Property Interests Act — Disclaimer of Present Interest in Property
- § 23.5.6—Colorado Uniform Disclaimer of Property Interests Act — Delivery or Filing of Disclaimer
- § 23.5.7—Colorado Uniform Disclaimer of Property Interests Act — Tax-Qualified Disclaimer
- § 23.5.8—Under Beneficiary Deed
- § 23.5.9—Under Rule 105

#### Chapter 24 FORECLOSURE

#### § 24.1 INTRODUCTION

- § 24.1.1—In General
- § 24.1.2—Foreclosures
- § 24.1.3—Foreclosure Consultants
- § 24.1.4—Acceleration and Waiver
- § 24.1.5—Electronic Documents

#### § 24.2 JUDICIAL FORECLOSURE

§ 24.2.1—In General § 24.2.2—Parties

## § 24.3 PUBLIC TRUSTEE FORECLOSURE

- § 24.3.1—In General
- § 24.3.2—Notice of Election and Demand
- § 24.3.3—Rule 120 Proceedings
- § 24.3.4—Foreclosure Deferment

#### § 24.4 COMBINED NOTICE

- § 24.4.1—In General
- § 24.4.2—Public Trustee Foreclosure

## TOC-40

§ 24.4.3—Judicial Foreclosure or Sheriff's Sale § 24.4.4—Publication

# § 24.5 CURE

- § 24.5.1—In General
- § 24.5.2—Purpose of Cure Statute
- § 24.5.3—Persons Entitled to Cure
- § 24.5.4—Notice of Intent to Cure

## § 24.6 EXECUTION AND FORECLOSURE SALES

- § 24.6.1—Execution Sales
- § 24.6.2—Foreclosure Sales
- § 24.6.3—Continuance of Sale
- § 24.6.4—Effect of Bankruptcy Proceedings
- § 24.6.5—Expedited Residential Foreclosure Sales
- § 24.6.6—Bid
- § 24.6.7—Fees and Costs
- § 24.6.8—Deficiency
- § 24.6.9—Setting Aside Sale
- § 24.6.10—Rescission of Public Trustee Sale
- § 24.6.11—Overbids
- § 24.6.12—Unclaimed Refunds
- § 24.6.13—Rents; Insurance Proceeds
- § 24.6.14—Voiding Foreclosure
- § 24.6.15—Marshalling of Assets
- § 24.6.16—Allocation

# § 24.7 FORECLOSURE OF INSTALLMENTS WITHOUT ACCELERATION

## § 24.8 CERTIFICATE OF PURCHASE

- § 24.8.1—Issuance of Certificate of Purchase
- § 24.8.2—Assignment and Replacement of Certificate of Purchase

## § 24.9 REDEMPTION

- § 24.9.1—In General
- § 24.9.2—Redemption Amount
- § 24.9.3—Who May Redeem
- § 24.9.4—Redemption Procedures
- § 24.9.5—Effect of Redemption
- § 24.9.6—Possession During Redemption Period

# § 24.10 CONFIRMATION DEEDS AND TITLES THEREUNDER

- § 24.10.1—Vesting of Title
- § 24.10.2—Forms of Confirmation Deed
- § 24.10.3—Effect of Confirmation Deed

## § 24.11 OMITTED PARTIES

- § 24.11.1—Definitions
- § 24.11.2—Termination or Affirmation of Interest of Omitted Party

## § 24.12 RECEIVERS

- § 24.12.1—In General
- § 24.12.2—Appointment of Receiver Under Statute
- § 24.12.3—Appointment of Receiver Under Agreement

# § 24.13 FORECLOSURE OF BURIAL SPACES IN MUNICIPAL CEMETERIES

- § 24.13.1—In General
- § 24.13.2—Foreclosure Procedures

## Chapter 25 RECORDING AND NOTICE

## § 25.1 THE RECORDING ACT

- § 25.1.1—Statutory Language
- § 25.1.2—Purpose
- § 25.1.3—Operation of the Recording Act
- § 25.1.4—Right of Public to Inspect Records

