

AGENDA

COLORADO SUPREME COURT COMMITTEE ON THE RULES OF CIVIL PROCEDURE

Friday, January 28, 2022, 1:30 p.m.
Via WebEx

- I. Call to order
- II. Approval of November 12, 2021, minutes [Pages 1 to 4]
- III. Announcements from the Chair
 - A. General
 - B. Rule Changes 2022(01), 2022(02), and 2022(03) [Pages 5 to 97]
- IV. Present Business
 - A. Committee Records Policy—(Judge Jones)
 - B. C.R.C.P. 6—Amendment to Reflect Recognition of Juneteenth as a State Holiday—(John Lebsack) [Pages 98 to 99]
 - C. Proposed Amendments in FED Actions—(Judge Espinosa) [Pages 100 to 106]
 - D. The Professionals and Legal Services Group and Potential Rule Changes Arising Out of Its Work—(Judge Espinosa, Angie Arkin, and Jessica Yates) [Pages 107 to 122]
 - E. C.R.C.P. 15(a)—Possible Amendments in View of DIA Brewing Co., LLC v. MCE-DIA, LLC, 2021 COA 4—(John Lebsack) [Page 123]
 - F. Status of Proposed Changes to Rules 5(g) and 305(g) (Dave DeMuro and Mandy Allen) [Pages 124 to 128]
 - G. C.R.C.P. 16.2—Simplified Process for Dissolution of Marriage in Low-Income/Low-Conflict Situations—(Judge Brody)
 - H. C.R.C.P. 30(b)(7)—Virtual Oaths—(Lee Sternal) [Page 129]
 - I. Crim. P. 55.1—Public Access to Court Records—(Judge Jones)
 - J. C.R.C.P. 4(m)—(Judge Jones)

V. Adjourn—**Next meeting is April 8, 2022 at 1:30 pm.**

Jerry N. Jones, Chair
jerry.jones@judicial.state.co.us
720-625-5335

**Colorado Supreme Court Advisory Committee on the Rules of Civil Procedure
November 12, 2021 Minutes**

A quorum being present, the Colorado Supreme Court Advisory Committee on the Rules of Civil Procedure was called to order by Chair Judge Michael Berger at 1:30 p.m. in the Supreme Court Conference Room. Members present at the meeting were:

Name	Present	Not Present
Judge Michael Berger, Chair	X	
Mandy Allen	X	
Chief Judge Steven Bernard		X
Judge Karen Brody		X
Miko Ando Brown		X
Chief Judge (Ret.) Janice Davidson	X	
Damon Davis		X
David R. DeMuro	X	
Judge Paul R. Dunkelman	X	
Judge Stephanie Dunn	X	
Judge J. Eric Elliff	X	
Judge Adam Espinosa	X	
Peter Goldstein		X
Lisa Hamilton-Fieldman	X	
Michael J. Hofmann	X	
Richard P. Holme	X	
Judge Jerry N. Jones	X	
Judge Thomas K. Kane	X	
John Lebsack	X	
Bradley A. Levin	X	
Professor Christopher B. Mueller	X	
Brent Owen	X	
John Palmeri	X	
Judge (Ret.) Sabino Romano	X	
Genevieve Rotella	X	
Judge Stephanie Scoville	X	
Lee N. Sternal		X
Magistrate Marianne Tims	X	
Jose L. Vasquez	X	
Judge Juan G. Villaseñor		X
Ben Vinci	X	
Judge (Ret.) John R. Webb		X
J. Gregory Whitehair	X	
Judge Christopher Zenisek	X	

Name	Present	Not Present
Non-voting Participants		
Justice Richard Gabriel, Liaison	X	
Jeremy Botkins		X

I. Attachments & Handouts

- November 12, 2021, agenda packet.

II. Announcements from the Chair

- The September 24, 2021, minutes were approved as submitted.
- Chair Judge Berger announced that the Colorado Supreme Court has appointed Court of Appeals Judge Jerry Jones as Chair beginning January 1, 2022.
- Justice Gabriel and Judge Berger thanked Dick Holme for his service to the Committee and the legal community over the years. Mr. Holme will be retiring from the Committee after 27 years.
- Justice Gabriel then acknowledged Judge Berger for serving as Chair with great distinction.

III. Present Business

A. Committee Records Policy

Judge Berger shared that the Colorado Supreme Court has requested that all rules committees draft policies for preserving documents. Judge Berger would like to set up a subcommittee to explore this and interested members should email Chair Designate Judge Jones. Justice Gabriel noted that this arose because a chair left a different rules committee and had many banker’s boxes of things to be managed, which caused the court to reflect on where this information goes and who oversees it.

B. Letter from SB21-173 Sponsors to Committee Re: Court Summons and Answer Deadline

Judge Berger reminded the Committee that the FED Subcommittee toiled on this project for a significant amount of time under short timelines despite the apparent inconsistencies in the relevant statutes. In early October, the Committee submitted its recommendations to the court, and the court then adopted the submitted proposals. After the court announced the approval of those amendments, a number of comments were received. Somewhat unusually, a group of Colorado legislators wrote a letter to the Justices. Judge Berger is reconstituting the Subcommittee and has added additional subject matter experts. The Subcommittee will consider the comments received and determine whether to recommend any further changes.

Judge Berger noted that this is very important work, and the goal is to make it as easy as possible to navigate working within the parameters that the legislators provided. Justice Gabriel noted the court’s thanks for all the hard work of this Committee and Subcommittee. He also said that the court would have had a formal public hearing on these rules had there been time. Instead, the court chose to act quickly to protect the rights of the people involved. Justice Gabriel said that the court takes these concerns

seriously and will amend what needs amending.

C. Colorado Rules for Magistrates

Subcommittee Chair Magistrate Tims presented a new draft of the proposed rules. The Subcommittee was sent back to the drawing board on Rule 7 to consider whether there should be something akin to an interlocutory appeal to the district court and whether an issue can be raised for the first time to the Court of Appeals if it was not raised in a petition for judicial review.

Subcommittee Chair Magistrate Tims noted that the proposed language tries to balance how to move a case through the process without denying people their rights, and further stated that the Subcommittee was not trying to broaden the rule. One member noted that the challenge here is that these rules are governing all types of issues. Some members noted that the proposal adds layers of procedure and may create a new set of litigable issues. Judge Berger said that the threshold issue is vital here and must be resolved before any specific language is proposed.

Judge Berger took a straw vote to see who wants to retain the basic structure of magistrate review. The Committee voted 11 to 10 to leave the review structure alone. There was then a motion and second taken to table the issue, which failed by a vote of 11 to 10, since a two-thirds majority is required.

The Committee then turned to why the review began in the first place. Justice Gabriel noted the goal of relieving confusion of litigants, and Chair Judge Berger stated that 75 new magistrates were added last year.

The following motion was made and seconded: proceed with a revision of Rule 7 that gets rid of the consent and non-consent, follows the general structure of what the Subcommittee has proposed, but defines much more precisely, by example, orders subject to review by district court; but in any event, requires that all claims remain subject to review by the Court of Appeals. The motion included deleting the language in (l), (m), and a parallel change in subpart (a). This motion passed 15 to 4.

Magistrate Tims will take this back to the Subcommittee for consideration.

D. C.R.C.P. 30(b)(6)

Subcommittee Chair Judge Stephanie Scoville noted that the Committee asked for changes to this rule in the wake of a federal rule change. The Subcommittee looked at a host of issues and is today proposing several changes. The Committee voted unanimously to approve the initial recommendations to clarify language and incorporate language from the federal rule and rules of other states. Next, the Subcommittee presented proposed language on the conferral obligation. The Committee voted unanimously to include that portion. The next proposal clarifies the permitted length of 30(b)(6) depositions. The Committee voted to approve this portion, with only one no vote. Finally, the Subcommittee proposed a comment specifying reciprocal duties. Judge Berger noted that the word “proportional” is used but has a meaning different from that in other rules. As a result, “reasonable in relation to” was substituted for

“proportional” in the comment. The Committee voted unanimously to approve the addition of this comment.

Because the Subcommittee looked at many issues, a member noted the idea to include this on the next agenda to follow up with any concerns members may have.

E. C.R.C.P. 15(a)

Passed over.

F. C.R.C.P. 16.2

Passed over.

G. C.R.C.P. 30(b)(7)

Passed over.

H. Crim. P. 55.1

Passed over.

I. C.R.C.P. 4(m)

Passed over.

Future Meetings

January 28, 2022; April 8, 2022; June 24, 2022; September 23, 2022; and November 4, 2022

The Committee adjourned at 3:45 p.m.

RULE CHANGE 2022(01)
COLORADO RULES OF CIVIL PROCEDURE
Rules 16, 16.1, 30, and 45
Forms 26, 29, 32, 33, 47, 250, 601, and 603

Rule 16. Case Management and Trial Management

(a) – (b)(5) [NO CHANGE]

(6) Evaluation of Proportionality Factors. The proposed order shall provide a brief **assessment statement** of each party's position on the application of any factors to be considered in determining proportionality, including those factors identified in C.R.C.P. 26(b)(1). Each party that filed a certification of value pursuant to C.R.C.P. 16.1(d) must include in the proposed order a description of the categories of damages sought and a computation of any category of economic damages claimed.

(7) - (d)(2) [NO CHANGE]

(3) If the case is proceeding under C.R.C.P. 16 because of a certification of value filed pursuant to C.R.C.P. 16.1(d), the court has discretion to strike the certification for good cause.

(4) If all parties are represented by counsel, counsel may timely submit a proposed order and may jointly request the court to dispense with a case management conference. In the event that there appear to be no unusual issues, that counsel appear to be working together collegially, and that the information on the proposed order appears to be consistent with the best interests of all parties and is proportionate to the needs of the case, the court may dispense with the case management conference.

(e) – end [NO CHANGE]

COMMENTS [NO CHANGE]

Rule 16.1. Simplified Procedure for Civil Actions

(a) [NO CHANGE]

(b) **Actions Subject to Simplified Procedure.** Simplified Procedure applies to all civil actions other than:

(1) [NO CHANGE]

(2) civil actions in which any one party seeks monetary judgment from any other party of more than \$100,000, exclusive of ~~reasonable allowable attorney fees,~~ interest and costs, ~~as shown by a statement on the Civil Cover Sheet by the party's attorney or, if unrepresented, by the party, that "In compliance with C.R.C.P. 11, based upon information reasonably available to me at this time, I certify that the value of this party's claims against one of the other parties is reasonably believed to exceed \$100,000."~~

(c) [NO CHANGE]

(d) ~~**Motion for Exclusion from Simplified Procedure.** Simplified Procedure shall apply unless;~~ ~~no later than 42 days after the case is at issue as defined in C.R.C.P. 16(b)(1), any party files a motion, signed by both the party and its counsel, if any, establishing good cause to exclude the case from the application of Simplified Procedure.~~

(1) The Civil Cover Sheet includes a certification, signed by both the plaintiff and its counsel, if any, that "In compliance with C.R.C.P. 11, based upon information reasonably available to me at this time, I certify that the value of this party's claims against one of the other parties is reasonably believed to exceed \$100,000."; or

(2) No later than 42 days after the case is at issue as defined in C.R.C.P. 16(b)(1), any other party files a certification, signed by both the party and its counsel, if any, Good cause shall be established and the motion shall be granted if a defending party files a statement by its attorney or, if unrepresented, by the party, that "In compliance with C.R.C.P. 11, based upon information reasonably available to me at this time, I certify that the value of this party's claims against one of the other parties is reasonably believed to exceed \$100,000"; or

(3) The trial court, in its discretion, may determine other good cause for exclusion, considering factors such as the complexity of the case, the importance of the issues at stake, the parties' relative access to relevant information, the parties' resources, the importance of discovery in resolving the issues, and whether the burden or expense of proposed discovery outweighs its likely benefit.

(e) – (l) [NO CHANGE]

COMMENTS [NO CHANGE]

Rule 30. Depositions Upon Oral Examination

(a) [NO CHANGE]

(b) Notice of Examination: General Requirements; Method of Recording; Production of Documents and Things; Deposition of Organization; Deposition by Telephone.

(1) - (5) [NO CHANGE]

(6) A party may in ~~his~~its notice ~~or subpoena~~ name as the deponent a public or private corporation, ~~or a~~ partnership, ~~or~~ association, ~~or~~ governmental agency, or other entity and designate with reasonable particularity the matters on which examination is requested. The named organization ~~so named~~ shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which ~~he~~the person will testify. Before a notice is served, or promptly after a subpoena is served, the serving party and the organization shall confer in good faith about the matters for examination. A subpoena shall advise a nonparty organization of its duty to confer with the serving party and to designate each person who will testify. The persons so designated shall testify as to matters known or reasonably available to the organization. This subsection (b)(6) does not preclude taking a deposition by any other procedure authorized in these rules. The duration of a deposition under this subsection (b)(6), regardless of the number of persons designated, is governed by Rule 30(d)(2)(A).

(7) [NO CHANGE]

(c) - (g) [NO CHANGE]

COMMENTS

1995 - 2015 [NO CHANGE]

2022

Rule 30(b)(6) depositions differ from ordinary depositions and impose additional obligations on both the party taking the deposition and the organization being deposed. First, the serving party must provide advance notice of topics that are sufficiently detailed and reasonable in relation to the time for the deposition such that the organization may fairly prepare a representative(s) to testify. Second, the serving party and the organization must engage in substantive conferral on matters to be covered in the examination. Third, the organization has an obligation to identify and adequately prepare its witness(es) to testify on the specified topics.

Rule 45. Subpoena

(a) - (d) [NO CHANGE]

(e) **Subpoena for Deposition; ~~Place of Examination.~~**

(1) Residents of This State. A resident of this state may be required by subpoena to attend an examination upon deposition only in the county wherein the witness resides or is employed or transacts his business in person, or at such other convenient place as is fixed by an order of court.

(2) Nonresidents of This State. A nonresident of this state may be required by subpoena to attend only within forty miles from the place of service of the subpoena in the state of Colorado or in the county wherein the nonresident resides or is employed or transacts business in person or at such other convenient place as is fixed by an order of court.

(3) Subpoena for deposition of an organization. A subpoena commanding a public or private corporation, partnership, association, governmental agency, or other entity to attend and testify at a deposition is subject to the requirements of Rule 30(b)(6). Responses to such subpoenas are also subject to Rule 30(b)(6).

(f) [NO CHANGE]

COMMENTS [NO CHANGE]

Rule 16. Case Management and Trial Management

(a) – (b)(5) [NO CHANGE]

(6) Evaluation of Proportionality Factors. The proposed order shall provide a brief statement of each party's position on the application of any factors to be considered in determining proportionality, including those factors identified in C.R.C.P. 26(b)(1). Each party that filed a certification of value pursuant to C.R.C.P. 16.1(d) must include in the proposed order a description of the categories of damages sought and a computation of any category of economic damages claimed.

(7) - (d)(2) [NO CHANGE]

(3) If the case is proceeding under C.R.C.P. 16 because of a certification of value filed pursuant to C.R.C.P. 16.1(d), the court has discretion to strike the certification for good cause.

(4) If all parties are represented by counsel, counsel may timely submit a proposed order and may jointly request the court to dispense with a case management conference. In the event that there appear to be no unusual issues, that counsel appear to be working together collegially, and that the information on the proposed order appears to be consistent with the best interests of all parties and is proportionate to the needs of the case, the court may dispense with the case management conference.

(e) – end [NO CHANGE]

COMMENTS [NO CHANGE]

Rule 16.1. Simplified Procedure for Civil Actions

(a) [NO CHANGE]

(b) Actions Subject to Simplified Procedure. Simplified Procedure applies to all civil actions other than:

(1) [NO CHANGE]

(2) civil actions in which any one party seeks monetary judgment from any other party of more than \$100,000, exclusive of interest and costs.

(c) [NO CHANGE]

(d) Exclusion from Simplified Procedure. Simplified Procedure shall apply unless:

(1) The Civil Cover Sheet includes a certification, signed by both the plaintiff and its counsel, if any, that “In compliance with C.R.C.P. 11, based upon information reasonably available to me at this time, I certify that the value of this party’s claims against one of the other parties is reasonably believed to exceed \$100,000.”; or

(2) No later than 42 days after the case is at issue as defined in C.R.C.P. 16(b)(1), any other party files a certification, signed by both the party and its counsel, if any, that “In compliance with C.R.C.P. 11, based upon information reasonably available to me at this time, I certify that the value of this party’s claims against one of the other parties is reasonably believed to exceed \$100,000”; or

(3) The trial court, in its discretion, may determine other good cause for exclusion, considering factors such as the complexity of the case, the importance of the issues at stake, the parties’ relative access to relevant information, the parties’ resources, the importance of discovery in resolving the issues, and whether the burden or expense of proposed discovery outweighs its likely benefit.

