

# TREASURER DEED PROCESS: WHAT INVESTORS NEED TO KNOW

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# TYLER V. HENNEPIN COUNTY

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143 S. Ct. 1369 (2023)

FORMAL OPINION OF PHILIP J. WEISER,  
ATTORNEY GENERAL  
JULY 27, 2023

Question Presented.

Are Colorado laws governing the process to recover unpaid property taxes on real property unconstitutional, in part or in full, following the recently decided U.S. Supreme Court decision, *Tyler v. Hennepin County*, 143 S. Ct. 1369 (2023).

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*Short Answer.*

Yes, in part. Under Colorado law, in rare circumstances, a taxpayer may lose all rights to their real property as a result of unpaid property tax and have no right to receive any compensation if the value of the property exceeds the amount of the tax debt. In those rare circumstances, following *Tyler*, Colorado's statutory process for real property may be found to result in deprivations of property that constitute an unconstitutional taking in violation of the Fifth Amendment Takings Clause of the U.S. Constitution.

**Colorado's statutory process to recover unpaid property taxes deprives a property owner of value that exceeds the amount of the unpaid property taxes.**

# TAX LIEN SALE

39-11.5-102(1) At any time at least 3 years from the date of the sale of a tax lien, a Lawful Holder (COP holder from tax lien sale or their assigned) MAY file an application for a public auction for a certificate of option for treasurer's deed for the property subject to the tax lien described in the certificate of purchase held by the Lawful Holder (or their assigned). In so doing the Lawful Holder shall file an "Application for Public Auction" in a form and manner determined by the Treasurer

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- Definitions
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# TREASURER DEED PROCESS PRIOR TO PUBLIC AUCTION

## REQUEST VIA APPLICATION

As soon as Practicable Review & Accept

Record Application

WITHIN 10 BUS DAYS FOLLOWING TREASURER'S DETERMINATION RECORD TAX LIEN COP IF NOT PREVIOUSLY RECORDED

## MAIL OWNER NOTICE

+30 CAL days from recording Application mail Notice to Property Address ONLY and put on Treasurer's Website

Mailing List (ML) & Known Interested Party (KIP) Notice

**+20 CAL DAYS AFTER RECEIVING REVIEWING TITLE PREPARE ML PER 39-11-128 & MAIL REGISTERED OR CERTIFIED MAIL TO ALL PERSONS ON ML**

## PUBLICATIONS

Public Auction Set 110-125 CAL Days after 1<sup>st</sup> Publication OR mailing of KIP Notice – Publish 3 successive times – IF valuation of property is \$500.00 or more. If no county paper Post in multiple locations. See s.

Post Property & Publish Web

**NOT LESS THAN 45 CAL NOR MORE THAN 60 CAL DAYS PRIOR TO AUCTION POST NOTICE AT PROPERTY & PUBLISH NOTICE ON TREASURERS WEBSITE.**

## POST KIP NOTICE TREASURER OFFICE

Not less than 28 CAL days prior to Auction POST KIP Notice in Treasurer's Office or Website

Public Auction

**AUCTION CAN BE CONTINUED UP TO 1 YEAR FROM ORIGINAL AUCTION DATE PROPERTY OWNER MAY REDEEM AT ANY TIME PRIOR TO SALE**

# TREASURER DEED PROCESS POST PUBLIC AUCTION

AUCTION SOLD  
3<sup>RD</sup> PARTY

+8 BUS  
days after  
Auction for  
Lawful  
Holder to  
file Intent to  
Redeem

Lienor rights

+8 BUS DAYS  
AFTER AUCTION  
TO FILE "CLAIM  
FOR OVERBID  
FUNDS"

NO  
REDEMPTION  
RIGHTS

REDEMPTION

+15 – 19 BUS  
days after  
Auction Lawful  
Holder can  
redeem – COR  
to be prepared  
and recorded if  
Lawful Holder  
redeems

overbid

+20 BUS DAYS  
AFTER AUCTION  
OVERBID FUNDS  
CAN BE DISBURSED  
TO LIENORS IN  
ORDER OF  
PRIORITY AND  
REMAINING TO  
PROPERTY OWNER

TREASURER'S DEED

Any time  
after the end  
of the  
redemption  
period the  
Treasurer  
may prepare  
and record  
the  
Treasurer's  
Deed

Auction back to Lawful  
Holder

NO  
REDEMPTION  
RIGHTS & NO  
OVERBID  
FUNDS.

