

County Court, Teller County, Colorado Court Address: 101 W. Bennett Ave., P.O. Box 997 Cripple Creek, CO 80813 (719) 689-7360	Δ COURT USE ONLY Δ
	Division T
ORDER RE: EVICTION ACTIONS IN COUNTY COURT	

1. The parties in an eviction action are encouraged to read the new Colorado Rules of County Court Civil Procedure (C.R.C.P.) 304(b)(2), 312.5, and 316.5, and to check the Colorado Courts’ website for information and forms. That website address is: courts.state.co.us. Click on “Self Help/Forms,” and go to “Housing Cases.” Other laws concerning eviction actions are found in the Colorado Revised Statutes including:
 - a) Sections 13-40-101 to 13-40-127 (Evictions from residential premises);
 - b) Sections 38-12-101 to 38-12-1205, which includes: Security Deposits, Sections 38-12-101 to 38-12-104; Mobile Home Park Act, Sections 38-12-200.1 to 38-12-222; Warranty of Habitability, Sections 38-12-501 to 38-12-511; Written Rental Agreements, Sections 38-12-801 to 38-12-802; Rental Application Fairness Act, Sections 38-12-901 to 38-12-905; and Bed Bugs in Residential Premises, Sections 38-12-1001 to 38-12-1007.

2. C.R.C.P. 304(b)(2) requires that the Plaintiff/Landlord:

serve the following on the defendant at least seven days before the return date: (1) summons containing all language and information required by statute [CRCCP Form 1A revised 10/2021]; (2) complaint; (3) blank copy of the answer form; (4) Form JDF 186 SC: Information for Eviction Cases; (5) Form JDF 185 SC: Request for Documents in Eviction Cases; and (6) blank copies of Forms JDF 205 and 206 (fee waiver forms).

3. On May 15, 2023, the Colorado Supreme Court, in *Arvada Village Gardens, LP v Garate*, No 23SA34 decided that the 30-day notice provision in 15 U.S.C. § 9058(c) of the CARES Act still applies. Thus, “[a] landlord of a property covered by the CARES Act must give thirty days’ notice before filing for FED in Colorado.” *Id.*, ¶ 17. **Effective May 15, 2023, then, a plaintiff commencing an eviction action must file a completed “C.A.R.E.S. Act Affidavit.”** (Copy attached.)

4. Summons return dates for eviction actions (forcible entry and detainer, FED) are set for Thursday afternoons at 1:30 p.m. The Defendant/Tenant “shall file an answer including any counterclaim or cross-claim on or before and shall appear in court at, the date and time as fixed in the summons, or such other date as fixed by the court.” C.R.C.P. 312.5(a). That rule also contains information concerning Motions, Waiver of Defenses, and Motions for Judgment on the Pleadings.
5. C.R.C.P. 316.5 contains information about pretrial procedure in eviction (FED) cases. Rule 316.5(a)(1) allows either party to “request all documents in the other party’s possession relevant to the current action. To make this request, a party must complete, file, and send Form JDF 185 SC (Request for Documents in Eviction Cases) to the opposing party.”
6. Trials in eviction cases are scheduled between 7 to 10 days after the answer is filed unless that time requirement is waived. C.R.C.P. 316.5(b). Trials are held in person unless the Court allows an appearance by Webex. Parties shall bring 3 copies of exhibits to the trial. Plaintiff’s will mark their exhibits with numbers starting with “1.” Defendants will mark their exhibits with letters starting with “A.”

Done and entered this 17 May 2023.

BY THE COURT:
Theresa Kilgore, County Court Judge

County Court, Teller County, Colorado Court Address: 101 W. Bennett Ave., P.O. Box 997 Cripple Creek, CO 80813 (719) 689-7360	Δ COURT USE ONLY Δ
Plaintiff: v. Defendant:	
	Case No. Division T
ORDER RE: EVICTION ACTIONS IN COUNTY COURT	

Option A

- 1) I attest that I am familiar with the Coronavirus Aid, Relief and Economic Security Act enacted on March 27, 2020 (the "Act") and the requirements of the Act as they apply to the property which is the subject of this FED action (the "Property"); and
- 2) The Property **is not** subject to a mortgage covered by the Act.

Further affiant sayeth naught under penalty of perjury.

Attested to this _____ day of _____, 20_____.

Signed: _____

Option B

- 1) I attest that I am familiar with the Coronavirus Aid, Relief and Economic Security Act enacted on March 27, 2020 (the "Act") and the requirements of the Act as they apply to the property which is the subject of this FED action (the "Property"); and
- 2) The Property **is** subject to a mortgage covered by the Act; and
- 3) I have complied with the requirements of the Act in that I provided the tenant/defendant in this case a thirty (30) day Demand for Compliance or Possession.

Further affiant sayeth naught under penalty of perjury.

Attested to this ____ day of _____, 20 ____.

Signed: _____