

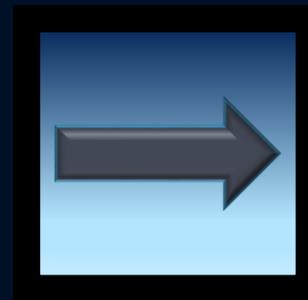
Forcible Entry and Detainer

Eviction

**How to evict someone
from your property**

The following information should not be considered legal advice. Please see an Attorney if you have additional questions

**A "Forcible Entry and Detainer"
is another term for Eviction**



Forcible Entry and Detainer



What should I consider before I file

Am I the right person to file? Who can file?



What do I need to know before I file?

What should I consider?



What do I have to do before I file with the Court

Do I have to let them know I'll be filing?



What do I file with the Court, where can I find the forms?

What forms do I use?



What happens after I file with the Court

I filed now what?



What happens after the Hearing is over?

Do I need to file anything else?



EVICTIION

THERE ARE CERTAIN THINGS/ STEPS YOU MUST CONSIDER

Eviction is the process of legally removing someone from property that you own, or manage.

You have to be sure you can evict someone, are you the proper authority to ask the Court for an Eviction?

Did you follow the steps required BEFORE you filed with the Court? In order to start the eviction process, you, as the landlord, must first give the tenant written notice. If the tenant does not do what the notice asks, you can file an unlawful detainer case in Court when the notice period ends.

Do you have the proper forms to file with the Court?

Are you looking to collect any unpaid rent or money for damages?

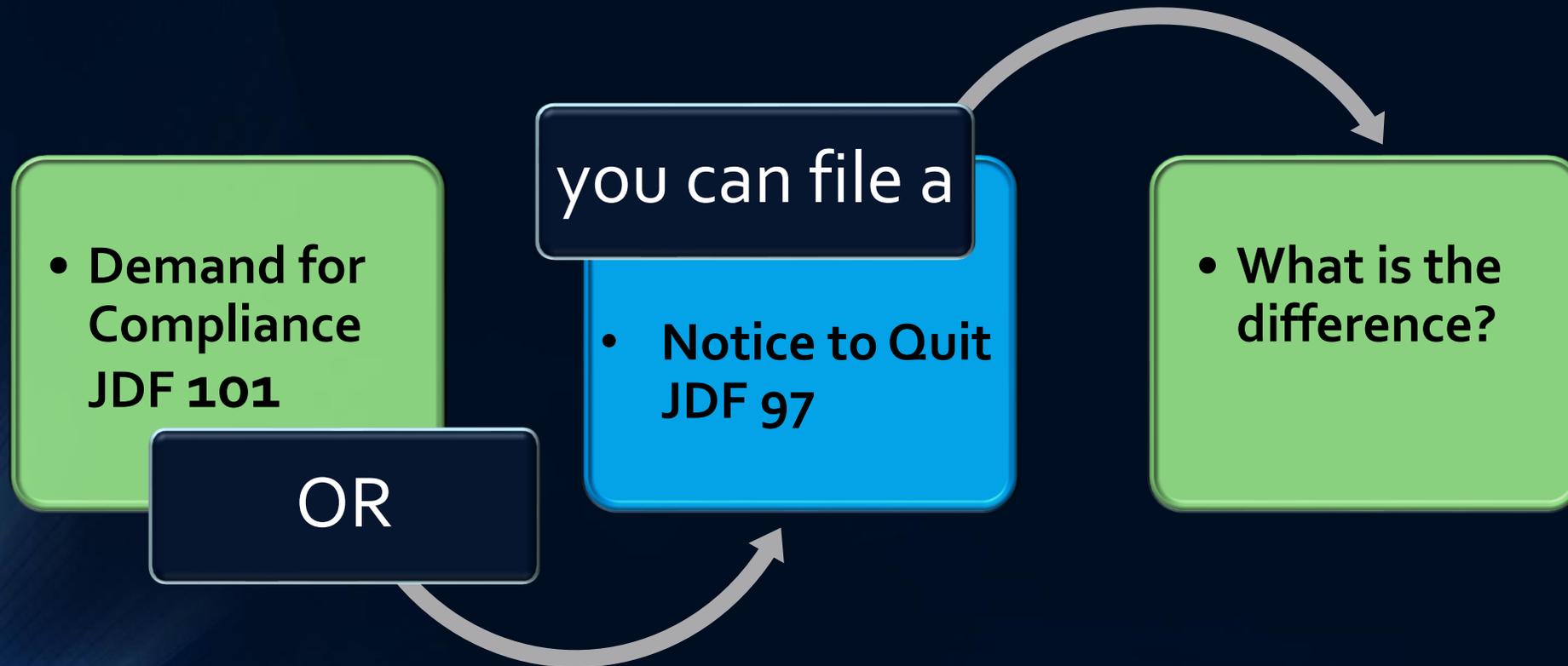
Determine if you can file, Are you?

