

DIVISION CVL OPERATIONS ORDER

All civil returns and pre-trials for County Court cases in the Fourth Judicial District are assigned to Division CVL. **All civil returns and pre-trials are NON-APPEARANCE.** “Non Appearance” means that the parties DO NOT appear in person in Court for the return. The Plaintiff must be available on the return time/date to accept phone calls to discuss settlement with the other party.

All Division CVL trials and hearings shall be virtual via WebEx unless a party requests an in-person proceeding. Requests for in-person proceedings should be made via the CVL Division e-mail at: D04_Courts_DivCVL@judicial.state.co.us.

For all civil returns, Rule 365 returns and pre-trials, the following applies:

1) Represented FEDs (evictions)

- a) **Returns are non-appearance.**
- b) All summonses for FED represented returns must list a date and time that is a Tuesday, Wednesday, or Thursday at 8:30 a.m. or 9:00 a.m. **There is a 100 per firm per day per time slot return limit.** The summons should include a statement that returns are “non appearance”. Insert the words “NON APPEARANCE” after the time and date on the Summons.
- c) **Plaintiffs are required to serve with the FED Summons and Complaint the separate advisement issued by the Court (attached) which is entitled “Advisement for Eviction Cases”.** Do not serve defendants this Operations Order as doing so causes confusion. The return of service for each case **MUST** indicate the Advisement for Eviction Cases was served, with enough copies served for each defendant and one for all other occupants if AOO are listed on the case caption.
- d) The return of service **MUST** evidence service of the summons, complaint, JDF forms 185SC, 186SC, blank copies of 205 and 206 and a blank Answer form.
- e) The Summons and Complaint must contain a telephone number with live people available to answer calls from defendants regarding Stipulations. It is acceptable if a defendant has to leave a message and await a return call so long as messages may be left via telephone and do not require the submission of a form via the internet (this is to accommodate litigants without internet access).
- f) Docket sheets must be filled out, scanned and returned to the Division Clerk at: D04_Courts_DivCVL@judicial.state.co.us.

2) Pro Se FEDs (non-represented evictions)

- a) **Please see 1(a), (c), (d) and (e) above.**
- b) All summonses for Pro Se FED returns must list a date and time that is a Tuesday or Thursday at 8:30 a.m. **There is a maximum of 20 pro se returns allowed per day per Pro Se plaintiff.**
- c) Pro Se plaintiffs may file court paperwork in-person in the Clerk’s office located in Room S101 of the courthouse or create an on-line e-filing account via this link: <https://www.courts.state.co.us/Administration/Unit.cfm?Unit=efilenoaty>.

3) Pre-Trial Conferences

Pre-trial conferences are non-appearance. Represented plaintiffs must send notice of a date and time for pre-trial to defendant(s) for any Monday through Friday, at any time between 9:00 a.m. and 4:00 p.m. with at least thirty days advance notice. Said notice shall include a telephone number to call. The plaintiff will then file a Case Management Order telling the court if the case was settled or not, the amount in controversy and if a limited discovery order is needed. For amounts in controversy \$1,500.01 or above, the Court **MUST** issue a mandatory mediation order. For cases that do not settle at pre-trial for amounts in controversy \$1,500.00 and below, the plaintiff must contact the assigned division per the following matrix to set the matter for trial. **Matrix** (find the last number of the case number and go to the corresponding division): 1/Div A, 2/Div B, 3/Div C, 4/Div D, 5/Div E, 6/go to # prior to last #, 7/Div G, 8/Div H, 9/Div J, 0/go to # prior to last #. **Pro se parties must contact Division CVL via the e-mail listed herein to request scheduling of the pre-trial conference.**

4) Money Returns

- a) **Returns are non-appearance.**
- b) Summonses for money returns for represented plaintiffs must list a date and time that is a Tuesday, Wednesday or Thursday at 10:00 a.m. or 1:30 p.m. Summonses for money returns for pro se plaintiffs must list a date and time that is a Tuesday or Thursday at 1:30 p.m. The summons should include a statement that returns are “non appearance”. Insert the words “NON APPEARANCE” after the time and date on the Summons. COUNSEL FOR REPRESENTED PLAINTIFF’S AND PRO SE PLAINTIFFS MUST BE AVAILABLE BY TELEPHONE VIA A TELEPHONE NUMBER LISTED ON THE COMPLAINT. **The defendants must be able to reach the plaintiff’s attorney or their representative and must be able to leave a voicemail message if needed. There is a 100 per firm per day per time slot return limit.**
- c) **Plaintiffs are REQUIRED to serve with the Summons and Complaint the separate advisement issued by the Court attached hereto which is entitled “Collections Return Date Advisement”, and service of the same must be reflected on the return of service.** The advisement includes the MIFP Motion and Order which must also be served. Do not serve defendants this Operations Order as doing so causes confusion.
- d) Represented plaintiffs will not receive a PPJ from the Division Clerk. Instead, the attorneys need only file their notices of continuance and dismissals electronically and they will get processed. Defaults should be filed as a motion with a proposed order.
- e) Pro se money plaintiffs must file their Complaints, Motions for Default Judgment and any other filings 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. When mailing, please include the filing fee if applicable. E-filing is not available for pro se money cases.

5) **Rule 365 and Replevin Matters**

A Rule 365 and Replevin Advisement is attached and a copy of the same must be served along with the summons for each defendant in those types of cases. Returns for these cases are non-appearance as described above and the summons must indicate non-appearance for the return time/date.

6) **Summonses**

All summonses must list as the location to appear as “non-appearance”. Do not list a courtroom or physical location.

