

## DIVISION CVL OPERATIONS ORDER

Pursuant to Chief Judge Order 21-2 dated January 12, 2021 entitled "Regarding Court Operations Beginning February 8, 2021" ("CJO"), **all Division CVL in-person appearances are suspended.** All FED and money returns will be non-appearance with the first return date beginning January 26, 2021. Pre-trial conferences will be non-appearance beginning January 26, 2021. If you need to file a complaint for removal of unauthorized persons pursuant to CRS 13-40.1-101 at any time, please contact the Division CVL Clerk at [D04\\_Courts\\_DivCVL@judicial.state.co.us](mailto:D04_Courts_DivCVL@judicial.state.co.us). The Division Clerk will provide you with a summons return date and time as well as WebEx instructions as all appearances will be virtual.

### **1) Represented FEDs (evictions)**

- a) All summonses for FED represented returns must list a date and time that is a Tuesday or Thursday at 8:30 a.m. or 9:00 a.m. or Wednesday at 9:00 a.m. or 9:30 a.m. **There is a 100 per firm per day return limit to allow the Division CVL staff adequate time to process cases.**
- b) **Attorneys are required to serve with the FED Summons and Complaint the separate advisement issued by the Court attached hereto which is entitled "Advisement for Eviction Cases"**. The advisement includes the MIFP Motion and Order. The return of service for each case MUST indicate the Advisement for Eviction Cases was served, with enough copies for each defendant and one for other occupants if listed on the case caption.
- c) Attorneys must list on the Summons and Complaint a local 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 (to accommodate litigants without internet access).
- d) Docket sheets must be filled out, scanned and returned to the Division Clerk at: [D04\\_Courts\\_DivCVL@judicial.state.co.us](mailto:D04_Courts_DivCVL@judicial.state.co.us) no sooner than 48 hours after the return date to allow for late answers. Dockets will be processed as soon as possible, but given the expected volume, may take up to a week. Please do not call or e-mail the Division to check on the status of your docket sheet processing.

### **2) Pro Se FEDs (non-represented evictions)**

- a) All summonses for Pro Se FED returns must list a date and time that is a Tuesday or Thursday at 9:30 a.m. **There is a maximum of 10 pro se returns allowed per day per Pro Se plaintiff to allow the Division CVL staff adequate time to process cases.**
- b) **Pro Se plaintiffs are required to serve with the FED Summons and Complaint the separate advisement issued by the Court attached hereto which is entitled "Advisement for Eviction Cases"**. The advisement includes the MIFP Motion and Order. The return of service for each case must indicate the Advisement for Eviction Cases was served, with enough copies for each defendant and one for other occupants if listed on the case caption.
- c) Pro Se plaintiffs must list on the Summons and Complaint a local telephone number to answer calls from defendants regarding Stipulations.
- d) Pro Se plaintiffs must file their Complaints, requests for Writs of Restitution, Motions for Default Judgment and any other filings by: 1) submitting a hard copy by dropping it in the drop box located at the courthouse by the front entry of the building; 2) via U.S. mail to the Clerk of Court at 270 S. Tejon St., Colorado Springs, CO 80903; or 3) e-mailing a scanned copy to [4thClerkofCourt@judicial.state.co.us](mailto:4thClerkofCourt@judicial.state.co.us). Filing fees must be paid by telephone by calling (719) 452-5093. Further information regarding remote payment of filing fees is contained in the Advisement for Eviction Cases.

### **3) Pre-Trial Conferences**

Pre-trial conferences will be 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 direct local 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 will 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/Div F, 7/Div G, 8/Div H, 9/Div J, 0/ go to the number before zero and assign as noted. The Court will send notice of pre-trial conferences for pro se parties.