CAN PREPARE  
AND RECORD  
TREASURER'S  
DEED

PUBLIC AUCTION

Auction can  
be continued up  
to 1 year from  
original Auction  
date  
PROPERTY  
OWNER MAY  
REDEEM AT ANY  
TIME PRIOR  
TO AUCTION

Letter re: overbid funds

IF PUBLIC  
AUCTION  
RESULTS IN  
OVERBID FUNDS

MAIL THE  
PROPERTY  
OWNER A  
NOTICE  
REGARDING  
OVERBID



- (1) "CERTIFICATE OF OPTION FOR TREASURER'S DEED" MEANS THE CERTIFICATE OF OPTION FOR TREASURER'S DEED ISSUED BY A TREASURER PURSUANT TO SECTION 39-11.5-115 (1).
- (2) "CERTIFICATE OF PURCHASE" MEANS THE CERTIFICATE OF PURCHASE PREPARED BY A TREASURER FOR THE PURCHASER OF A TAX LIEN IN ACCORDANCE OF A TAX LIEN IN ACCORDANCE WITH SECTION
- (4) "INVESTMENT BALANCE" THE REDEEMABLE AMOUNT OF THE TAX LIEN.
- (5) "JUNIOR LIEN" MEANS A LIEN OR ENCUMBRANCE UPON THE PROPERTY FOR WHICH THE AMOUNT DUE AND OWING THEREUNDER IS SUBORDINATE TO THE TAX LIEN
- (7) "LAWFUL HOLDER" MEANS THE PERSON IN POSSESSION OF A CERTIFICATE OF PURCHASE FOR A TAX LIEN ISSUED IN ACCORDANCE WITH ARTICLE 11 OF THIS TITLE 39, OR THE ASSIGNEE OR ATTORNEY OF SUCH A HOLDER.

(8) "LIENOR" MEANS A PERSON WHO IS A BENEFICIARY, HOLDER, OR GRANTEE OF A JUNIOR LIEN ON THE PROPERTY OR THAT PERSON'S ASSIGNEE OR ATTORNEY

(10) "OVERBID" MEANS THE AMOUNT IN EXCESS OF THE MINIMUM BID ACCEPTED BY THE TREASURER PURSUANT TO SECTION 39-11.5-108(3)(A)

(11) "PROPERTY" MEANS THE PROPERTY SUBJECT TO A TAX LIEN, THE CERTIFICATE OF PURCHASE FOR WHICH IS HELD BY A LAWFUL HOLDER.

(12) "PROPERTY OWNER" MEANS THE OWNER OF A PROPERTY SUBJECT TO A TAX LIEN

(13) "PUBLIC AUCTION" MEANS AN AUCTION CONDUCTED PURSUANT TO ARTICLE 11.5

(14) "PURCHASER" MEANS: THE PERSON TO WHOM THE TREASURER AWARDS THE CERTIFICATE OF OPTION FOR TREASURER'S DEED AS THE WINNING BIDDER AT THE PUBLIC AUCTION WHO TIMELY SUBMITS PROPER FUNDS; *OR*

IF NO VALID BIDS ARE RECEIVED AT THE PUBLIC AUCTION, THE LAWFUL HOLDER

(15) "TAX LIEN" MEANS THE LIEN ON ANY LAND, TOWN OR CITY LOT, OR MINING CLAIM SOLD FOR SPECIAL ASSESSMENTS, TAXES, OR SPECIAL ASSESSMENTS AND TAXES DUE EITHER TO THE STATE OR ANY COUNTY OR INCORPORATED TOWN OR CITY FOR WHICH THE TREASURER ISSUED A CERTIFICATE OF PURCHASE TO THE LAWFUL HOLDER.