(e) – (l) [NO CHANGE]

COMMENTS [NO CHANGE]

Rule 30. Depositions Upon Oral Examination

(a) [NO CHANGE]

(b) Notice of Examination: General Requirements; Method of Recording; Production of Documents and Things; Deposition of Organization; Deposition by Telephone.

(1) - (5) [NO CHANGE]

(6) A party may in its notice or subpoena name as the deponent a public or private corporation, partnership, association, governmental agency, or other entity and designate with reasonable particularity the matters on which examination is requested. The named organization shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Before a notice is served, or promptly after a subpoena is served, the serving party and the organization shall confer in good faith about the matters for examination. A subpoena shall advise a nonparty organization of its duty to confer with the serving party and to designate each person who will testify. The persons so designated shall testify as to matters known or reasonably available to the organization. This subsection (b)(6) does not preclude taking a deposition by any other procedure authorized in these rules. The duration of a deposition under this subsection (b)(6), regardless of the number of persons designated, is governed by Rule 30(d)(2)(A).

(7) [NO CHANGE]

(c) - (g) [NO CHANGE]

COMMENTS

1995 - 2015 [NO CHANGE]

2022

Rule 30(b)(6) depositions differ from ordinary depositions and impose additional obligations on both the party taking the deposition and the organization being deposed. First, the serving party must provide advance notice of topics that are sufficiently detailed and reasonable in relation to the time for the deposition such that the organization may fairly prepare a representative(s) to testify. Second, the serving party and the organization must engage in substantive conferral on matters to be covered in the examination. Third, the organization has an obligation to identify and adequately prepare its witness(es) to testify on the specified topics.

Rule 45. Subpoena

(a) - (d) [NO CHANGE]

(e) Subpoena for Deposition.

(1) Residents of This State. A resident of this state may be required by subpoena to attend an examination upon deposition only in the county wherein the witness resides or is employed or transacts his business in person, or at such other convenient place as is fixed by an order of court.

(2) Nonresidents of This State. A nonresident of this state may be required by subpoena to attend only within forty miles from the place of service of the subpoena in the state of Colorado or in the county wherein the nonresident resides or is employed or transacts business in person or at such other convenient place as is fixed by an order of court.

(3) Subpoena for deposition of an organization. A subpoena commanding a public or private corporation, partnership, association, governmental agency, or other entity to attend and testify at a deposition is subject to the requirements of Rule 30(b)(6). Responses to such subpoenas are also subject to Rule 30(b)(6).

(f) [NO CHANGE]

COMMENTS [NO CHANGE]

<input type="checkbox"/> County Court <input type="checkbox"/> District Court _____ County, Colorado Court Address: <hr/> Plaintiff(s)/Petitioner(s): v. Defendant(s)/Respondent(s):	▲ Court Use Only ▲
Judgment Creditor's Attorney or Judgment Creditor (Name and Address): Phone Number: E-mail: FAX Number: Atty. Reg. #:	Case Number: Division Courtroom
<h2 style="margin: 0;">Writ of Continuing Garnishment</h2>	

Read This Whole Document

~~This writ is in compliance with the requirements of 24-33.5-704.3 and 13-54-102, C.R.S. to initiate or maintain a new extraordinary collection action. Certain provisions of these statutes expire on June 1, 2021.~~

Judgment Debtor's name, last known physical and mailing addresses or a statement that Judgment Debtor's physical and mailing addresses are not known, and other identifying information: _____

1. Original or Revived Amount of Judgment Entered on _____ (date) for \$ _____
 - a. Effective Garnishment Period
 - 91 days (Judgment entered prior to August 8, 2001)
 - 182 days (Judgment entered on or after August 8, 2001)
2. Plus any Interest Due on Judgment (currently _____ % per annum) \$ _____
3. Taxable Costs (including estimated cost of service of this Writ) \$ _____
4. Less any Amount Paid \$ _____
5. Principal Balance/Total Amount Due and Owing \$ _____

I affirm under penalty of perjury that I am authorized to act for the Judgment Creditor and this is a correct statement as of _____ (date).

By checking this box, I am acknowledging I am filling in the blanks and not changing anything else on the form.

By checking this box, I am acknowledging that I have made a change to the original content of this form.

Print Judgment Creditor's Name

Address: _____

By: _____
Signature (Type Name, Title, Address and Phone)

Writ of Continuing Garnishment

THE PEOPLE OF THE STATE OF COLORADO to the Sheriff of any Colorado County or to any person 18 years or older and who is not a party to this action:

You are directed to serve **Two Copies** of this Writ of Continuing Garnishment upon _____, Garnishee, with proper return of service to be made to the Court.

To The Garnishee: You Are Summoned as Garnishee in This Action and Ordered:

- a. To answer the following questions under oath and file your answers with the Clerk of Court AND mail a completed copy with your answers to the Judgment Creditor or attorney no later than 7 days after you have been served with this writ. **Your failure to answer this writ of continuing garnishment may result in the entry of a default against you.**
- b. To pay any nonexempt earnings to the party designated in "e" below no less than 7 nor more than 14 days following each time you pay the Judgment Debtor during the effective Garnishment Period of this Writ and attach a copy of the Calculation of the Amount of Exempt Earnings used (the Calculation under "Questions to be Answered by Garnishee" should be used for the first pay period, and one of the multiple Calculation forms included with this Writ should be used for all subsequent pay periods).
- c. To deliver a copy of this Writ, together with the Calculation of the Amount of Exempt Earnings, and a blank Objection to Calculation of the Amount of Exempt Earnings form, and an Explanation Of Wage Garnishment In Colorado to Judgment Debtor on the same day the copy of this Writ and Calculation of the Amount of Exempt Earnings are sent to Judgment Creditor.
- d. To deliver to the Judgment Debtor a copy of each subsequent Calculation of the Amount of Exempt Earnings each time you pay the Judgment Debtor for earnings subject to this Writ.
- e. **Make Checks Payable and Mail To:** Judgment Creditor named above (only if the Judgment Creditor is a licensed collection agency pursuant to 5-16-101, et. seq., C.R.S.); Judgment Creditor's Attorney (if applicable); or to the Clerk of the County Court or District Court in _____ (city), Colorado (Must select if the Judgment Creditor is not represented by an attorney AND is not a licensed collection agency pursuant to 5-16-101, et. seq., C.R.S.)

Name: _____

Address: _____

Please - put the case number (shown above) on the front of the check.

CLERK OF THE COURT

By Deputy Clerk: _____

Date: _____

Notice to Garnishee

- a. This Writ applies to all nonexempt earnings owed or owing during the Effective Garnishment Period shown on Line 1a on the front of this Writ or until you have paid to the party, designated in paragraph "e" on the front of this Writ, the amount shown on Line 5 on the front of this Writ, whichever occurs first. **However, if you have already been served with a Writ of Continuing Garnishment for Child Support, this new Writ is effective for the Effective Garnishment Period after any prior Writ terminates.**
- b. **"Earnings" includes all forms of compensation for Personal Services.** Also read "Notice to Judgment Debtor" below.
- c. In no case may you withhold any amount greater than the amount on Line 5 on the front of this Writ.
- d. **If you determine that the judgment debtor is your employee and the Writ of Continuing Garnishment contains all required information, you are required to send the judgment debtor this Writ of Continuing Garnishment and the document attached to it titled "EXPLANATION OF WAGE GARNISHMENT IN COLORADO" on the same day that you send your answer to this Writ of Continuing Garnishment to the judgment creditor.**

Questions to be Answered by Garnishee

Judgment Debtor's Name: _____ **Case Number:** _____

The following questions MUST be answered by you under oath:

- a. Is the Judgment Debtor your employee?
1. Yes
 2. No
- b. Does the Writ of Continuing Garnishment contain: the name of the Judgment Debtor, the last-known physical and mailing addresses of the Judgment Debtor or a statement that the information is not known, the amount of the Judgment, information sufficient to identify the judgment on which the continuing garnishment is based, an Explanation of Wage Garnishment in Colorado?
1. Yes
 2. No
- c. On the date and time this Writ of Continuing Garnishment was served upon you, did you owe or do you anticipate owing any of the following to the Judgment Debtor within the Effective Garnishment Period shown on Line 1a on the front of this Writ? (Mark appropriate box(es)):
1. WAGES/SALARY/COMMISSIONS/BONUS/OTHER COMPENSATION FOR PERSONAL SERVICES NOT INCLUDING TIPS (Earnings)
 2. Health, Accident or Disability Insurance Funds or Payments
 3. Pension or Retirement Benefits (for suits commenced prior to 5/1/91 ONLY - check front of Writ for date)
 4. Health insurance coverage provided by you and withheld from the individual's earnings

If you marked any box above, indicate how the Judgment debtor is paid: weekly bi-weekly semi-monthly monthly other

The Judgment Debtor will be paid on the following dates during the Effective Garnishment Period shown on Line1a (front of this Writ), starting at least twenty-one days after you were served with this Writ of Garnishment: _____

- d. Are the Judgment Debtor's earnings subject to deductions other than withholding for local, state, and federal income taxes and pursuant to the "Federal Insurance Contributions Act", 26 U.S.C. sec. 3101 et seq., as amended? If so mark the appropriate boxes and list the nature, number, and amounts of these deductions and the relative priority of this Writ of Garnishment (Mark appropriate box(es)):
5. Writ of Garnishment for Support (Expected Termination Date: _____)
 6. Writ of Continuing Garnishment (Expected Termination Date: _____)
 7. Any additional deductions (Expected Termination Date: _____)
- e. If in paragraph c. above you marked Box 1 and you did NOT mark either Box 5, 6, or 7, complete the Calculation below for each pay period following receipt of this Writ. If you marked either Box 4 or 5, you must complete Calculations beginning with the first pay period following termination of the prior writ(s).
- f. If in paragraph c. above you marked Box 2, 3, or 4 and you did NOT mark either Box 5, 6, or 7, complete the Calculation below for each pay period following receipt of this Writ. If you marked either box 5, 6, or 7, you must complete Calculations beginning with the first pay period following termination of the prior writ(s) that is at least twenty-one days after service of this writ on you. However, there are a number of total exemptions, and you should seek legal advice about such exemptions. **If the earnings are totally exempt, please mark box 8 below:**
8. The earnings are totally exempt because: _____

Calculation of The Amount of Exempt Earnings (Each Pay Period)

Gross Earnings for the pay period from _____ thru _____ \$ _____

Less Deductions Required by Law (For Example, Withholding Taxes, FICA, Costs for Employer-Provided Health Insurance Withheld From Earnings) - \$ _____

Disposable Earnings (Gross Earnings less Deductions) = \$ _____

Less Statutory Exemption (Use Exemption Chart Below) - \$ _____

Net Amount Subject to Garnishment = \$ _____

Less Wage/Income Assignment(s) During Pay Period (If Any) - \$ _____

Amount to be withheld and paid = \$ _____

EXEMPTION CHART (“Minimum Hourly Wage” means state or federal minimum wage, whichever is greater.)	PAY PERIOD	AMOUNT EXEMPT IS THE GREATER OF:
	Weekly	40 x Minimum Hourly Wage or 80% of Disposable Earnings
	Bi-weekly	80 x Minimum Hourly Wage or 80% of Disposable Earnings
	Semi-monthly	86.67 x Minimum Hourly Wage or 80% of Disposable Earnings
	Monthly	173.3 x Minimum Hourly Wage or 80% of Disposable Earnings

I certify that I am authorized to act for the Garnishee; that the above answers are true and correct; and that I have delivered a copy of this Writ, together with the Calculation of the Amount of Exempt Earnings, a blank Objection to Calculation of the Amount of Exempt Earnings form, and an EXPLANATION OF WAGE GARNISHMENT IN COLORADO form to the Judgment Debtor.

Name of Garnishee (Print) _____
 Address _____
 Phone Number _____

 Name of Person Answering (Print)

 Signature of Person Answering

Explanation of Wage Garnishment in Colorado

Notice of garnishment to judgment debtor.
 Money will be taken from your pay if you fail to act.

1. Why am I getting this notice?

You are getting this notice because a court has ruled that you owe the judgment creditor, who is called “Creditor” in this notice, money. Creditor has started a legal process called a “garnishment”. The process requires that money be taken from your pay and given to Creditor to pay what you owe. The person who pays you does not keep the money.

Creditor filled out this form. The law requires the person who pays you to give you this notice. Creditor may not be the person or company to which you originally owed money. You may request that Creditor provide the name and address of the person or company to which you originally owed money. If you want this information, you must write Creditor or Creditor’s lawyer at the address at the very beginning of this form. You must do this within 14 days after receiving this notice. Creditor will send you this information at the address you give Creditor. Creditor must send you this information within 7 days after receiving your request. Knowing the name of the original creditor might help you understand why the money will be taken from your pay.

2. How much do I owe?

The amount the court has ruled that you currently owe is listed at the top of the writ of garnishment. The amount could go up if there are more court costs or additional interest. The interest rate on the amount you owe is listed at the top of the Writ of Garnishment. The amount could also go down if you make payments to Creditor.

3. How will the amount I owe be paid?

The person who pays you will start taking money from your paycheck on the first payday that is at least 14 days after the day the person who pays you sends you this notice. Money will continue to be taken from your pay for

up to 6 months. If the debt is not paid off or not likely to be paid off by that time, Creditor may serve another garnishment.

The rules about how much of your pay can be taken are explained in the notice of Colorado Rules About Garnishment that you received with this notice. This notice also contains an estimate of how much of your pay will likely be withheld each paycheck.

At any time, you can get a report that shows how the amount taken from your pay was calculated. To receive this report, you must write or e-mail the person who pays you.

4. Do I have options?

Yes, you have several options, here are three of them:

- A. You can talk with a lawyer: A lawyer can explain the situations to you and help you decide what to do. The self-help desk of the court where the garnishment action is pending can provide you help with resources to find a lawyer.
- B. You can contact Creditor: If you can work something out with Creditor, money might not have to be taken from your pay. The Creditor's contact information is on the first page of the writ of garnishment.
- C. You can request a court hearing: A hearing could be helpful if there are disagreements about the garnishment, the amount the court has ruled that you owe, whether the amount of money being withheld from your paycheck is correct, or whether the amount being withheld should be reduced to help you support your family and yourself. If you disagree with the estimate of the amount of money that will be withheld from your paycheck, you must attempt to work this out with the person who pays you before going to court. You must do this within 7 days after receiving this notice. If you cannot work it out with the person who pays you, you may seek a hearing in court. If you want a court hearing, you must request one. If you think that you need more money to support your family and yourself, you may seek a court hearing without consulting the person who pays you. For help requesting a hearing, contact the self-help desk of the court where the garnishment action is pending.

5. What if I don't do anything?

If you don't do anything, the law requires that money be taken out of your paycheck beginning with the first payday that is at least 14 days after the day the person who pays you sends you this notice. The money will be given to Creditor. This process will continue for 6 months unless your debt is paid off before that.

6. How does garnishment work in Colorado?

Only a portion of your pay can be garnished. The amount that can be withheld from your pay depends on something called "disposable earnings". Your disposable earnings are what is left after deductions from your gross pay for taxes and certain health insurance costs. Your paycheck stub should tell what your disposable earnings are.

The amount of your disposable earnings that can be garnished is determined by comparing two numbers: (1) 20% of your disposable earnings and (2) the amount by which your disposable earnings exceed 40 times the minimum wage. The smaller of these two amounts will be deducted from your pay.

If you think that your earnings after garnishment are not enough to support yourself and any members of your family that you support, you can try to have the amount of your disposable earnings that are garnished further reduced. This is discussed earlier in this notice under **4. Do I have options?**

Your employer cannot fire you because your earnings have been garnished. If your employer does this in violation of your legal rights, you may file a lawsuit within 91 days of your firing to recover wages you lost because you were fired. You can also seek to be reinstated to your job. If you are successful with this lawsuit, you cannot recover more than 6 weeks wages and attorney fees.

Based on your most recent paycheck, the person who pays you estimates that \$ _____ will be withheld from each paycheck that is subject to garnishment.

