



Eviction Handbook

19th Judicial District

The following is for informational purposes only and do not constitute legal advice about your case. If you choose to represent yourself, you are bound by the same rules and procedures as an attorney.

Due to the very short timeframe of eviction cases, it is imperative that you read all court documents carefully, come prepared for all court dates, and follow all deadlines. Continuations of court are rarely granted, even for the purposes of finding an attorney.

Service of Complaint

- The packet that has been highlighted in yellow is yours (the plaintiff) to keep.
- Packets highlighted in any other color are for the defendant(s).
- If you are unable to locate the tenant and *do not want money*, just possession of the property, you can **post and mail** the complaint.
 - If you post/mail you can only get an order for possession. If you personally serve the other party, you may ask for money damages.
- If you are seeking possession of the property and money, you must **mail and personally serve** each defendant with the eviction packets you received.
 - If you have more than one defendant you can put the paperwork in one envelope as long as *ALL NAMES* are listed on the envelope.
 - Personal service must be done by a 3rd party who is uninterested in the case. You can choose the sheriff's office, private process server, or someone over the age of 18.
- You will have one return of service packet with a red stamp that reads "PROOF OF SERVICE RETURN TO COURT" for each defendant.
 - The person you have serve the defendant(s) must have this form notarized. They can also bring it back to the court with their ID and a clerk can certify the document.
- **EXAMPLE:**
 - If you are evicting Jane Doe and John Doe, you will have four packets that are highlighted in the same color.
 - You will take two of these packets and stick them in one envelope with BOTH parties' names on it *or* you can put them in separate envelopes.
 - There should now be two packets with the defendants names highlighted and the returns of service remaining. These should be personally served on each defendant by a 3rd party uninterested in the case.
- The service needs to be completed **no earlier than 14 calendar days** and **no later than 7 calendar days** before your court date. Any date outside of the 14-7 day range and you must get another court date by returning to the windows or risk your case being dismissed.
- The return of service form must be returned to the court no later than the date of court.

Defendant's Answer



- If you are the Defendant and you want to speak in court to defend yourself, you **MUST file an Answer** (CRCCP NO 3) and pay the filing fee: \$92 or \$96 w/counterclaim
 - You may ask for a filing fee waiver if you qualify (JDF 205).

- If you don't file an Answer, pay the filing fee, or show up to court, the *court may enter a default judgment against you*.
- It is a good idea to have your Answer written out before your first court appearance, but do not file it.
 - A good Answer isn't scribbled out; you should take your time and do it well.
 - If you choose to file your Answer before your court date, please appear at the court date if you want to dispute anything, so the court can set the trial date.
- If your defense is due to habitability (unlivable conditions) of the property you will be required to post a cash bond to go forth with a trial.
 - The rent minus the money you spent to make the property livable = Cash Bond
 - You must also have proof that you provided written notice (not a phone call) to the landlord of the habitability issue(s).
- You can also counter sue (counterclaim) in your Answer:
 - A counterclaim is when the Defendant decides to sue the Plaintiff back.
 - It should give the Plaintiff a good idea what you're asking for and how much.

Settlements

- At any time in the process, either party can discuss settling (reaching an agreement).
 - If you settle prior to court, let the court know!
- If you reach a settlement with the other party:
 - Put it in writing (Stipulation JDF 75)
 - Each side must sign it and give it to the court

First Court Date



- At your first court appearance, try to meet with the other party prior to the start of court to reach a settlement.
 - If you settle, put it in writing and give it to the court.
- If you don't settle, the court can give the Defendant a deadline to file their Answer and set the case for trial within 7 days.
 - The Defendant must have a valid legal defense to go forth with a trial.
- If trial is set, the Clerk will hand each party a Form 9 Disclosure Statement
 - You will be told when it is due to the court.
 - A copy must also be given to the other party along with all of your exhibits (evidence). Mailing is not an option due to the very short time frame.
 - Failure to exchange the Form 9 and exhibits may force the court to reject non-exchanged exhibits from your trial.

Preparation for Trial



- The Plaintiff bears the burden of proof
 - The Defendant bears the burden of proof for counterclaims
 - Your job is to prove your case. Attacking your opponent will not accomplish this.
- You should have your witnesses and evidence (exhibits) at the trial to prove your case.
 - Evidence is any proof that what you say happened did actually happen. Testimony on the stand is evidence.

Exhibits & Witnesses

- Exhibits are your evidence: Photos, Documents, Videos & Audio Recordings, Receipts, Texts, Emails, Contracts, Lease, etc.
- Make sure all evidence is in hard copy (printed paper): no cell phones!
- Videos must be on DVD/flash drive in a video format- If you have a question about this, contact the Court Information Center.
 - The court cannot guarantee all videos will be playable.
- Must bring 4 copies of all exhibits (except discs/flash drives)
- Label your exhibits:
 - Plaintiff → mark with numbers (1, 2, 3...) and the case number
 - Defendant → mark with letters (A, B, C...) and the case number
 - Exhibit stickers are available in the Court Information Center
 - Not every piece of paper needs to be marked. A lease/contract may be stapled together and marked as one exhibit.

Interpreters



- The court will provide interpreters for you.
- It is your responsibility to notify the court in advance if you, or any of your witnesses, will require the assistance of an interpreter.
- If you are filing the case and you know that the other parties will need an interpreter, please let the court know at the time of filing.
- A Notice to the Court of the Need for a Court Interpreter has been provided with this packet. If you did not receive it, or you need a new copy, you can obtain one at the Clerk's Window or the Court Information Center.

Need more help or have questions?



The Court Information Center is here to help self-represented parties in their case.

Hours & Location:

Mon, Tues, Thurs, & Fri from 8:00 a.m. - 4:30 p.m.

915 10th Street, Centennial-Plaza South Building, 1st Floor Greeley, Colorado 80631

Phone, Email, & Website:

(970) 475-2410

19SelfHelp@judicial.state.co.us

https://www.courts.state.co.us/Courts/District/Custom.cfm?District_ID=19&Page_ID=419