

OFFICE OF THE PUBLIC TRUSTEE

eFORECLOSURE POLICY FOR THE PUBLIC TRUSTEE OF THE COUNTY OF JEFFERSON STATE OF COLORADO

I. Purpose and Scope

The purpose of the Public Trustee's eForeclosure policy is to establish program guidelines for submitting, accepting, transmitting and retaining eForeclosure documents. The policy applies to all foreclosure documents which come into the possession of the Public Trustee pursuant to CRS § 38-38-112 (a), as revised.

II. eForeclosure Objectives

The primary objectives of the eForeclosure program shall be:

- The electronic submission, acceptance, transmission and retention of all foreclosure documents except for the original evidence of debt including any modifications to the original evidence of debt, together with the original indorsement or assignment in the case of a foreclosure filing by a non-qualified holder. The non-qualified holder or their attorney must deliver the original evidence of debt, modification and indorsement or assignment to the Public Trustee's office.
- The secondary objective shall be the achievement of the most efficient, cost effective system to handle foreclosures pursuant to the Colorado statutes that govern foreclosures by the Public Trustee.

III. Authorized Foreclosure Documentation

The Public Trustee shall establish a method of electronic submission, acceptance, transmission, recording and retention of documents:

A. SUBMISSION: All documents will be accepted electronically if they adhere to our naming conventions except for an original evidence of debt held by a non-qualified holder. Any documents to be recorded must be in Tag Image File Format (TIFF) format and have a one inch margin at the top and left of the page. This includes the Notice of Election and Demand and any Withdrawal of Notice of Election and Demand. If the legal description is in excess of 4 lines it must be submitted as a separate document in Microsoft Office Word (Word). All other documents may be in TIFF format, (Word) format or Portable Document Format (PDF) format. Documents can be submitted through the Public Trustee's approved software database vendor, emailed with the appropriately formatted attachments or delivered in a paper packet.

For any documents with attachments submitted electronically, but not through the approved Public Trustee's software database vendor, the foreclosure documents will be manually entered by the Public Trustee.

For any documents delivered in paper (hard-copy) format, the foreclosure will be manually entered into the database by the Public Trustee and all documents will be scanned into the database and be deemed electronic.

B. TRANSMISSION: At the time a foreclosure is started by the Public Trustee, all documents will be scanned in and be deemed electronic documents. All transmissions concerning documents received by the Public Trustee through Electronic Submission will be via email. A foreclosure will not be started until the required deposit has been paid. In the event that a deposit via check or ACH is returned for insufficient funds, the submitter will have to submit certified funds or cash prior to the commencement of any future filings.

C. RECORDATION: All foreclosure documents will be transmitted electronically to the County Clerk and Recorder's Office for recording. The Public Trustee will remit the total amount due for this recording to the County Clerk and Recorder. The County Clerk and Recorder will return the recorded documents to the Public Trustee electronically.

D. RETENTION: All foreclosure documents will be retained in electronic format in accordance with the Colorado State Archivist recommendations. Any original Evidence of Debt or Deed of Trust will be returned via certified mail to the submitter if the foreclosure is withdrawn.

E. REDACTION OF NON PUBLIC INFORMATION: All foreclosure documents submitted to the Public Trustee shall have non-public information redacted and be accompanied by an explanation as to the specific type of information redacted with a citation of the legal authority authorizing redaction of the information. No document shall be redacted for submission to the public trustee without specific legal authority being cited. If you are redacting a document that was of public record prior to the submission of the foreclosure such as the deed of trust, you must cite legal authority as to why you are redacting information that is no longer," non-public".

IV. Safekeeping

All foreclosures shall be retained in an electronic format as designated and approved by the Colorado State Archivist.

V. Effective Date

The effective date of this policy is April 16, 2007 with implementation upon installation of a permanent electronic database and revised to be effective January 1, 2016.