

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

Date

April 19, 2021

Committee on Business, Labor, & Technology.

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

HB21-1224 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the consent calendar:

1 Amend reengrossed bill, page 5, lines 6 and 7, strike "UNLESS THE
2 CONTEXT OTHERWISE REQUIRES,".

3 Page 5, after line 8 insert:

4 "SECTION 3. In Colorado Revised Statutes, 38-38-306, **amend**
5 (2); and **add** (3) as follows:

6 **38-38-306. Rights of other lienors to redeem - definition.** (2) A
7 mechanic's lien claimant or any other person claiming the right to a
8 statutory lien on real property shall have the right to redeem as a lienor
9 despite the fact that the claim has not been reduced to judgment, if the
10 lien or lien claim has been recorded as required or permitted by statute
11 and the holder thereof has complied with the other conditions required of
12 a lienor by this article. If another lienor redeems after such lien claimant,
13 that portion of the redemption amount attributable to the claim of such
14 lien claimant, as evidenced by such claimant's recorded lien, shall be held
15 in escrow by the officer until a final judgment has been entered in favor
16 of such claimant confirming the claimant's right to a lien and all periods
17 for appeal have expired, whereupon there shall be paid to such claimant
18 from the escrow the amount of the lien claim as established by the
19 judgment, with any interest earned thereon, and the balance, if any, shall
20 be refunded to the ~~owner of the property as of the date of the sale,~~
21 BORROWER, so long as the last redeeming lienor has otherwise been



1 satisfied. If the claimant releases the lien or fails to establish a right to the
2 lien, the entire escrow shall be paid to the ~~owner of the property as of the~~
3 ~~date of the sale~~, BORROWER, so long as the last redeeming lienor has
4 otherwise been satisfied. Lien claimants of equal priority, for the purposes
5 of this subsection (2), may act in concert and be deemed to represent one
6 claim in which they share pro rata. The right of the ~~owner of the property~~
7 ~~as of the date of the sale~~ BORROWER to excess sale proceeds pursuant to
8 a homestead exemption under section 38-41-201 is subordinate to the
9 right of a subsequent deed of trust beneficiary for whose benefit the
10 ~~owner waived the homestead exemption~~ HOMESTEAD EXEMPTION WAS
11 WAIVED.

12 (3) AS USED IN THIS SECTION, "BORROWER" HAS THE SAME
13 MEANING AS SET FORTH IN SECTION 38-38-111 (6)."

14 Renumber succeeding section accordingly.

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