

How do I serve the Defendant?

You must serve the Defendant's copy of the Notice, Claim & Summons to Appear, along with the Order for Exhibits & Small Claims Information Sheet. A separate copy must be served on **each** Defendant in the case.

There are two options available for service. You will need to choose one of them. Please refer to the video regarding service at www.youtube.com/watch?v=Caq1IWUVih8 for general instructions regarding service.

1. **Personal Service:** Personal Service must be done by the Sheriff's Department, a private process server, or by someone over the age of 18 who is not a party in this case and knows the rules of service.
2. **Certified Mail by the Clerk of Court:** if this type of service is chosen; **only the Clerk of the Court can do this. This cost varies from \$5.00 to \$15.00.**
 - Certified mail is not the preferred form of service and could result in a delay in your Court hearing.
 - If certified mail cannot be completed, service must be performed by personal service.

If Defendant is a business you will need to serve the registered agent of the business.

Service needs to be completed at least 15 days before the trial date.

Provide the court with the affidavit of service (ahead of time or at the trial).

How do I prepare for my Court Trial?

Take notes and highlight key issues you would like to provide to the Court. For example, dates, costs, value, violation of contract, and what occurred or took place.

Organize and label all exhibits. Examples of exhibits are documents such as photographs, charts, and receipts. If using photographs, bring only what is necessary to prove your case.

Label Exhibits; Plaintiff will label with numbers (Exhibit 1, Exhibit 2) and Defendant will label with letters (Exhibit A, Exhibit B).

Make copies of all your exhibits (One for the Defendant(s), one for the Court, one for you).

YOU WILL HAVE ONE MORE OPPORTUNITY TO TRY TO REACH AN AGREEMENT AND AVOID A TRIAL.

If you were unable to speak with the other party before trial, you have one more opportunity to resolve your dispute before your hearing begins. If you are able to reach an agreement, write up your agreement and submit it to the Court.

Filing Fees:

Plaintiff's Claim:

Up to \$500	\$31.00
\$500.01 to \$7500.00	\$55.00

Defendant Answer without counterclaim:

Plaintiff's claim up to \$500.00	\$26.00
Plaintiff's claim \$500.01 to \$7500.00	\$41.00

Defendant Answer with counterclaim:

Plaintiff's claim up to \$500.00 and counterclaim up to \$500.00	\$31.00
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Plaintiff's claim \$500.01 to \$7500.00 or counterclaim is \$500.01 to \$7500.00	\$46.00
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For more information visit the Small Claims link on the 20th Judicial District/Boulder County Court homepage www.courts.state.co.us or contact the Self-Represented Litigant Coordinator at (303)441-4741 BoulderCourtSelfHelp@judicial.state.co.us

Answers to Questions About Small Claims



Boulder Combined Courts
1777 6th Street, Boulder, CO 80302

www.courts.state.co.us

BOULDER COURT SELF HELP CENTER

(303)441-4741

BoulderCourtSelfHelp@judicial.state.co.us

**SMALL CLAIMS CLINIC
1ST AND 3RD TUESDAYS OF EACH MONTH
Boulder Justice Center, Jury Assembly Room
Noon to 1:30pm**

**Small Claims Clinic Video available in
"Small Claims Information" link on 20th
Judicial District website at:**

http://www.courts.state.co.us/Courts/District/Custom.cfm?District_ID=20&Page_ID=464

Small Claims Court is available for simple cases to recover money or property, perform a contract, set aside a contract, or comply with restrictive covenants. However, Small Claims Court is a court of limited jurisdiction. This means that the court cannot award more than \$7500.00, even if your claim is worth more. The claim cannot be divided into two separate cases. You can choose to waive your right to the amount that exceeds \$7500.00, or you can bring your claim in a different court (County Court Civil or District Court Civil). You may be able to recover your filing fee, service of process fee and interest.

- **Small Claims** cases are heard before a Magistrate or Judge. **Jury Trials are not allowed.**
- **Small Claims** cases must be filed in the county in which at the time of filing, any of the defendants live, or regularly work, or have an office to transact business, or are students at an institution of higher education (college). In a case filed to enforce restrictive covenants or coming from a security deposit dispute, the case can be filed in the county in which the real property is located or in any of the areas stated in the previous paragraph.
- **No more than two Small Claims** cases can be filed in a county during a month.
- **Small Claims Court cannot** hear cases of libel or slander, eviction, traffic violations, or criminal matters. For a full list of prohibited claims, see C.R.S.13-6-403.

There is a filing fee for the Claim. Filing Fees are listed on the back of this brochure.

Is there statute of limitations in Small Claims?

Yes. The Statutes of Limitations are:

One year: Cases involving motor vehicle repair, actions such as those based on assault or battery, or triple damages on security deposits.

Two years: Bad check cases in which triple damages are being requested, any type of action against health care providers, hospitals, pharmacies, dentists, optometrists and veterinarians.

Three years: Actions involving bodily injury or property damage as the result of a motor vehicle accident, contract cases, and those alleging fraud or misrepresentation.

Six years: Actions to recover bad debts, unpaid loans, or bad checks where triple damages are NOT requested.

How do I file a Small Claims case?

To file a Small Claims Case you will need a form called a "Notice, Claim and Summons to Appear for Trial" (also known as a complaint), form JDF 250. This is a four-part form. Forms are available from the courthouse, or the Judicial Branch website at: www.courts.state.co.us (click on "Self Help/Forms" then "Small Claims Cases" then "Forms" to find and download the form). Use a brief, concise statement as to why monies are owed. The person filing the complaint is the **Plaintiff**; and the person being sued is the **Defendant**. If the defendant is a business, you will need to find

the registered agent of the business for service of the "Notice, Claim and Summons".

You can find this information out by calling the Colorado Secretary of State at 1-855-428-3555 (toll free) or find the information online at: www.sos.state.co.us.

The Plaintiff must file the complaint in the clerk's office along with a filing fee. **See filing fee information on the back of this brochure.** The court will set the trial date no sooner than 30 days from the date of filing of the notice, claim & summons (form JDF250).

What courses of action can the defendant take?

After the defendant receives the "Notice, Claim, and Summons to Appear", a response can be filed with the Court. The defendant must file a response, known as an **answer**, on or before the scheduled trial date (& pay the filing fee) or risk entry of a default judgment.

The answer is the Defendant's opportunity to describe the facts that show why the Defendant agrees or disagrees with the Plaintiff's claim. There are two courses of actions that can be taken:

Answer without Counterclaim:

This is a written response to the claim made by the Plaintiff stating why you agree or disagree with their claim.

Answer with Counterclaim:

This is a written response that includes a claim by the Defendant against the Plaintiff. If a Response with Counterclaim is not filed 7 days prior to your trial, the counterclaim issue may be continued to another date.

There is a filing fee for the Answer. Filing Fees are listed on the back of this brochure.