

ADVISEMENT FOR EVICTION CASES-PLEASE READ CAREFULLY
YOU WILL NOT APPEAR IN COURT IN PERSON

TO ALL DEFENDANTS/TENANTS:

You have been served with paperwork because your landlord wants to evict you. This document describes your options. You will have to choose one of the options. The paperwork you received provides you with a date to appear in Court. **YOU WILL NOT APPEAR IN COURT IN PERSON EVEN THOUGH THE SUMMONS YOU WERE SERVED WITH SAYS TO APPEAR.** Instead, you will choose one of the options below. The date to appear on your paperwork is the date by which you must exercise one of the options.

Option # 1 REACH AN AGREEMENT:

The first option is that you can contact the landlord or the landlord's attorney to try to reach an agreement. The Contact information for the landlord or their attorney is listed on the upper left-hand side of the first page of the Summons and Complaint you were served with (they are the "Plaintiff"). Please be aware that the landlord/landlord's attorney is not required to reach an agreement with you and the Court cannot require the landlord or their attorney to reach an agreement with you. If an agreement is reached, it will be put in writing and become a court order. It will be your responsibility to make sure you understand any agreement reached. **If you and the landlord or their attorney choose to reach an agreement, the agreement must be signed by you and filed by the landlord or their attorney with the Court on or before the date listed on the Summons you were served with.**

Option # 2 FILE AN ANSWER:

The second option is you may file an Answer to the Complaint that was filed against you. If you disagree that you should be evicted then file an Answer. When you file an Answer, you are asking for a trial and for the facts and the evidence to be heard by a judicial officer. If you wish to file an Answer, it must be filed on or before the date listed on the Summons you were served with (if it is mailed, it must be received by the Clerk's office by the date on the Summons). If you do not file an Answer by that date, you will have no further opportunity to do so. There is a fee to file an Answer. If you cannot afford the fee, the Clerk's Office can waive the fee if you qualify. The paperwork to request the fee waiver is attached to this document. **Please read this entire document before you decide if you wish to file an Answer.**

To file an Answer: Complete the form Answer you were served with. You may file your answer via U.S. mail addressed to the Clerk of Court at 270 S. Tejon St., Colorado Springs, CO 80903 or in-person in the Clerk's office located in Room S101 of the courthouse. Please include with your Answer either the filing fee in the form of a check or money order payable to the Clerk of Court or attached fee waiver application. If you are requesting a fee waiver, you will have to submit the paperwork and supporting documentation for the fee waiver and you will be notified by mail if you qualify or are denied. If denied, you will receive documentation requesting payment of the filing fee. **You will receive a Notice of Trial after your Answer is filed.** TRIALS WILL BE CONDUCTED REMOTELY VIA WEBEX, WHICH YOU MAY ACCESS WITH A COMPUTER, CELL PHONE OR LAND LINE. You may request an in-person trial by e-mailing the Division CVL Clerk at: D04_Courts_DivCVL@judicial.state.co.us. **REGARDLESS OF IF YOUR TRIAL IS VIRTUAL OR IN-PERSON, IF YOU FAIL TO ATTEND YOUR TRIAL A DEFAULT JUDGMENT WILL BE ENTERED AGAINST YOU.**

PLEASE BE CERTAIN TO INCLUDE A TELEPHONE NUMBER AND E-MAIL ADDRESS (IF YOU HAVE ONE) ON YOUR ANSWER

Option # 3 DO NOTHING:

Your third option is to do nothing. Should you choose that option, the landlord/landlord's attorney may request that the judicial officer issue an order evicting you. The actual eviction (when the Sheriff arrives to remove you if you do not leave on your own) may occur as soon as 8 days after the judicial officer's order (30 days for mobile home cases if you pay lot rent and own the mobile home). The order for the Sheriff to remove you is the second part of the eviction process. The Sheriff posts a notice telling you when they will arrive to evict you so that you are not surprised.

NOTE THAT ONCE AN EVICTION ORDER IS ENTERED BY THE COURT, YOU WILL HAVE AN EVICTION ON YOUR COURT RECORD, WHICH BECOMES A PUBLIC RECORD. Your case is private and not accessible to the public before an eviction order is entered. If you want to reach a settlement agreement with the landlord, many tenants ask the landlord to agree that as part of the settlement the case be kept private even if an eviction order is entered.

