

## ADAMS COUNTY PUBLIC TRUSTEE

### How to Bid at the Public Trustee Foreclosure Sale

REVISED February 2017

**PREPARE IN ADVANCE:** It is **your responsibility to do research before coming to the sale** to bid on a property. The Public Trustee cannot and does not guaranty or represent that the deed of trust being foreclosed is a first lien – it could be a second or third lien. The Public Trustee does not know if the property taxes or assessments have been paid or if there are any other liens, such as mechanic's liens, judgment liens or homeowners association (HOA) liens, against the property. If you do not know how to check the "condition of title" or the "chain of title" to the property, you may wish to hire someone to do the research for you. **The Public Trustee does NOT know the physical condition of any of the properties.** You would be wise to drive by any property of interest to you to see what it looks like. You cannot gain access to the inside of the property unless you are granted specific permission by the owner.

You can obtain the foreclosure case number for the property by looking it up at the Public Trustee's office or on our website at [www.adcogov.org/Public-Trustee](http://www.adcogov.org/Public-Trustee) on the left hand side of the page, by selecting "Foreclosure Listings/Search". Then choose: [Click here to search now.](#) You can search by Foreclosure Number, Borrower's Name, Zip Code, Street, Subdivision Name, NED Date Range, Sold Date Range or Current Scheduled Sale Date Range. If you are, for example, looking for a home in a particular area or subdivision, you can search under Zip Code, Street or Subdivision Name and you will see ALL of the properties in your search criteria. NED Date Range means the date on which the foreclosure case was officially started by recording of the Notice of Election and Demand for foreclosure. These search criteria might be used if you are interested in very recent foreclosures. At the top of the Foreclosure Search page is a "**Glossary of Terms**" and an "**Explanation of Status**" for your information. If a property, for example, shows that it is "Deeded" or "Withdrawn" that means that the foreclosure is completed and the file is closed. If the status is "Sold" then the sale has already taken place and you would not be able to bid on that property.

On Monday afternoons, we post to our website a "preliminary" Pre Sale List. The Monday list is NOT complete and is subject to change. On Tuesday, the day before sale, we will have posted to our website by approximately 5:00 p.m. a more finalized listing of properties scheduled to go to sale the next day (Wednesday). That listing is also available for inspection in the Public Trustee's office at 8:00 a.m. on Wednesday morning. The **Pre-Sale List** shows the foreclosure number, the borrower(s) name, the legal description and street address of the property, the current lender's name, the publication dates and newspaper, along with the amount of the lender's written bid and any deficiency. The lender's written bid is required to be provided, in writing, to the Public Trustee prior to the posting of the Pre-Sale List. The bids are public information and you may purchase a copy of the written bid from the Public Trustee's office. **BE ADVISED:** The lender or its attorney, or the Public Trustee, may pull or continue a property from the sale list at any time up until the sale begins Wednesday morning. Some of the reasons for a property to be pulled or continued are that a bankruptcy was filed by the owner/borrower, or the lender has asked for a continuance of the sale. Bids received from the lenders may be amended at the time of sale so long as the lender's representative is personally present at sale and re-executes the amended written bid. Lenders may, personally or by an authorized representative, bid at the sale.

**CHECK IN ON SALE DAY:** The Adams County Public Trustee holds foreclosure sales **every Wednesday promptly at 10:00 a.m.** – unless the Wednesday sale date is a holiday or a specific sale date has been CANCELLED by the Public Trustee. **Sales are held at the County Government Center, 4430 South Adams County Parkway, Suite 1000 in Brighton, Colorado.** If you intend to bid on a property, **you should arrive at the sale location about 20 to 30 minutes early, (BUT NO LATER THAN 9:45 A.M.) because you need to complete a "Bidder Information Sheet" with your name, address, etc.** Completion of the form does not obligate you to bid, but a form needs to be completed for EACH of the properties on which you may bid. **Sale begins with the Public Trustee or a Deputy reviewing sale procedures and selected established policies. Procedures and Policies are posted in the office and/or on the website. NO LATE BIDDERS WILL BE ACCEPTED ONCE THE REVIEW HAS STARTED.** The Bidder Information Sheet form is available for you to type onto directly and print – see our website under "Quick Links" – select "Forms and Policies". The form **MUST BE LEGIBLY AND ACCURATELY COMPLETED** because that is where we obtain the information necessary to prepare documents if you are the successful bidder at the sale.

If you are bidding on behalf of someone else, you **MUST** verbally state that your bid is being entered on behalf of another person or entity at the time the bid is made. That is required because the Public Trustee will strike and sell the property to the successful bidder after bidding has ceased and funds have been verified.

