

### When can I start collecting my Judgment?

If you received your Judgment in County Court, you can start collecting your Judgment immediately after the Court enters the Judgment. However, if the Judgment Debtor files an Appeal or a post-trial Motion and asks the Court for a Stay of Execution of Judgment you must wait.

If the Court grants a Stay of Execution of Judgment, you will have to wait until the Appeal or Post-Trial Motion is decided to begin collection. During that time, the Judgment will continue to accrue interest and the Judgment Debtor may be required to post a Bond in the amount of the Judgment to help ensure that you will get paid if he/she loses on Appeal.

### How long do I have to file an Appeal?

The Appeal must be filed within 14 days after the Judgment is entered. It is important to understand that an Appeal is NOT a new trial. You may request a District Judge to review the county court case if there were Legal errors made in the case by the County Court and you are able to provide evidence to prove this error occurred.

### How long do I have to collect the Judgment?

A Judgment obtained in County Court is valid for 6 years from the date it was ordered/entered. If that time passes and there is still money due, the Judgment Creditor can file paperwork for a Revival of Judgment to keep it current for an additional 6 years.

### Do I need to do anything once the Judgment is paid?

Yes, file a Satisfaction of Judgment (JDF111) with the Court.

### Where can I find the Statutes of Limitations for initiating a case?

[Michie.com/Colorado](http://Michie.com/Colorado) CRS 13-80-101 – 13-80-107

## Fees

**Plaintiff, 3<sup>rd</sup> party Plaintiff, or Party filing a cross or counter claim. (Filing fee)**

<u>Claim Amount</u>	<u>Filing Fee</u>
Less than \$1,000	\$85
\$1,000 up to \$15,000	\$105
\$15,000 up to \$25,000	\$135

**Defendant, 3<sup>rd</sup> party Defendant, or other party NOT filing a cross or counterclaim. (Response fee)**

<u>Claim Amount</u>	<u>Filing Fee</u>
Less than \$1,000	\$80
\$1,000 up to \$15,000	\$100
\$15,000 up to \$25,000	\$130

Forms can be found online at

[www.Courts.state.co.us](http://www.Courts.state.co.us)

Locate the Self Help/Forms tab

Choose “all Court forms”

Pick from either:

“Money cases” or

“Garnishments & Judgments”



# County Court Civil

# Money Cases Under \$25,000



[www.Courts.state.co.us](http://www.Courts.state.co.us)

## County Court Civil Cases

County Court civil cases can include debt collection, Landlord/Tenant disputes, and contract disputes for example. In Colorado, County Court Rules of Civil Procedure (CRCCP) govern these types of cases. The jurisdictional limit in Colorado for County Court Civil cases cannot be more than \$25,000 for debt, damage or value of property. If your claim is for more than \$25,000 you must file in District Court.

### What forms do I need to start a case with the Court?

#### **Complaint – CRCCP 2:**

A civil case begins with a **Complaint**. The person filing the complaint is known as the **Plaintiff**; and the person being sued is the **Defendant**. The Plaintiff files the Complaint which must include a brief statement of the facts of the case (why you are suing the other party). You are also responsible for providing a blank **Answer (CRCCP3)** form to the Defendant as part of the process.

#### **Summons CRCCP 1:**

The **Summons** provides a date by which the Defendant (the person being sued) must respond to the Complaint. It also includes the date and time of appearance and the location of the Court. You provide the form and the Clerk of Court will sign it and provide you with a date. The Summons, Answer and the Complaint **must** be served upon the Defendant by a disinterested third party, such as the Sheriff or a private Process Server.

***\*\*You are responsible for arranging service on the other party.***

***\*\*Bring two copies of all forms with you when you file the documents.***

### What are the Defendants options?

After the Defendant receives a copy of the Summons and Complaint the Defendant may file an Answer:

#### **Answer – CRCCP 3:**

The Defendant must file an answer by the date and time on the Summons or the Plaintiff may request and receive a default Judgment against the Defendant. The written Answer is the Defendants response to the claims made by Plaintiff in the Complaint. Once the Defendant files the Answer with the Court and pays the filing fee a copy of Answer must be mailed to the Plaintiff.

#### **Counterclaim:**

The Defendant's Answer may include a counterclaim which is a claim the Defendant makes against the Plaintiff. There is an additional fee for filing a Counterclaim. The Defendant is required to mail a copy of the Answer and Counterclaim to the Plaintiff.

#### **Jury Trial Request:**

If either party requests a **Trial by Jury** a jury demand fee must be paid in addition to the filing fees. This does not guarantee there will be a Jury Trial however as the Judge will determine if one is necessary and the money is not refunded.

#### **Default Judgment:**

If the Defendant does not respond to the Complaint (fails to file an Answer with the Court) or appear at the summons return date and time, the Plaintiff may file a Motion (JDF104 and 107) to request a Default Judgment to be entered by the Court against the Defendant. The Judicial officer may determine additional Court costs and fees if any as part of the Judgment.

### Will the Court collect my Judgment for me?

**No.** It is your responsibility to collect your Judgment from the Judgment Debtor (person who the Court ordered to pay you). There are some Court processes to help you collect your Judgment, but it is your responsibility to start those processes and to follow through to collect the debt. Some of the Court processes that you can use to help collect your Judgment include:

- **Serving the party with written Interrogatories** (questions; JDF 105 and 108) upon the Judgment Debtor to find out where the Judgment Debtor works, where his/her bank accounts are located and whether he/she has any other assets. If the judgment Debtor refuses to answer these interrogatories within 14 days of service, you can ask the Court to hold him/her in Contempt of Court (JDF 123, 124 &129).
- **Requesting a Transcript of Judgment** from the Court that you can record with the Clerk and Recorder of any County where the Judgment Debtor owns real property to place a **lien** on that property
- **Garnishing the Judgment Debtor's** wages, bank accounts and/or other assets until the Judgment is paid in full (Collecting a Judgment JDF 82).

#### **\*Exempt Property\***

*Certain items cannot be garnished. Please see CRS §13-54-102 for a list of some exempt items. There is a limit to the amount a person's paycheck can be garnished. For civil cases, the maximum amount that can be deducted is 25% of disposable earnings for civil cases. The Debtor must also make above a certain amount in order to be garnished.*