

RULE CHANGE 2012(13)

COLORADO RULES OF CIVIL PROCEDURE

Rule 120.1. Order Authorizing Expedited Sale Pursuant to Statute

(a) **Motion; Contents.** An order of the court authorizing an expedited sale PURSUANT TO SECTION 38-38-903, C.R.S. may be sought in conjunction with the order authorizing sale. An eligible holder as defined by statute may file a verified motion, together with a supporting affidavit, in a district court seeking an order authorizing an expedited sale together with the motion for order authorizing sale pursuant to C.R.C.P. Rule 120. The affidavit shall state the following: (1) The moving party is an eligible holder as that term is defined by statute; (2) the subject deed of trust secures an eligible evidence of debt as that term is defined by statute; and (3) the property has been abandoned as defined by statute, or in the alternative, the grantor of the deed of trust requests an order for expedited foreclosure sale. UPON RECEIPT OF THE MOTION AND SUPPORTING AFFIDAVIT, THE CLERK SHALL FIX A TIME AND PLACE FOR A HEARING ON THE MOTION FOR ORDER AUTHORIZING SALE AND THE MOTION FOR AN EXPEDITED SALE. THE TIME FIXED FOR HEARING SHALL BE NOT LESS THAN TWENTY NOR MORE THAN THIRTY CALENDAR DAYS AFTER THE FILING OF THE MOTION FOR EXPEDITED SALE.

(b) **Notice; Contents; Service.** The moving party shall issue a combined notice IN ENGLISH AND IN SPANISH, which shall include the provisions as specified in C.R.C.P. Rule 120(b) and add a statement that the moving party is seeking in addition to the order authorizing sale, an order for expedited foreclosure sale. The moving party shall additionally state that the property is abandoned, or in the alternative that the grantor of the deed of trust has requested the order for expedited foreclosure sale. ~~Such combined notice shall be prepared and served in Spanish and English. Such combined notice shall be served by the moving party as required by C.R.C.P. Rule 120(b).~~ AT LEAST FIFTEEN CALENDAR DAYS PRIOR TO THE HEARING, THE COMBINED NOTICE SHALL BE SERVED BY THE MOVING PARTY AS REQUIRED BY C.R.C.P. 120, AND IN ADDITION ~~In addition to the mailing of such combined notice, filing of such combined notice with the clerk and providing a second copy for the clerk to post, the combined notice shall be either personally served on the grantor of the deed of trust, or alternatively such combined notice shall be posted at the real property as provided in C.R.C.P. Rule 120(b).~~ Such mailing, delivery to the clerk for posting, AND PERSONAL SERVICE OR ~~and~~ property posting shall be evidenced by the certificate of the moving party or the moving party's agent.

(c) through (e) [NO CHANGE]

Amended and Adopted by the Court, En Banc, September 20, 2012, effective immediately.

By the Court:

**Nancy E. Rice
Justice, Colorado Supreme Court**