## § 25.2 THE RECORDING SYSTEM

- § 25.2.1—Instruments or Writings Required or Permitted to Be Recorded
- § 25.2.2—Place of Recording
- § 25.2.3—Time of Recording
- § 25.2.4—Manner of Recording
- § 25.2.5—Effect of Recording
- § 25.2.6—Instruments Not in Chain of Title
- § 25.2.7—Effect of Failure to Record
- § 25.2.8—Purchasers from Purchasers with or without Notice
- § 25.2.9—Determining Priority from Record

## § 25.3 NOTICE AS SUBSTITUTE FOR RECORDING

- § 25.3.1—General Principles
- § 25.3.2—Actual Notice
- § 25.3.3—Constructive Notice
- § 25.3.4—Inquiry Notice
- § 25.3.5—Notice from Recitals in Instruments Not in Chain of Title
- § 25.3.6—Notice from Recitals in Instruments in Chain of Title
- § 25.3.7—Possession as Notice
- § 25.3.8—Inquiry Notice from Matters In Pais
- § 25.3.9—Statutory Provisions Regarding Notice

# § 25.4 NOTICE OF PENDENCY OF ACTION (NOTICE OF LIS PENDENS)

- § 25.4.1—Doctrine of Lis Pendens
- § 25.4.2—Actions to Which the Doctrine of Lis Pendens Applies
- § 25.4.3—Sufficiency and Duration of Notice of Lis Pendens
- § 25.4.4—Vacation of Notice of Lis Pendens
- § 25.4.5—Wrongful Filing of Notice of Lis Pendens

## § 25.5 TORRENS TITLE REGISTRATION

- § 25.5.1—In General
- § 25.5.2—Background of the Torrens System
- § 25.5.3—Procedure for Registration
- § 25.5.4—Effect of Registration
- § 25.5.5—Boundaries

#### **EXHIBIT**

Exhibit 25A—Historical Development of the Recording Act

# PART FOUR: REAL PROPERTY LITIGATION

#### Chapter 26 LITIGATION REGARDING POSSESSION OR TITLE

- § 26.1 ESTABLISHMENT OF DISPUTED BOUNDARIES
- § 26.2 EJECTMENT

## § 26.3 FORCIBLE ENTRY AND DETAINER

- § 26.3.1—In General
- § 26.3.2—Definitions
- § 26.3.3—Prohibited Actions
- § 26.3.4—Crops of Person in Possession
- § 26.3.5—Notices
- § 26.3.6—Jurisdiction of Courts

- § 26.3.7—Commencement of Action
- § 26.3.8—Summons
- § 26.3.9—Further Pleadings
- § 26.3.10—Trial
- § 26.3.11—Execution of Writ of Restitution
- § 26.3.12—Appeal

# § 26.4 ACTIONS RELATING TO CLOUDS ON TITLE; ACTIONS TO QUIET TITLE

- § 26.4.1—Background
- § 26.4.2-Parties
- § 26.4.3—Time to Bring Action
- § 26.4.4—Pleadings
- § 26.4.5—Dismissal
- § 26.4.6—Evidence

## § 26.5 ACTIONS UNDER RULE 105

- § 26.5.1—Background
- § 26.5.2—Parties
- § 26.5.3—Time to Bring Action
- § 26.5.4—Pleadings
- § 26.5.5—Disclaimer
- § 26.5.6—Evidence
- § 26.5.7—Decree

## § 26.6 PARTITION

- § 26.6.1—In General
- § 26.6.2—Parties
- § 26.6.3—Procedure
- § 26.6.4—Adjudication
- § 26.6.5—Commissioners
- § 26.6.6—Partition in Kind
- § 26.6.7—Partition by Sale
- § 26.6.8—Partition of Mining Property

## Chapter 27 REAL PROPERTY IN BANKRUPTCY

## § 27.1 THE BANKRUPTCY ESTATE

- § 27.1.1—In General
- § 27.1.2—Property of the Estate

# § 27.2 USE, SALE, OR LEASE OF PROPERTY OF THE ESTATE

§ 27.2.1—In General

§ 27.2.2—Sale Free and Clear of Interests

## § 27.3 ABANDONMENT

## § 27.4 PRE-PETITION TRANSFERS

- § 27.4.1—Fraudulent Transfers
- § 27.4.2—The "Strongarm" Statute
- § 27.4.3—Voidable Preferences
- § 27.4.4—Statutory Liens
- § 27.4.5—Effect of Avoidance
- § 27.4.6—Post-Petition Perfection