Writ of Garnishment with Notice of Exemption and Pending Levy

THE PEOPLE OF THE STATE OF COLORADO to the Sheriff of any Colorado County, or to any person 18 years or older and who is not a party to this action:

You are directed to serve a copy of this Writ of Garnishment upon _____, Garnishee, with proper return of service to be made to the Court.

To The Garnishee:

You are hereby summoned as garnishee in this action and ordered:

- a. To answer the following questions under oath and file your answers with the Clerk of the Court (AND to mail a completed copy with your answers to the Judgment Creditor or attorney when a stamped envelope is attached) within 14 days following service of this Writ upon you.

Your failure to answer this writ with notice may result in the entry of a default against you.

- b. To hold pending court order the personal property of any kind (other than earnings of a natural person) in your possession or control, including the debts, credits, choses in action or money owed to the Judgment Debtor whether they are due at the time of the service of the writ or are to become due thereafter.

You Are Notified:

- a. This Writ with Notice applies to all personal property (other than earnings) owed to or owned by the Judgment Debtor and in your possession or control as of the date and time this Writ was served upon you.
- b. In no case may you withhold any personal property greater than the amount on Line 5 on the front of this Writ unless the personal property is incapable of being divided.
- c. After you file your answers to the following questions, and after receiving a separate notice or order from the court, **make checks payable** and mail to: the Judgment Creditor named above (May select only if the Judgment Creditor is a licensed collection agency pursuant to 5-16-101, et. seq., C.R.S.); the Judgment Creditor's Attorney (if applicable); or to the Clerk of the County Court or District Court in _____ (city), Colorado (Must select if the Judgment Creditor is not represented by an attorney AND is not a licensed collection agency pursuant to 5-16-101, et. seq., C.R.S.) at the address below:

Name: _____

Address: _____

Please Put the Case Number (Above) on the Front of the Check.

CLERK OF THE COURT

By Deputy Clerk: _____

Date: _____

Questions to be Answered by Garnishee

Judgment Debtor's Name: _____ **Case Number:** _____

The following questions MUST be answered by you under oath:

- a. On the date and time this Writ was served upon you, did you possess or control any personal property of the Judgment Debtor or did you owe any rents, payments, obligations, debts or moneys other than earnings to the Judgment Debtor?

YES NO

- b. If YES, list all items of personal property and their location(s) and/or describe the nature and amount of the debt or obligation: (Attach additional pages if necessary): _____

- c. Do you claim any setoff against any property, debt or obligation listed above? YES NO

- d. If you answered YES to question c, describe the nature and amount of the setoff claimed: (Attach additional pages if necessary): _____

Verification

I declare under penalty of perjury under the law of Colorado that I am authorized to act for the Garnishee and the foregoing is true and correct.

Name of Garnishee (Print) _____

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

(Printed name of Person Answering)

Signature of Person Answering

Notice to Judgment Debtor of Exemption and Pending Levy

This Writ with Notice is a Court order which may cause your property or money to be held and taken to pay a judgment entered against you. You have legal rights which may prevent all or part of your money or property from being taken. That part of the money or property which may not be taken is called "exempt property". A partial list of "exempt property" is shown below, along with the law which may make all or part of your money or property exempt. The purpose of this notice is to tell you about these rights.

Partial List of Exempt Property

1. All or part of your property listed in Sections 13-54-101 and 102, C.R.S., including clothing, jewelry, books, burial sites, household goods, food and fuel, farm animals, seed, tools, equipment and implements, military allowances, stock-in-trade and certain items used in your occupation, bicycles, motor vehicles (greater for disabled persons), life insurance, income tax refunds, attributed to an earned income tax credit or child tax credit, money received because of loss of property or for personal injury, equipment that you need because of your health, or money received because you were a victim of a crime.
2. All or part of your earnings under Section 13-54-104, C.R.S.
3. Worker's compensation benefits under Section 8-42-124, C.R.S.
4. Unemployment compensation benefits under Section 8-80-103, C.R.S.
5. Group life insurance benefits under Section 10-7-205, C.R.S.
6. Health insurance benefits under Section 10-16-212, C.R.S.
7. Fraternal society benefits under Section 10-14-403, C.R.S.
8. Family allowances under Section 15-11-404, C.R.S.
9. Teachers' retirement fund benefits under Section 22-64-120, C.R.S.
10. Public employees' retirement benefits (PERA) under Sections 24-51-212 and 24-54-111, C.R.S.
11. Social security benefits (OASDI, SSI) under 42 U.S.C. §407.
12. Railroad employee retirement benefits under 45 U.S.C. §231m.
13. Public assistance benefits (OAP, AFDC, TANF, AND, AB, LEAP) under Section 26-2-131, C.R.S.
14. Police Officer's and Firefighter's pension fund payments under Sections 31-30-1117 & 31-30.5-208 and 31-31-203, C.R.S.
15. Utility and security deposits under Section 13-54-102(1)(r), C.R.S.
16. Proceeds of the sale of homestead property under Section 38-41-207, C.R.S.
17. Veteran's Administration benefits under 38 U.S.C. §5301.
18. Civil service retirement benefits under 5 U.S.C. §8346.
19. Mobile homes and trailers under Section 38-41-201.6, C.R.S.
20. Certain retirement and pension funds and benefits under Section 13-54-102(1)(s), C.R.S.
21. A Court-ordered child support or maintenance obligation or payment under Section 13-54-102(1)(u), C.R.S.
22. Public or private disability benefits under Section 13-54-102(1)(v), C.R.S.
23. Through February 1, 2021, up to four thousand dollars cumulative in a depository account or accounts in the name of the debtor under Section 13-54-102, C.R.S.

If the money or property which is being withheld from you includes any "exempt property," you must file within 14 days of receiving this notice a written Claim of Exemption with the Clerk of the Court describing what money or property you think is "exempt property" and the reason that it is exempt. YOU MUST USE THE APPROVED FORM attached to this Writ or a copy of it. When you file the claim, you must immediately deliver, by certified mail, return receipt requested, a copy of your claim to the Garnishee (person/place that was garnished) and to the Judgment Creditor's attorney, or if none, to the Judgment Creditor at the address shown on this Writ with Notice. Notwithstanding your right to claim the property as "exempt," no exemption other than the exemptions set forth in Section 13-54-104(3), C.R.S., may be claimed for a Writ which is the result of a judgment taken for arrearages for child support or for child support debt.

Once you have properly filed your claim, the court will schedule a hearing within 14 days. The Clerk of the Court will notify you and the Judgment Creditor or attorney of the date and time of the hearing, by telephone, by mail or in person.

When you come to your hearing, you should be ready to explain why you believe your money or property is "exempt property". If you do not appear at the scheduled time, your money or property may be taken by the Court to pay the judgment entered against you.

Remember that this is only a partial list of "exempt property"; you may wish to consult with a lawyer who can advise you of your rights. If you cannot afford one, there are listings of legal assistance and legal aid offices in the yellow pages of the telephone book.

You must act quickly to protect your rights. Remember, you only have 14 days after receiving this notice to file your claim of exemption with the Clerk of the Court.

Writ of Garnishment

THE PEOPLE OF THE STATE OF COLORADO to the Sheriff of any Colorado County, or to any person 18 years or older and who is not a party to this action:

You are directed to serve a copy of this Writ of Garnishment upon _____, Garnishee, with proper return of service to be made to the Court.

TO THE GARNISHEE:

YOU ARE HEREBY SUMMONED AS GARNISHEE IN THIS ACTION AND ORDERED:

- a. To answer the following questions under oath and file your answers with the Clerk of the Court (AND to mail a completed copy with your answer to the Judgment Creditor or attorney when a stamped envelope is attached) within 14 days following service of this Writ upon you.

Your failure to answer this writ with notice may result in the entry of a default against you.

- b. To hold pending court order any personal property owed to or owned by the Judgment Debtor and in your possession or control on the date and time this Writ was served upon you.

You Are Notified:

- a. This Writ of Garnishment applies to all personal property owed to or owned by the Judgment Debtor and in your possession or control as of the date and time this Writ was served upon you.
- b. In no case may you withhold any personal property greater than the amount on Line 5 on the front of this Writ unless the personal property is incapable of being divided.
- c. After you file your answers to the following questions, **and after receiving a separate notice or order from the court,**

MAKE CHECKS PAYABLE AND MAIL TO: the Judgment Creditor named above (May select only if the Judgment Creditor is a licensed collection agency pursuant to 5-16-101, et. seq., C.R.S.); the Judgment Creditor's Attorney (if applicable); or to the Clerk of the County Court or District Court in _____ (city), Colorado (Must select if the Judgment Creditor is not represented by an attorney AND is not a licensed collection agency pursuant to 5-16-101, et. seq., C.R.S.) at the address below:

Name: _____

Address: _____

PLEASE PUT THE CASE NUMBER (above) ON THE FRONT OF THE CHECK.

CLERK OF THE COURT

By Deputy Clerk: _____

Date: _____

Questions to be Answered by Garnishee

Judgment Debtor's Name: _____ **Case Number:** _____

The following questions MUST be answered by you:

- a. On the date and time this Writ was served upon you, did you possess or control any personal property of the Judgment Debtor or did you owe any rents, payments, obligations, debts or moneys to the Judgment Debtor?
 YES NO
- b. If YES, list all items of personal property and their location(s) and/or describe the nature and amount of the debt or obligation: (Attach additional pages if necessary): _____

- c. Do you claim any setoff against any property, debt or obligation listed above?
 YES NO
- d. If you answered YES to question c, describe the nature and amount of the setoff claimed:
(Attach additional pages if necessary): _____

Verification

I declare under penalty of perjury under the law of Colorado that I am authorized to act for the Garnishee and the above answers are true and correct.

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

Printed name of Garnishee

Address of Garnishee: _____
City State Zip Code Phone

By: _____
Printed name of Person Answering Signature of Person Answering

By: _____
Printed name of Person Answering

Signature of Person Answering

<input type="checkbox"/> District Court <input type="checkbox"/> County Court _____ County, Colorado Court Address: <hr/> Plaintiff(s)/Petitioner(s): v. Defendant(s)/Respondent(s):	 ▲ COURT USE ONLY ▲ <hr/> Case Number: Division: _____ Courtroom: _____
NOTICE TO JUDGMENT DEBTOR PURSUANT TO §24-33.5-704.3, C.R.S.	

This form is applicable until November 1, 2020, unless extended by the Administrator to a date not later than February 1, 2021.

~~TO THE JUDGMENT DEBTOR(S):~~

~~YOU HAVE THE RIGHT TO TEMPORARILY SUSPEND THIS COLLECTION ACTION IF YOU ARE FACING FINANCIAL HARDSHIP DUE TO THE COVID-19 EMERGENCY.~~

Judgment Creditor Name: _____
Judgment Creditor Address: _____
Case Number: _____
Phone: _____

The above judgment creditor intends on executing a collection action against you. If you have experienced financial hardship due to the COVID-19 emergency, directly or indirectly, you have the right to suspend temporarily this extraordinary collection action. The suspension is effective until November 1, 2020, or February 1, 2021, if the State of Colorado extends the period of suspension.

To exercise this right, you must notify the judgment creditor that you are experiencing financial hardship due to the COVID-19 emergency. You can provide this notice by phone call or by writing to the creditor at the address shown in this notice. Your notification to the judgment creditor must include your full name (first and last), the case number identified above and at least one (1) additional piece of the following information: your date of birth, social security number, physical and

~~mailing addresses, or the judgment creditor's internal account number or identifier, if different from the case number designated above. You are not required to provide documentation to support your request.~~

~~Note: Requesting the temporary suspension of this extraordinary debt collection action is not a waiver to the obligation to pay or debt forgiveness. Interest may continue to accrue on the judgment debt even while the extraordinary collection actions are suspended.~~

~~You may enter into a voluntary repayment plan with the judgment creditor, but you are not required to do so.~~

CERTIFICATE OF MAILING

I certify that on _____ (date), I mailed, faxed, or hand-delivered a copy of this NOTICE TO JUDGMENT DEBTOR PURSUANT TO §24-33.5-704.3, C.R.S. to the following:

Judgment Debtor

Judgment Debtor's Address:

Judgment Debtor's Attorney

Other: _____

Signature of Judgment Creditor

Small Claims Court _____ County, Colorado Court Address: _____	
PLAINTIFF(S): _____ Address: _____ City/State/Zip: _____ Phone: Home _____ Work _____ Cell _____ v. DEFENDANT(1): _____ Address: _____ City/State/Zip: _____ Phone: Home _____ Work _____ Cell _____ DEFENDANT(2): _____ Address: _____ City/State/Zip: _____ Phone: Home _____ Work _____ Cell _____	<div style="border: 1px solid black; padding: 5px; margin: 0 auto; width: 80%;"> <div style="text-align: center; border-top: 1px solid black; border-bottom: 1px solid black;"> ▲ COURT USE ONLY ▲ </div> <div style="text-align: center; padding: 10px;"> Case Number: _____ <div style="font-size: 2em; font-weight: bold; margin: 10px 0;">S</div> </div> <div style="text-align: center; border-bottom: 1px solid black;"> Division _____ Courtroom _____ </div> </div>
NOTICE, CLAIM AND SUMMONS TO APPEAR FOR TRIAL (Part 1)	

If Defendant(s) is/are other than a person, go on-line at www.sos.state.co.us www.coloradosos.gov to determine the registered agent for service of this notice. Please enter name and address of the agent. Name: _____ Address: _____

1. The Defendant(s) is/are in the military service: Yes No Unknown
2. The Defendant(s) reside(s), is/are regularly employed, has/have an office for the transaction of business, or is/are a student in this county, or real property located in this county is the subject of claim(s) arising from a restrictive covenant or security deposit dispute. Yes No
3. I/We understand that it is my/our responsibility to have each Defendant served with the "Defendant's Copy" of this Notice by a person whose age is 18 years or older and who is not a party to this action 15 days prior to the trial and to provide the Court with written proof of service. Yes No
4. I am an attorney: Yes No

Notice and Summons to Appear for Trial

To the Defendant(s):
 You are scheduled to have your trial in this case on _____ (date) at _____ (time) at the Court address stated in the above caption. Bring with you all books, papers and witnesses you need to establish your defense. **If you do not appear, judgment may be entered against you.** If you wish to defend the claim or present a counterclaim, you must provide a written response or written counterclaim on or before the scheduled trial date and pay a **nonrefundable** filing fee.

Dated: _____

Clerk of Court/Deputy Clerk

Plaintiff(s)'s Claim (Please summarize reasons to support your claim below.)
 The Defendant(s) owe(s) me \$ _____, which includes penalties, plus interest and costs allowed by law, and/or should be ordered to return property, perform a contract or set aside a contract or comply with a restrictive covenant for the following reasons. (If seeking return of property, please describe the property being requested).

Note: The combined value of money, property, specific performance or cost to remedy a covenant violation cannot exceed \$7,500.00. I/we declare under penalty of perjury under the law of Colorado that the foregoing is true and correct. I/we have not filed in any Small Claims Court in this County more than 2 claims during this calendar month, nor more than 18 claims in this County this calendar year.

Dated: _____

Plaintiff's Signature

Plaintiff's Signature

Small Claims Court _____ County, Colorado Court Address: _____ <hr/> PLAINTIFF(S): _____ Address: _____ City/State/Zip: _____ Phone: Home _____ Work _____ Cell _____ v. DEFENDANT(1): _____ Address: _____ City/State/Zip: _____ Phone: Home _____ Work _____ Cell _____ DEFENDANT(2): _____ Address: _____ City/State/Zip: _____ Phone: Home _____ Work _____ Cell _____	<div style="border-top: 1px solid black; border-bottom: 1px solid black; margin: 0 auto; width: 80%;"> ▲ COURT USE ONLY ▲ </div> Case Number: _____ <div style="font-size: 2em; font-weight: bold; margin: 10px auto;">S</div> Division _____ Courtroom _____
NOTICE, CLAIM AND SUMMONS TO APPEAR FOR TRIAL (Part 2)	

If Defendant(s) is/are other than a person, go on-line at www.coloradosos.gov www.sos.state.co.us to determine the registered agent for service of this notice. Please enter name and address of the agent. Name: _____ Address: _____

1. The Defendant(s) is/are in the military service: Yes No Unknown
2. The Defendant(s) reside(s), is/are regularly employed, has/have an office for the transaction of business, or is/are a student in this county, or real property located in this county is the subject of claim(s) arising from a restrictive covenant or security deposit dispute. Yes No
3. I/We understand that it is my/our responsibility to have each Defendant served with the "Defendant's Copy" of this Notice by a person whose age is 18 years or older and who is not a party to this action 15 days prior to the trial and to provide the Court with written proof of service. Yes No
4. I am an attorney: Yes No

Notice and Summons to Appear for Trial

To the Defendant(s):
 You are scheduled to have your trial in this case on _____ (date) at _____ (time) at the Court address stated in the above caption. Bring with you all books, papers and witnesses you need to establish your defense. **If you do not appear, judgment may be entered against you.** If you wish to defend the claim or present a counterclaim, you must provide a written response or written counterclaim on or before the scheduled trial date and pay a **nonrefundable** filing fee.

