

HOUSE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

April 23, 2013  
Date

Committee on Judiciary.

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

HB13-1307 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend printed bill, page 2, line 2, strike "(4)" and substitute "(3.5), (4),".
- 2 Page 2, strike line 6 and substitute "**effect - validity of recording -**  
3 **interests in property - legislative declaration. (3.5) Legislative**  
4 **declaration.** (a) THE GENERAL ASSEMBLY FINDS, DETERMINES, AND  
5 DECLARES THAT IN *IN RE RIVERA*, 2012 CO 43 (ALSO REFERRED TO AS  
6 *SENDER V. CYGAN*), THE COLORADO SUPREME COURT HELD THAT A  
7 RECORDED DEED OF TRUST THAT COMPLETELY OMITTS A LEGAL  
8 DESCRIPTION IS DEFECTIVELY RECORDED AND CANNOT PROVIDE  
9 CONSTRUCTIVE NOTICE TO A SUBSEQUENT PURCHASER OF ANOTHER  
10 PARTY'S SECURITY INTEREST IN THE PROPERTY.
- 11 (b) BY ENACTING HOUSE BILL 13-1307, ENACTED IN 2013, IT IS THE  
12 INTENT OF THE GENERAL ASSEMBLY TO CLARIFY, FOR PARTIES THAT  
13 CURRENTLY HAVE AN INTEREST IN REAL PROPERTY OR THAT WILL ACQUIRE  
14 AN INTEREST IN REAL PROPERTY IN THE FUTURE, THAT, NOTWITHSTANDING  
15 THE HOLDINGS AND CONCLUSIONS IN *IN RE RIVERA*, THE FACT THAT A  
16 RECORDED DOCUMENT OMITTS A LEGAL DESCRIPTION IS NOT, BY ITSELF AND  
17 WITHOUT REGARD TO THE TOTALITY OF THE CIRCUMSTANCES,  
18 DETERMINATIVE OF WHETHER THE DOCUMENT:
- 19 (I) IS VALID AGAINST ANY PERSON OBTAINING RIGHTS IN THE REAL  
20 PROPERTY; OR  
21 (II) IS VALID OR INVALID.  
22 (4) THE FACT".

1 Page 2, line 10, after "PROPERTY" insert "MAY, IN THE TOTALITY OF THE  
2 CIRCUMSTANCES, BUT".

3 Page 2, line 19, strike "DOES NOT NECESSARILY" and substitute "MAY, IN  
4 THE TOTALITY OF THE CIRCUMSTANCES, BUT DOES NOT NECESSARILY,".

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