



Eviction

= I've been served with
Eviction paperwork =

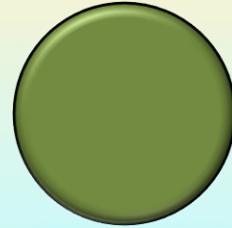
Additional information

This information does NOT contain any provisions provided by the Governor in relation to Covid-19

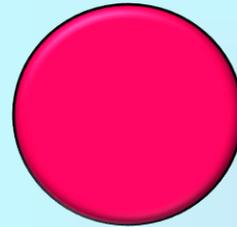
The information contained in this slide is standard Eviction information only

Why am I being Evicted

There are several reasons why a Landlord can file an Eviction. These reasons can include but are not limited to:

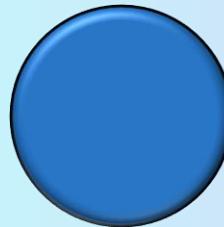


Failure to Pay Rent When Due



Breaking the Terms of your Lease

- ❖ having too many people living in the rental
- ❖ having pets when the lease prohibits them
- ❖ using the rental for a business when the lease allows only for residential use
- ❖ illegal activity

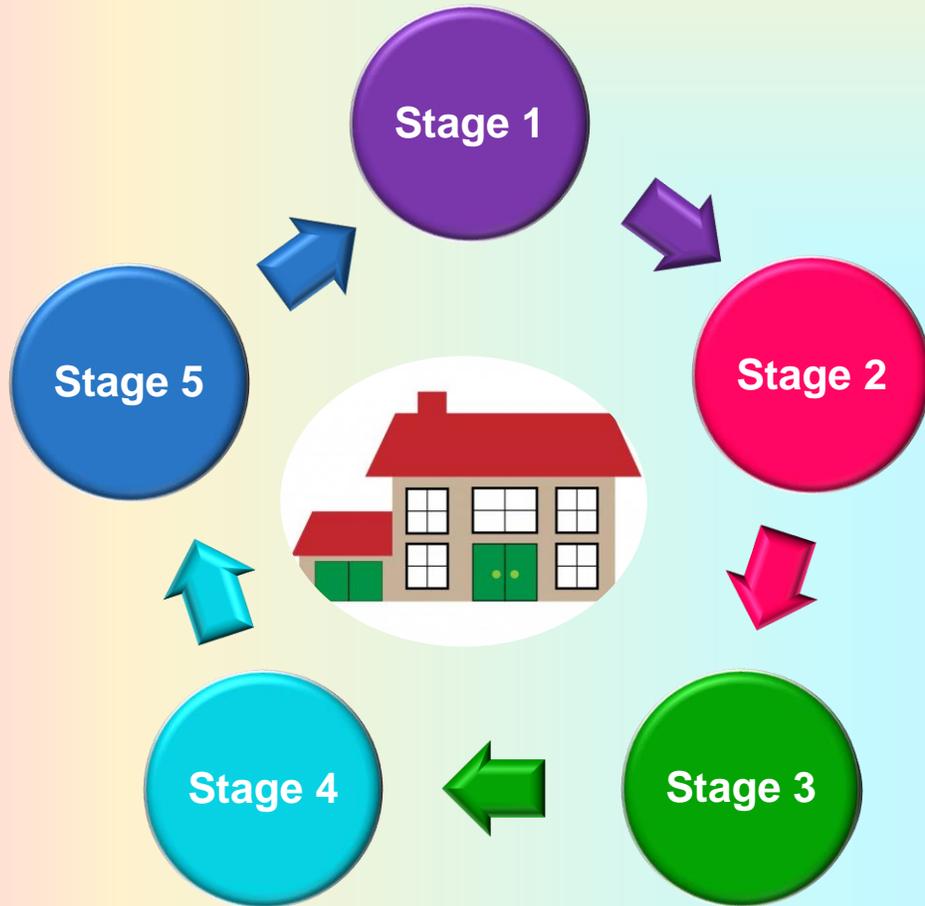


Expiration of the Lease

Once your lease has expired the Landlord has the option of not renewing it for a new term.