Information Regarding Filing an Answer/FAQs:

- 1) **If you want a judicial officer to hear what you have to say:** filing an Answer means you wish to go to trial.
- 2) **If you need more time to find an attorney:** Colorado law does not allow continuances to give you time to find an attorney. You are not entitled to a court appointed attorney.
- 3) **If you have an excuse for your rent being late:** Colorado law does not excuse late rent payments or partially unpaid rent due to job loss, illness, Covid, stolen rent money or any other reason.
- 4) **If you just need more time:** the judicial officer has no authority to give you more time to move out. Requesting more time to move or pay rent on your answer is not a defense and may result in an eviction order being entered against you. The Court cannot grant you more time because you cannot find another place to live, even if you are disabled or have children. Your eviction trial will be scheduled to occur in 7-10 days because that is required by law. No continuances are allowed unless the landlord agrees.
- 5) **If you think you were not properly served:** if you wish to go trial to contest the eviction because you think you were improperly served, you must write that in your Answer or file a written motion with the Court before the day of your scheduled trial asking the Court to decide if service was correctly made.
- 6) **If you want a jury trial:** fees paid to file an Answer are not refundable. If you request a jury when you file an Answer, note that you are not entitled to a jury on the issue of possession of the residence. You will only get a jury trial as to money damages, which is usually a claim for past due rent and/or property damage.
- 7) **If your lease has ended or has been terminated:** the only defense to a lease that has ended by its own terms or has been properly terminated is proving that a new lease agreement was agreed upon or that the old lease was extended.
- 8) **If you have a claim that the property was not maintained or is not fit to live in:** if you did not pay rent because you think the Landlord did not repair or maintain the property, you must pay into the Registry of the Court, at the time of filing your Answer, the past due rent less any expenses you paid because of the Landlord's failure to repair the property. The amount to be paid into the Registry at the time you file your Answer should be the amount listed in the Notice to Quit/Demand for Possession you received before the case was filed minus any actual expenses you paid because of what your Landlord did not do (for example, if you had to stay in a hotel when the property was flooded, you can subtract the hotel bill from what you have to pay into the Court's Registry). If you do not pay the amount due the Court will not be able to consider your habitability defense. If you cannot pay the amount stated in the Notice to Quit/Demand for Possession at the time of filing your Answer because you are indigent, you must notify the Court in writing and the Court will hold a hearing to decide if you qualify to have the amount due waived. Note that to use the landlord's failure to repair the premises as a defense, you must be able to prove that you notified the landlord in writing of the problem. That means you should mail a copy of the written notice you sent about the maintenance problem to the plaintiff before your trial and file a copy with the Court before trial.
- 9) **To prepare for trial:** it is your job to be prepared for trial. You have been given a form along with this advisement to request documents from the landlord. Use the form to ask the landlord for documents you need to prepare for your trial. All documents you intend to use as evidence at trial should be filed in advance of your trial via one of the methods described above. You also must mail copies of the documents you intend to use at trial to the plaintiff.
- 10) **If you want to pay rent now:** at any time up to the time of your scheduled eviction trial or before the Court enters an eviction order against you, if you pay the full amount of what you owe then the eviction case will be dismissed.

The above information has been provided as a courtesy to assist you in deciding whether or not to file an Answer. This information is not intended to be legal advice and does not include every possible defense to eviction.

TO OBTAIN LEGAL, RENT OR HOUSING ASSISTANCE:

Low income tenants may qualify for free legal assistance through Colorado Legal Services. To apply for free legal assistance, please call (719) 471-0380, apply online at coloradolegalservices.org, visit the office at 617 South Nevada Avenue, Colorado Springs, CO 80903 or visit the Colorado Legal Services courthouse office located in Room W-163. You may also contact United Way by calling 211 for access to community resources. For rental assistance, please visit the Colorado Department of Local Affairs website at cdola.colorado.gov.

FOR FREE ACCESS TO A COMPUTER FOR YOUR VIRTUAL TRIAL, PLEASE CONTACT THE PIKES PEAK LIBRARY SYSTEM or the Division CVL Clerk at D04_Courts_DivCVL@judicial.state.co.us to obtain the flyer containing this information.

IF YOU CANNOT READ OR SPEAK ENGLISH, PLEASE CONTACT THE COURT AT D04_Courts_DivCVL@judicial.state.co.us OR call (719) 452-5000.

SI NO PUEDE LEER O HABLAR INGLES POR FAVOR PONERSE EN CONTACTO CON EL CORTE EN D04_Courts_DivCVL@judicial.state.co.us O LLAMAR (719) 452-5000.

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D04_Courts_DivCVL@judicial.state.co.us 또는 전화 (719) 452-5000.

rú guǒ nín bù néng yuè dú huò shuō huà qǐng shuō yīng yǔ qǐng tōng guò yǐ xià fāng shì yǔ fǎ yuàn lián xì D04_Courts_DivCVL@judicial.state.co.us huò zhì diàn (719) 452-5000.

This document was written by the Court.