Dated: _____

 Clerk of Court/Deputy Clerk

Plaintiff(s)'s Claim (Please summarize reasons to support your claim below.)
 The Defendant(s) owe(s) me \$ _____, which includes penalties, plus interest and costs allowed by law, and/or should be ordered to return property, perform a contract or set aside a contract or comply with a restrictive covenant for the following reasons. (If seeking return of property, please describe the property being requested).

Note: The combined value of money, property, specific performance or cost to remedy a covenant violation cannot exceed \$7,500.00. I/we declare under penalty of perjury under the law of Colorado that the foregoing is true and correct. I/we have not filed in any Small Claims Court in this County more than 2 claims during this calendar month, nor more than 18 claims in this County in this calendar year.

Dated: _____

 Plaintiff's Signature

You must complete and fill out a response and or counterclaim on reverse side of Defendant's copy and bring to Court. Defendant's Response (If responding, pay the appropriate filing fee). I do not owe the Plaintiff(s) or am not responsible to the Plaintiff(s) because:

Defendant's Counterclaim (If submitting a counterclaim, pay the appropriate filing fee).

The Plaintiff(s) owe(s) me \$_____, which includes penalties, plus interest and costs allowed by law and/or should be ordered to return property, perform a contract or set aside a contract or comply with a restrictive covenant for the following reasons. (If seeking return of property, please describe the property being requested).

- checkbox The amount of my/our counterclaim does not exceed the jurisdictional amount of the Small Claims Court of \$7,500.00.
checkbox The amount of my/our counterclaim exceeds the jurisdictional amount of the Small Claims Court, but I/we wish to limit the amount that I/we wish to recover from the Plaintiff to \$7,500.00.
checkbox The amount of my/our counterclaim exceeds the jurisdictional amount of the Small Claims Court, and I/we wish to have the case sent to checkbox County Court (only if I/we wish to limit the amount I/we can recover from the plaintiff to \$4525,000.00) checkbox District Court (I /we do not wish to limit the amount I/we can recover from the Plaintiff(s)) and will pay the appropriate filing fee. I/we am/are filing a Notice of Removal and paying the appropriate filing fee to the Court at this time.

I am an attorney. checkbox Yes checkbox No

I declare under penalty of perjury that this information is true and correct and that I mailed a copy of the Response/Counterclaim to the Plaintiff(s) at the address(es) stated on this form on _____ (date).

Defendant's Address

Defendant's Signature

Date

Telephone #: Home

Work

Cell

Information for Defendants in Small Claims Cases

A. Filing Fees.

Response without a counterclaim:

◆ Claim \$500.00 or less: \$26.00

◆ Claim over \$500.00 but less than \$7,500.00: \$41.00

Response with a counterclaim:

◆ If Plaintiff's claim is \$500.00 or less and counterclaim is \$500.00 or less:

\$31.00

◆ If Plaintiff's claim is more than \$500.00 or counterclaim is more than \$500.00:

\$46.00

B. Response. You have been served with a Summons. If you fail to appear on the trial date shown on this notice, judgment may be entered against you. If you wish to defend the claim or present a counterclaim, you must file with the Court Clerk a written response or counterclaim on or before the scheduled trial date, provide a copy to the Plaintiff(s), pay the appropriate nonrefundable filing fee, and appear on the date set for trial in this notice with all evidence and witnesses needed to establish your defense.

C. Subpoenas. Upon your request, the clerk will issue a subpoena to require witnesses to appear or bring documents for your trial. It is your responsibility to complete the information needed on the subpoena and to have the subpoena served. Subpoenas must be served personally and may be served by a person over the age of 18 that is not a party to the case. Subpoenas must be accompanied by a check for payment of witness fees and mileage for any witnesses served.

D. Counterclaim. If you have a claim against the Plaintiff(s), you must file with the Court clerk the Defendant's counterclaim at the top of this form, provide a copy of the counterclaim to the Plaintiff(s) prior to the trial, and pay the appropriate nonrefundable filing fee. If you settle your counterclaim before trial, notify the Small Claims Court and the Plaintiff(s) in writing. If you want your case heard by a Court of greater jurisdiction, you must complete and file this form, pay the appropriate filing fee (County: Under \$999.99 = \$85.00; \$1,000 - \$14,999.99= \$105.00; \$15,000.00 - \$25,000 = \$135.00. District: \$235.00) and file a Notice of Removal (JDF 251) at least 7 days before the trial date shown on this Notice.

E. Trial Responsibility. You have a right to a trial. Bring all evidence necessary to establish your defense and/or counterclaim: books, papers, repair bills, photographs or other exhibits. If the suit involves the delivery of personal property, be prepared to deliver the property immediately after trial. Be on time. If you are late, the Court may enter judgment against you.

F. Appeal. If you wish to appeal, you must file your notice of appeal within 14 days of the judgment and proceed according to C.R.C.P 411.

G. Judgment. The Court does not collect any judgment, but will help with the necessary forms.

Money Judgment. If judgment is entered against you, you are expected to immediately pay the judgment, including filing fees and court costs. If the judgment is not paid immediately, you must answer questions about your assets and income and the other party can obtain a writ of garnishment or execution against your wages or property. Once the judgment is paid, you are entitled to have the judgment satisfied.

Non-monetary Judgment. If the Court orders immediate possession of the property, performance of a contract, setting aside of a contract or compliance with a restrictive covenant, your failure to comply with the Court order may result in an award of damages and/or being held in contempt.

H. Case Inquiries. When inquiring about this case, refer to the case number on this notice. Direct all inquiries to the clerk, not the judge or magistrate.

I. Attorney. If you want to be represented by an attorney, you or your attorney must file a Notice of Representation of Attorney (JDF 256) at least 7 days before the trial date on this notice. Then the Plaintiff(s) may have representation by an attorney. If the Plaintiff(s) is/are an

attorney, you also may be represented by an attorney without filing a notice of representation. Even if there are attorneys in the case, the rules and procedures of the Small Claims Court will still apply.

- J. Judicial Officer.** A magistrate or a judge may hear your case. If you want a judge to hear your case, you must file an Objection to a Magistrate Hearing Case (JDF 259) at least 7 days before the trial date set in this notice. The rules and procedures of the Small Claims Court will still apply.
- K. Language Interpreter.** If you or a witness requires a language interpreter to be present for hearings, you must contact the Managing Interpreter corresponding to the district in which the case will be heard at least 7 days before the trial date is set on this notice. A language interpreter may only interpret what is said between parties during a hearing and immediately prior to or after the hearing. A language interpreter may not provide legal advice or any other service that is not related to interpreting. Interpreters may not provide any services that may constitute a violation of the language interpreter's Code of Professional Responsibility. A current list of Managing Interpreters can be viewed at http://www.courts.state.co.us/Administration/Custom.cfm?Unit=interp&Page_ID=117.

Small Claims Court _____ County, Colorado Court Address: _____ <hr/> PLAINTIFF(S): _____ Address: _____ City/State/Zip: _____ Phone: Home _____ Work _____ Cell _____ v. DEFENDANT(1): _____ Address: _____ City/State/Zip: _____ Phone: Home _____ Work _____ Cell _____ DEFENDANT(2): _____ Address: _____ City/State/Zip: _____ Phone: Home _____ Work _____ Cell _____	<div style="border-top: 1px solid black; border-bottom: 1px solid black; margin: 0 auto; width: 80%;">▲ COURT USE ONLY ▲</div> Case Number: _____ <div style="font-size: 2em; font-weight: bold; margin: 10px auto;">S</div> Division _____ Courtroom _____
NOTICE, CLAIM AND SUMMONS TO APPEAR FOR TRIAL (Part 3)	

If Defendant(s) is/are other than a person, go on-line at www.coloradosos.gov www.sos.state.co.us to determine the registered agent for service of this notice. Please enter name and address of the agent. Name: _____ Address: _____

1. The Defendant(s) is/are in the military service: Yes No Unknown
2. The Defendant(s) reside(s), is/are regularly employed, has/have an office for the transaction of business, or is/are a student in this county, or real property located in this county is the subject of claim(s) arising from a restrictive covenant or security deposit dispute. Yes No
3. I/We understand that it is my/our responsibility to have each Defendant served with the "Defendant's Copy" of this Notice by a person whose age is 18 years or older and who is not a party to this action 15 days prior to the trial and to provide the Court with written proof of service. Yes No
4. I am an attorney: Yes No

Notice and Summons to Appear for Trial

To the Defendant(s):
 You are scheduled to have your trial in this case on (date) _____ (time) _____ at the Court address stated in the above caption. Bring with you all books, papers and witnesses you need to establish your defense. **If you do not appear, judgment may be entered against you.** If you wish to defend the claim or present a counterclaim, you must provide a written response or written counterclaim on or before the scheduled trial date and pay a **nonrefundable** filing fee.

Dated: _____
_____ Clerk of Court/Deputy Clerk

Plaintiff(s)'s Claim (Please summarize reasons to support your claim below.)
 The Defendant(s) owe(s) me \$ _____, which includes penalties, plus interest and costs allowed by law, and/or should be ordered to return property, perform a contract or set aside a contract or comply with a restrictive covenant for the following reasons. (If seeking return of property, please describe the property being requested).

Note: The combined value of money, property, specific performance or cost to remedy a covenant violation cannot exceed \$7,500.00.
 I/we declare under penalty of perjury under the law of Colorado that the foregoing is true and correct. I/we have not filed in any Small Claims Court in this County more than 2 claims during this calendar month, nor more than 18 claims in this County in this calendar year.

Dated: _____
_____ Plaintiff's Signature

INFORMATION FOR PLAINTIFFS IN SMALL CLAIMS CASES

A. FILING. You may file your claim in this Court if:

1. Your claim is for money, property, specific performance or rescission of a contract, or enforcement of a restrictive covenant that does not exceed \$7,500.00. You may reduce a larger claim and waive the balance. You cannot divide a claim and file two separate cases.
2. At least one of the parties you sue resides, is regularly employed, has an office for the transaction of business, or is a student in this county, or they own rental property in the county that is the subject of this claim.
3. You pay the clerk one of the following **NONREFUNDABLE** filing fees.
 - ◆ **Claim \$500.00 or less:** **\$31.00**
 - ◆ **Claim over \$500.00 but less than \$7,500.00:** **\$55.00**

B. SERVICE. This notice to appear must be served at least 15 days prior to the trial on each Defendant. It may be served by:

1. Any person whose age is 18 years or older and who is not a party to this action.
2. Sheriff or process server.
3. Certified Mail that is mailed by the clerk. You must deposit the cost for certified mail in advance.

C. SETTLEMENT. If you settle your claim before trial, you must notify the Small Claims Court and Defendant in writing.

D. SUBPOENAS. Upon your request, the clerk will issue a subpoena to require witnesses to appear or bring documents for your trial. It is your responsibility to complete the information needed on the subpoena and to have the subpoena served. Subpoenas must be served personally and may be served by a person over the age of 18 that is not a party to the case. Subpoenas must be accompanied by a check for payment of witness fees and mileage for any witnesses served.

E. TRIAL RESPONSIBILITY. You have a right to a trial. Bring all evidence necessary to prove your case: books, papers, repair bills, photographs or other exhibits. Be on time. If you are late or do not appear, the Court may enter judgment in favor of the Defendant and against you if the Defendant filed a counterclaim.

F. APPEAL. If you wish to appeal, you must file your notice of appeal within 14 days of the judgment and proceed according to C.R.C.P. 411.

G. JUDGMENT. THE COURT DOES NOT COLLECT ANY JUDGMENT, but will help with the necessary forms.

Money Judgment. If judgment is entered in favor of the Defendant and against you, you are expected to immediately pay the judgment, including filing fees and court costs. If the judgment is not paid immediately, you must answer questions about your assets and income and the other party can obtain a writ of garnishment or execution against your wages or property. Once the judgment is paid, you are entitled to have the judgment satisfied.

Non-monetary Judgment. If the Court orders immediate possession of the property, performance of a contract, setting aside of a contract or compliance with a restrictive covenant, failure to comply with the Court order may result in an award of damages and or being held in contempt.

H. CASE INQUIRIES. When inquiring about this case, refer to the case number on the other side of this document. Direct all inquiries to the clerk, not the judge or magistrate.

I. ATTORNEY. If the Defendant(s) want(s) to be represented by an attorney, the Defendant(s) or attorney must file a Notice of Representation of Attorney (JDF 256) at least 7 days before the trial date on this notice. Then, you may have representation by an attorney. If either party is an attorney, the other party may be represented by an attorney without filing a notice of representation. Even if there are attorneys in the case, the rules and procedures of the Small Claims Court will still apply.

J. JUDICIAL OFFICER. A magistrate or judge may hear your case. If you want a judge to hear your case, you must file an Objection to a Magistrate Hearing Case (JDF 259) at least 7 days before the trial date set in this notice. The rules and procedures of the Small Claims Court will still apply.

K. Language Interpreter. If you or a witness requires a language interpreter to be present for hearings, you must contact the Managing Interpreter corresponding to the district in which the case will be heard at least 7 days before the trial date is set on this notice. A language interpreter may only interpret what is said between parties during a hearing and immediately prior to or after the hearing. A language interpreter may not provide legal advice or any other service that is not related to interpreting. Interpreters may not provide any services that may constitute a violation of the language interpreter's Code of Professional Responsibility. A current list of Managing Interpreters can be viewed at:
http://www.courts.state.co.us/Administration/Custom.cfm?Unit=interp&Page_ID=117.

Small Claims Court _____ County, Colorado Court Address: _____ <hr/> PLAINTIFF(S): _____ Address: _____ City/State/Zip: _____ Phone: Home _____ Work _____ Cell _____ v. DEFENDANT(1): _____ Address: _____ City/State/Zip: _____ Phone: Home _____ Work _____ Cell _____ DEFENDANT(2): _____ Address: _____ City/State/Zip: _____ Phone: Home _____ Work _____ Cell _____	<div style="border-top: 1px solid black; border-bottom: 1px solid black; margin: 0 auto; width: 80%;"> ▲ COURT USE ONLY ▲ </div> Case Number: _____ <div style="font-size: 2em; font-weight: bold; margin: 10px auto;">S</div> Division _____ Courtroom _____
NOTICE, CLAIM AND SUMMONS TO APPEAR FOR TRIAL (Part 4)	

If Defendant(s) is/are other than a person, go on-line at www.coloradosos.gov www.sos.state.co.us to determine the registered agent for service of this notice. Please enter name and address of the agent. Name: _____ Address: _____

1. The Defendant(s) is/are in the military service: Yes No Unknown
2. The Defendant(s) reside(s), is/are regularly employed, has/have an office for the transaction of business, or is/are a student in this county, or real property located in this county is the subject of claim(s) arising from a restrictive covenant or security deposit dispute. Yes No
3. I/We understand that it is my/our responsibility to have each Defendant served with the "Defendant's Copy" of this Notice by a person whose age is 18 years or older and who is not a party to this action 15 days prior to the trial and to provide the Court with written proof of service. Yes No
4. I am an attorney: Yes No

Notice and Summons to Appear for Trial

To the Defendant(s):
 You are scheduled to have your trial in this case on (date) _____ (time) _____ at the Court address stated in the above caption. Bring with you all books, papers and witnesses you need to establish your defense. **If you do not appear, judgment may be entered against you.** If you wish to defend the claim or present a counterclaim, you must provide a written response or written counterclaim on or before the scheduled trial date and pay a **nonrefundable** filing fee.

Dated: _____

Clerk of Court/Deputy Clerk

Plaintiff(s)'s Claim (Please summarize reasons to support your claim below.)
 The Defendant(s) owe(s) me \$ _____, which includes penalties, plus interest and costs allowed by law, and/or should be ordered to return property, perform a contract or set aside a contract or comply with a restrictive covenant for the following reasons. (If seeking return of property, please describe the property being requested).