7) **Trial Notices**

Due to slow mailing times, attorneys on FED cases **must post trial notices at the property AND mail via U.S. mail or e-mail if available.** The trial notice shall include a statement as to whether the trial will be in-person or via WebEx and shall include the Division CVL WebEx instructions if via WebEx. Attorneys may obtain a Word version of the Division CVL WebEx instructions by contacting the Division Clerk via the e-mail above.

8) **Squatter Cases**

If you need to file a complaint for removal of unauthorized persons (a squatter case) pursuant to CRS 13-40.1-101 et. seq. at any time, please contact the Division CVL Clerk at D04_Courts_DivCVL@judicial.state.co.us for a summons return date and time.

Division CVL is presided over by Magistrates. You may waive your right to appear before a County Court Judge and consent to appear before a Magistrate or you may object to your matter being heard by a Magistrate. Once consent is given it cannot be withdrawn. If you reach a settlement agreement it can be approved by the Magistrates only if it contains a consent to Magistrate. Settlement agreements without consent will be forwarded to judges for approval per the case number.

So Ordered.

Magistrates Andrea Paprzycki and Gregory Duncan, Fourth Judicial District, January 3, 2024

This Operations Order describes the Court’s practices and policies as they relate to plaintiffs for civil cases and is not meant to be served to defendants.

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.** Instead, you will choose one of the options below. The date and time 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/received by the Clerk of Court on or before the date listed on the Summons you were served with. If you do not file an Answer by that close of business on 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. **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, in-person in the Clerk's office located in Room S101 of the courthouse, or electronically by creating an e-filing account using this link: <https://www.courts.state.co.us/Administration/Unit.cfm?Unit=efilenatv>. If filing by U.S. mail, 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 by filing a 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 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 AN EVICTION ORDER 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, having applied for rental assistance or any other reason. Note that the Court must still evict tenants that have applied for, but not yet been awarded, rental assistance.
- 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.
- 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. 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 and gave the landlord access to repair 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. You will also have to prove that the value of whatever is wrong with the property is equal to the value of the rent you did not pay. For example, if the heat did not work for three days but then was fixed, you cannot withhold rent for the entire month and instead are only entitled to withhold rent for the time when the problem was not fixed.
- 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 or e-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 must 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.

MAGISTRATE CONSENT

Division CVL is presided over by a Magistrate. You may waive your right to appear before a County Court Judge and consent to appear before a Magistrate or you may object to your matter being heard by a Magistrate. Once consent is given it cannot be withdrawn.

COMPUTER ACCESS

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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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)

COLLECTIONS ADVISEMENT

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

TO ALL DEFENDANTS: You have been served with paperwork because someone is trying to collect money from 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.** 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 (you may choose this option if you agree you owe the money claimed):

The first option is that you can contact the plaintiff (who is the person or entity trying to collect money from you) to try to reach a settlement/payment 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 agree to make payments, it will be your responsibility to make the payments on time and without demand. **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. If it is not, then the Court will assume you have selected the option below to do nothing. YOU ARE NOT REQUIRED TO EXECUTE A PAYMENT AGREEMENT.**

Option # 2 FILE AN ANSWER (you may choose this option if you dispute that you owe the money claimed):

The second option is you may file an Answer to the Complaint that was filed against you. If you dispute that you owe the amount claimed or disagree with the amount claimed, filing an Answer is necessary to dispute the debt. 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 by filing a 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.

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 a money judgment against you for the amount listed in the Complaint you were served with, along with attorney’s fees (if any) and costs of court. In other words, if you do nothing, a money judgment may enter against you by default. Money judgments are public record. Once 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 OR call (719) 452-5000.

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

So ordered.

Magistrates Paprzycki and Duncan

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.

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[D04 Courts DivCVL@judicial.state.co.us](mailto:D04_Courts_DivCVL@judicial.state.co.us) 또는 전화 (719) 452-5000.

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So ordered. Magistrates Paprzycki and Duncan

ADVISEMENT FOR REPLEVIN CASES-PLEASE READ CAREFULLY

YOU WILL NOT APPEAR IN COURT IN PERSON

TO ALL DEFENDANTS: You have been served with paperwork for a replevin action. 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: You can contact the petitioner to reach an agreement. The contact information is listed on the paperwork you were served with. Please be aware that the petitioner is not required to reach an agreement with you and the Court cannot require that they 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 petitioner choose to reach an agreement, the agreement must be signed by you and filed with the Court on or before 4:30 p.m. on 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 feel that the allegations are not supported by the facts or the law and you dispute the claims made against you, filing an Answer is an appropriate step. 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, you must file the Answer on or before 4:30 p.m. on 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.

To file an Answer: Answers can be filed in person or by mail addressed to the Clerk of Court, Fourth Judicial District Combined Courts, 270 S. Tejon St., Colorado Springs, CO 80903. If you mail the Answer, please include the filing fee in the form of a check or money order payable to the Clerk of Court. You may call the Clerk's Office at (719) 452-5000 to obtain the cost of the filing fee. If you cannot afford the filing fee, you may qualify for a waiver or a payment plan. You may call the Clerk's office to request the paperwork for waiving the fee or a payment plan or find the paperwork on the Fourth Judicial District website at www.courts.state.co.us. You will have to submit the paperwork and supporting documentation for the fee waiver at the same time as submitting your Answer. If you file the waiver and supporting documentation on a date later than or after filing your Answer, your waiver request will be denied. You will be notified by mail if you qualify or are denied. If denied, you will receive documentation requesting payment of the filing fee. **Once your Answer is filed the Court will contact you to schedule your trial. *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 judicial officer issue a default judgment against you.

This document was written by the Court. Magistrate Paprzycki, Fourth Judicial District