Magistrates Paprzycki and Duncan
Fourth Judicial District

REQUEST FOR DOCUMENTS RELATING TO EVICTION ACTION

This Form is being furnished as a courtesy by the Fourth Judicial District to enable landlords and tenants to comply with CRS 13-40-111(6)(b). If you wish to request documents in the other party's possession that relate to the pending eviction action, you may do so using this form. **DOCUMENTS REQUESTED MUST BE SENT WITHIN 3 BUSINESS DAYS OF RECEIPT OF THE REQUEST.**

I, _____
(name(s)/entity), hereby request that copies of the documents described below be provided to me. I would like the information to be provided to me by (check all that apply):

_____ E-mail at the following address: _____

_____ US Mail at the following address:

The party receiving this request is hereby put on notice that true and accurate copies of any documents to be presented as evidence must be given to the other side. If you do not give the other side copies of your documents, the documents not produced will not be allowed for use as evidence. The types of documents used as evidence may include, but are not limited to, the following:

Leases, lease renewals, texts/e-mails regarding renewals of the lease, account ledgers or statements, records kept in the regular course of the landlord's business, water utility bills, gas utility bills, electric utility bills, telephone utility bills, internet service utility bills, repair bills, invoices for any and all charges, rent payment receipts, bank statements to illustrate rents paid or automatic payments/deposits, money order or certified check receipts, any and all notices given under the lease to repair or maintain, any and all communications to terminate the lease, photographs of the property, receipts for hotel/motel bills if alternate housing was utilized when there is a claim of inhabitability, receipts relating to costs incurred due to inhabitability, payment portal or repair portal screen shots, etc.

Please list here any specific documents you want the other side to give you even if they are not going to be used at trial:

I certify that I delivered this request to the Plaintiff(s)/Defendant(s) or their Attorney if they have one as listed in the documents associated with this case by sending it on (insert date) ___ / ___ / ___ as follows:

_____ By E-mail at the following address: _____

_____ By US Mail at the following address:

(Signature)

(Printed Name)

FEE WAIVER APPLICATION IF YOU ARE FILING AN ANSWER AND APPLYING FOR A FEE WAIVER (MIFP)
If you do *not* have documentation, as noted on the checklist below, you **will** be placed on a payment plan

CHECKLIST TO APPLY FOR MOTION TO PROCEED INFORMA PAUPERIS (MIFP)

Fill out Form JDF205 MOTION TO FILE WITHOUT PAYMENT OF FILING FEE.

- Correct and complete information must be provided on this form. Inadequate or incomplete information may result in you request to file and Motion being denied and filing fees will be assessed and all or partial payments expected. If an item on the form does not apply, please write “N/A”.
- Copies of the previous three months bank statements including checking and savings must be included with the JDF205 form. DO NOT provide originals.
- Copies of the previous three months paystubs and/or proof of income must be included. DO NOT provide originals.
- Income can include wages, self-employment income, unemployment benefits, Social Security, SSI, alimony, workers compensation, etc. (see page 2 of the JDF205 form).
- Income of parents if parents are supporting you.
- Child support is not included as income but can be included as an expense.
- Nonessential items such as cable or satellite television, club memberships, entertainment, dining out, etc., shall not be included in determining expenses (see page 2 of the JDF205 form).
- Co-petitioner’s must fill form out with both party’s financial information.

*****Please be advised that if the above information is not provided at the time of your filing you will be set up on a payment plan for your filing fee by a Collection Investigator. *****

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<p>Fee Waiver Application El Paso County Combined Court – 270 S Tejon St, Colorado Springs, CO 80903</p> <p>Parties</p> <p>Petitioner (<i>Name of person who started this legal case</i>): _____</p> <p>Respondent (<i>Other person in this case</i>): _____</p>	<p><i>MIFP</i></p> <p><i>COURT USE ONLY</i></p> <hr/> <p>Case Number:</p> <p>Courtroom:</p>
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When you file this form you agree that the court may check your information. You also agree to provide the court with additional financial information such as bank statements and pay stubs for the last 3 months.

- ① **I declare:**
- I am the (*check one*): Petitioner Respondent Plaintiff Defendant Other
 - I am (*check one*): Single Married / Civil Union Divorced / Civil Union Ended
 Separated Widowed
 - I cannot afford to pay the fee to file my (*check one*): Complaint Petition Answer Response
 Jury Demand Motion to Modify Other (*describe*): _____
 - I cannot afford the fee because I do not have enough cash, money in my checking or savings account, or other funds.

② **Your Information**

Full Legal Name: _____
first *middle* *last*

Date of Birth: _____ Social Security Number: _____
mm-dd-yyyy

Phone: _____ Email: _____

Current Street Address: _____ Apt. # _____

City: _____ State: _____ Zip: _____

Do you require an **interpreter**? Yes No Language: _____

Do you **own** or **rent** your home? Own Rent Other (*explain*): _____

Do you have a job now? Yes No

If **No**, list date of your last paycheck: (*mm-dd-yyyy*): _____ If **Yes**, fill out grey box below.