Note: The combined value of money, property, specific performance or cost to remedy a covenant violation cannot exceed \$7,500.00
 I/we declare under penalty of perjury under the law of Colorado that the foregoing is true and correct. I/we have not filed in any Small Claims Court in this County more than 2 claims during this calendar month, nor more than 18 claims in this County in this calendar year.

Dated: _____

Plaintiff's Signature

Plaintiff's Signature

AFFIDAVIT OF SERVICE
(Must be returned to Court)

I swear/affirm under oath that I am 18 years or older and not a party to the action, and that I served the **Notice, Claim, and Summons to Appear for Trial (JDF 250)** on the following:

Name of Person Served

Date and Time of Service

Address of Service
(Street, County, City, State)

Check type of Service:

- By handing the documents to a person identified to me as the Defendant.
- By identifying the documents, offering to deliver them to a person identified to me as the Defendant who refused service, and then leaving the documents in a conspicuous place.
- By leaving the documents at the Defendant's usual place of abode with _____ (Name of Person) who is a member of the Defendant's family and whose age is 18 years or older. (Identify family relationship) _____.)
- By leaving the documents at the Defendant's usual workplace with _____ (Name of Person) who is the Defendant's secretary, administrative assistant, bookkeeper, or managing agent. (Circle title of person served.)
- By leaving the documents with _____ (Name of Person), who as _____ (title) is authorized by appointment or by law to receive service of process for the Defendant.
- By leaving the documents with an officer, partner, manager, stockholder, elected official or functional equivalent pursuant to C.R.C.P. 304 _____ (please identify) of the corporation or non-corporate entity which was to be served. (Circle title of person who was served.)
- By serving the documents as follows (other service under C.R.C.P. 304: _____)

I have charged the following fees for my services in this matter:

- Private process server
- Sheriff, _____ County
Fee \$ _____ Mileage \$ _____

Signature of Process Server

Name (Print or type)

Subscribed and affirmed, or sworn to before me in the County of _____, State of _____, this _____ day of _____, 20 _____.

My Commission Expires: _____

Notary Public

CERTIFICATE OF SERVICE BY MAILING
(To be performed by Clerk within three days of filing)

I hereby certify that on _____ (date), I mailed a true and correct copy of the **NOTICE, CLAIM, AND SUMMONS TO APPEAR FOR TRIAL**, by placing it in the United States Mail, postage pre-paid to the Defendant(s) at the address(es) listed above.

Clerk of Court/Deputy Clerk

(If applicable) Plaintiff(s) notified of non-service on (date) _____. Clerk's Initials _____

FORM 1.2. DISTRICT COURT CIVIL (CV) CASE COVER SHEET FOR INITIAL PLEADING OF COMPLAINT, COUNTERCLAIM, CROSS-CLAIM OR THIRD PARTY COMPLAINT AND JURY DEMAND

District Court _____ County, Colorado Court Address:	▲ COURT USE ONLY ▲
Plaintiff(s): v. Defendant(s):	
Attorney or Party Without Attorney (Name and Address): Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____	Case Number:
DISTRICT COURT CIVIL (CV) CASE COVER SHEET FOR INITIAL PLEADING OF COMPLAINT, COUNTERCLAIM, CROSS-CLAIM OR THIRD PARTY COMPLAINT AND JURY DEMAND	

1. This cover sheet shall be filed with the initial pleading of a complaint, counterclaim, cross-claim or third party complaint in every district court civil (CV) case. It shall not be filed in Domestic Relations (DR), Probate (PR), ~~Water (CW)~~, Juvenile (JA, JR, JD, JV), or Mental Health (MH) cases or in Water (CW) proceedings subject to sections 37-92-302 to 37-92-305, C.R.S. Failure to file this cover sheet is not a jurisdictional defect in the pleading but may result in a clerk's show cause order requiring its filing.
2. Simplified Procedure under C.R.C.P. 16.1 **applies** to this case **unless** (check one box below if this party asserts that C.R.C.P. 16.1 **does not** apply):
 - This is a class action, forcible entry and detainer, Rule 106, Rule 120, or other similar expedited proceeding, **or**
 - This party is seeking a monetary judgment against another party ~~for~~of more than \$100,000.00, ~~including any penalties or punitive damages, but excluding attorney fees,~~ exclusive of interest and costs, as supported by the following certification:

By my signature below and in compliance with C.R.C.P. 11, based upon information reasonably available to me at this time, I certify that the value of this party's claims against one of the other parties is reasonably believed to exceed \$100,000.²²

Or

Another party has previously filed a cover sheet stating that C.R.C.P. 16.1 does not apply to this case.

3. This party makes a **Jury Demand** at this time and pays the requisite fee. *See* C.R.C.P. 38. (Checking this box is optional.)

Date: _____

Signature of Party ~~or Attorney for Party~~

Date: _____

Signature of Attorney for Party (if any)

NOTICE

This cover sheet must be served on all other parties along with the initial pleading of a complaint, counterclaim, cross-claim, or third party complaint.

INSTRUCTIONS TO COMPLETE DISTRICT CIVIL (CV) CASE COVER SHEET JDF 601 FOR INITIAL PLEADING OF COMPLAINT, COUNTERCLAIM, CROSS-CLAIM, OR THIRD PARTY COMPLAINT, RULE 16.1 SIMPLIFIED PROCEDURE

These standard instructions are 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.

GENERAL INFORMATION

- ◆ As of July 1, 2004, the JDF 601 case cover sheet is required by C.R.C.P. 16.1 Simplified Procedure for all District Civil (CV) actions filed on or after that date. This cover sheet must be filed with the complaint and any counterclaim, cross-claim, or third party complaint.
- ◆ If you fail to file a Case Cover Sheet with such a pleading, you will be notified by the Court that you need to file a Case Cover Sheet and must then do so within the time stated by the Court, or the Court may impose sanctions, including striking this pleading.
- ◆ If you have a disability and need a reasonable accommodation to access the courts, please contact your local ADA Coordinator. Contact information can be obtained from the following website: http://www.courts.state.co.us/Administration/HR/ADA/Coordinator_List.cfm

STEPS TO COMPLETE CIVIL CASE COVER SHEET

Step 1: Complete Caption.

- Identify the name of the county and court address where you plan to file your papers.
- Identify the name of the Plaintiff(s) and Defendant(s). If you have multiple Plaintiffs or Defendants, list only the first Plaintiff or Defendant.
- Complete the identifying information for the party or attorney completing the Case Cover Sheet.
- Once you file your papers, the Court will assign a case number and division and will indicate such on the Case Cover Sheet.
- If a case number has already been assigned, you must still complete the Case Cover Sheet and insert the case number.

Step 2: Complete Item 2.

- Check the applicable box if the Simplified Procedure **applies** to your case.
or
- Check the applicable box if the Simplified Procedure **does not apply** to your case. If you have checked this box, **you must also check one of the three boxes** within this section to identify why the Simplified Procedure does not apply. The three options are identified below:
 - Some civil actions are automatically excluded and are not subject to C.R.C.P. 16.1. If you are filing a class action, domestic relations case, juvenile case, mental health case, probate case, [water law case](#), [water law proceeding subject to sections 37-92-302 to 37-92-305, C.R.S.](#), forcible entry and detainer, Rule 106 or 120, petition to seal criminal record, distraint warrant, county court or municipal appeal, or a writ of habeas corpus civil action your case is not subject to the simplified procedure.
or
 - Simplified Procedures does not apply if you are seeking a monetary judgment for more than \$100,000.00 against any other party, including attorney fees, penalties or punitive damages, but excluding interest and costs, as well as the value of any equitable relief sought.
or

- Simplified Procedures does not apply if another party has previously indicated in a Civil Case Cover Sheet that the Simplified Procedure under C.R.C.P. 16.1 does not apply to your case.

Step 3: Complete Item 3. (Optional)

- You can request a jury trial and pay the requisite fee at this time. If you check this box, your filing fee must include the jury demand fee. Please refer to C.R.C.P. 38 for your right to request a jury trial and waiving the right to a jury trial.
- If you are making a jury demand pursuant to §38-1-106, C.R.S., a jury demand fee is not required for a jury of six freeholders. However, if you are requesting a jury of freeholders in excess of six (including alternates) an advance deposit of \$50.00 per extra juror for one day of service is required. For example, if you demand a jury of 12, an advance deposit of \$300.00 (\$50.00 x 6) is required.

Step 4: Sign and Date Civil Case Cover Sheet.

- The party or the Attorney, if applicable, must date and sign the Civil Case Cover Sheet.

<input type="checkbox"/> County Court <input type="checkbox"/> District Court _____ County, Colorado Court Address: <hr/> Plaintiff(s)/Petitioner(s): v. Defendant(s)/Respondent(s):	▲ Court Use Only ▲
Judgment Creditor's Attorney or Judgment Creditor (Name and Address): Phone Number: E-mail: FAX Number: Atty. Reg. #:	Case Number: Division Courtroom
Writ of Continuing Garnishment	

Read This Whole Document

Judgment Debtor's name, last known physical and mailing addresses or a statement that Judgment Debtor's physical and mailing addresses are not known, and other identifying information: _____

1. Original or Revived Amount of Judgment Entered on _____ (date) for \$ _____
 - a. Effective Garnishment Period
 91 days (Judgment entered prior to August 8, 2001)
 182 days (Judgment entered on or after August 8, 2001)
2. Plus any Interest Due on Judgment (currently _____ % per annum) \$ _____
3. Taxable Costs (including estimated cost of service of this Writ) \$ _____
4. Less any Amount Paid \$ _____
5. Principal Balance/Total Amount Due and Owing \$ _____

I affirm under penalty of perjury that I am authorized to act for the Judgment Creditor and this is a correct statement as of _____ (date).

- By checking this box, I am acknowledging I am filling in the blanks and not changing anything else on the form.
- By checking this box, I am acknowledging that I have made a change to the original content of this form.

Print Judgment Creditor's Name
Address: _____

By: _____
Signature (Type Name, Title, Address and Phone)

Writ of Continuing Garnishment

THE PEOPLE OF THE STATE OF COLORADO to the Sheriff of any Colorado County or to any person 18 years or older and who is not a party to this action:

You are directed to serve **Two Copies** of this Writ of Continuing Garnishment upon _____, Garnishee, with proper return of service to be made to the Court.

To The Garnishee: You Are Summoned as Garnishee in This Action and Ordered:

- a. To answer the following questions under oath and file your answers with the Clerk of Court AND mail a completed copy with your answers to the Judgment Creditor or attorney no later than 7 days after you have been served with this writ. **Your failure to answer this writ of continuing garnishment may result in the entry of a default against you.**
- b. To pay any nonexempt earnings to the party designated in "e" below no less than 7 nor more than 14 days following each time you pay the Judgment Debtor during the effective Garnishment Period of this Writ and attach a copy of the Calculation of the Amount of Exempt Earnings used (the Calculation under "Questions to be Answered by Garnishee" should be used for the first pay period, and one of the multiple Calculation forms included with this Writ should be used for all subsequent pay periods).
- c. To deliver a copy of this Writ, together with the Calculation of the Amount of Exempt Earnings, and a blank Objection to Calculation of the Amount of Exempt Earnings form, and an Explanation Of Wage Garnishment In Colorado to Judgment Debtor on the same day the copy of this Writ and Calculation of the Amount of Exempt Earnings are sent to Judgment Creditor.
- d. To deliver to the Judgment Debtor a copy of each subsequent Calculation of the Amount of Exempt Earnings each time you pay the Judgment Debtor for earnings subject to this Writ.
- e. **Make Checks Payable and Mail To:** Judgment Creditor named above (only if the Judgment Creditor is a licensed collection agency pursuant to 5-16-101, et. seq., C.R.S.); Judgment Creditor's Attorney (if applicable); or to the Clerk of the County Court or District Court in _____ (city), Colorado (Must select if the Judgment Creditor is not represented by an attorney AND is not a licensed collection agency pursuant to 5-16-101, et. seq., C.R.S.)

Name: _____

Address: _____

Please - put the case number (shown above) on the front of the check.

CLERK OF THE COURT

By Deputy Clerk: _____

Date: _____

Notice to Garnishee

- a. This Writ applies to all nonexempt earnings owed or owing during the Effective Garnishment Period shown on Line 1a on the front of this Writ or until you have paid to the party, designated in paragraph "e" on the front of this Writ, the amount shown on Line 5 on the front of this Writ, whichever occurs first. **However, if you have already been served with a Writ of Continuing Garnishment for Child Support, this new Writ is effective for the Effective Garnishment Period after any prior Writ terminates.**
- b. **"Earnings" includes all forms of compensation for Personal Services.** Also read "Notice to Judgment Debtor" below.
- c. In no case may you withhold any amount greater than the amount on Line 5 on the front of this Writ.
- d. **If you determine that the judgment debtor is your employee and the Writ of Continuing Garnishment contains all required information, you are required to send the judgment debtor this Writ of Continuing Garnishment and the document attached to it titled "EXPLANATION OF WAGE GARNISHMENT IN COLORADO" on the same day that you send your answer to this Writ of Continuing Garnishment to the judgment creditor.**

Questions to be Answered by Garnishee

Judgment Debtor's Name: _____ **Case Number:** _____

The following questions MUST be answered by you under oath:

- a. Is the Judgment Debtor your employee?
1. Yes
 2. No
- b. Does the Writ of Continuing Garnishment contain: the name of the Judgment Debtor, the last-known physical and mailing addresses of the Judgment Debtor or a statement that the information is not known, the amount of the Judgment, information sufficient to identify the judgment on which the continuing garnishment is based, an Explanation of Wage Garnishment in Colorado?
1. Yes
 2. No
- c. On the date and time this Writ of Continuing Garnishment was served upon you, did you owe or do you anticipate owing any of the following to the Judgment Debtor within the Effective Garnishment Period shown on Line 1a on the front of this Writ? (Mark appropriate box(es)):
1. WAGES/SALARY/COMMISSIONS/BONUS/OTHER COMPENSATION FOR PERSONAL SERVICES NOT INCLUDING TIPS (Earnings)
 2. Health, Accident or Disability Insurance Funds or Payments
 3. Pension or Retirement Benefits (for suits commenced prior to 5/1/91 ONLY - check front of Writ for date)
 4. Health insurance coverage provided by you and withheld from the individual's earnings

If you marked any box above, indicate how the Judgment debtor is paid: weekly bi-weekly semi-monthly monthly other

The Judgment Debtor will be paid on the following dates during the Effective Garnishment Period shown on Line 1a (front of this Writ), starting at least twenty-one days after you were served with this Writ of Garnishment: _____

- d. Are the Judgment Debtor's earnings subject to deductions other than withholding for local, state, and federal income taxes and pursuant to the "Federal Insurance Contributions Act", 26 U.S.C. sec. 3101 et seq., as amended? If so mark the appropriate boxes and list the nature, number, and amounts of these deductions and the relative priority of this Writ of Garnishment (Mark appropriate box(es)):
5. Writ of Garnishment for Support (Expected Termination Date: _____)
 6. Writ of Continuing Garnishment (Expected Termination Date: _____)
 7. Any additional deductions (Expected Termination Date: _____)
- e. If in paragraph c. above you marked Box 1 and you did NOT mark either Box 5, 6, or 7, complete the Calculation below for each pay period following receipt of this Writ. If you marked either Box 4 or 5, you must complete Calculations beginning with the first pay period following termination of the prior writ(s).
- f. If in paragraph c. above you marked Box 2, 3, or 4 and you did NOT mark either Box 5, 6, or 7, complete the Calculation below for each pay period following receipt of this Writ. If you marked either box 5, 6, or 7, you must complete Calculations beginning with the first pay period following termination of the prior writ(s) that is at least twenty-one days after service of this writ on you. However, there are a number of total exemptions, and you should seek legal advice about such exemptions. **If the earnings are totally exempt, please mark box 8 below:**
8. The earnings are totally exempt because: _____

Calculation of The Amount of Exempt Earnings (Each Pay Period)

Gross Earnings for the pay period from _____ thru _____ \$ _____

Less Deductions Required by Law (For Example, Withholding Taxes, FICA, Costs for Employer-Provided Health Insurance Withheld From Earnings) - \$ _____

Disposable Earnings (Gross Earnings less Deductions) = \$ _____

Less Statutory Exemption (Use Exemption Chart Below) - \$ _____

Net Amount Subject to Garnishment = \$ _____

Less Wage/Income Assignment(s) During Pay Period (If Any) - \$ _____

Amount to be withheld and paid = \$ _____

EXEMPTION CHART (“Minimum Hourly Wage” means state or federal minimum wage, whichever is greater.)	PAY PERIOD	AMOUNT EXEMPT IS THE GREATER OF:
	Weekly	40 x Minimum Hourly Wage or 80% of Disposable Earnings
	Bi-weekly	80 x Minimum Hourly Wage or 80% of Disposable Earnings
	Semi-monthly	86.67 x Minimum Hourly Wage or 80% of Disposable Earnings
	Monthly	173.3 x Minimum Hourly Wage or 80% of Disposable Earnings

I certify that I am authorized to act for the Garnishee; that the above answers are true and correct; and that I have delivered a copy of this Writ, together with the Calculation of the Amount of Exempt Earnings, a blank Objection to Calculation of the Amount of Exempt Earnings form, and an EXPLANATION OF WAGE GARNISHMENT IN COLORADO form to the Judgment Debtor.

