

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. 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, 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=efilenoty>. 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 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 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 Sherriff 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.

만약 당신이만약 당신이영어를 사용하다문의하시기 바랍니다법원법원 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