#### 4) Money Returns

- a) 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. COUNSEL FOR REPRESENTED PLAINTIFF'S OR PRO SE PLAINTIFFS MUST BE AVAILABLE BY TELEPHONE VIA A LOCAL TELEPHONE NUMBER LISTED ON THE COMPLAINT. **The defendants must be able to easily 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 return limit to allow the Division CVL staff adequate time to process cases.**
- b) **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.
- c) 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.
- d) Pro se money plaintiffs must file their Complaints, Motions for Default Judgment and any other filings by: 1) submitting a hard copy by dropping it in the drop box located at the courthouse by the front entry of the building; 2) via U.S. mail to the Clerk of Court at 270 S. Tejon St., Colorado Springs, CO 80903; or 3) e-mail a scanned copy to [4thClerkofCourt@judicial.state.co.us](mailto:4thClerkofCourt@judicial.state.co.us). Filing fees must be paid by telephone by calling (719) 452-5093. Further information regarding remote payment of filing fees is contained in the Collections Return Date Advisement.

#### 5) CDC Eviction Order and Veracity Hearings

All litigants are requested to take notice of the CDC Order entitled "Temporary Halt in Residential Evictions to Prevent the Further Spread of COVID-19", which may be found at [federalregister.gov/d/2020-19654](https://www.federalregister.gov/d/2020-19654) ("CDC Order"). At any time prior to a Writ of Restitution being executed (including when the Sheriff arrives to execute a Writ), if each adult tenant completes the CDC Declaration form and the case is predicated upon non-payment of rent, further efforts to evict (physically remove the tenants) must cease until expiration of the CDC Order. **As of the date of this order, the CDC Order expires on March 31, 2021** Plaintiffs/Landlords may motion the Court for a veracity hearing on the Declaration. In that instance, Declarations found to be invalid will result in the Writ of Restitution being allowed to be executed.

So Ordered.

Andrea Paprzycki, Magistrate, Fourth Judicial District, February 2, 2021

## **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 the reason your landlord is trying to evict you is because you owe them rent, then the purpose of an agreement is usually to give you more time before you are evicted than you would have had without the agreement. Sometimes parties reach a payment agreement so you can remain in the property. If you did not pay rent on purpose because you feel the landlord did not do something they were supposed to do, the agreement may resolve those issues. **Whatever the reason for the eviction action, 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. If it is not, then the Court will assume you have selected the option below to do nothing.**

#### **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 landlord's efforts to evict you are not supported by the facts or the law and you dispute that you should be evicted, 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 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. **Please read all of this 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: 1) e-mail it to the Fourth Judicial District Clerk of Courts at: [4thClerkofCourt@judicial.state.co.us](mailto:4thClerkofCourt@judicial.state.co.us); 2) deposit it in the drop box located at the courthouse by the front entry of the building; or 3) mail it to the Clerk of Court to 270 S. Tejon St., Colorado Springs, CO 80903. Upon receiving the Answer, the Clerk's office will call you to obtain a credit card payment for the filing fee. If the Clerk's office unable to reach you please: 1) call (719) 452-5093 to pay the filing fee over the phone; 2) pay the filing fee online at: [www.courts.state.co.us/Courts/County/Collections](http://www.courts.state.co.us/Courts/County/Collections); or 3) mail the filing fee in the form of a check or money order payable to the Clerk of Court to 270 S. Tejon St., Colorado Springs, CO 80903. If you cannot afford the filing fee, you may qualify for a waiver or a payment plan. The paperwork for waiving the fee or a payment plan is attached. 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. Regardless of the disposition of the fee, **once your Answer is filed the Court will contact you to schedule your trial.** TRIALS WILL BE CONDUCTED REMOTELY VIA WEBEX, WHICH YOU MAY ACCESS WITH A COMPUTER, CELL PHONE OR ORDINARY TELEPHONE.

**\*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 (this is called a Judgment for Possession). The actual eviction (when the Sheriff arrives to remove you if you do not leave on your own) may occur as soon as 48 hours after the judicial officer's order (30 days for mobile home cases for which the tenant pays lot rent/are owner occupied). The order for the Sheriff to remove you is called a Writ of Restitution and is the second part of the eviction process.

NOTE THAT ONCE A JUDGMENT FOR POSSESSION (WHICH IS AN EVICTION) IS ENTERED BY THE COURT, YOU WILL HAVE AN EVICTION ON YOUR COURT RECORD, WHICH BECOMES A PUBLIC RECORD.