## § 27.5 TURNOVER

#### § 27.6 POST-PETITION TRANSFERS

## § 27.7 AUTOMATIC STAY

- § 27.7.1—Purpose of Automatic Stay
- § 27.7.2—Operation of Automatic Stay
- § 27.7.3—Relief from Stay

## § 27.8 EXECUTORY CONTRACTS AND UNEXPIRED LEASES

- § 27.8.1—In General
- § 27.8.2—Time for Assumption or Rejection

- § 27.8.3—Termination or Modification of Executory Contract or Unexpired Lease
- § 27.8.4—Assignment of Executory Contract or Unexpired Lease
- § 27.8.5—Rejection as Breach of Executory Contract or Unexpired Lease

#### § 27.9 PLANS AND THEIR CONFIRMATION

- § 27.9.1—In General
- § 27.9.2—Confirmation of Plan
- § 27.9.3—Modification of Plan
- § 27.9.4—Nondischargeability

## Chapter 28 REAL PROPERTY TORTS

## § 28.1 TRESPASS

- § 28.1.1—Trespass and Negligence Distinguished
- § 28.1.2—Definition of Trespass
- § 28.1.3—Elements of Trespass
- § 28.1.4—Continuing Trespass
- § 28.1.5—Encroachment of Structure
- § 28.1.6—Defenses to Trespass
- § 28.1.7—Trespass on Public Lands

#### § 28.2 NUISANCE

- § 28.2.1—In General
- § 28.2.2—Continuing Nuisance

## § 28.3 DAMAGES

- § 28.3.1—Damages to Real Property Generally
- § 28.3.2—Damages for Injury to Trees
- § 28.3.3—Damages for Removal of Minerals
- § 28.3.4—Other Elements of Damages
- § 28.3.5—Exemplary Damages
- § 28.3.6—Nominal Damages
- § 28.3.7—Economic Loss Rule

## § 28.4 WITHDRAWAL OF SUPPORT

- § 28.5 WASTE
- § 28.6 SLANDER OF TITLE

## § 28.7 PREMISES LIABILITY

- § 28.7.1—Common-Law Classifications
- § 28.7.2—Premises Liability Statute
- § 28.7.3—Recreational Landowner Liability Statute
- § 28.7.4—Landowner Liability to Surveyor Statute
- § 28.7.5—Landowner Liability for Workers' Compensation

#### Chapter 29 REAL PROPERTY CRIMES

## § 29.1 CRIMINAL TRESPASS

- § 29.1.1—First Degree Criminal Trespass
- § 29.1.2—Second Degree Criminal Trespass
- § 29.1.3—Third Degree Criminal Trespass

## § 29.2 THEFT

§ 29.2.1—Theft of Real Property

# § 29.3 CRIMES RELATING TO WRITTEN INSTRUMENTS, LANDMARKS, MONUMENTS, AND PUBLIC AND PRIVATE PROPERTY

- § 29.3.1—Offering False Instrument for Recording
- § 29.3.2—Defacing or Destruction of Written Instruments
- § 29.3.3—Defacing, Destroying, or Removing Landmarks, Monuments, or Accessories; Defacing Public or Private Property

## § 29.4 REMOVAL OF IMPROVEMENTS FROM ENCUMBERED PROPERTY

## TOC-48

## § 29.5 EQUITY SKIMMING

- § 29.5.1—Definition of Equity Skimming
- § 29.5.2—Affirmative Defenses to Equity Skimming
- § 29.5.3—Applicability
- § 29.5.4—Civil Action

