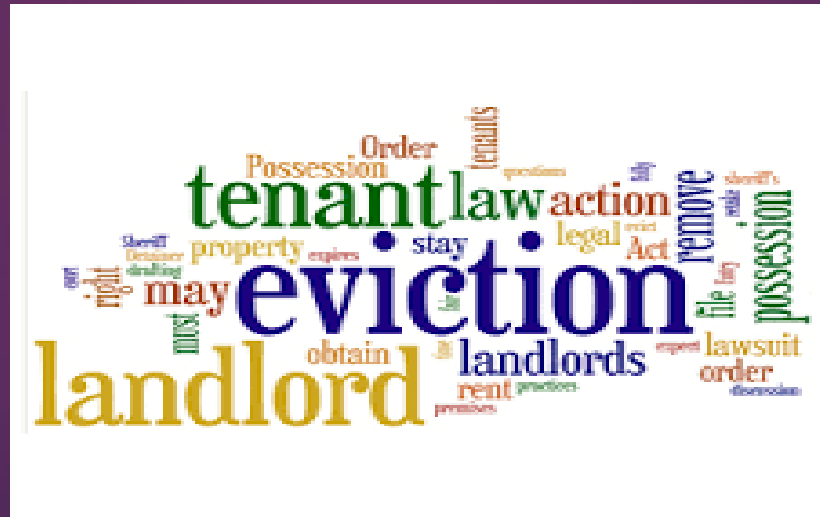


EVICTIIONS



BEFORE YOU FILE AN EVICTION CASE

▶ JDF 101: THE DEMAND FOR COMPLIANCE OR RIGHT TO POSSESSION NOTICE

- ▶ Used when the renter isn't paying rent or is breaking the rules in the lease
 - ▶ you must serve or post the tenant a Demand for Compliance or Right to Possession Notice and any required time period for the tenant to comply must have passed (10 days)



▶ JDF 97: NOTICE TO QUIT

- ▶ Used when the lease with the renter has ended
 - ▶ A tenancy may be terminated by notice in writing, served not less than the respective period fixed before the end of the applicable tenancy, as follows:
 - ▶ A tenancy for one year or longer, ninety-one days;
 - ▶ A tenancy of six months or longer but less than a year, twenty-eight days;
 - ▶ A tenancy of one month or longer but less than six months, twenty-one days;
 - ▶ A tenancy of one week or longer but less than one month, or a tenancy at will, three days;
 - ▶ A tenancy for less than one week, one day.

FILING FEES



▶ **Claim Amount (Plaintiff, Petitioner) Filing Fee**

- ▶ Less than \$1,000- \$85
- ▶ \$1,000 up to \$15,000- \$105
- ▶ \$15,000 up to \$25,000- \$135
- ▶ **Third Party Plaintiff Intervenor, Party filing answer**
- ▶ With cross claim or counter claim
- ▶ Less than \$1,000- \$84
- ▶ \$1,000 up to \$15,000- \$104
- ▶ \$15,000 up to \$25,000- \$134

▶ **Defendant, Respondent, Third Party Defendant**

- ▶ **Other party NOT filing cross claim or counterclaim**
- ▶ Less than \$1,000- \$80
- ▶ \$1,000 up to \$15,000- \$100
- ▶ \$15,000 up to \$25,000- \$130
- ▶ Jury Demand Fee \$ 98.00
- ▶ Service Fees Varies (Not payable through or to the Court.)

FILING FEES FOR INITIAL COMPLAINT



- ▶ **Claim Amount (Plaintiff, Petitioner)
Filing Fee**
- ▶ Less than \$1,000- \$85
- ▶ \$1,000 up to \$15,000- \$105
- ▶ \$15,000 up to \$25,000- \$135

FORMS NEEDED

- ▶ JDF 99: Complaint in Forcible Entry and Detainer
- ▶ CRCCP Form 1A: Summons in Forcible Entry and Unlawful Detainer
- ▶ Exhibits A & B (Lease and Notice to Quit or Demand for Compliance)
- ▶ CRCCP Form 3: Answer Under Simplified Civil Procedure



READY TO FILE

- ▶ Larimer County holds return dates on summons for eviction cases Monday through Friday at 8:15 am in Conference Room 305 – You can meet with the other party to discuss settlement but will not see a judge
- ▶ When the case is filed, you will choose a return date on summons
 - ▶ The return date must be between 7 to 14 days from the date of issuance of the Summons
 - ▶ You must provide the necessary forms and attach the appropriate exhibits to serve the Defendant(s).