Name of Garnishee (Print) _____
 Address _____
 Phone Number _____

 Name of Person Answering (Print)

 Signature of Person Answering

Explanation of Wage Garnishment in Colorado

Notice of garnishment to judgment debtor.
 Money will be taken from your pay if you fail to act.

1. Why am I getting this notice?

You are getting this notice because a court has ruled that you owe the judgment creditor, who is called “Creditor” in this notice, money. Creditor has started a legal process called a “garnishment”. The process requires that money be taken from your pay and given to Creditor to pay what you owe. The person who pays you does not keep the money.

Creditor filled out this form. The law requires the person who pays you to give you this notice. Creditor may not be the person or company to which you originally owed money. You may request that Creditor provide the name and address of the person or company to which you originally owed money. If you want this information, you must write Creditor or Creditor’s lawyer at the address at the very beginning of this form. You must do this within 14 days after receiving this notice. Creditor will send you this information at the address you give Creditor. Creditor must send you this information within 7 days after receiving your request. Knowing the name of the original creditor might help you understand why the money will be taken from your pay.

2. How much do I owe?

The amount the court has ruled that you currently owe is listed at the top of the writ of garnishment. The amount could go up if there are more court costs or additional interest. The interest rate on the amount you owe is listed at the top of the Writ of Garnishment. The amount could also go down if you make payments to Creditor.

3. How will the amount I owe be paid?

The person who pays you will start taking money from your paycheck on the first payday that is at least 14 days after the day the person who pays you sends you this notice. Money will continue to be taken from your pay for

up to 6 months. If the debt is not paid off or not likely to be paid off by that time, Creditor may serve another garnishment.

The rules about how much of your pay can be taken are explained in the notice of Colorado Rules About Garnishment that you received with this notice. This notice also contains an estimate of how much of your pay will likely be withheld each paycheck.

At any time, you can get a report that shows how the amount taken from your pay was calculated. To receive this report, you must write or e-mail the person who pays you.

4. Do I have options?

Yes, you have several options, here are three of them:

- A. You can talk with a lawyer: A lawyer can explain the situations to you and help you decide what to do. The self-help desk of the court where the garnishment action is pending can provide you help with resources to find a lawyer.
- B. You can contact Creditor: If you can work something out with Creditor, money might not have to be taken from your pay. The Creditor's contact information is on the first page of the writ of garnishment.
- C. You can request a court hearing: A hearing could be helpful if there are disagreements about the garnishment, the amount the court has ruled that you owe, whether the amount of money being withheld from your paycheck is correct, or whether the amount being withheld should be reduced to help you support your family and yourself. If you disagree with the estimate of the amount of money that will be withheld from your paycheck, you must attempt to work this out with the person who pays you before going to court. You must do this within 7 days after receiving this notice. If you cannot work it out with the person who pays you, you may seek a hearing in court. If you want a court hearing, you must request one. If you think that you need more money to support your family and yourself, you may seek a court hearing without consulting the person who pays you. For help requesting a hearing, contact the self-help desk of the court where the garnishment action is pending.

5. What if I don't do anything?

If you don't do anything, the law requires that money be taken out of your paycheck beginning with the first payday that is at least 14 days after the day the person who pays you sends you this notice. The money will be given to Creditor. This process will continue for 6 months unless your debt is paid off before that.

6. How does garnishment work in Colorado?

Only a portion of your pay can be garnished. The amount that can be withheld from your pay depends on something called "disposable earnings". Your disposable earnings are what is left after deductions from your gross pay for taxes and certain health insurance costs. Your paycheck stub should tell what your disposable earnings are.

The amount of your disposable earnings that can be garnished is determined by comparing two numbers: (1) 20% of your disposable earnings and (2) the amount by which your disposable earnings exceed 40 times the minimum wage. The smaller of these two amounts will be deducted from your pay.

If you think that your earnings after garnishment are not enough to support yourself and any members of your family that you support, you can try to have the amount of your disposable earnings that are garnished further reduced. This is discussed earlier in this notice under **4. Do I have options?**

Your employer cannot fire you because your earnings have been garnished. If your employer does this in violation of your legal rights, you may file a lawsuit within 91 days of your firing to recover wages you lost because you were fired. You can also seek to be reinstated to your job. If you are successful with this lawsuit, you cannot recover more than 6 weeks wages and attorney fees.

Based on your most recent paycheck, the person who pays you estimates that \$ _____ will be withheld from each paycheck that is subject to garnishment.

<input type="checkbox"/> County Court <input type="checkbox"/> District Court _____ County, Colorado Court Address: _____ <hr/> Plaintiff(s)/Petitioner(s): v. Defendant(s)/Respondent(s):	▲ COURT USE ONLY ▲
Judgment Creditor's Attorney or Judgment Creditor (Name and Address): Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____	Case Number: _____ Division _____ Courtroom _____
Writ of Garnishment with Notice of Exemption and Pending Levy	

The Judgment creditor is (check one): a licensed collection agency pursuant to §5-16-101, et. seq., C.R.S.; represented by an attorney; or not represented by an attorney and is not a licensed collection agency pursuant to §5-16-101 et. seq., C.R.S.

Judgment Debtor's name, last known address, other identifying information: _____

- | | | |
|---|------|-------|
| 1. Original Amount of Judgment Entered _____ (date) | \$ | _____ |
| 2. Plus any Interest Due on Judgment (currently _____ % per annum) | + \$ | _____ |
| 3. Taxable Costs (including estimated cost of service of this Writ) | + \$ | _____ |
| 4. Less any Amount Paid | - \$ | _____ |
| 5. Principal Balance/Total Amount Due and Owing | = \$ | _____ |

- By checking this box, I am acknowledging I am filling in the blanks and not changing anything else on the form.
 By checking this box, I am acknowledging that I have made a change to the original content of this form.

Verification

I declare under penalty of perjury under the law of Colorado that the foregoing is true and correct and I am authorized to act for the Judgment Creditor.

 Printed name of Judgment Creditor

Address _____ City _____ State _____ Zip Code _____

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

 Printed name of Authorized Party

 Signature of Authorized Party (Title and Phone No.)

Address _____ City _____ State _____ Zip Code _____

Writ of Garnishment with Notice of Exemption and Pending Levy

THE PEOPLE OF THE STATE OF COLORADO to the Sheriff of any Colorado County, or to any person 18 years or older and who is not a party to this action:

You are directed to serve a copy of this Writ of Garnishment upon _____, Garnishee,

with proper return of service to be made to the Court.

To The Garnishee:

You are hereby summoned as garnishee in this action and ordered:

- a. To answer the following questions under oath and file your answers with the Clerk of the Court (AND to mail a completed copy with your answers to the Judgment Creditor or attorney when a stamped envelope is attached) within 14 days following service of this Writ upon you.

Your failure to answer this writ with notice may result in the entry of a default against you.

- b. To hold pending court order the personal property of any kind (other than earnings of a natural person) in your possession or control, including the debts, credits, choses in action or money owed to the Judgment Debtor whether they are due at the time of the service of the writ or are to become due thereafter.

You Are Notified:

- a. This Writ with Notice applies to all personal property (other than earnings) owed to or owned by the Judgment Debtor and in your possession or control as of the date and time this Writ was served upon you.
- b. In no case may you withhold any personal property greater than the amount on Line 5 on the front of this Writ unless the personal property is incapable of being divided.
- c. After you file your answers to the following questions, and after receiving a separate notice or order from the court, **make checks payable** and mail to: the Judgment Creditor named above (May select only if the Judgment Creditor is a licensed collection agency pursuant to 5-16-101, et. seq., C.R.S.); the Judgment Creditor's Attorney (if applicable); or to the Clerk of the County Court or District Court in _____ (city), Colorado (Must select if the Judgment Creditor is not represented by an attorney AND is not a licensed collection agency pursuant to 5-16-101, et. seq., C.R.S.) at the address below:

Name: _____

Address: _____

Please Put the Case Number (Above) on the Front of the Check.

CLERK OF THE COURT

By Deputy Clerk: _____

Date: _____

Questions to be Answered by Garnishee

Judgment Debtor's Name: _____ **Case Number:** _____

The following questions MUST be answered by you under oath:

- a. On the date and time this Writ was served upon you, did you possess or control any personal property of the Judgment Debtor or did you owe any rents, payments, obligations, debts or moneys other than earnings to the Judgment Debtor?

YES NO

- b. If YES, list all items of personal property and their location(s) and/or describe the nature and amount of the debt or obligation: (Attach additional pages if necessary): _____

- c. Do you claim any setoff against any property, debt or obligation listed above? YES NO

- d. If you answered YES to question c, describe the nature and amount of the setoff claimed: (Attach additional pages if necessary): _____

Verification

I declare under penalty of perjury under the law of Colorado that I am authorized to act for the Garnishee and the foregoing is true and correct.

Name of Garnishee (Print) _____

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

(Printed name of Person Answering)

Signature of Person Answering

Notice to Judgment Debtor of Exemption and Pending Levy

This Writ with Notice is a Court order which may cause your property or money to be held and taken to pay a judgment entered against you. You have legal rights which may prevent all or part of your money or property from being taken. That part of the money or property which may not be taken is called "exempt property". A partial list of "exempt property" is shown below, along

with the law which may make all or part of your money or property exempt. The purpose of this notice is to tell you about these rights.

Partial List of Exempt Property

1. All or part of your property listed in Sections 13-54-101 and 102, C.R.S., including clothing, jewelry, books, burial sites, household goods, food and fuel, farm animals, seed, tools, equipment and implements, military allowances, stock-in-trade and certain items used in your occupation, bicycles, motor vehicles (greater for disabled persons), life insurance, income tax refunds, attributed to an earned income tax credit or child tax credit, money received because of loss of property or for personal injury, equipment that you need because of your health, or money received because you were a victim of a crime.
2. All or part of your earnings under Section 13-54-104, C.R.S.
3. Worker's compensation benefits under Section 8-42-124, C.R.S.
4. Unemployment compensation benefits under Section 8-80-103, C.R.S.
5. Group life insurance benefits under Section 10-7-205, C.R.S.
6. Health insurance benefits under Section 10-16-212, C.R.S.
7. Fraternal society benefits under Section 10-14-403, C.R.S.
8. Family allowances under Section 15-11-404, C.R.S.
9. Teachers' retirement fund benefits under Section 22-64-120, C.R.S.
10. Public employees' retirement benefits (PERA) under Sections 24-51-212 and 24-54-111, C.R.S.
11. Social security benefits (OASDI, SSI) under 42 U.S.C. §407.
12. Railroad employee retirement benefits under 45 U.S.C. §231m.
13. Public assistance benefits (OAP, AFDC, TANF, AND, AB, LEAP) under Section 26-2-131, C.R.S.
14. Police Officer's and Firefighter's pension fund payments under Sections 31-30-1117 & 31-30.5-208 and 31-31-203, C.R.S.
15. Utility and security deposits under Section 13-54-102(1)(r), C.R.S.
16. Proceeds of the sale of homestead property under Section 38-41-207, C.R.S.
17. Veteran's Administration benefits under 38 U.S.C. §5301.
18. Civil service retirement benefits under 5 U.S.C. §8346.
19. Mobile homes and trailers under Section 38-41-201.6, C.R.S.
20. Certain retirement and pension funds and benefits under Section 13-54-102(1)(s), C.R.S.
21. A Court-ordered child support or maintenance obligation or payment under Section 13-54-102(1)(u), C.R.S.
22. Public or private disability benefits under Section 13-54-102(1)(v), C.R.S.
23. Through February 1, 2021, up to four thousand dollars cumulative in a depository account or accounts in the name of the debtor under Section 13-54-102, C.R.S.

If the money or property which is being withheld from you includes any "exempt property," you must file within 14 days of receiving this notice a written Claim of Exemption with the Clerk of the Court describing what money or property you think is "exempt property" and the reason that it is exempt. YOU MUST USE THE APPROVED FORM attached to this Writ or a copy of it. When you file the claim, you must immediately deliver, by certified mail, return receipt requested, a copy of your claim to the Garnishee (person/place that was garnished) and to the Judgment Creditor's attorney, or if none, to the Judgment Creditor at the address shown on this Writ with Notice. Notwithstanding your right to claim the property as "exempt," no exemption other than the exemptions set forth in Section 13-54-104(3), C.R.S., may be claimed for a Writ which is the result of a judgment taken for arrearages for child support or for child support debt.

Once you have properly filed your claim, the court will schedule a hearing within 14 days. The Clerk of the Court will notify you and the Judgment Creditor or attorney of the date and time of the hearing, by telephone, by mail or in person.

When you come to your hearing, you should be ready to explain why you believe your money or property is "exempt property". If you do not appear at the scheduled time, your money or property may be taken by the Court to pay the judgment entered against you.

Remember that this is only a partial list of "exempt property"; you may wish to consult with a lawyer who can advise you of your rights. If you cannot afford one, there are listings of legal assistance and legal aid offices in the yellow pages of the telephone book.

You must act quickly to protect your rights. Remember, you only have 14 days after receiving this notice to file your claim of exemption with the Clerk of the Court.

Writ of Garnishment

THE PEOPLE OF THE STATE OF COLORADO to the Sheriff of any Colorado County, or to any person 18 years or older and who is not a party to this action:

You are directed to serve a copy of this Writ of Garnishment upon _____, Garnishee, with proper return of service to be made to the Court.

TO THE GARNISHEE:

YOU ARE HEREBY SUMMONED AS GARNISHEE IN THIS ACTION AND ORDERED:

- a. To answer the following questions under oath and file your answers with the Clerk of the Court (AND to mail a completed copy with your answer to the Judgment Creditor or attorney when a stamped envelope is attached) within 14 days following service of this Writ upon you.

Your failure to answer this writ with notice may result in the entry of a default against you.

- b. To hold pending court order any personal property owed to or owned by the Judgment Debtor and in your possession or control on the date and time this Writ was served upon you.

You Are Notified:

- a. This Writ of Garnishment applies to all personal property owed to or owned by the Judgment Debtor and in your possession or control as of the date and time this Writ was served upon you.
- b. In no case may you withhold any personal property greater than the amount on Line 5 on the front of this Writ unless the personal property is incapable of being divided.
- c. After you file your answers to the following questions, **and after receiving a separate notice or order from the court,**

MAKE CHECKS PAYABLE AND MAIL TO: the Judgment Creditor named above (May select only if the Judgment Creditor is a licensed collection agency pursuant to 5-16-101, et. seq., C.R.S.); the Judgment Creditor's Attorney (if applicable); or to the Clerk of the County Court or District Court in _____ (city), Colorado (Must select if the Judgment Creditor is not represented by an attorney AND is not a licensed collection agency pursuant to 5-16-101, et. seq., C.R.S.) at the address below:

Name: _____

Address: _____

PLEASE PUT THE CASE NUMBER (above) ON THE FRONT OF THE CHECK.

CLERK OF THE COURT

By Deputy Clerk: _____

Date: _____

Questions to be Answered by Garnishee

Judgment Debtor's Name: _____ **Case Number:** _____

The following questions MUST be answered by you:

- a. On the date and time this Writ was served upon you, did you possess or control any personal property of the Judgment Debtor or did you owe any rents, payments, obligations, debts or moneys to the Judgment Debtor?
 YES NO
- b. If YES, list all items of personal property and their location(s) and/or describe the nature and amount of the debt or obligation: (Attach additional pages if necessary): _____

- c. Do you claim any setoff against any property, debt or obligation listed above?
 YES NO
- d. If you answered YES to question c, describe the nature and amount of the setoff claimed:
(Attach additional pages if necessary): _____

Verification

I declare under penalty of perjury under the law of Colorado that I am authorized to act for the Garnishee and the above answers are true and correct.

