

**First Regular Session
Seventieth General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 15-0476.01 Bart Miller x2173

HOUSE BILL 15-1069

HOUSE SPONSORSHIP

Ryden,

SENATE SPONSORSHIP

Holbert,

House Committees

Local Government
Finance

Senate Committees

Finance

A BILL FOR AN ACT

101 **CONCERNING INFORMATION REQUIRED TO BE INCLUDED IN RECORDED**
102 **WRITTEN INSTRUMENTS FILED WITH THE COUNTY CLERK AND**
103 **RECORDER TO CLAIM A HOMESTEAD EXEMPTION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/bills summaries>.)

Colorado law requires that a document claiming a homestead exemption only include a legal description of the real property and not the name of the owner of the property. The indexing system for real property ownership in the land records of Colorado is based on the names of the grantor and grantee of real property. The bill adds a requirement that the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

SENATE
2nd Reading Unamended

HOUSE
3rd Reading Unamended
February 10, 2015

HOUSE
2nd Reading Unamended
February 9, 2015

name of the owner of real property be included in a recorded document claiming a homestead exemption.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 38-41-202, **amend**
3 (2) (b) and (4) as follows:

4 **38-41-202. Homestead to be created automatically in certain**
5 **cases - filing of statement required in other cases.** (2) (b) The spouse
6 of the owner of the property may homestead ~~such~~ THE property in the
7 manner provided in paragraph (a) of this subsection (2) with the same
8 effect as if the owner had done so.

9 (4) If the owner of the property (householder) or the spouse of
10 ~~such~~ THE owner records in the office of the county clerk and recorder of
11 the county where the property is ~~situate~~ SITUATED an instrument in
12 writing describing ~~such~~ THE property, setting forth the NAME OF THE
13 OWNER OF THE PROPERTY AND THE nature and source of the owner's
14 interest ~~therein~~ IN THE PROPERTY, and stating that the owner or the
15 owner's spouse is homesteading ~~such~~ THE property (which instrument
16 may be acknowledged as provided by law), then the signature of both
17 spouses to convey or encumber ~~such~~ THE property ~~shall be~~ IS required.

18 **SECTION 2. Act subject to petition - effective date.** This act
19 takes effect at 12:01 a.m. on the day following the expiration of the
20 ninety-day period after final adjournment of the general assembly
21 (August 5, 2015, if adjournment sine die is on May 6, 2015); except that,
22 if a referendum petition is filed pursuant to section 1 (3) of article V of
23 the state constitution against this act or an item, section, or part of this act
24 within such period, then the act, item, section, or part will not take effect
25 unless approved by the people at the general election to be held in

- 1 November 2016 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.