**Information Regarding Filing an Answer:**

- 1) Filing an Answer means you wish to go to trial.
- 2) **Eviction trials are "quick set" as required by law.** This means that your trial will generally be scheduled within five days or as soon as the Court schedule allows, and no continuances are allowed unless the landlord agrees.
- 3) Colorado law does not allow continuances to give you time to find an attorney. You are not entitled to a court appointed attorney.
- 4) Colorado law does not excuse late rent payments or partially unpaid rent due to job loss, illness, Covid or stolen rent money. The judicial officer has no authority to give you more time to move out.
- 5) The Court cannot grant more time to allow you to find an alternative place to live.
- 6) If you did not pay rent because you are claiming that the Landlord's failure to repair the premises is a defense to nonpayment of rent, pursuant to Colorado Revised Statute 13-40-111, the Court will require you to pay into the Registry of the Court, AT THE TIME OF FILING YOUR ANSWER, the past due rent less any expenses you have incurred based upon the Landlord's failure to repair. 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 less actual expenses you incurred due to your Landlord's failure to repair. If you cannot pay the amount stated in the Notice to Quit/Demand for Possession at the time of filing your Answer, the judicial officer who presides at your trial will not be able to consider the landlord's failure to repair as a defense to eviction.
- 7) If you wish to go trial to contest the eviction on the basis that you were improperly served, please note that pursuant to Tyler v. McKenzie, 43 Colo. 233, 95 P. 943 (1908), the act of you filing an Answer may cure defective service.
- 8) 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. You will only get a jury trial as to damages, which is usually a claim for past due rent and/or property damage.

The Court has no authority to waive or make exceptions to any law. The Court cannot extend periods of time prescribed by statute. The Court is required to follow the law as written. **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 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](http://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.

## **COVID EVICTION RULES**

**Due to the Covid-19 pandemic, there is currently an order issued by the Centers for Disease Control which may protect you from being removed from the property through March 31, 2021 (the order does NOT prevent the Court from entering an eviction order, or Judgment for Possession).** The CDC Order only protects you if you are being evicted for non-payment of rent.

In order to qualify for the protection of the CDC Order, every adult tenant at the property MUST complete and submit to the landlord a CDC Declaration, which you may find at [govinfo.gov](http://govinfo.gov). When you sign the Declaration, you are doing so under penalty of perjury and are stating that:

- 1) You are using best efforts to obtain government assistance for rent or housing;
- 2) You expect to earn less than \$99,000 (single filer) or \$198,000 (joint filer) in 2020 OR you received a stimulus check;
- 3) You are unable to make the full rent payment due to substantial loss of income, loss of compensable work hours, a lay-off or extraordinary out of pocket medical expenses;
- 4) You are using best efforts to make timely partial rent payments that are as close to the full payment as your circumstances permit; and
- 5) If evicted, you would likely be rendered homeless or end up in a shared living environment.

If the Plaintiff landlord challenges the truth of the Declaration, you will be notified of a hearing date and time during which you may be questioned about your personal circumstances as they relate to the Declaration.

**\*IF THE DECLARATION DOES NOT APPLY TO YOUR CIRCUMSTANCES, THE CDC ORDER WILL NOT PROTECT YOU FROM BEING EVICTED.\***

**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.**

**만약 당신이만약 당신이영어를 사용하다문의하시기 바랍니다법원법원 [D04\\_Courts\\_DivCVL@judicial.state.co.us](mailto: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](mailto:D04_Courts_DivCVL@judicial.state.co.us) huò zhì diàn (719) 452-5000.**

Enclosures: MIFP (Answer fee waiver application)

This document was written by the Court.

Magistrate Paprzycki  
Fourth Judicial District

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 your 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. \*\*\***

<h2 style="margin: 0;">Fee Waiver Application</h2> <p style="margin: 0;">El Paso County Combined Court – 270 S Tejon St, Colorado Springs, CO 80903</p> <p><b>Parties</b></p> <p>Petitioner <i>(Name of person who started this legal case):</i></p> <hr style="border: 0.5px solid black;"/> <p>Respondent <i>(Other person in this case):</i></p> <hr style="border: 0.5px solid black;"/>	<p>MIFP</p> <p><b>COURT USE ONLY</b></p>
	Case Number:
	Courtroom:

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?
<b>You:</b>		<b>Self</b>	<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

