

CRCP 365 ADVISEMENT

**PLEASE READ CAREFULLY-YOU WILL NOT APPEAR IN COURT IN PERSON**

**TO ALL DEFENDANTS:** You have been served with paperwork because your homeowner's association is trying to enforce restrictive covenants relating to your property. 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.** Instead, you will choose one of the options below. The date to appear on your paperwork is the date and time by which you must exercise one of the options.

**Option # 1 REACH AN AGREEMENT:** The first option is that you can contact the plaintiff (who is the homeowner's association) to try to reach a settlement agreement. The Contact information for the plaintiff is listed on the upper left-hand side of the first page of the Summons and Complaint you were served with. If an agreement is reached, it will be put in writing and become a court order (a "Stipulation"). It will be your responsibility to make sure you understand any agreement reached. **If you and the plaintiff choose to reach an agreement, the agreement must be signed by you and filed by the plaintiff with the Court on or before the date listed on the Summons you were served with.**

**Option # 2 FILE AN ANSWER (choose this option if you dispute the claims against you in the Complaint):** The second option is you may file an Answer to the Complaint that was filed against you. If you dispute the claims in the Complaint, filing an Answer is necessary. Filing an Answer is how you tell the Court you want the facts and the evidence to be heard by a judicial officer at trial. If you wish to file an Answer, you must file the Answer on or before the date listed on the Summons you were served with. 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. **YOU HAVE AN ABSOLUTE RIGHT 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 the completed fee waiver application. To request a fee waiver, obtain the necessary paperwork from the Clerk's Office or the court website. 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.

**\*PLEASE BE CERTAIN TO INCLUDE A TELEPHONE NUMBER AND E-MAIL ADDRESS ON YOUR ANSWER\***

**Option # 3 DO NOTHING:** Your third option is to do nothing. Should you choose that option, the plaintiff may request that the Court enter orders requiring you to do certain things and/or enter a money judgment against you, along with attorney's fees (if any) and costs of court. If a money judgment is entered, the plaintiff will likely take steps to collect the amount of the judgment, which may include wage garnishments or bank account garnishments or other legal remedies.

**IF YOU CANNOT READ OR SPEAK ENGLISH, PLEASE CONTACT THE COURT AT [D04 Courts DivCVL@judicial.state.co.us](mailto: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](mailto:D04_Courts_DivCVL@judicial.state.co.us) O LLAMAR (719) 452-5000.**

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**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](mailto:D04_Courts_DivCVL@judicial.state.co.us) huò zhì diàn (719) 452-5000.**

So ordered. Magistrates Paprzycki and Duncan