

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

March 16, 2010
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB10-1133 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend reengrossed bill, page 2, line 2, strike "(2) (a), Colorado Revised
2 Statutes, is" and substitute "(2) (a) and (7), Colorado Revised Statutes,
3 are".

4 Page 2, after line 19 insert:

5 "(7) "Home owner" means the owner of a ~~residence in foreclosure~~
6 DWELLING WHO OCCUPIES IT AS HIS OR HER PRINCIPAL PLACE OF
7 RESIDENCE, including a vendee under a contract for deed to real property,
8 as that term is defined in section 38-35-126 (1) (b), C.R.S."

9 Page 4, line 13, strike "twelve-point, ~~bold-faced~~ LEGIBLE type" and
10 substitute "~~twelve-point, bold-faced~~ NINE-POINT, LEGIBLE type".

11 Page 4, after line 17 insert:

12 "**SECTION 5.** The introductory portion to 6-1-1112 (1) (j),
13 Colorado Revised Statutes, is amended to read:

14 **6-1-1112. Written contract - contents - notice.** (1) Every
15 contract shall contain the entire agreement of the parties and shall include
16 the following terms:

17 (j) The following notice, in at least ~~fourteen-point~~ NINE-POINT

1 bold-faced type, and completed with the name of the equity purchaser,
2 immediately above the statement required by section 6-1-1114:

3 **SECTION 6.** 6-1-1114 (1) (a) and the introductory portions to
4 6-1-1114 (2) and (2) (c), Colorado Revised Statutes, are amended to read:

5 **6-1-1114. Notice of cancellation.** (1) (a) The contract shall
6 contain, as the last provision before the space reserved for the home
7 owner's signature, a conspicuous statement in at least ~~twelve-point~~
8 NINE-POINT bold-faced type, as follows:

9 **You may cancel this contract for the sale of your house**
10 **without any penalty or obligation at any time before**
11 **(Date and time of day). See the attached**
12 **notice of cancellation form for an explanation of this**
13 **right.**

14 (2) The contract shall be accompanied by duplicate completed
15 forms, captioned "notice of cancellation" in at least ~~twelve-point~~
16 NINE-POINT bold-faced type if the contract is printed or in capital letters
17 if the contract is typed, followed by a space in which the equity purchaser
18 shall enter the date on which the home owner executed the contract. Such
19 form shall:

20 (c) Contain the following statement, in at least ~~ten-point~~
21 NINE-POINT type if the contract is printed or in capital letters if the
22 contract is typed:".

23 Renumber succeeding sections accordingly.

24 Page 5, strike lines 26 and 27 and substitute:

25 "(a) PROVIDE FULL DISCLOSURE TO THE HOME OWNER AND TO THE
26 HOLDERS OF THE EVIDENCE OF DEBT ON THE RESIDENCE IN FORECLOSURE,
27 OR SUCH HOLDERS' REPRESENTATIVES,".

28 Page 6, strike line 9 and substitute "AND TO ANY SUBSEQUENT
29 PURCHASER'S LENDER, OR SUCH LENDER'S REPRESENTATIVE, AT THE TIME
30 OF CONTRACT".

31 Page 6, line 19, after "PERSON" insert "WHO ENTERS INTO A CONTRACT

- 1 WITH AN EQUITY PURCHASER PRIOR TO THE DISBURSEMENT OF THE SHORT
- 2 SALE TRANSACTION TO ACQUIRE THE RESIDENCE IN FORECLOSURE AND".

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