<b>Monthly Income Before Taxes</b>		<b>Monthly Expenses</b> Do <b>not</b> include optional expenses, like cable TV, club memberships, eating out, alcohol or cigarettes, etc.	
a. Your wages + salary + commission (Look at recent checks or paystubs)	\$	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 <b>receive</b>	\$	e. Child Support or Alimony that you <b>pay</b>	\$
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 <b>others</b> in the home who pay bills	\$	h. Other costs ( <i>describe</i> ): _____ _____	\$
<b>Total Income</b>	<b>\$</b>	<b>Total Expenses</b>	<b>\$</b>

If your **Total Income** is less than your **Total Expenses**, explain how you pay your bills:




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

## COLLECTIONS RETURN DATE ADVISEMENT

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

**TO ALL DEFENDANTS:** You have been served with paperwork because a creditor is trying to collect a debt 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 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 (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: 1) e-mail it to the Fourth Judicial District Clerk of Courts at: [4thClerkofCourt@judicial.state.co.us](mailto:4thClerkofCourt@judicial.state.co.us); 2) submit a hard copy by depositing it in the drop box located at the courthouse by the front entry of the building; or 3) mail it to 270 S. Tejon St., Colorado Springs, CO 80903. Upon receiving the Answer, the Clerk's office will call you to obtain a credit card payment for the filing fee. If the Clerk's office is unable to reach you please: 1) call (719) 452-5093 to pay the filing fee over the phone; 2) pay the filing fee online at <https://www.courts.state.co.us/cjop/>; or 3) mail the filing fee in the form of a check or money order payable to the Clerk of Court to 270 S. Tejon St., Colorado Springs, CO 80903. If you cannot afford the filing fee, you may qualify for a waiver or a payment plan. The paperwork for waiving the fee or a payment plan is attached. 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. Regardless of the disposition of the fee, **once your Answer is filed the next step is a pre-trial conference, which you will receive notice of by mail.** Pre-trials will be conducted remotely by telephone between the plaintiff and yourself.

**\*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](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.

만약 당신이만약 당신이만약 당신이영어를 사용하다문의하시기 바랍니다법원법원  
[D04\\_Courts\\_DivCVL@judicial.state.co.us](mailto: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](mailto:D04_Courts_DivCVL@judicial.state.co.us) huò zhì diàn (719) 452-5000.

So ordered.

Andrea Paprzycki

Magistrate

## 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 your 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. \*\*\***

<h2 style="margin: 0;">Fee Waiver Application</h2> <p style="margin: 0;">El Paso County Combined Court – 270 S Tejon St, Colorado Springs, CO 80903</p> <p><b>Parties</b></p> <p>Petitioner <i>(Name of person who started this legal case):</i></p> <hr style="border: 0.5px solid black;"/> <p>Respondent <i>(Other person in this case):</i></p> <hr style="border: 0.5px solid black;"/>	<p>MIFP</p> <p><b>COURT USE ONLY</b></p>
	<p>Case Number:</p> <p>Courtroom:</p>

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?
<b>You:</b>		<b>Self</b>	<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

<b>Monthly Income Before Taxes</b>		<b>Monthly Expenses</b> Do <b>not</b> include optional expenses, like cable TV, club memberships, eating out, alcohol or cigarettes, etc.	
h. Your wages + salary + commission <i>(Look at recent checks or paystubs)</i>	\$	a. Rent or Mortgage	\$
i. Your Unemployment Benefits	\$	b. Groceries (Do NOT include Food Stamps)	\$
j. Your Social Security or Retirement Funds	\$	c. Utilities	\$
k. Maintenance or Alimony you <b>receive</b>	\$	e. Child Support or Alimony that you <b>pay</b>	\$
l. Other Income ( <i>describe</i> ): _____	\$	f. Medical and Dental costs	\$
m. Other Income ( <i>describe</i> ): _____	\$	g. Car / Transportation costs (including insurance)	\$
n. Income of all <b>others</b> in the home who pay bills	\$	h. Other costs ( <i>describe</i> ): _____ _____	\$
<b>Total Income</b>	<b>\$</b>	<b>Total Expenses</b>	<b>\$</b>

If your **Total Income** is less than your **Total Expenses**, explain how you pay your bills:


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