Employer or Company Name: _____

Address: _____ Phone: _____

Your first day of work (*mm-dd-yyyy*): _____ About how many hours do you work each week? _____

Your pay is about: \$ _____ hour day week month

You get paid: every week every 2 weeks once a month

3 Information about any other member of your household who pays part of the bills:

Full Legal Name: _____

_____ *first* _____ *middle* _____ *last*

Date of Birth: _____ Does this person **own** or **rent** a home? Own Rent Other (*explain*): _____
mm-dd-yyyy

Does this person have a job now? Yes No

If **No**, list date of the last paycheck: (*mm-dd-yyyy*): _____ If **Yes**, fill out grey box below.

Employer or Company Name: _____

Address: _____ Phone: _____

First day of work (*mm-dd-yyyy*): _____ About how many hours does this person work each week? _____

Pay is about: \$ _____ hour day week month

Gets paid: every week every 2 weeks once a month

4 Who Lives in Your Home? Including you, how many people live in your home? (total from box below)

Names of other people in your home	Age	Relationship to You	Dependent on you?
You:		<i>Self</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No

5 Household Income Before Taxes:

List **all** income from **everyone** in your household who pays part of the household bills.

Exception: Do **NOT** list:

- TANF payments
- Food Stamps
- Veteran's disability benefits
- Other public assistance programs
- Child support payments
- Subsidized housing assistance
- Income from roommates, unless you share a bank account or they deposit a check into your account

<i>Monthly Income Before Taxes</i>		<i>Monthly Expenses</i> Do not include optional expenses, like cable TV, club memberships, eating out, alcohol or cigarettes, etc.	
a. Your wages + salary + commission (<i>Look at recent checks or paystubs</i>)	\$	a. Rent or Mortgage	\$

b. Your Unemployment Benefits	\$	b. Groceries (Do NOT include Food Stamps)	\$
c. Your Social Security or Retirement Funds	\$	c. Utilities	\$
d. Maintenance or Alimony you receive	\$	e. Child Support or Alimony that you pay	\$
e. Other Income (<i>describe</i>): _____	\$	f. Medical and Dental costs	\$
f. Other Income (<i>describe</i>): _____	\$	g. Car / Transportation costs (including insurance)	\$
g. Income of all others in the home who pay bills	\$	h. Other costs (<i>describe</i>): _____ _____ _____	\$
Total Income	\$	Total Expenses	\$
If your Total Income is less than your Total Expenses , explain how you pay your bills:			

Assets – What You Own		Debts – What You Owe	
Cash in your wallet and at home	\$	Credit Cards / Installment Payments	
Financial accounts (<i>List bank names & amount in each account</i>)		Paid to	How much?
Checking	\$		\$
Savings	\$		\$
	\$		\$
	<i>How much you could sell it for</i>	<i>How much you still owe</i>	
House(s) or other real property	\$	\$	<i>List other facts about your financial situation that you want the court to know, such as unusual medical expenses, family emergencies, etc.</i>
Cars, boats, RVs, and other vehicles <i>List Make / Year</i>	\$	\$	
Stocks, bonds, jewelry, other investments	\$	\$	

I declare under penalty of perjury under Colorado law that the information I have provided above is true and correct.

Your Signature

Date

County Court El Paso County, Colorado Court Address:
270 S. Tejon St.
Colorado Springs, Co. 80903

Plaintiff/Petitioner:

v.

Defendant/Respondent/Co-Petitioner:



COURT USE ONLY

Case Number:

Division: CVL Courtroom: S290

FINDING AND ORDER CONCERNING PAYMENT OF FILING FEES

Name of Party filing Motion: _____ on _____ (Date).

Upon review of the attached Motion, the above party is:

- Eligible to proceed without payment of the following filing fee(s):
 - complaint petition answer
 - response motion to modify other: _____
- Eligible to have the filing fee of \$_____ paid in two three payments, with the first payment due by _____ (date) and the final payment due by _____ (date).
- Not Eligible to proceed. Party is responsible for payment of the filing fees.

Date: _____

Signature of Eligibility Investigator, Clerk of Court, Judge/Magistrate

ORDER

The Court has reviewed the Motion (JDF 205) and so orders:

- As indicated above.
- The specified party is ordered to pay \$_____ by _____ (Date) to cover filing fees.
- Other _____

The Court finds that by allowing a party to proceed with a payment plan, the party has agreed to pay the fee as listed above. Failure to pay will result in collection against the party. Costs associated with collection will be assessed.

A subsequent motion to proceed without payment of filing fees must be filed upon order of the court or anytime the case is re-opened. Pursuant to §13-16-103, C.R.S., in the event the party who receives a waiver of costs prosecutes or defends an action or proceeding successfully, there shall be a judgment entered in his/her favor in the amount of the court costs and the party shall, upon collecting such court costs, remit them to the Court.

Date: _____

 Judge Magistrate