(17) "TREASURER'S DEED" MEANS THE DEED ISSUED BY THE TREASURER IN ACCORDANCE WITH SECTION 39-11.5-116(1)

# APPLICATION FOR PUBLIC AUCTION

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When presented with an Application for Treasurer Deed

**Collect Deposit.** Amount of fee \$300.00 and for recording costs *PLUS* amount necessary to cover the actual and reasonable costs under this Article 11.5.

As soon as Practicable, following receipt of an Application for Public Auction the Treasurer SHALL review the Application and determine whether it complies with the requirements of this Article 11.5.

*If* the Treasurer determines that the Application complies with this Article 11.5, then the Treasurer SHALL record the Application for Treasurer's Deed (along with the original tax lien sale certificate, if not previously recorded) Within 10 Business days following Treasurer's determination.

## NOTICE OF PUBLIC AUCTION

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No more than 30 Calendar days after recording the Application for Public Auction, the Treasurer **SHALL** mail a Notice of Public Auction to the property address set forth in the Application.

# TITLE RECEIVED/REVIEWED

## 39-11.5-104

No more than 20 Calendar days AFTER receiving title or completing a review of relevant county Records of the County Clerk and Recorder concerning the Property the Treasurer SHALL:

1. Create a Mailing List;
2. Mail "KIP" Notice (personal service or by either registered or certified mail per 39-11-128(a)) to every person on the Mailing List, best practice would be that you ADD the first and last publication dates;
3. Post the Known Interested Parties ("KIP") Notice with the first and last publication dates, on the Treasurer's Office Website.

## P U B L I C A T I O N S

### 3 9 - 1 1 . 5 - 1 0 4 ( 6 )

No less than 30 Calendar days **AFTER** receiving or completing a review of relevant county Records of the County Clerk and Recorder concerning the Property :

1. If the valuation for assessment of the Property that is subject to the Public Auction is \$500.00 or more, the Treasurer Shall commence Publication for the "KIP" Notice for 3 successive weeks in a newspaper that is published daily, weekly or semiweekly in the County, which means publication once each week for 3 weeks per 39-11-102(1)&(2).
  
2. If there is NO newspaper published in the County, the Treasurer SHALL post the Notice in a conspicuous location in each of the following:
  - a) County Clerk & Recorder office; and
  - b) County Treasurer's office; and
  - c) County Assessor's office; and
  - d) **TWO** (2) other public places in the County seat (i.e.: Commissioner hearing room/sheriff's office/courthouse/main entrance of building)

**PUBLIC AUCTION DATE SET  
110 – 125 DAYS FROM 1ST PUBLICATION DATE  
OR MAILING OF KNOWN INTERESTED PARTY  
NOTICE  
39-11.5-105**



**POST A KNOWN INTERESTED  
PARTY NOTICE ON THE  
PROPERTY**

45 – 60 Calendar days prior to Auction

The Treasurer shall announce bidding rules at the beginning of the public auction. The bidding rules apply to all bidders throughout the public auction.

If the public auction is conducted by means of the internet or other electronic medium, the Treasurer shall post the internet bidding rules on the electronic medium at least 14 calendar days before the date of sale. The bidding rules apply to all bidders throughout the public auction.

The treasurer may accept payment of the purchase price in the form of cash, cashier's check, bank check, or electronic funds transfer, subject to the Treasurer's bidding rules.