You are responsible for paying the service fees, if any. Personal service or service by posting and mail must be completed **at least 7 days, but no more than 14 days** before the day for appearance specified in the Summons. Complete the following process based on the type of service selected

SERVICE



PERSONAL SERVICE



- ▶ Select either the Sheriff's Department, a private process server, or someone you know who is 18 years or older and not a party to the action and who knows the rules of service to serve the Defendant
- ▶ Provide the process server with one set of the summons, complaint, exhibits, Answer form, and an Affidavit of Service (JDF 98) for each Defendant
- ▶ Each Defendant must be served at least 7 days before the day for appearance specified in the Summons
- ▶ The process server must return the completed affidavit of service to you for filing

POSTING AND MAILING SERVICE



- ▶ If personal service cannot be made upon the Defendant(s), the person completing service must post the papers on the door to the main entrance or other conspicuous place upon the premises. You will not be able to obtain a monetary judgment unless personal service has been made upon the Defendant(s)
- ▶ No later than the day following the day you file the Complaint with the Court, you must mail a copy of the Summons, Complaint, and Answer to the Defendant(s) by postage prepaid, first class mail. (In addition, attach the appropriate exhibits)
- ▶ After you have placed the forms in the mail, complete the certificate of mailing. The certificate of mailing is included on the Summons (CRCCP Form 1A). The purpose of completing the certificate of mailing is to provide proof that you did mail the Summons, Complaint and Answer to the Defendant(s) by postage pre-paid, first class mail.
- ▶ File the Affidavit(s) of Service with the Clerk on or before the return date listed on the summons.



RETURN DATE ON SUMMONS

(FIRST APPEARANCE)

IF THE PLAINTIFF(S) AND DEFENDANT(S) APPEAR ON THE RETURN DATE, ONE OF THE FOLLOWING SITUATIONS CAN OCCUR:

- ▶ The Defendant(s) can agree to vacate the premises or the parties can agree to certain conditions that enable the Defendant(s) to remain in the property. An agreement can be made with regard to any money owed and a payment plan established between the parties. The agreement, called a “stipulation,” must be put in writing on the court form titled “Stipulation in Forcible Entry and Detainer” (JDF 102)
- ▶ Upon filing of a motion and approval by the court, the Plaintiff(s) can continue the return date, if the Plaintiff(s) feel that further discussion with the Defendant(s) is/are required or, if the Defendant(s) is/are given another opportunity to fulfill a pre-arranged agreement
- ▶ The Defendant(s) can file an Answer. If the Judge reviews the answer and determines a legal defense has been alleged, a pretrial conference in Conference Room 305 (no judge will be present), Possession Hearing and/or Court Trial regarding money issues will be set

DEFENDANT FILES AN ANSWER OR ANSWER AND COUNTERCLAIM

- ▶ Unless the Court has approved a written stipulation of the parties, the Defendant must file an answer, in writing, with the appropriate filing fee, on or before the Return Date and time set forth in the Summons or immediately after checking in with the Court staff in Conference Room 305 on the Return Date
 - ▶ The purpose of the answer is for the Defendant(s) to respond to the allegations in the Complaint. The Defendant may also file a counterclaim with the answer.
 - ▶ If, in the answer, the Defendant asserts a defense to the Plaintiff's request for possession of the property, the case may be set for a possession hearing. The possession hearing may address only the issue of possession and reserve other matters including any counterclaim for a later trial or all matters may be tried together

Filing an Answer - Fees

- ▶ **Defendant, Respondent, Third Party Defendant (NOT filing a cross claim or counterclaim)**

- ▶ Less than \$1,000 - \$80
- ▶ \$1,000 up to \$15,000 - \$100
- ▶ \$15,000 up to \$25,000 - \$130
- ▶ Jury Demand Fee - \$98

- ▶ **Defendant, Respondent, Third Party Plaintiff Intervenor (WITH cross claim or counterclaim)**

- ▶ With cross claim or counter claim
- ▶ Less than \$1,000 - \$84
- ▶ \$1,000 up to \$15,000 - \$104
- ▶ \$15,000 up to \$25,000 - \$134

**IF THE
DEFENDANT(s)
DO NOT TIMELY
FILE AN ANSWER
AND STEPS 1 - 6
HAVE BEEN
COMPLETED
PROPERLY**

- ▶ The Court may award possession and/or, if personal service was obtained, monetary judgment to the Plaintiff(s)



POSSESSION JUDGMENT



- COMPLETE THE MOTION FOR ENTRY OF JUDGMENT (JDF 104)
- THE COURT WILL REVIEW THE MOTION AND UPON APPROVAL WILL COMPLETE THE ORDER (JDF 107) AND GIVE YOU A SIGNED COPY

IF THE DEFENDANT(S) HAVE NOT VACATED THE PROPERTY WITHIN 48 HOURS FROM THE DATE AND TIME OF JUDGEMENT FOR POSSESSION, COMPLETE THE WRIT OF RESTITUTION (JDF 103) AND PROVIDE TO THE CLERK OF COURT FOR ISSUANCE

► Once the Writ of Restitution is issued, it is the obligation of the Plaintiff(s) to contact the Sheriff's Office for execution of the Writ



MONETARY JUDGMENT



- IF YOU OBTAINED PERSONAL SERVICE ON THE DEFENDANT(S), THE MOTION FOR ENTRY OF JUDGMENT (JDF 104) MAY REQUEST A MONEY JUDGMENT. THE MOTION ALSO ASKS FOR COURT COSTS AND THE PROCESS FEE FOR SERVICE OF THE SUMMONS.
- COMPLETE THE CAPTION ONLY ON THE ORDER FOR ENTRY OF JUDGMENT WITH ISSUANCE OF INTERROGATORIES (JDF 107). THE COURT WILL COMPLETE THE REMAINING SECTIONS ON THE FORM

JUDGMENTS

- ▶ The Court cannot collect your monetary judgment for you but can give you information regarding the necessary collection forms