Stages of the Eviction process



Threat

Eviction threat, no written notice



Notice

Received an eviction notice telling you to pay, comply with your lease, or to move



Served

Received a summons and complaint to appear in Court



Respond

Filed an answer in Court or Signed a Stipulation / Agreement with the Landlord

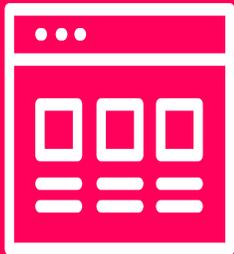


Judgment / Order from Court

The Court Ruled that you can be evicted and issued an Order and Judgment



I received something from my Landlord, what does it mean



I received a Notice to Quit or a Demand for Compliance

Your Landlord has not filed an Eviction case with the Court yet. They are asking you to comply with their request and letting you know they intend to file



I received a Complaint and Summons

Your Landlord has filed documents with the Court to start the formal Eviction process, you can file an Answer with the Court



Notice to Quit

THERE ARE SPECIFIC TIME FRAMES LISTED ON THE DOCUMENT YOU RECEIVED

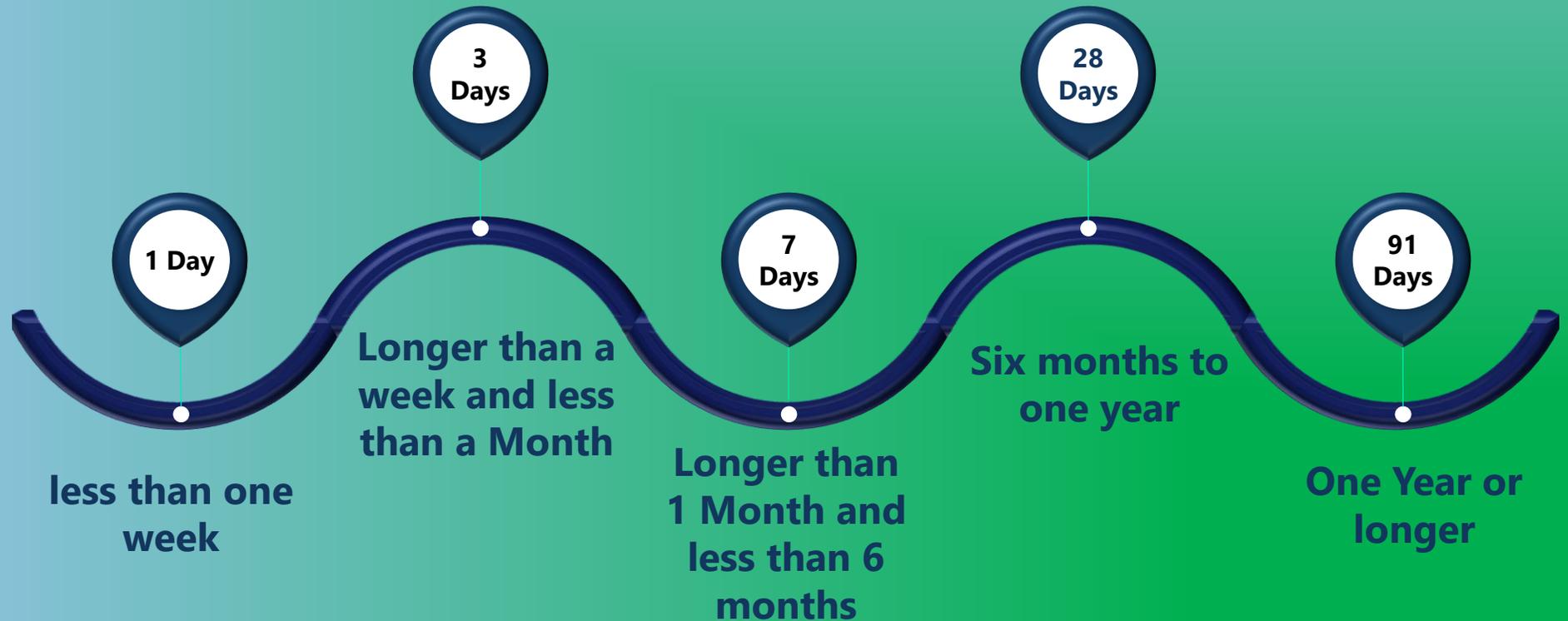
A Notice to Quit is notification to leave the premises on a date specified on the notice.