# PUBLIC AUCTION HELD - RESULTS

Sold to 3<sup>rd</sup> party

1. Notify the Lawful Holder of the Public Auction results;
2. Deposit Public Auction funds;
3. Prepare Certificate of Option for Treasurer's Deed in 3rd party purchaser's name and send for recording;
4. Pay Lawful Holder total debt amount on Bid;
5. Keep overbid money, if any to disburse after redemption period expires.

# PUBLIC AUCTION HELD - RESULTS

Sold to Lawful Holder

1. Notify Lawful Holder of the Public Auction results;
2. Prepare Certificate of Option for Treasurer's Deed in Lawful Holder's name and send for recording. Not required under statute but should be a best practice to avoid an issue.
3. No Redemption
4. No Intents to received payment of a portion of the overbid amount
5. Treasurer to Prepare Treasurer's Deed 10 business days after Public Auction

**PROPERTY OWNER  
REDEMPTION PRIOR TO PUBLIC AUCTION  
39-11.5-106(4)**

If the tax lien is redeemed prior to Public Auction the Treasurer SHALL

1. Cancel the Public Auction;
2. Record a Certificate of Redemption;
3. Provide Notice of the Cancellation and Redemption; and
4. Collect any fees or costs at the time of the redemption in accordance with this Article 39-11.5.

# POST PUBLIC AUCTION

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Redemption Rights, Overbid & Treasurer's Deed

REDEMPTION OF THE CERTIFICATE OF PURCHASE OF  
OPTION FOR TREASURER'S DEED BY THE LAWFUL HOLDER  
39-11.5-111(1)

ONLY A Lawful Holder is entitled to Redeem the COOP and only if the following requirements are met.

1. The Lawful Holder, within 8 business days after the Public Auction, files an Intent to Redeem with the Treasurer
2. The Lawful Holder has attached the ORIGINAL Certificate Of Purchase from the Tax Lien Sale and any original or certified copies of an assignment. Treasurer shall return all originals submitted and retain copies.

**REQUEST FOR REDEMPTION AMOUNT**  
**39-11.5-111**

(2) Request for redemption amount.

At the end of the 8-business day redemption period, if an Intent to Redeem is filed by the Lawful Holder, the Treasurer SHALL transmit by mail, facsimile, or other electronic means to the Purchaser at the Public Auction a written request for a statement of all sums necessary to redeem



**REQUEST FOR REDEMPTION AMOUNT**  
**39-11.5-111(3)(B)(C)**

**(3) Statement of redemption.**

If the Purchaser fails to submit the statement to the Treasurer within 13 business days after the Public Auction, the Treasurer may calculate the amount necessary to redeem by adding to the successful bid the accrued interest from the Public Auction through the redemption date.

Calculate Accrued Interest:

The Treasurer SHALL transmit by mail, facsimile, or other electronic means to the lawful holder, promptly upon receipt, the statement filed by the purchaser, or if no such statement is filed, the Treasurer's estimate of the redemption figure, no later than the commencement of the redemption period.

This would be the 15th business day after the Public Auction (or 1st day to redeem)

**REQUEST FOR REDEMPTION AMOUNT  
39-11.5-111(4)(A)**

**Redemption Period**

No more than 19 business days nor less than 15 business days after a Public Auction is conducted, the Lawful Holder may Redeem the Public Auction Certificate of Purchase by paying to the Treasurer, no later than 12 NOON on the last day of the Redemption Period (noon the 19th business day after Public Auction), in a form specified by the Treasurer, the amount for which the "property" was sold at Public Auction with interest from the date of Public Auction together with any applicable fees or costs.

Interest on the amount for which the "property" was sold, is charged at the default rate specified in the underlying Tax Lien.

**C E R T I F I C A T E   O F   R E D E M P T I O N**  
**3 9 - 1 1 . 5 - 1 1 1**

(5) Certificate of redemption.

Upon receipt of the redemption payment pursuant to subsection (4) of this section, the treasurer shall execute and record a Certificate of Redemption pursuant to section 39-11.5-112.