#### § 29.6 CRIMES RELATING TO MANUFACTURED HOMES

- § 29.6.1—Crimes Relating to Manufactured Homes Generally
- § 29.6.2—Crimes Relating to the Sale, Transfer, or Disposal of a Manufactured Home
- § 29.6.3—Crimes Relating to the Procurement of a Certificate of Title to a Manufactured Home
- § 29.6.4—Crimes Relating to the Surrender of a Certificate of Title to a Manufactured Home
- § 29.6.5—Crimes Relating to the Alteration or Forging of a Certificate of Title to a Manufactured Home
- § 29.6.6—Crimes Relating to the Repossession of a Manufactured Home
- § 29.6.7—Crimes Relating to the Change of Location of a Manufactured Home

## § 29.7 CRIMES RELATING TO SUBDIVISIONS

§ 29.7.1—Failure to Register as a Developer

## § 29.8 CRIMES RELATING TO EQUITY PURCHASERS

# PART FIVE: GOVERNMENT INVOLVEMENT WITH REAL PROPERTY

## Chapter 30 REAL PROPERTY TAXATION

#### § 30.1 INTRODUCTION

§ 30.1.1—Power to Tax

§ 30.1.2—Taxable Property; Exemptions

- § 30.1.3—Valuation and Assessment
- § 30.1.4—Taxation of Severed Mineral Interests
- § 30.1.5—Tax Liens
- § 30.1.6—Collection
- § 30.1.7—Petition for Abatement or Refund
- § 30.1.8—Approval of Tax Abatement or Refund
- § 30.1.9—Appeal to Board of Assessment Appeals

## § 30.2 PUBLIC AUCTION

- § 30.2.1—Notice to Delinquent Owner
- § 30.2.2—Notice to Surface Owner
- § 30.2.3—Erroneous Assessments
- § 30.2.4—Date of Public Auction
- § 30.2.5—Conduct of Public Auction
- § 30.2.6—Erroneous Sale
- § 30.2.7—Surface Owner's Right of First Refusal

## § 30.3 TAX SALE CERTIFICATES

- § 30.3.1—Certificate of Purchase
- § 30.3.2—Effect of Sale
- § 30.3.3—Payment of Taxes by Certificate Holder
- § 30.3.4—Determination of Validity of Tax Sale Certificate Held by a County or City and County
- § 30.3.5—Sale of Tax Sale Certificate by County, City, Town, or City and County

## § 30.4 REDEMPTION

- § 30.4.1—Right of Redemption
- § 30.4.2—Time for Redemption
- § 30.4.3—Redemption Amount
- § 30.4.4—Certificate of Redemption
- § 30.4.5—Effect of Redemption
- § 30.4.6—Common Fund Doctrine

#### § 30.5 TAX DEEDS (OTHER THAN TO COUNTIES)

- § 30.5.1—In General
- § 30.5.2—Notice of Request or Demand for Tax Deed
- § 30.5.3—Form of Tax Deed
- § 30.5.4—Description
- § 30.5.5—Recitals
- § 30.5.6—Signing and Sealing of Tax Deed
- § 30.5.7—Acknowledgment of Tax Deed
- § 30.5.8—Recording of Tax Deed
- § 30.5.9—Tax Deed as *Prima Facie* Evidence
- § 30.5.10—Defects Rendering a Tax Deed Void on its Face
- § 30.5.11—Defects in Tax Deed Proceedings
- § 30.5.12—Action to Quiet Title

## § 30.6 TAX DEEDS TO COUNTIES

- § 30.6.1—Application for Tax Deed to County
- § 30.6.2—Limitation on Life of Tax Sale Certificates
- § 30.6.3—Form of Deed to County
- § 30.6.4—Recording of Tax Deed to County

# § 30.7 DISPOSAL BY COUNTY OF TAX-DEEDED PROPERTY

- § 30.7.1—In General
- § 30.7.2—Sale or Lease of Tax-Deeded Property

#### § 30.8 TAX TITLES

- § 30.8.1-In General
- § 30.8.2—Nature and Priority of Title
- § 30.8.3—Recovery of Tax-Deeded Lands