The Landlord uses this notice when they are trying to get someone to leave the property that does not have a lease or rental agreement, their rental period has ended, or the Landlord just wants them out.

If you are being evicted for reasons other than non-payment of rent or for substantial lease violations, then the Landlord is required to give more than a 10 day notice.

Because the notice does not provide terms to comply with, the Notice to Quit tells the Tenant there is nothing to negotiate and that you need to leave by the date on the notice.

YOU SHOULD RECEIVE
THIS MUCH TIME TO
MOVE



YOU HAVE BEEN A
TENANT FOR...

Demand for Compliance



A Demand for Compliance gives the Tenant 10 days from the date the notice is served or posted to either comply with the terms given in the notice, or to vacate the Property.

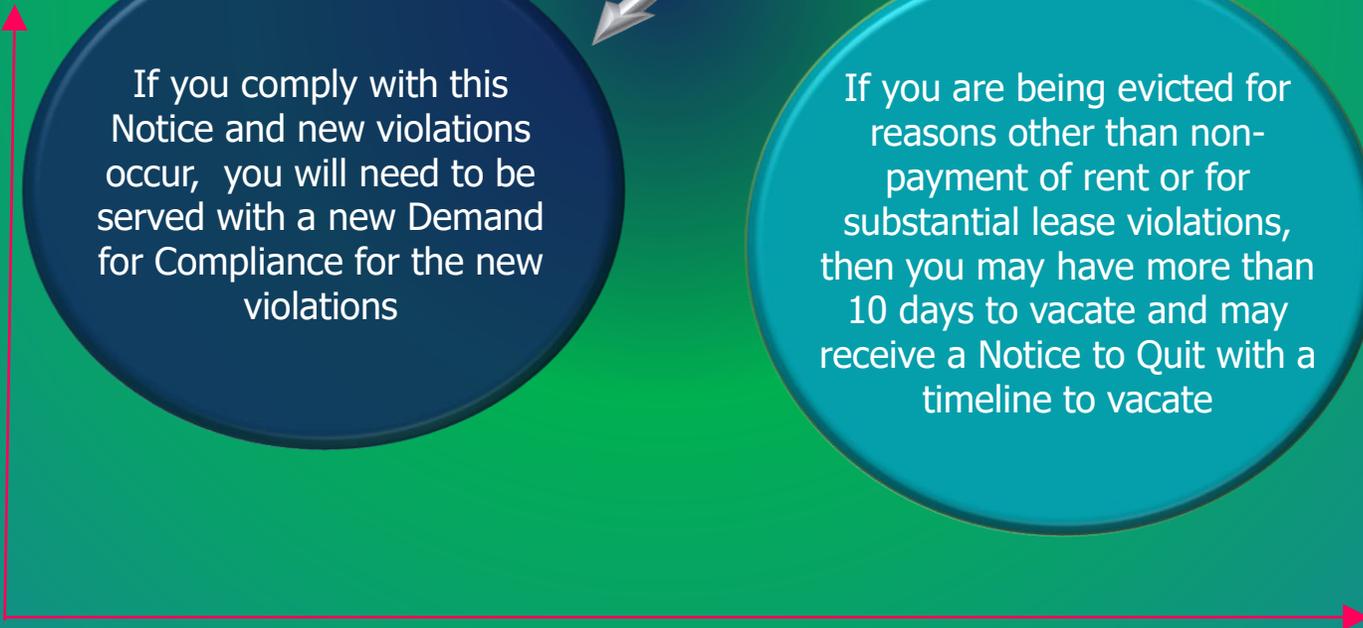
If you are being evicted based on a violation of a written or verbal lease, you may receive the Demand for Compliance.

