



# Guide to Residential Evictions

## 1. Basic Information

- This process asks the court to evict a tenant from a residential property.
- The Court can also award money for property damage or for back-due rent.
- A case can only be started by a Person of Interest. For example, a property owner or someone identified in the lease.
- The case is started in the county where the property is located. There is a County Court and a District Court in each county.
- The case is typically filed in the County Court. But, if the requested judgment is over \$25,000, then it must be filed in the District Court.
- You must file a written response to any claim or counterclaim. Otherwise, the Court will enter a judgment against you.
- The law that directs this process is C.R.S. § 13-40-101 *et seq.*

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## 2. Step-by-Step Guide

Terms defined on [page 6](#).

### Step 1 – Avoid the Lawsuit

(Landlord and Tenant)

To avoid the hassle and expense of a lawsuit, try these resources:

- 1) Emergency Rental Assistance

<https://cdola.colorado.gov/rental-mortgage-assistance>

- 2) Housing Counseling

<https://cdola.colorado.gov/housing-counseling>

- 3) Repayment Agreement

<https://cdola.colorado.gov/eviction-foreclosure-protection>

### Step 2 – Notify the Tenant

(Landlord)

Let the tenant know what's happening.

- 1) Give the tenant one of the following:

[JDF 97](#) – Notice to Quit

**Note:** This lets the tenant know the lease period is ending.

[JDF 99](#) – Demand for Compliance

**Note:** This lets the tenant know they owe rent or are in violation of the lease.

- 2) Wait the time listed in the form.

**Note:** If the last day falls on a state holiday or weekend, it changes to the next weekday instead.

### Step 3 – Mediation

(Landlord)

Tenants who receive:

- 1) Supplemental Security Income (SSI),
- 2) Social Security Disability Income (SSDI), or
- 3) Cash Assistance through the Colorado Works Program

may have the right to mandatory mediation before a case is filed.

This requirement may not apply to all landlords.

**Note** If you don't complete mediation when required, the case will be dismissed, and you'll have to restart the eviction process.

The Landlord can schedule through the Office of Dispute Resolution (ODR) website:



[www.ColoradoODR.org](http://www.ColoradoODR.org)

### Step 4 – Start the Lawsuit

(Landlord)

If the tenant hasn't moved out, or hasn't fixed the problem, start the lawsuit.

- 1) Complete the starting paperwork:
  - [JDF 101](#) – Complaint.  
**Attach:** Copy of the lease and the form you posted in Step 2.
  - [Form 1A](#) – Evictions Summons. (Just do the **case caption**.)
- 2) Make a copy of the completed starting paperwork for each tenant.
- 3) Print a copy of these forms for each tenant:
  - [Form 3](#) – Answer.
  - [JDF 186 SC](#) – Eviction Info.
  - [JDF 205](#) & [JDF 206](#) – Fee Waiver.
  - Request for Documents: [JDF 185 SC](#) or [JDF 187 SC](#).

- 4) Bring all forms and copies to the courthouse.
- 5) Pay the filing fee. See [Fees on page 7](#) for details.
- 6) The clerk will set a **return date** 7 to 14 days out.

## Step 5 – Formal Notification

(Landlord)

- 1) You must formally notify the tenants at least 7 days before the **return date**.

### Formal Notification | Personal Service

- 2)  Give the forms to a **process server**.
  - Someone must formally give the forms to each Tenant.
  - You cannot be the one who completes service.
  - Contact the Sheriff's office in the county where the Tenant lives or works. Or,
  - Hire a professional **process server**.
- The **process server** completes [JDF 98](#) - Return of Service.
- File the Return of Service with the court.

### Post and Mail

- 3) If you are unable to formally serve the tenants, also:
  - Post a copy of the starting paperwork on the front door of the rental property.
  - Mail a copy of the starting paperwork to each tenant by first-class mail.
  - Check that option on page 3 of the Summons, sign, and file a copy into your court case.

**Note:** You can still get an eviction, but the Court can't award a money judgment unless you formally serve the tenant.

## Step 6 – Response to Lawsuit

(Tenant)

- 1) Complete the forms that fit your situation:

### Contested Eviction

- Written Answer

[Form 3](#) – for cases in county court.

[JDF 103](#) – for either district court or county court.

- [JDF 104](#) – Unlivable Conditions at Home. (*Situational Use*)

**Note:** This is a defense to an eviction for non-payment of rent. Use if the rental home was not livable.

### Landlord and Tenant Agree to Terms

- [JDF 106 A](#) – Stipulated Agreement.