## Chapter 31 STATE LANDS

#### § 31.1 STATE LAND GRANTS

§ 31.1.1—Enabling Act School Grants

§ 31.1.2—Desert Land Grants

## § 31.2 STATE BOARD OF LAND COMMISSIONERS

# § 31.3 OTHER ACQUISITIONS

§ 31.3.1—Purchases

## § 31.4 SALES

- § 31.4.1—In General
- § 31.4.2—Disposal to Local Government or Special District
- § 31.4.3—Titles and Conveyances
- § 31.4.4—Reservations
- § 31.4.5—Bond
- § 31.4.6—Forfeiture
- § 31.4.7—Taxes

# § 31.5 EXCHANGES

## § 31.6 LEASES

- § 31.6.1—In General
- § 31.6.2—Lease for Grazing or Agricultural Uses
- § 31.6.3—Mineral and Geothermal Leases
- § 31.6.4—Leases for Renewable Energy Resources

## § 31.7 GRANTS OF EASEMENTS

## Chapter 32 PUBLIC ROADS

## § 32.1 INTRODUCTION

## § 32.2 ESTABLISHMENT OF PUBLIC ROADS

- § 32.2.1—Statutory Provisions
- § 32.2.2—Roads Established by Express Grant
- § 32.2.3—Roads Established by Condemnation
- § 32.2.4—Roads Established by Adverse Use

## § 32.3 TERMINATION OF PUBLIC ROADS

- § 32.3.1—Vacation of Public Roads
- § 32.3.2—Abandonment of Public Roads
- § 32.3.3—Abandonment of State Highways

#### Chapter 33 TOLL ROADS

#### § 33.1 TOLL ROAD COMPANIES

§ 33.1.1—Formation of Toll Road Companies

#### § 33.2 TOLL ROAD RIGHTS OF WAY

- § 33.2.1—Acquisition of Right-of-Way
- § 33.2.2—Notice of Proposed Toll Road or Toll Highway
- § 33.2.3—Limitations on Use of Land by Toll Road or Toll Highway Company
- § 33.2.4—Limitation on Sale of by Toll Road or Toll Highway Company
- § 33.2.5—Condemnee's Right of Repurchase

## Chapter 34 DEDICATION

#### § 34.1 IN GENERAL

#### § 34.2 STATUTORY DEDICATION

- § 34.2.1—Statutory Provision
- § 34.2.2—Statutory Dedication Procedure

#### § 34.3 COMMON-LAW DEDICATION

- § 34.3.1—In General
- § 34.3.2—Express Dedication
- § 34.3.3—Dedication by Implication

#### § 34.4 VACATION OF DEDICATED PROPERTY

## Chapter 35 EMINENT DOMAIN

## § 35.1 CONSTITUTIONAL AND STATUTORY PROVISIONS

- § 35.1.1—Taking for Private Use
- § 35.1.2—Taking for Public Use
- § 35.1.3—"Public Use" versus "Public Purpose"

## § 35.2 EMINENT DOMAIN UNDER STATE LAW

- § 35.2.1—Entities with Power of Eminent Domain
- § 35.2.2—Property Subject to Eminent Domain
- § 35.2.3—Initiation of Eminent Domain Proceeding
- § 35.2.4—Inverse Condemnation
- § 35.2.5—Compensation
- § 35.2.6—Estate and Rights Taken

## EXHIBIT

Exhibit 35A—Entities Authorized to Exercise the Power of Eminent Domain

## Chapter 36 LAND SUBDIVISION

#### § 36.1 SUBDIVISION DEFINED

§ 36.1.1—Before May 5, 1972
§ 36.1.2—On and After May 5, 1972

## § 36.2 SUBDIVISION REGULATIONS

- § 36.2.1—1961 Subdivision Regulations
- § 36.2.2—Current Subdivision Regulations
- § 36.2.3—Enforcement

Table of Contents

# § 36.3 SUBDIVISION REVIEW AND APPROVAL

- § 36.3.1—Review
- § 36.3.2—Approval by Board of County Commissioners
- § 36.3.3—Transfer Before Approval
- § 36.3.4—Recording of Plat
- § 36.3.5—Correction of Subdivision Plats

# § 36.4 MERGER OF LOTS

# § 36.5 SUBDIVISION EXEMPTION PLATS

# SUBJECT INDEX