If you comply with the demands made, then the matter is resolved and goes no further. If you do not comply you may receive a Complaint for Eviction

Demand for Compliance

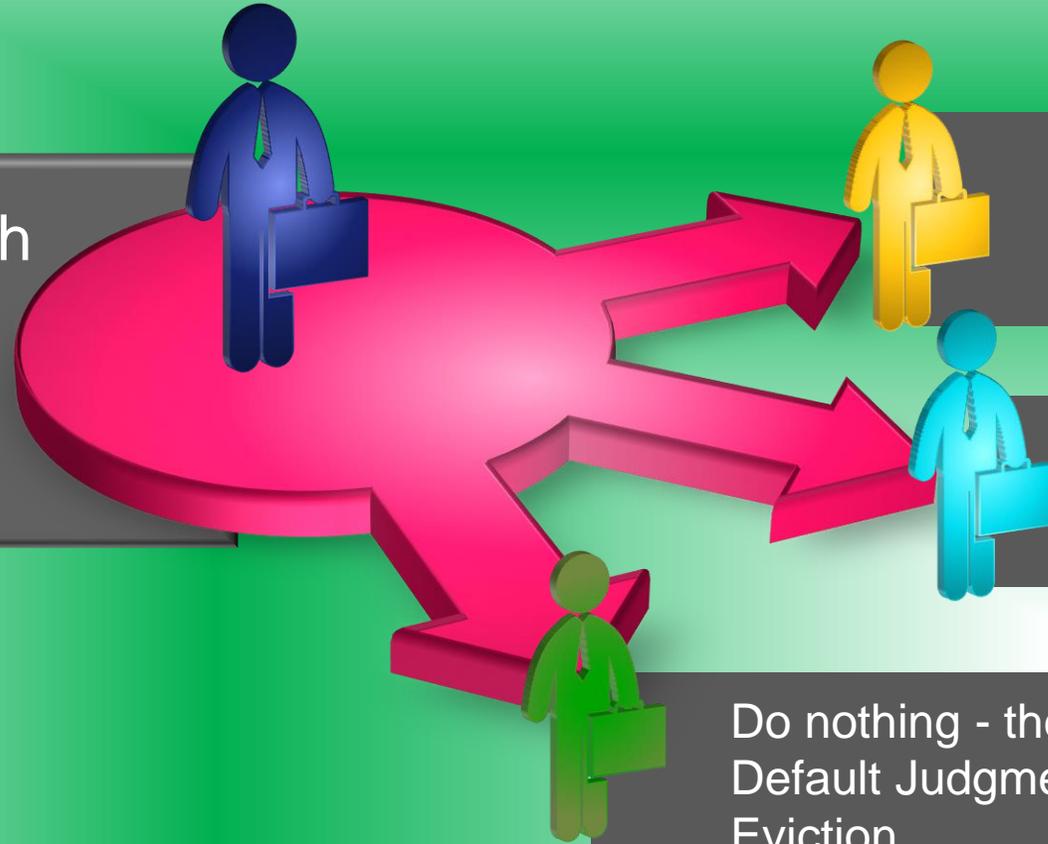
If you comply with this Notice and new violations occur, you will need to be served with a new Demand for Compliance for the new violations

If you are being evicted for reasons other than non-payment of rent or for substantial lease violations, then you may have more than 10 days to vacate and may receive a Notice to Quit with a timeline to vacate



My Landlord served me with paperwork to Evict me

What are my options?