- The Property Owner
- A private party managing the Property on behalf of the Owner
- A Property management company that is employed by the Owner
- A Tenant who is subletting to another Tenant with the Owners approval

Determine where to file

- You must file in the County where the property is located

Before you can file your Complaint with the Court, you must serve the Tenant with a written notice letting them know you will be filing. To do this you can choose between:



Notice to Quit

THERE ARE SPECIFIC TIME FRAMES YOU MUST USE BEFORE YOU CAN FILE WITH THE COURT

A Notice to Quit JDF 97 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 attempting to evict the Tenant for reasons **other than** non-payment of rent or for substantial lease violations, then you are required to give the Tenant more than a 10 day notice based on the time they have lived there.

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

YOU MUST GIVE THEM THIS MUCH TIME

TENANT HAS LIVED THERE..



DAY

10

3

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 attempting to evict the Tenant based on a violation of a written or verbal lease, you may use the Demand for Compliance.

If the Tenant does comply with the demands made, then the matter is resolved and goes no further. If they do not comply you may be able to start the process of Eviction with the Court.

If the Tenant complies with this Notice and new violations occur, you will have to serve a new Demand for Compliance for the new violations before you can file your case with the Court.

If you are attempting to evict the Tenant for reasons other than non-payment of rent or for substantial lease violations, then you are required to give the Tenant more than a 10 day notice and under special circumstances.

DAY

30

Demand
for
Compliance
JDF 101



You can serve this document yourself



You should post this document in a place where the Tenant will see it



You cannot file the Complaint with the Court until after the time has passed on the Notice/Demand



You should keep a copy of this document to turn in with your Complaint



Serving the Notice or Demand

Forms Required

How do I start my 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

1

JDF 99 Complaint

Complaint in Forcible Entry and Detainer (Fill this form out completely)

2

CRCCP 1 Summons

Summons in Forcible Entry and Detainer with Certificate of Mailing (the Court will provide a date and sign the Summons)

4

CRCCP 3 Answer

Answer in Forcible Entry and Detainer (leave this form blank other than the caption)

3

Lease

Include a copy of the Lease (if there was one). You should also include a copy of the Demand for Compliance JDF 101 or Notice to Quit JDF 97 that was served on the Tenant

Forms Required

**You must
also
provide...**

5

**JDF 186
Information
for Evictions**

Fill out the caption and
leave this form blank

6

**JDF 205 &
JDF 206
Motion to
waive fees**

Leave this form blank

7

**JDF 185
Request for
Documents**

Fill out the caption and
Leave this form blank

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

Fill out the caption of all the forms

The person or business filing the case will be listed as the Plaintiff and the Tenants will be listed as the Defendants.

Fill this in with your address

County Court _____ County, Colorado Court Address: 		▲ COURT USE ONLY ▲
Plaintiff(s): v. Defendant(s): <input type="checkbox"/> Any and all other occupants:		
Attorney or Party Without Attorney (Name and Address):		Case Number:
Phone Number: FAX Number:	E-mail: Atty. Reg. #:	Division Courtroom
SUMMONS IN FORCIBLE ENTRY AND UNLAWFUL DETAINER		

SUMMONS IN FORCIBLE ENTRY AND UNLAWFUL DETAINER		Division Courtroom
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**YOU CANNOT SERVE THE OTHER PARTY YOURSELF
YOU MUST ARRANGE SERVICE ON THE TENANTS USING ONE OF THESE
CHOICES**

