

Colorado

Written Contracts—three years, § 13-80-101

Oral Contracts—three years, § 13-80-101

“All actions to recover a liquidated debt or an unliquidated, determinable amount of money due to the person bringing the action, all actions for the enforcement of rights set forth in any instrument securing the payment of or evidencing any debt, and all actions of replevin to recover the possession of personal property encumbered under any instrument securing any debt; except that actions to recover pursuant to section 38-35-124.5(3), C.R.S., shall be commenced within one year”—six years, § 13-80-103.5(a)

Note: Colorado § 38-35-124.5(3) covers actions to collect on errors “in the written payoff statement provided by a creditor or holder of the indebtedness or its agent, the creditor shall retain any remedies, legal or equitable, to collect directly against the obligor any unsecured additional amounts determined to be outstanding” for mortgage debts.

Sale of goods—four years, § 4-2-725

Cases Interpreting Statute of Limitations

To be provided.

Borrowing Statute

Colo. Rev. Stat. § 13-80-110

“If a cause of action arises in another state or territory or in a foreign country and, by the laws thereof, an action thereon cannot be maintained in that state, territory, or foreign country by reason of lapse of time, the cause of action shall not be maintained in this state.”

Colo. Rev. Stat. § 13-82-104. Conflict of laws - limitation periods

(1) Except as provided in section 13-82-106, if a claim is substantively based:

(a) Upon the law of one other state, the limitation period of that state applies; or

(b) Upon the law of more than one state, the limitation period of one of those states chosen by the law of conflict of laws of this state applies.

(2) The limitation period of this state applies to all other claims.

Colo. Rev. Stat. § 13-82-106. Unfairness

“If the court determines that the limitation period of another state applicable under sections 13-82-104 and 13-82-105 is substantially different from the limitation period of this state and has not afforded a fair opportunity to sue upon or imposes an unfair burden in defending against the claim, the limitation period of this state applies.”

Cases Interpreting Borrowing Statute

Section 13-80-110 applies the limitations period of where the cause of action arose. Section 13-82-104 “assigns a limitations period based on what substantive law applies to a case, along with the fairness doctrine operating in the escape clause [§ 13-82-106].” Although both appear to apply to the facts of this case, because § 13-80-110 is the latter enacted statute, it repealed § 13-82-104 by implication. *Jenkins v. Pan. Canal Ry. Co.*, 208 P.3d 238, 241 (Colo. 2009).