**REDEMPTION OF THE COOP BY THE LAWFUL  
HOLDER CONTINUED  
39 - 11.5 - 111 (9)**

Misstatement of redemption amount – If an aggrieved person contests the amount set forth in the statement filed by a Lawful Holder pursuant to subsection (1)(c) or by a Purchaser pursuant to subsection (3)(a) and a court determines that the Lawful Holder or Purchaser has made a material misstatement on the statement with respect to the amount due and owing to the Lawful Holder or the Purchaser, the court SHALL, in addition to other relief, award to the aggrieved person the aggrieved person's court costs and reasonable attorney's fees and costs.

**PAYMENT OF OVERBID AMOUNT TO A LIENOR  
39-11.5-113(2) & (3)**

- (1) requirements for payment of overbid amount. A lienor is entitled to receive payment of a portion of the overbid amount, if the following requirements are met to the satisfaction of the Treasurer:
  - (a) the lienor's lien is a lien that is created or recognized by state or federal statute or by judgment of a court of competent jurisdiction;
  - (b) the lien is a junior lien;
  - (c) the lienor's lien was duly recorded in the office of the Clerk and Recorder of the county prior to the Treasurer recording the application for public auction pursuant to section 39-11.5-103.

**PAYMENT OF OVERBID AMOUNT BY A LIENOR**  
**39-11.5-113**

(d) the lienor has, within eight business days after the public auction, filed a notice with the Treasurer of the lienor's intent to receive payment of a portion of the overbid amount.

(e) the lienor has attached to the notice of intent to receive payment of a portion of the overbid the original instrument and any assignment of the lien to the person attempting to receive payment of a portion of the overbid amount, or certified copies thereof, or in the case of a qualified holder as defined in section 38-38-100.3 (20), a copy of the instrument evidencing the lien and any assignment of the lien to the person attempting to receive payment of a portion of the overbid amount.

If the original instrument is delivered to the Treasurer, the Treasurer shall return the original instrument to the lienor and retain a copy.

**TREATMENT OF AN OVERBID CONTINUED**  
**39-11.5-109(3)(A)(B) & (C)**

Treasurer SHALL hold any unclaimed remaining overbid from the Public Auction in Escrow for 6 months from the date of the Public Auction. Treasurer is answerable for these funds without interest at any time within 6 months after the Public Auction to any person legally entitled to the funds.

Unclaimed remaining overbids that are not claimed within 6 months from the Public Auction are unclaimed property for purposes of RUUPA and the Treasurer SHALL transfer these unclaimed remaining overbids to the State Administrator or to the General Fund of the County.

**PRESENTATION OF CERTIFICATE OF OPTION FOR  
TREASURER'S DEED FOR DEED  
39-11.5-116(1) & (2)**

- (1) The Treasurer SHALL make out and deliver a Treasurer's Deed for each, lot, parcel, interest, or improvement for which a Certificate of Option for Treasurer's Deed was sold, and which remains unredeemed 10 – 15 business days after the end of all redemption periods or upon demand of the Purchaser or Lawful Holder of a Certificate of Option of Purchase for Treasurer's Deed issued pursuant to section 39-11.5-115
  
- (2) The Treasurer is entitled to a fee in an amount equal to 38-37-104(1)(b)(IV) "PT Confirmation Deed fee or \$60.00" for each Deed.



**WITHDRAWAL REQUEST BY LAWFUL HOLDER**  
**39-11.6(3)(A)**

If the lawful holder files a written withdrawal of the Application for Treasurer's Deed

- a) The Public Auction is terminated,
- b) Treasurer SHALL record the withdrawal of Application for Treasurer's Deed, and
- c) Collect *all* fees and costs owed and incurred, including withdrawal fee.

Treasurer *is* entitled to hold all documentation and withhold services until all amounts due and owing are paid.

