

How do I serve the Defendant?

You must serve the Defendant's copy of the Notice, Claim & Summons to Appear. A separate copy of the **Defendant's copy** must be served on each Defendant.

There are two options available for service. You will need to choose one of them.

- 1. Personal Service:** Personal Service must be done by the Sheriff's Department, a private process server, or by someone over the age of 18 who is not a party in this case and knows the rules of service.
- 2. Certified Mail by the Clerk of Court:** if this type of service is chosen; **only the Clerk of the Court can do this. This cost varies from \$5.00 to \$15.00.**
 - **Certified mail is not the preferred form of service and could result in a delay in your Court hearing.**
 - **If certified mail cannot be completed, service must be performed by personal service.**

If Defendant is a business you will need to serve the registered agent of the business.

Service needs to be completed at least 15 days before the trial date.

How do I prepare for my Court Trial?

Take notes and highlight key issues you would like to provide to the Court. For example, dates, costs, value, violation of contract, and what occurred or took place.

Organize and label all exhibits. Examples of exhibits are documents such as photographs, charts, and receipts. If using photographs, bring only what is necessary to prove your case.

Label Exhibits: The Plaintiff will label with numbers (Exhibit 1, Exhibit 2) and the Defendant will label with letters (Exhibit A, Exhibit B).

Make three copies of all your exhibits (One for the Defendant, one for the Court, and one for you).

Check with the Court or on-line for the [Filing Fees](#):

Plaintiff:

Up to \$500	\$31.00
\$500.01 to \$7500.00	\$55.00

Defendant Response without counterclaim:

Plaintiff's claim up to \$500.00	\$26.00
Plaintiff's claim \$500.01 to \$7500.00	\$41.00

Defendant Response with counterclaim:

Plaintiff's claim up to \$500.00 and counterclaim up to \$500.00	\$31.00
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Plaintiff's claim \$500.01 to \$7500.00 or counterclaim is \$500.01 to \$7500.00	\$46.00
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Answers to Questions About

Small Claims



Weld County Combined Court
915 10th Street
Greeley, Colorado 80631
Phone: 970-475-2400

Weld County Combined Court
Court Information Center

www.courts.state.co.us

Small Claims Court is a court of limited jurisdiction. This means that the court cannot award more than \$7500.00, even if your claim is worth more. The claim cannot be divided into two separate cases. You can choose to waive your right to the amount that exceeds \$7500.00, or you can bring your claim in a different court (County Court Civil or District Court Civil). You may be able to recover your filing fee, service of process fee and interest.

- **Small Claims Court** can only handle certain kinds of claims. These are simple cases to recover money or property, perform a contract, set aside a contract, or comply with restrictive covenants.
- **Small Claims** cases are heard before a Magistrate or Judge. **Jury Trials are not allowed.**
- **Small Claims** cases must be filed in the county in which at the time of filing, any of the defendants live, or regularly work, or have an office to transact business, or are students at an institution of higher education (college).

In a case filed to enforce restrictive covenants or coming from a security deposit dispute, the case can be filed in the county in which the real property is located or in any of the areas stated in the previous paragraph.

- **No more than two Small Claims** cases can be filed in a county during a month or more than **18 cases** in a county during a calendar year.

Is there statute of limitations in Small Claims?

Yes. The Statutes of Limitations are:

One year: Cases involving motor vehicle repair, actions such as those based on assault or battery, or triple damages on security deposits.

Two years: Bad check cases in which triple damages are being sought, any type of action against health care providers, hospitals, pharmacies, dentists, optometrists and veterinarians.

Three years: Actions involving bodily injury or property damage as the result of a motor vehicle accident, contract cases, and those alleging fraud or misrepresentation.

Six years: Actions to recover bad debts, unpaid loans, or bad checks where triple damages are not sought.

How do I file a Small Claims case?

To file a Small Claims Case you will need a form called a "Notice, Claim and Summons to Appear for Trial" (also known as a complaint), JDF 250. You can get this from the courthouse, or visit the Judicial Branch website at: www.courts.state.co.us (click on Self Help/Forms then Small Claims to find and download the form).

The person filing the complaint is the **Plaintiff**; and the person being sued is the **Defendant**. If the defendant is a business, you will need to find the registered agent of the business for service of the "Notice, Claim and Summons".

You can find this information out by calling the Colorado Secretary of State at 1-855-428-3555 (toll free) or find the information online at: www.sos.state.co.us.

The Plaintiff must file the complaint in the clerk's office along with a filing fee.

What courses of action can the defendant take?

After the defendant receives the "Notice, Claim, and Summons to Appear", a response can be filed with the Court. The defendant must file a response on or before the scheduled trial date or risk entry of a default judgment.

The response is the Defendant's opportunity to describe the facts that show why the Defendant agrees or disagrees with the Plaintiff's claim. There are two courses of actions that can be taken:

Response without Counterclaim:

This is a written response to the claim made by the Plaintiff stating why you agree or disagree with their claim.

Response with Counterclaim:

This is a written response that includes a claim by the Defendant against the Plaintiff.

There is a filing fee to file a Response or a Response with Counterclaim.