Transferee Options

If you are a transferee, you may wish to contact the TMR prior to the October 1, 2011 deadline. Pursuant to Section 39-22-522(7)(i) and (j), C.R.S., the TMR is responsible for representing and binding the transferees of the credit, including making an election as described above. Because the TMR's election may impact your rights, you may also wish to consult an attorney.

If the TMR elects Option 1 above, any transferee of the credit and any other person who has claimed a credit related to the TMR's conservation easement donation have a right to intervene in the district court appeal pursuant to the Colorado Rules of Civil Procedure. *See* Section 39-22-522.5(2)(f).

If the TMR elects an administrative hearing under Option 2 or Option 3 above, any person who has claimed a credit or who may be eligible to claim a credit related to the TMR's conservation easement donation, including any transferee, may file a written request to be admitted as a party to the hearing, in accordance with Section 39-22-522.5(d), C.R.S. If the TMR does not appeal a final determination issued under Option 2 or Option 3 above, any transferee of the credit and any other person who has claimed a credit related to the TMR's conservation easement donation may petition the Department within **10 days** after the final date for filing an appeal to change the TMR's designation. If the Department grants the petition, the new TMR may file an appeal within **30 days** of the Department's order regarding the petition.

If the TMR does not timely elect Option 1 or 2, any transferee of the credit and any other person who has claimed a credit related to the TMR's conservation easement donation may petition the Department **on or before November 1, 2011** to change the TMR's designation. If the Department grants the petition, the new TMR may file an appeal pursuant to Section 39-22-522.5(2), C.R.S., or request an expedited hearing and final determination pursuant to Section 39-22-522.5(3), C.R.S., **within 30 days** of the Department's order regarding the petition.

The Department will promulgate rules on or before September 1, 2011 regarding the procedure to change the TMR's designation.