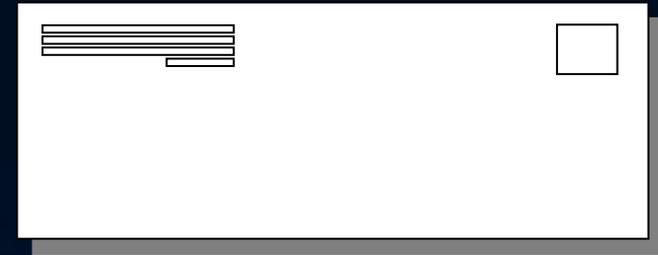
- Sheriffs Department
- Private Process Server
- Anyone over the age of 18 that knows about the rules of service and does not stand to benefit from the Eviction

**TO OBTAIN A MONEY JUDGMENT FOR BACK RENT, DAMAGES OR ANY
OTHER REASON, THE TENANT MUST BE PERSONALLY SERVED.
SERVICE BY POSTING IS NOT SUFFICIENT**

- Service of an Eviction can be done by posting (by a 3rd party and mailing a copy). If the Server is unable to locate the Tenant for personal service.
- But you should be aware that if service is done by posting, the Court can only award possession of the Property in question.

SERVING THE OTHER PARTY

Each Tenant will need one copy of the
Summons, Complaint and Answer served on
them and one copy mailed to them
If you don't know the name of all the Tenants
you can include "All Occupants"



Your copy of the Summons will have the date the Tenant is to file an Answer with the Court

**RETURN
DATE ON
SUMMONS**

If an Answer is filed by the Tenant, the Court will contact you to schedule a Hearing date. This date is set 7 to 10 days from the Summons date and you are expected to appear.

ANSWER

Arrive early and be ready to tell your side to the Judge

COURT HEARING

If you have additional documents to present as Exhibits to the Court such as receipts, estimates, pictures of the Property, etc., you can either file them before the hearing or bring them with you to the Hearing. Be sure to make copies for the other party.

EXHIBITS



Label your exhibits by number #

AFTER THE HEARING

If the Judge grants your request for an Eviction you will need to file a Motion for Default Judgment or if both parties agree, a Stipulated Motion to vacate.

If the Tenants refuse to move and if the Judge grants your Motion, you can file a Writ of Restitution 48 hours after the Judge issues the Order for possession, you can then take that to the Sheriff's office for execution.

A Writ of Restitution is an order for the Sheriff's Department to oversee while you remove the Tenant and their belongings from the Property.

Frequently Asked Questions

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We don't have a Lease, can I still evict someone?

Yes. The Complaint form will ask if there is a written lease or a verbal agreement.

Can I just evict a Tenant myself or do I have to go through the Court?

You will need to go through the FED Process with the Court. The Sheriff's Department will not remove a Tenant without a Court order.

How long after I file before I get a Court date?

Your Court date will be within 7 to 14 days from the day you file. It can vary depending on how weekdays/weekends fall and if there are any upcoming holidays.

If the Landlord has followed all the proper procedures, and the Tenant does not answer the Court papers, or the Tenant answers but the Court decides in favor of the Landlord, you may request a Writ of Restitution that allows you to evict the Tenant with the assistance of the Sheriff.

If the Court decides for the Tenant, the Tenant will get to stay.

Even if the Tenant is months behind on the rent, without a Court order the Landlord should not:

- Physically remove the Tenant;**
- Get rid of the tenant's personal property;**
- Lock the Tenant out;**
- Cut off the utilities (water or electricity);**
- Remove outside windows or doors; or**
- Change the locks.**

Once you give the tenant notice, you must wait until the Demand for Compliance or Notice period is up to see if the tenant does what the notice asks within the time allowed. If the tenant does not comply, you can file an Eviction case to evict the tenant and request back rent. If the tenant does what the notice requires (like pay the back rent in full), then you cannot file an unlawful detainer case.

If the notice is not correctable, such as a 3-day notice to quit or a 30- or 60-day notice to quit (move out) in a month-to-month tenancy, you can file an unlawful detainer case in court when the notice period ends.

If you file the eviction case in court before the notice runs out, the court will likely dismiss the case.

To count the days in the notice period:

- The first day is the day *after* the notice is served.
- Then count every day on the calendar, but, for 3-day notices to pay rent or quit and 3-day notices to perform or quit, **do not count Saturdays, Sundays, or court holidays.**

If you do not serve the notice in person and have to mail a second copy, you have to make sure that you do not start counting until the day after you mail the notice.