**C O N T I N U A N C E   O F   P U B L I C   A U C T I O N**  
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At any time before the commencement of the Public Auction, the Treasurer MAY continue the Public Auction to a later date by making, at the time and place designated for the Public Auction, an oral announcement, or by posting or providing a notice of the continuance at the time and place designated for the Public Auction, which notice MUST include the time and place to which the Public Auction is continued.

**Except** as provided in subsection (2)(b)(I) of this section – a Public Auction that is NOT held on the then scheduled date of Public Auction and is NOT continued from the then-scheduled date - is deemed continued for a period of 1 week, and from week to week thereafter, until the Public Auction is held or otherwise continued pursuant to this subsection (1) "effect of BK"

**C O N T I N U A N C E   O F   P U B L I C   A U C T I O N**  
**3 9 - 1 1 . 5 - 1 0 6 ( 1 )**

A Public Auction SHALL NOT be continued to a date later than twelve (12) months from the Originally designated date in the Notice of Public Auction, **EXCEPT** as provided in subsection (2) of this section

(2)(a) If *ALL* PUBLICATIONS of the Known Interested Party Notice HAVE BEEN COMPLETED before the bankruptcy petition has been filed that automatically stays the Treasurer from conducting the Public Auction the Treasurer SHALL

1. announce, post or provide notice of the fact on the then-scheduled date of Public Auction enjoined or stayed by the Automatic stay provision of the Federal Bankruptcy Code 1978, 11 U.S.C. sec. 101 et seq., as amended.
2. take NO action at the then-scheduled date of Public Auction; and
3. allow the Public Auction to be automatically continued from week to week *UNLESS* otherwise requested in writing prior to any such date of Public Auction by the Lawful Holder "to proceed?"

**C O N T I N U A N C E   O F   P U B L I C   A U C T I O N**  
**E F F E C T   O F   B A N K R U P T C Y**  
**3 9 - 1 1 . 5 - 1 0 6 ( 2 ) ( B ) ( 1 )**

(b)(I) If the PUBLICATIONS of the Known Interested Party Notice **HAVE NOT** started or If *All* the PUBLICATIONS **HAVE NOT** been completed before the day a bankruptcy petition has been filed that automatically stays the Treasurer from conducting the Public Auction, the Treasurer **SHALL**

1. immediately cancel any remaining publications, if possible and
2. on the date set for the Public Auction, announce, post or provide notice that the Public Auction has been enjoined or stayed by the Automatic stay provision of the Federal Bankruptcy Code 1978, 11 U.S.C. sec. 101 et seq., as amended.
3. allow the Public Auction to be automatically continued from week to week *UNLESS* otherwise requested in writing prior to any such date of Public Auction by the Lawful Holder "to proceed?"

**C O N T I N U A N C E   O F   P U B L I C   A U C T I O N**  
**3 9 - 1 1 . 5 - 1 0 6 ( 2 ) ( B ) ( I I ) ( A ) - T E R M I N A T I O N   O F   B K**

**When Publications NOT started or NOT completed prior to BK**

Upon the termination of any injunction or upon the entry of a bankruptcy court order dismissing the bankruptcy case, abandoning the property being auctioned, closing the bankruptcy case or granting relief from the automatic stay, and

Upon receipt of a request from the Lawful Holder to restart the process, the Treasurer SHALL

1. rerecord the Application for Treasurer's Deed, and
2. proceed with all procedures provided by this Article 11.5 as though the Application had just been recieved.

**CONTINUANCE OF PUBLIC AUCTION  
39-11.5-106(2)(C)(I) - SALE HELD IN VIOLATION OF  
BANKRUPTCY STAY**

If a Public Auction is held in violation of the automatic stay provision of the Federal Bankruptcy Code and

An order is subsequently entered by a Bankruptcy Court dismissing, abandoning the property, or closing the bankruptcy case, or an order is subsequently entered granting relief from the automatic stay, then the Tax Lien being "Auctioned" is deemed reinstated, and the Tax Lien has the same priority as if the Public Auction had not occurred.