Contact your Landlord to see if you can work out an agreement (Stipulation)

File an Answer with the Court and mail a copy to the other party

Do nothing - the Landlord can request a Motion for Default Judgment and ask the Judge grant an Eviction



**Filed an Answer
or
Signed a Stipulation**

**If you signed a
Stipulation, your case is
over as long as the
terms are followed**

**If you filed an Answer,
you will get a Hearing/
Trial date**

How do I respond to this case?

What do I file and where do I find the forms?

You can find the forms on the state website
www.courts.state.co.us

What's Next

1

CRCCP 3 Answer

Answer in Forcible Entry and Detainer
Fill this in completely and sign

2

The Date and Time on your Summons is the date your Answer is due to be filed with the Court

Be sure to bring a copy of the Answer for your Landlord

3

Court

Arrive on time and go to your Division – you can find this on your Complaint Pay the filing fee and File your Answer with the Clerk of Court

4

After Court

If the Judge agrees with the Landlord you should prepare to move within 72 hours If the Judge rules in your favor they will give you direction

If you and the Landlord reach an Agreement

STIPULATION

Stipulation

- A signed agreement between yourself and the Landlord Settles the eviction without having a Judge decide the outcome
- This document is filed with the Court

You are not required to sign a Stipulation if you do not agree!!!

If you do not understand it, you should not sign it!

Completing an Answer Step-by-Step

The Caption

Fill it in completely and clearly with parties names, etc.



Defenses 1

List yourself as Defendant

Owe Money- List reasons why you don't owe in 1st section

Violated Lease- List reasons why you didn't violate in 2nd section



County Court _____ County, Colorado Court Address:		
Plaintiff(s): v. Defendant(s):		▲ COURT USE ONLY ▲
Attorney or Party Without Attorney (Name and Address):		Case Number:
Phone Number: FAX Number:	E-mail: Atty. Reg. #:	Division Courtroom
ANSWER UNDER SIMPLIFIED CIVIL PROCEDURE (including counterclaim(s) and/or cross claim(s))		

The Defendant(s) _____ (name), answer(s) the complaint as follows:

1. The amount of damages claimed to be due to the Plaintiff(s) by the complaint in this action is not due and owing for the following reasons:

OR

the Plaintiff(s) is/are not entitled to possession of the property and Defendant(s) is/are entitled to retain possession for the following reasons:

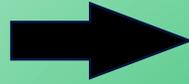
OR

the injunctive relief requested by the Plaintiff(s) should not be allowed for the following reasons:

2. (If applicable) the Defendant(s), _____, assert(s) the following counterclaim(s) or setoff(s) against the Plaintiff(s)

Counterclaims 2

If you have a claim against your Landlord, write your name as defendant and describe the claim



Cross-Claims 3

If you have a claim against another party who is responsible for the claim currently against you, check the box, write your name as defendant, list their name as additional defendant, and describe the claim



Jurisdiction 4

If you made a counterclaim less than \$25,000, check the 1st box

If you made a counterclaim that you are willing to accept less than \$25,000 for, check the 2nd box

If you made a counterclaim for more than \$25,000, check the 3rd box

2. (If applicable) the Defendant(s), _____, assert(s) the following counterclaim(s) or setoff(s) against the Plaintiff(s)

CRCCP NO. 3 SC R3/18 ANSWER UNDER SIMPLIFIED CIVIL PROCEDURE

Page 1 of 2

3. (If applicable) the Defendant(s) _____, assert(s) the following cross claim(s) against _____, named Defendant(s) (you are limited to the jurisdiction of the court):

4. If a counterclaim is asserted above, you must check one of the following statements:

- The amount of the counterclaim **does not** exceed the jurisdiction of the court (County Court filing fee required).
- The amount of the counterclaim **does** exceed the jurisdiction of the court, but I wish to limit my recovery to the jurisdiction of the court (County Court filing fee required).
- The amount of the counterclaim **does** exceed the jurisdiction of the court, and I wish the case transferred to the District Court (District Court filing fee required)

5. The Defendant(s):

- Request(s) a trial to the court.
- Request(s) a jury trial. By requesting a jury trial, the Defendant(s) understand(s) that a jury fee must be paid unless the fee is waived by the Court.

