

Rule Change 2010(02)

CHAPTER 17 -- COURT PROCEEDINGS: SALES UNDER POWERS

Rule 120. Orders Authorizing Sales Under Powers

(a) [No change]

(b) **Notice; Contents; Service.** The moving party shall issue a notice describing the instrument containing the power of sale, the property sought to be sold thereunder, and the default or other facts upon which the power of sale is invoked. The notice shall also state the time and place set for the hearing and shall refer to the right to file and serve responses as provided in section (c), including a reference to the last day for filing such responses and the addresses at which such responses must be filed and served. The notice shall contain the following advisement: "If this case is not filed in the county where your property is located, you have the right to ask the court to move the case to that county. Your request may be made as a part of your response or any paper you file with the court at least five days before the hearing." The notice shall contain the return address of the moving party. Such notice shall be served by the moving party not less than 15 days prior to the date set for the hearing, by mailing a true copy thereof to each person named in the motion (other than persons for whom no address is stated) at the address or addresses stated in the motion and by filing a copy with the clerk and by delivering a second copy to the clerk for posting by the clerk. Such mailing and delivery to the clerk for posting shall be evidenced by the certificate of the moving party or moving party's agent. For the purpose of this section, posting may be electronic on the court's public website so long as the electronic address for the posting is displayed conspicuously at the courthouse.

(c) - (h) [No change]

Amended by the Court, En Banc January 7, 2010, effective immediately.

By the Court:

Nancy E. Rice
Justice, Colorado Supreme Court