

| | |
|--|-------------------------|
| FOURTH JUDICIAL DISTRICT EL PASO COUNTY AND TELLER COUNTY | |
| | Chief Judge Order 20-24 |
| SECOND AMENDED ORDER DELEGATING AUTHORITY TO CLERK OF COURT TO REVIEW WRITS OF GARNISHMENT, ATTACHMENT, LEVY OR OTHER EXECUTION FOR COMPLIANCE WITH LIMITATION ON EXTRAORDINARY DEBT COLLECTION ACTIONS, C.R.S. § 24-33.5-704.3 | |

Pursuant to C.R.S. §13-6-212(2), the Clerk of the Combined Courts of El Paso County, and the Clerk of the Combined Courts of Teller County, and any designated deputy clerks are authorized, subject to supervision of Chief Judge, to review proposed writs of garnishment, attachment, levy or other execution for compliance with Colorado Revised Statute §24-33.5-704.3, in accordance with the following directives.

Beginning June 29, 2020 and ending June 1, 2021, a judgment creditor shall not initiate a new extraordinary debt collection action except in accordance with C.R.S. § 24-33.5-704.3. An extraordinary debt collection action is defined as an action in the nature of a garnishment, attachment, levy, or other execution to collect or enforce a judgment on a debt as defined under "Colorado Fair Debt Collection Practices Act" (FDCPA).

From June 29, 2020 to June 1, 2021, the clerk shall reject or deny without prejudice any extraordinary debt collection action if the judgment creditor fails to comply with the notice and filing requirements of Colorado Revised Statute § 24-33.5-704.3.

In reviewing any extraordinary debt collection action filed from June 29, 2020 to June 1, 2021, the clerk shall confirm that the judgment creditor has filed a certificate of mailing showing the judgment creditor provided written notice ("Notice"), as set forth below, to the judgment debtor at least at least ten days, but not more than sixty days, before the execution or service of a writ or legal process intended to effect the extraordinary debt collection action. If no certificate of mailing is filed indicating the Notice was provided to the judgment debtor, the extraordinary debt collection action shall be rejected or denied without prejudice.

The clerk shall also confirm that a copy of the Notice is attached to the writ of garnishment, attachment, levy or other execution before issuing the writ. It is the judgment creditor's responsibility to ensure the return of personal service reflects the Notice was served with the issued writ.

The Notice served on the judgment debtor must contain the following information in at least sixteen point type face:

**“YOU HAVE THE RIGHT TO TEMPORARILY SUSPEND THIS
COLLECTION ACTION IF YOU ARE FACING FINANCIAL HARDSHIP
DUE TO THE COVID-19 EMERGENCY.**

Judgment Creditor Name:
Judgment Creditor Address:
Case Number:
Phone:

The above judgment creditor intends on executing a collection action against you. If you have experienced financial hardship due to the COVID-19 emergency, directly or indirectly, you have the right to suspend temporarily this extraordinary collection action. The suspension is effective until June 1, 2021, if the state of Colorado extends the period of suspension.

To exercise this right, you must notify the judgment creditor that you are experiencing financial hardship due to the COVID-19 emergency. You can provide this notice by phone call or by writing to the creditor at the address shown in this notice. Your notification to the judgment creditor must include your full name (first and last), the case number identified above and at least one (1) additional piece of the following information: your date of birth, social security number, physical and mailing addresses, or the judgment creditor's internal account number or identifier, if different from the case number designated above. You are not required to provide documentation to support your request.

NOTE: Requesting the temporary suspension of this extraordinary debt collection action is not a waiver of the obligation to pay or debt forgiveness. Interest may continue to accrue on the judgment debt even while extraordinary collection actions are suspended.

You may enter into a voluntary repayment plan with the judgment creditor, but you are not required to do so.”



Will Bain
Chief Judge

January 26, 2021, n/p/t June 29, 2020
Date

