

# **OFFICE OF THE PUBLIC TRUSTEE**

## **E-FILE POLICY FOR QUALIFIED HOLDERS FOR RELEASE OF DEED OF TRUST WITHOUT PRODUCTION OF EVIDENCE OF DEBT**

### **COUNTY OF GARFIELD**

### **STATE OF COLORADO**

#### **1. Purpose and Scope**

The purpose of the Public Trustee's eFile policy with regards to Release of Deed of Trust documents submitted by Qualified Holders is to establish guidelines for submitting, accepting, processing, and recording the documents. The policy applies to all Qualified Holder Release of Deed of Trust documents, which come into possession of the Garfield County Public Trustee pursuant to CRS § 38-38-100.3(20), as advised.

#### **2. eFile Objectives**

The primary objectives of the required eFile program shall be:

- The electronic submission, acceptance, processing and recording of Release of Deed of Trust documents submitted by Qualified Holders. Excluding those instances of a Release of Deed of Trust by a non-qualified holder, where the original evidence of debt, along with a recorded copy of the Deed of Trust being released, a check for the appropriate amount and a return label for the original evidence of debt is submitted to the Public Trustee's office.
- The secondary objective shall be the achievement of the most efficient, cost-effective system to handle Release of Deed of Trust documents pursuant to the Colorado statutes that govern releases by the Public Trustee

#### **3. Authorized Foreclosure Documentation**

The Public Trustee shall establish a method of electronic submission, acceptance, processing, and recording (by the Clerk & Recorder) of documents:

- A. SUBMISSION:** All Release of Deed of Trust documents WITHOUT production of evidence of debt submitted by Qualified Holders pursuant to CRS § 38-38-100.3(20) will be required to be submitted via CSC/Simplifile as of August 1, 2022. Submissions of a Release of Deed of Trust document WITH production of evidence of

debt documents from a non-Qualified Holder, will still be required to be a paper submission.

- B. ACCEPTANCE:** WITHOUT Production Releases will be accepted electronically if they correctly reference the Deed of Trust being released and are properly executed, signed, and notarized. Any documents to be recorded must be in the required format for CSC/Simplifile and placed correctly within the margins of the eFiling system selected.
- C. PROCESSING:** All eFile Release documents will be reviewed and processed via the eFile system selected by the Qualified Holder. Copies will be retained in electronic format in accordance with the Colorado State Archivist recommendations. In the case of a WITH Production document, any original Evidence of Debt or Deed of Trust will be returned via a tracking label provided by the submitter.
- D. RECORDATION:** All eFile Release documents will be transmitted electronically from the Public Trustee to the County Clerk and Recorder's Office for recording. Either the Public Trustee or the eFiling System selected, will remit the total amount due for this recording to the County Clerk and Recorder.

#### **4. Effective Date**

The effective date of this policy is August 1, 2022. Qualified Holders are recommended to transition to the policy by that time, as all paper releases meeting the above criteria will be returned to sender.

Thank you,

Carrie Couey

Garfield County Public Trustee

Christine Cheroske

Garfield County Deputy Public Trustee