Immediately upon reinstatement, the power of Public Auction is deemed REVIVED.

**CONTINUANCE OF PUBLIC AUCTION  
39-11.5-106(2)(C)(II) - SALE HELD IN VIOLATION OF  
BANKRUPTCY STAY**

If the Treasurer is notified of the Tax Lien being reinstated pursuant to this subsection (2)(c) NO later than 50 Calendar days prior to the last possible Public Auction Date the Treasurer SHALL

1. Set a new date of Public Auction at least 24 calendar days but NOT more than 49 calendar days after the date on which the Treasurer receives such notice.
2. NO later than 10 business days after receiving such notice the Treasurer SHALL mail a "KIP" Notice containing the date of the rescheduled Public Auction date to each person appearing on the Mailing List.
3. NO later than 20 calendar days but NO less than 10 calendar days prior to the new date of Public Auction, the Treasurer SHALL publish the "KIP" Notice, omitting the copies of the statute, ONE (1) time only in a newspaper of general circulation in the County where the Property is located.

**CONTINUANCE OF PUBLIC AUCTION  
39-11.5-106(2)(D) - SALE SET ASIDE BY COURT ORDER**

- (I) Upon receipt of the Court Order, the Treasurer's shall collect a fee in the amount \$100.00 plus the costs of recording the Court Order along with a copy of the Certificate of Option for Treasurer's Deed, any assignments thereof, and, if applicable, the Treasurer's Deed, each marked "NULL & VOID" and record the Order together with these documents.
- (II) Upon recordation of the Court Order, the Certificate of Option for Treasurer's Deed is deemed canceled as if the Public Auction had not occurred, and the Tax Lien is deemed fully reinstated with the same Lien Priority as if the Public Auction had not occurred.
- (III) within 10 calendar days after receipt of all documents, fees and costs specified in this subsection (2)(d), the Treasurer SHALL Mail a copy of the Court Order to each person entitled to receive the Notice pursuant to 39-11.5-104.



**CONTINUANCE OF PUBLIC AUCTION  
39-11.5-106(2)(D) - SALE SET ASIDE BY COURT ORDER**

(IV)(A) After the recordation of the Court Order, the Lawful Holder of the Holder's assignee **MAY** notify the Treasurer in writing to reschedule the Public Auction within one (1) year of the issuance of the Order. The Treasurer **SHALL**

(B) Set a new date of Public Auction at least 30 calendar days but **NOT** more than 49 calendar days after the date on which the Treasurer receives notice to schedule a new date of Public Auction but **NOT** earlier than the scheduled Public Auction date as of the date of the Court Order.

(C) **NO** later than 10 calendar days after receiving written notice to schedule a new date of Public Auction, the Treasurer **SHALL** mail a "KIP" Notice setting forth the rescheduled date of Public Auction to each person entitled to receive the Notice pursuant to 39-11.5-104. \*

\*39-11.5-104 restated: **NO** more than 60 calendar days **NOR** less than 45 calendar days prior to the Public Auction the Treasurer **SHALL** publish the "KIP" Notice adding the 1st and Last Publication dates on the Treasurer's Office Website.

**CONTINUANCE OF PUBLIC AUCTION  
39-11.5-106(2)(D) - SALE SET ASIDE BY COURT ORDER**

(D) All fees and costs of the Treasurer for actions performed pursuant to this section and the cost of recording the Court Order and Documents incorporated into the Court Order by attachment are part of the Public Auction costs.

(E) After a Public Auction has been set aside and subsequently rescheduled the Public Auction may be continued in accordance with subsections (1) and (2)(e) of this section.

(F) If a written request to reschedule the Public Auction is **NOT** received by the Treasurer within one (1) year of the issuance of the Order, the Public Auction must be withdrawn.

(G) The periods for which a Public Auction **MAY** be continued under this subsection (2) are in addition to the twelve (12) month period of continuance.

# Q & A

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# THANK YOU

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