- [JDF 106 B](#) – Order re Stipulation. (Just do the **case caption**.)

- 2) The Court must receive your response paperwork by the end of the business day on the **return date**. Or, you can bring the paperwork with you to the courthouse on the **return date**.
- 3) Pay the filing fee. See [Fees on page 8](#) for details.

## Step 7 – Return Date

(Landlord and Tenant)

Come to Court on the **return date** found in the Summons.

- 1) The parties will meet to see if they can come to an agreement to avoid trial.
- 2) The parties will either reach an agreement (called a stipulation), reschedule the **return date**, or schedule a trial.

The Tenant must file a written answer or attend the **return date**. If they don't do either, they are in **default**. Then the Landlord must file:

- [JDF 107 A](#) – Motion for a Judgment.
- [JDF 107 B](#) – Judgment. (Just do the **case caption**.)

Step 8 – Trial & Prep (Landlord and Tenant)

If the parties can't resolve the matter, then it will move to trial.

- File a Request for Documents

[JDF 185 SC](#) – for cases in county court.

[JDF 187 SC](#) – for cases in district court.

**Note:** This form lets you collect information the other party has so you can prepare your case for trial.

- Prepare any [exhibits](#) or [witnesses](#) for trial.
- Attend the trial.

Step 9 – Enforcement (*as needed*) (Landlord or Tenant)

**For the Eviction**

The landlord can file:

- [JDF 109](#) – Writ of Restitution.

**Notes:** If it's been 10 days since the eviction order, the Landlord can take this signed Writ to the local sheriff to have the tenants forcibly removed.

That time extends to 30 days if the tenant receives SSI, SSDI, or Cash Assistance through the Colorado Works Program.

**For a Money Judgment**

If either party wins a monetary award, review [JDF 82 – How to Collect on a Judgment](#).

### 3. Common Terms

Case Caption	The boxes at the top of the form. It contains the court's address, parties' names, the filer's contact information, and the case number.
Complaint	A document that starts a case. It lists the Plaintiff's claims and their demands.
Default	When a party fails to appear to a hearing or file a written response to any claim.
Defendant	The tenants who respond to the eviction.
Plaintiff	The landlord who started the eviction.
Process Server	Someone (not you) who delivers court paperwork. This service of process lets a person know they are officially part of the case and the next steps they need to take.
Return Date	Listed in the Summons. The date the tenant must file a response or appear for court.
Writ of Restitution	The legal document that lets the Sheriff evict a tenant from the property.

## 4. Fees

Filing Fee\*

Depends on the amount of the claim:

Amount Claimed	Court Filed in	Complaint	Answer	Answer & Counterclaim
Less than \$1,000	County	\$85	\$80	\$84
\$1,000 – \$15,000	County	\$105	\$100	\$104
\$15,000 – \$25,000	County	\$135	\$130	\$134
Over \$25,000	District	\$235	\$192	\$421

Jury Demand\*

\$98.00

\* To Request a [Fee Waiver](#):

- [JDF 205 - Motion to Waive Fees.](#)
- [JDF 206 - Order.](#) (Just do the **case caption**.)

## 5. All Forms *(In numerical order)*

[www.courts.state.co.us/Forms/Housing](http://www.courts.state.co.us/Forms/Housing)

[Form 1A](#) - Eviction Summons.

[Form 3](#) - Answer.

[JDF 97](#) - Notice to Quit.

[JDF 98](#) - Affidavit of Service.

[JDF 99](#) – Demand for Compliance.

[JDF 101](#) - Complaint.

[JDF 103](#) – Eviction Answer and Defenses.

[JDF 104](#) - Unlivable Conditions at Home (Eviction Defense)

[JDF 106 A](#) - Stipulated Agreement.

[JDF 106 B](#) - Order re Stipulated Agreement

[JDF 107 A](#) - Motion for a Judgment.

[JDF 107 B](#) – Judgment Order

[JDF 109](#) - Writ of Restitution.

[JDF 185 SC](#) – Request for Documents (county court).

[JDF 186 SC](#) – Information for Eviction Cases.



## 6. **ADA Information**

For reasonable accommodations under the Americans with Disabilities act contact the court's ADA coordinator:

[www.courts.state.co.us/Administration/HR/ADA/Coordinator\\_List.cfm](http://www.courts.state.co.us/Administration/HR/ADA/Coordinator_List.cfm)

## 7. **Legal Advisory**

These are basic instructions for informational purposes only. They do not constitute legal advice. If you choose to represent yourself, you are bound by the same rules and process as a lawyer. If you do not understand this information, please contact a lawyer.