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

Printed name of Garnishee

Address of Garnishee: _____
City State Zip Code Phone

By: _____
Printed name of Person Answering Signature of Person Answering

Your failure to answer this writ may result in the entry of a default against you.

- b. To hold pending court order any personal property (other than earnings of a natural person) owed to or owned by the Defendant in Attachment and in your possession or control on the date and time this Writ was served upon you.

You Are Notified:

- a. This Writ applies to all personal property (other than earnings of a natural person) owed to or owned by the Defendant in Attachment and in your possession or control as of the date and time this Writ was served upon you.

- b. In no case may you withhold any personal property greater than the amount on Line 5 on the front of this Writ unless the personal property is incapable of being divided.

- c. If you are ordered to pay funds to the Court, tender your check for the amount ordered **PAYABLE TO THE CLERK OF THE** _____ **COURT AT** _____, **CO** _____

CLERK OF THE COURT

By Deputy Clerk: _____

Date: _____

Questions to be Answered by Garnishee

Defendant in Attachment's Name: _____ **Case Number:** _____

The following questions MUST be answered by you:

- a. On the date and time this Writ was served upon you, did you possess or control any personal property of the Defendant in Attachment or did you owe any rents, payments, obligations, debts or moneys other than earnings to the Defendant in Attachment? **YES** **NO**

- b. If **YES to question a**, list all items of personal property and their location(s) and/or describe the nature and amount of the debt or obligation: (Attach additional pages if necessary): _____

- c. Do you claim any setoff against any property, debt or obligation listed above? **YES** **NO**

- d. If you answered **YES** to question c, describe the nature and amount of the setoff claimed:

(Attach additional pages if necessary): _____

Verification

I declare under penalty of perjury under the law of Colorado that I am authorized to act for the Garnishee and the above answers are true and correct.

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

Printed name of Garnishee

Address of Garnishee: _____
City State Zip Code Phone

By: _____
Printed name of Person Answering

Signature of Person Answering

Small Claims Court _____ County, Colorado Court Address: _____	
PLAINTIFF(S): _____ Address: _____ City/State/Zip: _____ Phone: Home _____ Work _____ Cell _____ v. DEFENDANT(1): _____ Address: _____ City/State/Zip: _____ Phone: Home _____ Work _____ Cell _____ DEFENDANT(2): _____ Address: _____ City/State/Zip: _____ Phone: Home _____ Work _____ Cell _____	<div style="border: 1px solid black; padding: 5px;"> <p style="text-align: center; margin: 0;">▲ COURT USE ONLY ▲</p> <p style="margin: 0;">Case Number: _____</p> <p style="font-size: 2em; font-weight: bold; margin: 10px 0 10px 0;">S</p> <p style="margin: 0;">Division _____ Courtroom _____</p> </div>
NOTICE, CLAIM AND SUMMONS TO APPEAR FOR TRIAL (Part 1)	

If Defendant(s) is/are other than a person, go on-line at www.coloradosos.gov to determine the registered agent for service of this notice. Please enter name and address of the agent. Name: _____
 Address: _____

1. The Defendant(s) is/are in the military service: Yes No Unknown
2. The Defendant(s) reside(s), is/are regularly employed, has/have an office for the transaction of business, or is/are a student in this county, or real property located in this county is the subject of claim(s) arising from a restrictive covenant or security deposit dispute. Yes No
3. I/We understand that it is my/our responsibility to have each Defendant served with the "Defendant's Copy" of this Notice by a person whose age is 18 years or older and who is not a party to this action 15 days prior to the trial and to provide the Court with written proof of service. Yes No
4. I am an attorney: Yes No

Notice and Summons to Appear for Trial

To the Defendant(s):
 You are scheduled to have your trial in this case on _____ (date) at _____ (time) at the Court address stated in the above caption. Bring with you all books, papers and witnesses you need to establish your defense. **If you do not appear, judgment may be entered against you.** If you wish to defend the claim or present a counterclaim, you must provide a written response or written counterclaim on or before the scheduled trial date and pay a **nonrefundable** filing fee.

Dated: _____

Clerk of Court/Deputy Clerk

Plaintiff(s)'s Claim (Please summarize reasons to support your claim below.)
 The Defendant(s) owe(s) me \$_____, which includes penalties, plus interest and costs allowed by law, and/or should be ordered to return property, perform a contract or set aside a contract or comply with a restrictive covenant for the following reasons. (If seeking return of property, please describe the property being requested).

Note: The combined value of money, property, specific performance or cost to remedy a covenant violation cannot exceed \$7,500.00.
 I/we declare under penalty of perjury under the law of Colorado that the foregoing is true and correct. I/we have not filed in any Small Claims Court in this County more than 2 claims during this calendar month, nor more than 18 claims in this County this calendar year.

Dated: _____

Plaintiff's Signature

Plaintiff's Signature

Small Claims Court _____ County, Colorado Court Address: _____ <hr/> PLAINTIFF(S): _____ Address: _____ City/State/Zip: _____ Phone: Home _____ Work _____ Cell _____ v. DEFENDANT(1): _____ Address: _____ City/State/Zip: _____ Phone: Home _____ Work _____ Cell _____ DEFENDANT(2): _____ Address: _____ City/State/Zip: _____ Phone: Home _____ Work _____ Cell _____	<div style="border-top: 1px solid black; border-bottom: 1px solid black; margin: 0 auto; width: 80%;"> ▲ COURT USE ONLY ▲ </div> Case Number: _____ <div style="font-size: 2em; font-weight: bold; margin: 10px auto;">S</div> Division _____ Courtroom _____
NOTICE, CLAIM AND SUMMONS TO APPEAR FOR TRIAL (Part 2)	

If Defendant(s) is/are other than a person, go on-line at www.coloradosos.gov to determine the registered agent for service of this notice. Please enter name and address of the agent. Name: _____
 Address: _____

1. The Defendant(s) is/are in the military service: Yes No Unknown
2. The Defendant(s) reside(s), is/are regularly employed, has/have an office for the transaction of business, or is/are a student in this county, or real property located in this county is the subject of claim(s) arising from a restrictive covenant or security deposit dispute. Yes No
3. I/We understand that it is my/our responsibility to have each Defendant served with the "Defendant's Copy" of this Notice by a person whose age is 18 years or older and who is not a party to this action 15 days prior to the trial and to provide the Court with written proof of service. Yes No
4. I am an attorney: Yes No

Notice and Summons to Appear for Trial

To the Defendant(s):
 You are scheduled to have your trial in this case on _____ (date) at _____ (time) at the Court address stated in the above caption. Bring with you all books, papers and witnesses you need to establish your defense. **If you do not appear, judgment may be entered against you.** If you wish to defend the claim or present a counterclaim, you must provide a written response or written counterclaim on or before the scheduled trial date and pay a **nonrefundable** filing fee.

Dated: _____
_____ Clerk of Court/Deputy Clerk

Plaintiff(s)'s Claim (Please summarize reasons to support your claim below.)
 The Defendant(s) owe(s) me \$ _____, which includes penalties, plus interest and costs allowed by law, and/or should be ordered to return property, perform a contract or set aside a contract or comply with a restrictive covenant for the following reasons. (If seeking return of property, please describe the property being requested).

Note: The combined value of money, property, specific performance or cost to remedy a covenant violation cannot exceed \$7,500.00. I/we declare under penalty of perjury under the law of Colorado that the foregoing is true and correct. I/we have not filed in any Small Claims Court in this County more than 2 claims during this calendar month, nor more than 18 claims in this County in this calendar year.

Dated: _____

Plaintiff's Signature

Plaintiff's Signature

Small Claims Court _____ County, Colorado Court Address: _____ <hr/> PLAINTIFF(S): _____ Address: _____ City/State/Zip: _____ Phone: Home _____ Work _____ Cell _____ v. DEFENDANT(1): _____ Address: _____ City/State/Zip: _____ Phone: Home _____ Work _____ Cell _____ DEFENDANT(2): _____ Address: _____ City/State/Zip: _____ Phone: Home _____ Work _____ Cell _____	<div style="border-top: 1px solid black; border-bottom: 1px solid black; margin: 0 auto; width: 80%;"> ▲ COURT USE ONLY ▲ </div> Case Number: _____ <div style="font-size: 2em; font-weight: bold; margin: 10px auto;">S</div> Division _____ Courtroom _____
NOTICE, CLAIM AND SUMMONS TO APPEAR FOR TRIAL (Part 3)	

If Defendant(s) is/are other than a person, go on-line at www.coloradosos.gov to determine the registered agent for service of this notice. Please enter name and address of the agent. Name: _____
 Address: _____

1. The Defendant(s) is/are in the military service: Yes No Unknown
2. The Defendant(s) reside(s), is/are regularly employed, has/have an office for the transaction of business, or is/are a student in this county, or real property located in this county is the subject of claim(s) arising from a restrictive covenant or security deposit dispute. Yes No
3. I/We understand that it is my/our responsibility to have each Defendant served with the "Defendant's Copy" of this Notice by a person whose age is 18 years or older and who is not a party to this action 15 days prior to the trial and to provide the Court with written proof of service. Yes No
4. I am an attorney: Yes No

Notice and Summons to Appear for Trial

To the Defendant(s):
 You are scheduled to have your trial in this case on (date) _____ (time) _____ at the Court address stated in the above caption. Bring with you all books, papers and witnesses you need to establish your defense. **If you do not appear, judgment may be entered against you.** If you wish to defend the claim or present a counterclaim, you must provide a written response or written counterclaim on or before the scheduled trial date and pay a **nonrefundable** filing fee.

Dated: _____

Clerk of Court/Deputy Clerk

Plaintiff(s)'s Claim (Please summarize reasons to support your claim below.)
 The Defendant(s) owe(s) me \$_____, which includes penalties, plus interest and costs allowed by law, and/or should be ordered to return property, perform a contract or set aside a contract or comply with a restrictive covenant for the following reasons. (If seeking return of property, please describe the property being requested).

Note: The combined value of money, property, specific performance or cost to remedy a covenant violation cannot exceed \$7,500.00. I/we declare under penalty of perjury under the law of Colorado that the foregoing is true and correct. I/we have not filed in any Small Claims Court in this County more than 2 claims during this calendar month, nor more than 18 claims in this County in this calendar year.

Dated: _____

Plaintiff's Signature

Plaintiff's Signature

INFORMATION FOR PLAINTIFFS IN SMALL CLAIMS CASES

A. FILING. You may file your claim in this Court if:

1. Your claim is for money, property, specific performance or rescission of a contract, or enforcement of a restrictive covenant that does not exceed \$7,500.00. You may reduce a larger claim and waive the balance. You cannot divide a claim and file two separate cases.
2. At least one of the parties you sue resides, is regularly employed, has an office for the transaction of business, or is a student in this county, or they own rental property in the county that is the subject of this claim.
3. You pay the clerk one of the following **NONREFUNDABLE** filing fees.

- ◆ **Claim \$500.00 or less:** **\$31.00**
- ◆ **Claim over \$500.00 but less than \$7,500.00:** **\$55.00**

B. SERVICE. This notice to appear must be served at least 15 days prior to the trial on each Defendant. It may be served by:

1. Any person whose age is 18 years or older and who is not a party to this action.
2. Sheriff or process server.
3. Certified Mail that is mailed by the clerk. You must deposit the cost for certified mail in advance.

C. SETTLEMENT. If you settle your claim before trial, you must notify the Small Claims Court and Defendant in writing.

D. SUBPOENAS. Upon your request, the clerk will issue a subpoena to require witnesses to appear or bring documents for your trial. It is your responsibility to complete the information needed on the subpoena and to have the subpoena served. Subpoenas must be served personally and may be served by a person over the age of 18 that is not a party to the case. Subpoenas must be accompanied by a check for payment of witness fees and mileage for any witnesses served.

E. TRIAL RESPONSIBILITY. You have a right to a trial. Bring all evidence necessary to prove your case: books, papers, repair bills, photographs or other exhibits. Be on time. If you are late or do not appear, the Court may enter judgment in favor of the Defendant and against you if the Defendant filed a counterclaim.

F. APPEAL. If you wish to appeal, you must file your notice of appeal within 14 days of the judgment and proceed according to C.R.C.P. 411.

G. JUDGMENT. THE COURT DOES NOT COLLECT ANY JUDGMENT, but will help with the necessary forms.

Money Judgment. If judgment is entered in favor of the Defendant and against you, you are expected to immediately pay the judgment, including filing fees and court costs. If the judgment is not paid immediately, you must answer questions about your assets and income and the other party can obtain a writ of garnishment or execution against your wages or property. Once the judgment is paid, you are entitled to have the judgment satisfied.

Non-monetary Judgment. If the Court orders immediate possession of the property, performance of a contract, setting aside of a contract or compliance with a restrictive covenant, failure to comply with the Court order may result in an award of damages and or being held in contempt.

H. CASE INQUIRIES. When inquiring about this case, refer to the case number on the other side of this document. Direct all inquiries to the clerk, not the judge or magistrate.

I. ATTORNEY. If the Defendant(s) want(s) to be represented by an attorney, the Defendant(s) or attorney must file a Notice of Representation of Attorney (JDF 256) at least 7 days before the trial date on this notice. Then, you may have representation by an attorney. If either party is an attorney, the other party may be represented by an attorney without filing a notice of representation. Even if there are attorneys in the case, the rules and procedures of the Small Claims Court will still apply.

J. JUDICIAL OFFICER. A magistrate or judge may hear your case. If you want a judge to hear your case, you must file an Objection to a Magistrate Hearing Case (JDF 259) at least 7 days before the trial date set in this notice. The rules and procedures of the Small Claims Court will still apply.

K. Language Interpreter. If you or a witness requires a language interpreter to be present for hearings, you must contact the Managing Interpreter corresponding to the district in which the case will be heard at least 7 days before the trial date is set on this notice. A language interpreter may only interpret what is said between parties during a hearing and immediately prior to or after the hearing. A language interpreter may not provide legal advice or any other service that is not related to interpreting. Interpreters may not provide any services that may constitute a violation of the language interpreter's Code of Professional Responsibility. A current list of Managing Interpreters can be viewed at:
http://www.courts.state.co.us/Administration/Custom.cfm?Unit=interp&Page_ID=117.

Small Claims Court _____ County, Colorado Court Address: _____ <hr/> PLAINTIFF(S): _____ Address: _____ City/State/Zip: _____ Phone: Home _____ Work _____ Cell _____ v. DEFENDANT(1): _____ Address: _____ City/State/Zip: _____ Phone: Home _____ Work _____ Cell _____ DEFENDANT(2): _____ Address: _____ City/State/Zip: _____ Phone: Home _____ Work _____ Cell _____	<div style="text-align: center; border-top: 1px solid black; border-bottom: 1px solid black;"> ▲ COURT USE ONLY ▲ </div> Case Number: _____ <div style="text-align: center; font-size: 2em; font-weight: bold;">S</div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> Division Courtroom </div>
NOTICE, CLAIM AND SUMMONS TO APPEAR FOR TRIAL (Part 4)	

If Defendant(s) is/are other than a person, go on-line at www.coloradosos.gov to determine the registered agent for service of this notice. Please enter name and address of the agent. Name: _____
 Address: _____

1. The Defendant(s) is/are in the military service: Yes No Unknown
2. The Defendant(s) reside(s), is/are regularly employed, has/have an office for the transaction of business, or is/are a student in this county, or real property located in this county is the subject of claim(s) arising from a restrictive covenant or security deposit dispute. Yes No
3. I/We understand that it is my/our responsibility to have each Defendant served with the "Defendant's Copy" of this Notice by a person whose age is 18 years or older and who is not a party to this action 15 days prior to the trial and to provide the Court with written proof of service. Yes No
4. I am an attorney: Yes No

Notice and Summons to Appear for Trial

To the Defendant(s):
 You are scheduled to have your trial in this case on (date) _____ (time) _____
 at the Court address stated in the above caption. Bring with you all books, papers and witnesses you need to establish your defense. **If you do not appear, judgment may be entered against you.** If you wish to defend the claim or present a counterclaim, you must provide a written response or written counterclaim on or before the scheduled trial date and pay a **nonrefundable** filing fee.

Dated: _____

 Clerk of Court/Deputy Clerk

Plaintiff(s)'s Claim (Please summarize reasons to support your claim below.)
 The Defendant(s) owe(s) me \$ _____, which includes penalties, plus interest and costs allowed by law, and/or should be ordered to return property, perform a contract or set aside a contract or comply with a restrictive covenant for the following reasons. (If seeking return of property, please describe the property being requested).

