



Hindman Sanchez

Bill Number	Sponsors	Synopsis	Next Steps
HB 10-1084	Representative Acree Senator Mitchell	<p>Concerning Measures to Encourage the Voluntary Clean-Up of Unoccupied Real Property</p> <p>This bill promotes the ability of individuals to go onto the unoccupied property of another to trim or water vegetation or remove accumulated weeds, brush, trash, or debris from the property.</p> <ul style="list-style-type: none"> ●The protections of this bill only apply to individuals who voluntarily, without pay, enter upon the property of another to carry out the activities outlined above. ●These individuals, who are acting in good faith, are treated as licensees who have the landowner’s implied consent to enter upon the land to carry out the activities. ●These individuals are not liable for nominal or presumed damages in trespass. ●These individuals are liable for actual damages caused on the land. ●These individuals are exempt from criminal trespass laws. ●This legislation does not apply to the common elements of common interest communities. 	1/13/2010 – Introduced in the House & Assigned to the Judiciary Committee Next Step: Hearing by the Committee
SB 10-045	Senator Morse Representative Andy Kerr	<p>Concerning Increasing the Rights of Homeowners, and, in Connection Therewith, Enacting the “Homeowner Protection Act of 2010”</p> <p>This bill promotes the ability of homeowners to work with the holders of their mortgages to refinance their loans prior to a public trustee foreclosure sale taking place.</p> <ul style="list-style-type: none"> ●At least 60 days prior to a lender commencing a public trustee foreclosure action to foreclose on a mortgage, the lender must provide notice to the homeowner which contains: <ul style="list-style-type: none"> ○The telephone number of an individual who has the authority to 	1/13/2010 – Introduced in the Senate & Assigned to the State, Veterans & Military Affairs Committee Next Step: Hearing by the Committee



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		<p>negotiate an agreement to avoid foreclosure;</p> <ul style="list-style-type: none"> ○ Information regarding the lender's duty to negotiate a mutually acceptable agreement to avoid foreclosure; and ○ Information regarding the homeowner's right to participate in mediation to attempt to reach a mutually acceptable agreement to avoid foreclosure. <p>● Prior to a court authorizing a public trustee sale, the court must:</p> <ul style="list-style-type: none"> ○ Appoint a mediator to mediate the matter; ○ Verify the lender has paid all of the costs of the mediation; ○ Receive notice from the mediator that the parties were unable to reach an agreement to avoid foreclosure. <p>● If the court receives notice from the mediator that the parties were able to reach an agreement to avoid foreclosure, the case is dismissed.</p>	
<p>HB 10-1086</p>	<p>Representative Curry Senator Hodge</p>	<p>Concerning a Limitation of Landowners' Liability, and, in Connection Therewith, Limiting Landowners' Liability Arising From Facilities Related to Water Rights and From the Use of Land for Recreational Purposes</p> <p>The bill would prohibit attractive nuisance claims brought on behalf of children who are members of the public and under 14 years of age against landowners for injuries and damages relating to:</p> <ul style="list-style-type: none"> ● Property that was constructed or is used for or in connection with irrigation ditches, laterals, channels, canals, reservoirs, dams, weirs, flumes, headgates, bridges and footbridges over or across water, or any other device, facility, or structure constructed for the diversion, storage, conveyance, or use of water; and ● The use of land for recreational purposes unless the landowner 	<p>1/13/2010 – Introduced in the House & Assigned to Judiciary Committee Next Step: Hearing by Committee</p>



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		willfully or deliberately causes the injuries or damages. For purposes of this section, it does not matter whether the individual was an invitee, licensee or trespasser.	
HB 10-1118	Representative James Kerr Senator Hudak	<p style="text-align: center;">Concerning the Regulation of Distressed Real Property by a Board of County Commissioners</p> <p>This bill would give Boards of County Commissioners the jurisdiction to “regulate distressed real property by requiring, at a minimum, that such real property be secured, maintained, and insured and that real property owners or foreclosing lenders provide contact information to the county for persons responsible for management of such real property.”</p> <ul style="list-style-type: none"> ● “Distressed Real Property” means any vacant, foreclosed, or abandoned real property.” 	1/15/2010 – Introduced in the House & Assigned to the Local Government Committee Next Step: Hearing by Committee
SB 10-093	Senator Lundberg	<p style="text-align: center;">Concerning the Orderly Resolution of Claims in Foreclosures Involving Junior Liens</p> <p>This bill would require junior lienors (including associations and those to whom association’s have assigned lien rights) to accept payment of the lien amount from the purchaser (“Certificate of Purchase Holder”) of the property sold at a public trustee foreclosure sale. If the Certificate of Purchase Holder tenders payment to a junior lienor, that junior lienor’s right of redemption and ability to assign the lien are extinguished. Here are the particulars:</p> <ul style="list-style-type: none"> ● The Certificate of Purchase Holder has 10 business days following the sale to pay of the debt held by junior lienors. ● Tender of payment must be made directly to the junior lienors who must accept the payment. 	1/20/2010 – Introduced in the Senate & Assigned to Business, Labor and Technology Committee Next Step: Hearing by Committee



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		<ul style="list-style-type: none">● Upon acceptance of payment, a junior lienor must execute a release of lien.● Junior lienors must submit with the notice of intent to redeem a signed statement of the amount payable to the lienor.● If the statement of the amount payable to the lienor contains a material misstatement, the individual submitting the statement may be responsible for payment of court costs and attorney fees.	
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