**IMMEDIATE FUNDS REQUIRED:** If you are the highest, successful bidder on a property, you will be **REQUIRED** to have sufficient funds with you to pay the entire amount of the successful bid at the close of bidding on that property when you are asked for funds. **Please do NOT bid unless you have immediate, sufficient funds with you at the time of sale – you will not be allowed ANY time to go to the bank or anywhere else to get the money after bidding ceases.** The Public Trustee's office, by law, **cannot accept** personal checks, any kind of money orders, payroll checks or third-party checks endorsed to the Public Trustee – **payment of successful bid amounts MUST BE VERIFIED** prior to the Public Trustee declaring the successful bidder and must be in the form of a **properly signed cashier's check, certified check, official bank or official teller's check or wire transfer** (certified or issued by a state-chartered bank, savings and loan association or credit union or a federally chartered bank, savings bank or credit union licensed to do business in the State of Colorado). Checks **MUST be payable ONLY** to the "**Adams County Public Trustee**". You should have separate checks for each of the properties on which you may bid. **The checks presented to our office will be considered "stale dated" and will not be accepted if they are more than 90 days**

**past issuance date, unless the check itself specifically states that it is valid for a longer period of time than 90 days.** If you are doing a wire transfer, the funds **MUST** be deposited and in the Public Trustee's bank account BEFORE the beginning time of the sale. If you provide funds *for more than your successful bid*, a refund check will be issued to you in approximately 3 to 7 business days once the Public Trustee is assured that good and sufficient funds are collected in the Trustee's bank account. **ALL SALES ARE FINAL** – if you discover after the property has been struck and sold to you that you purchased a property you do not want, you cannot get any refund and the sale cannot be "undone" by the Public Trustee's office.

**CONDUCT DURING THE SALE:** The Public Trustee's sale will be conducted according to law WITHOUT disruptions by attendees. Cell phones must be turned off; no texting is allowed; no visiting or deal-making is allowed; no information EXCEPT BIDS is to be verbalized or otherwise provided by attendees. The Public Trustee must be able to clearly hear the bids as they are being made. Flyers, cards or other information for your "business ventures" are not allowed in the sale room.

**BIDDING PROCESS:** The opening bid at the sale must be for at least **\$1.00** over the amount of the lender's written bid. For example, if the lender has submitted a bid for \$150,000.33, the opening bid must be at least \$150,001.33. If another person/entity is bidding on the same property, the second bid must be for an incremental amount no less than \$1.00 more **AND** sufficient to bring the bid to a whole dollar amount (no penny amounts), for example \$150,003.00. Thereafter, bidding will proceed in **increments of no less than \$200.00** until the bidder(s) indicate he/she will not bid any higher and there are no further bids. **If you are the successful bidder at sale, you must immediately provide the full amount of bid funds to the Public Trustee.** The Certificate of Purchase (CP) from the Public Trustee will be issued in the name and address of the successful bidder as struck and sold at the conclusion of bidding and as shown on your Bidder Information Sheet – **please be sure it is accurate and legible.**

Successful bidders will be provided with a Receipt from the Public Trustee after the sale is completed. A Certificate of Purchase will be issued and RECORDED by the Public Trustee's office (within 5 business days after sale) and retained in our office records. A Certificate of Purchase is assignable pursuant to 38-38-403 C.R.S. but the Certificate of Purchase cannot be assigned prior to the time it is issued and recorded by the Public Trustee.

**POST SALE INFORMATION:** As the grantee named in the Certificate of Purchase, **you do NOT AUTOMATICALLY HAVE IMMEDIATE RIGHT OF ACCESS TO THE PROPERTY.** A Certificate of Purchase does not transfer title to you, it merely evidences your investment made at the time of sale. Junior lienors and others with redemption rights will have 8 business days after date of sale within which to file a Notice of Intent to Redeem with the Public Trustee. If such a Notice is filed we will notify you and **you (as the CP holder) will have 13 business days following date of sale to provide the initial or an amended redemption statement** (redemption figures) to this office for transmission to the potential redeeming party. Your statement of redemption must comply with 38-38-302 C.R.S. **IF PROVIDING A REDEMPTION STATEMENT TO JUNIOR LIENORS, THE INTEREST RATE CHARGED MUST BE DETERMINED BY THE INTEREST RATE REFLECTED ON THE BID. WHEN WE START A NEW FORECLOSURE, WE ARE NOT PROVIDED WITH THE CURRENT INTEREST RATE AND ENTER THE REGULAR RATE IN OUR FORECLOSURE SYSTEM. THIS RATE IS UPDATED IMMEDIATELY AFTER SALE.**

**If the property is redeemed,** you will be paid the amount of your bid, accrued interest plus reasonable costs and fees as provided in 38-38-107 C.R.S. and as included in your redemption statement. If a property is redeemed, the CP holder will NOT become the owner of the property by virtue of a Public Trustee's Confirmation Deed.

For information about Confirmation Deeds and Assignments, please see **POLICY RE: ASSIGNMENTS OF CERTIFICATES OF PURCHASE AND CERTIFICATES OF REDEMPTION.**

**The Public Trustee's office does NOT provide legal advice and we do NOT do any eviction proceedings.** Once the Confirmation Deed is issued by this office and recorded, the Public Trustee's file is closed. **The above information is provided only as an informational tool and is not intended to serve as legal advice.** You should consult with an attorney of your choice regarding your legal rights and obligations as a bidder at the foreclosure sale, as a Certificate of Purchase holder, or as a junior lienor.