WARNING: ALL FEES ARE NON-REFUNDABLE. IN SOME CASES, A REQUEST FOR A JURY TRIAL MAY BE DENIED PURSUANT TO LAW EVEN THOUGH A JURY FEE HAS BEEN PAID.

Note: All Defendants filing this answer must sign unless the answer is signed by an attorney.

VERIFICATION

Jury Trial 5

Check the box if you want a jury trial. You will have to pay an extra fee unless you receive a fee waiver

Signature, Address, Phone Number

Sign on the line marked "Signature of Defendant(s)," write your current address and phone number

Certificate of Service

Write plaintiff or plaintiff's attorney's name, plaintiff or plaintiff's attorney's address, and the date

Sign on line for "Defendant(s) or Attorney for Defendant(s) signature"

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WARNING: ALL FEES ARE NON-REFUNDABLE. IN SOME CASES, A REQUEST FOR A JURY TRIAL MAY BE DENIED PURSUANT TO LAW EVEN THOUGH A JURY FEE HAS BEEN PAID.

Note: All Defendants filing this answer must sign unless the answer is signed by an attorney.

VERIFICATION

I declare under penalty of perjury under the law of Colorado that the foregoing is true and correct.

Executed on the _____ day of _____, _____, at _____
(date) (month) (year) (city or other location, and state OR country)

(Printed name of Defendant(s))

Signature of Defendant(s)

Signature of Attorney for Defendant(s) (if applicable)

Address(es) of Defendant(s): _____

Phone Number(s) of Defendant(s): _____

CERTIFICATE OF SERVICE

I certify that on _____ (date) a true and accurate copy of this ANSWER UNDER SIMPLIFIED CIVIL PROCEDURE was served on _____ the other party(s) or attorney(s) by:

Hand Delivery E-filed Faxed to this number _____ or by placing it in the United States mail, postage pre-paid, and addressed to the following:

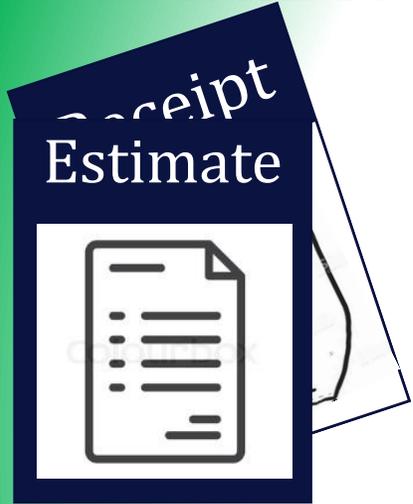
Defendant(s) or Attorney for Defendant(s) Signature

COURT APPEARANCE

HEARING

EXHIBITS:

If you have more than one exhibit, it is best to organize and label all Exhibits



Exhibits are labeled by letter; Exhibit A, Exhibit B, etc.

Exhibits can be filed before or during your Hearing



Preparing for Trial:

Prior to trial- Get together any documents that you need for Court

- your lease agreement
- receipts for rent or proof of rent payments
- other documents that you need to support your case



(NOTE: If the document was written by someone other than yourself or the Landlord, you may need that person to be a witness regarding the document.)

Documents:

- Bring the original and two copies of any papers relevant to the case
 - Ex. Lease agreement, agreements with Landlord, rent receipts, etc.
- Write the facts down on paper before trial to make sure you can explain yourself clearly and simply to the Judge
- Write down questions for your Landlord and his witnesses before Trial, bring them to Court.

After the Trial:

A Writ of Restitution is an order for the Sheriff's Department to oversee the removal of your belongings from the Property by the Landlord



If the Judge rules that you need to move, typically you will be given 48 hours from the date of the Hearing to leave the Property. If you have not vacated within that time, the Landlord can have a Writ of Restitution issued by the Court.

This Process can happen any time once the Writ of Restitution is issued, the time frame will depend on when the Sheriff is available