Note: The combined value of money, property, specific performance or cost to remedy a covenant violation cannot exceed \$7,500.00
 I/we declare under penalty of perjury under the law of Colorado that the foregoing is true and correct. I/we have not filed in any Small Claims Court in this County more than 2 claims during this calendar month, nor more than 18 claims in this County in this calendar year.

Dated: _____

 Plaintiff's Signature

 Plaintiff's Signature

AFFIDAVIT OF SERVICE
(Must be returned to Court)

I swear/affirm under oath that I am 18 years or older and not a party to the action, and that I served the **Notice, Claim, and Summons to Appear for Trial (JDF 250)** on the following:

Name of Person Served

Date and Time of Service

Address of Service
(Street, County, City, State)

Check type of Service:

- By handing the documents to a person identified to me as the Defendant.
- By identifying the documents, offering to deliver them to a person identified to me as the Defendant who refused service, and then leaving the documents in a conspicuous place.
- By leaving the documents at the Defendant's usual place of abode with _____ (Name of Person) who is a member of the Defendant's family and whose age is 18 years or older. (Identify family relationship) _____.)
- By leaving the documents at the Defendant's usual workplace with _____ (Name of Person) who is the Defendant's secretary, administrative assistant, bookkeeper, or managing agent. (Circle title of person served.)
- By leaving the documents with _____ (Name of Person), who as _____ (title) is authorized by appointment or by law to receive service of process for the Defendant.
- By leaving the documents with an officer, partner, manager, stockholder, elected official or functional equivalent pursuant to C.R.C.P. 304 _____ (please identify) of the corporation or non-corporate entity which was to be served. (Circle title of person who was served.)
- By serving the documents as follows (other service under C.R.C.P. 304: _____
_____.

I have charged the following fees for my services in this matter:

- Private process server
- Sheriff, _____ County
Fee \$ _____ Mileage \$ _____

Signature of Process Server

Name (Print or type)

Subscribed and affirmed, or sworn to before me in the County of _____, State of _____, this _____ day of _____, 20 _____.

My Commission Expires: _____

Notary Public

CERTIFICATE OF SERVICE BY MAILING
(To be performed by Clerk within three days of filing)

I hereby certify that on _____ (date), I mailed a true and correct copy of the **NOTICE, CLAIM, AND SUMMONS TO APPEAR FOR TRIAL**, by placing it in the United States Mail, postage pre-paid to the Defendant(s) at the address(es) listed above.

Clerk of Court/Deputy Clerk

(If applicable) Plaintiff(s) notified of non-service on (date) _____. Clerk's Initials _____

FORM 1.2. DISTRICT COURT CIVIL (CV) CASE COVER SHEET FOR INITIAL PLEADING OF COMPLAINT, COUNTERCLAIM, CROSS-CLAIM OR THIRD PARTY COMPLAINT AND JURY DEMAND

District Court _____ County, Colorado Court Address:	▲ COURT USE ONLY ▲
Plaintiff(s): v. Defendant(s):	
Attorney or Party Without Attorney (Name and Address): Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____	Case Number:
DISTRICT COURT CIVIL (CV) CASE COVER SHEET FOR INITIAL PLEADING OF COMPLAINT, COUNTERCLAIM, CROSS-CLAIM OR THIRD PARTY COMPLAINT AND JURY DEMAND	

1. This cover sheet shall be filed with the initial pleading of a complaint, counterclaim, cross-claim or third party complaint in every district court civil (CV) case. It shall not be filed in Domestic Relations (DR), Probate (PR), Juvenile (JA, JR, JD, JV), or Mental Health (MH) cases or in Water (CW) proceedings subject to sections 37-92-302 to 37-92-305, C.R.S. Failure to file this cover sheet is not a jurisdictional defect in the pleading but may result in a clerk's show cause order requiring its filing.
2. Simplified Procedure under C.R.C.P. 16.1 **applies** to this case **unless** (check one box below if this party asserts that C.R.C.P. 16.1 **does not** apply):
 - This is a class action, forcible entry and detainer, Rule 106, Rule 120, or other similar expedited proceeding, **or**
 - This party is seeking a monetary judgment against another party of more than \$100,000.00, exclusive of interest and costs, as supported by the following certification:

By my signature below and in compliance with C.R.C.P. 11, based upon information reasonably available to me at this time, I certify that the value of this party's claims against one of the other parties is reasonably believed to exceed \$100,000.

Or

Another party has previously filed a cover sheet stating that C.R.C.P. 16.1 does not apply to this case.

3. This party makes a **Jury Demand** at this time and pays the requisite fee. *See* C.R.C.P. 38. (Checking this box is optional.)

Date: _____

Signature of Party

Date: _____

Signature of Attorney for Party (if any)_____

NOTICE

This cover sheet must be served on all other parties along with the initial pleading of a complaint, counterclaim, cross-claim, or third party complaint.

INSTRUCTIONS TO COMPLETE DISTRICT CIVIL (CV) CASE COVER SHEET JDF 601 FOR INITIAL PLEADING OF COMPLAINT, COUNTERCLAIM, CROSS- CLAIM, OR THIRD PARTY COMPLAINT, RULE 16.1 SIMPLIFIED PROCEDURE

These standard instructions are 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.

GENERAL INFORMATION

- ◆ As of July 1, 2004, the JDF 601 case cover sheet is required by C.R.C.P. 16.1 Simplified Procedure for all District Civil (CV) actions filed on or after that date. This cover sheet must be filed with the complaint and any counterclaim, cross-claim, or third party complaint.
- ◆ If you fail to file a Case Cover Sheet with such a pleading, you will be notified by the Court that you need to file a Case Cover Sheet and must then do so within the time stated by the Court, or the Court may impose sanctions, including striking this pleading.
- ◆ If you have a disability and need a reasonable accommodation to access the courts, please contact your local ADA Coordinator. Contact information can be obtained from the following website: http://www.courts.state.co.us/Administration/HR/ADA/Coordinator_List.cfm

STEPS TO COMPLETE CIVIL CASE COVER SHEET

Step 1: Complete Caption.

- Identify the name of the county and court address where you plan to file your papers.
- Identify the name of the Plaintiff(s) and Defendant(s). If you have multiple Plaintiffs or Defendants, list only the first Plaintiff or Defendant.
- Complete the identifying information for the party or attorney completing the Case Cover Sheet.
- Once you file your papers, the Court will assign a case number and division and will indicate such on the Case Cover Sheet.
- If a case number has already been assigned, you must still complete the Case Cover Sheet and insert the case number.

Step 2: Complete Item 2.

- Check the applicable box if the Simplified Procedure **applies** to your case.
- or
- Check the applicable box if the Simplified Procedure **does not apply** to your case. If you have checked this box, **you must also check one of the three boxes** within this section to identify why the Simplified Procedure does not apply. The three options are identified below:
 - Some civil actions are automatically excluded and are not subject to C.R.C.P. 16.1. If you are filing a class action, domestic relations case, juvenile case, mental health case, probate case, a water law proceeding subject to sections 37-92-302 to 37-92-305, C.R.S., forcible entry and detainer, Rule 106 or 120, petition to seal criminal record, distraint warrant, county court or municipal appeal, or a writ of habeas corpus civil action your case is not subject to the simplified procedure.
 - or
 - Simplified Procedures does not apply if you are seeking a monetary judgment for more than \$100,000.00 against any other party, including attorney fees, penalties or punitive damages, but excluding interest and costs, as well as the value of any equitable relief sought.

- Simplified Procedures does not apply if another party has previously indicated in a Civil Case Cover Sheet that the Simplified Procedure under C.R.C.P 16.1 does not apply to your case.

Step 3: Complete Item 3. (Optional)

- You can request a jury trial and pay the requisite fee at this time. If you check this box, your filing fee must include the jury demand fee. Please refer to C.R.C.P. 38 for your right to request a jury trial and waiving the right to a jury trial.
- If you are making a jury demand pursuant to §38-1-106, C.R.S., a jury demand fee is not required for a jury of six freeholders. However, if you are requesting a jury of freeholders in excess of six (including alternates) an advance deposit of \$50.00 per extra juror for one day of service is required. For example, if you demand a jury of 12, an advance deposit of \$300.00 (\$50.00 x 6) is required.

Step 4: Sign and Date Civil Case Cover Sheet.

- The party or the Attorney, if applicable, must date and sign the Civil Case Cover Sheet.

Amended and Adopted by the Court, En Banc, January 6, 2022. Effective March 1, 2022 for Rules 16, 16.1, 30, 45, and Forms 601 and 603. Effective immediately for Forms 26, 29, 32, 33, 47, and 250.

By the Court:

**Richard L. Gabriel
Justice, Colorado Supreme Court**

RULE CHANGE 2022(02)

COLORADO RULES OF CIVIL PROCEDURE
Chapter 25 Colorado Rules of County Court Civil Procedure
Rules: 304, 312, and 404
Forms: 28A and 105

Rule 304. Service of Process.

(a) - (j) [NO CHANGE]

(k) Time Limit for Service. If a defendant is not served within 26 weeks after the complaint is filed, the court--on motion or on its own after notice to the plaintiff--shall dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court shall extend the time for service for an appropriate period. This subdivision (k) does not apply to service in a foreign country under rule 304(d).

**Rule 312. Defenses and Objections -- When and How Presented -- By Pleading or Motion --
Motion for Judgment on Pleadings.**

(a) [NO CHANGE]

(b) Motions. ~~Motions raising defenses shall be made in accordance with Rule 307. If made by the defendant on or before the appearance date the motions shall be ruled upon before an answer is required to be filed.~~ Motions raising defenses made by the defendant on or before the appearance date shall be ruled upon before an answer is required to be filed. If the court rules upon such motions on the appearance date, the defendant may be required to file the answer immediately. The answer shall otherwise be filed within 14 days of the order. The court may permit the plaintiff to amend the complaint or supply additional facts and may permit additional time within which the answer shall be filed.

(c) - (d) [NO CHANGE]

Rule 404. Replevin

(a) Personal Property. The plaintiff in an action in the county court to recover the possession of personal property, the value of which does not exceed ~~fifteen~~twenty-five thousand dollars, may, at the time of the commencement of the action, or at any time before trial, claim the delivery of such property to the plaintiff as provided in this Rule.

(b) - (p) [NO CHANGE]

Rule 304. Service of Process.

(a) - (j) [NO CHANGE]

(k) Time Limit for Service. If a defendant is not served within 26 weeks after the complaint is filed, the court--on motion or on its own after notice to the plaintiff--shall dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court shall extend the time for service for an appropriate period. This subdivision (k) does not apply to service in a foreign country under rule 304(d).

**Rule 312. Defenses and Objections -- When and How Presented -- By Pleading or Motion --
Motion for Judgment on Pleadings.**

(a) [NO CHANGE]

(b) Motions. Motions raising defenses made by the defendant on or before the appearance date shall be ruled upon before an answer is required to be filed. If the court rules upon such motions on the appearance date, the defendant may be required to file the answer immediately. The answer shall otherwise be filed within 14 days of the order. The court may permit the plaintiff to amend the complaint or supply additional facts and may permit additional time within which the answer shall be filed.

(c) - (d) [NO CHANGE]

Rule 404. Replevin

(a) Personal Property. The plaintiff in an action in the county court to recover the possession of personal property, the value of which does not exceed twenty-five thousand dollars, may, at the time of the commencement of the action, or at any time before trial, claim the delivery of such property to the plaintiff as provided in this Rule.

(b) - (p) [NO CHANGE]

<input type="checkbox"/> County Court <input type="checkbox"/> District Court <div style="text-align: center;">County, Colorado</div>	COURT USE ONLY
Court address: _____	
Plaintiff(s): _____ v. Defendant(s): _____	
Judgment Debtor's Attorney or Judgment Debtor (Name and Address): _____ Phone Number: _____ E-mail: _____ FAX Number: _____ Atty.Reg. #: _____	Case Number: _____ Division _____ Courtroom _____
<u>OBJECTION TO CALCULATION OF THE AMOUNT OF EXEMPT EARNINGS</u>	

Instructions to Judgment Debtor: Use this form to object to the calculations of your exempt earnings.

Name: _____ Phone Number: _____
Street Address: _____
Mailing Address, if different: _____
City: _____ State: _____ Zip Code: _____

<u>EXEMPTION CHART</u>	<u>PAY PERIOD</u>	<u>AMOUNT EXEMPT IS THE GREATER OF:</u>
("Minimum Hourly Wage" means state or federal minimum wage, whichever is greater.)	<u>Weekly</u>	<u>30 x Minimum Hourly Wage or 75% of Disposable Earnings</u>
	<u>Bi-Weekly</u>	<u>60 x Minimum Hourly Wage or 75% of Disposable Earnings</u>
	<u>Semi-monthly</u>	<u>65 x Minimum Hourly Wage or 75% of Disposable Earnings</u>
	<u>Monthly</u>	<u>130 x Minimum Hourly Wage or 75% of Disposable Earnings</u>

1. Judgment Debtor's objection to the Garnishee's Calculation of the Amount of Exempt Earnings because I believe that the correct calculation is:

Gross Earnings for My Pay Period from _____ thru _____	\$	
Less Deductions Required by Law (For Example, Withholding Taxes, FICA)	-	\$
Disposable Earnings (Gross Earnings Less Deductions)	=	\$
Less Statutory Exemption (Use Exemption Chart on Writ)	-	\$
Net Amount Subject to Garnishment	=	\$
Less Wage/Income Assignment(s) During Pay Period (If Any)	-	\$
<u>Amount which should be withheld</u>	=	\$

OR

2. The earnings garnished are pension or retirement benefits/deferred compensation/health, accident or disability insurance and they are totally exempt because:

I understand that I must make a good faith effort to resolve my dispute with the Garnishee.

I **have** **have not** attempted to resolve this dispute with the Garnishee.

Name of Person I Talked to: _____

Position: _____ Phone Number: _____

Debtor's Notice to Garnishee: Even though I am filing this Objection, you are directed to send my nonexempt earnings to the Court at the address noted instead of to the party designated in paragraph "e" on the front of the Writ of Continuing Garnishment. The Court will hold my nonexempt earnings in its registry until my Objection is resolved.

I certify that the above is correct to the best of my knowledge and belief and that I sent a copy of this document by certified mail (return receipt requested) to both the Garnishee and to the Judgment Creditor, or if the Judgment Creditor is represented by Counsel, certified mail (return receipt requested) to the Judgment Creditor's Attorney or E-Service to the Judgment Creditor's Attorney.

By checking this box, I am acknowledging I am filling in the blanks and not changing anything else on the form.

By checking this box, I am acknowledging that I have made a change to the original content of this form.

Garnishee _____ Judgment Creditor or Attorney _____

Address: _____ Address: _____

Signature of Judgment Debtor or
Judgment Debtor's Counsel and Reg. Number

County Court _____ County, Colorado Court Address: _____ Plaintiff(s)/Petitioner(s): v. Defendant(s)/Respondent(s):	▲ COURT USE ONLY ▲
Attorney or Party Without Attorney (Name and Address): Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____	Case Number: Division _____ Courtroom _____
PATTERN INTERROGATORIES UNDER C.R.C.P. 369(g) - INDIVIDUAL	

The following Pattern Interrogatories are propounded to _____ (name of Judgment Debtor) pursuant to C.R.C.P. 369(g).

Answer all of the questions and each and every part thereof fully and completely. Your answers must be filed with the Court and a copy mailed to the sender no later than 14 days after you receive [these Pattern Interrogatories](#) them. Use a separate sheet of paper, if necessary. Do not use Post Office boxes for any address provided in your answers unless you request and receive permission from the Court.

1. State your home address, business address, home phone, business phone, and date of birth:

Home address: _____
 Business address: _____
 Home phone: _____ Business phone: _____
 Date of Birth: _____

2. If you are employed, state the name, address, and phone number of your employer(s). If more than one employer, show additional employers on a separate sheet of paper.

Name of Employer: _____ Phone Number: _____
 Address: _____

3. If you have any income from any source other than your employer (for example, rental income, commissions, stock dividends, interest), state the name, address, and phone number, ~~amount of income, and dates of payment~~ of the person or business paying you the income, the amount of income, and the dates of payment.

Name of Payor: _____ Phone Number: _____
 Address: _____
 Amount of Payments: _____ Dates of Payments: _____

 Name of Payor: _____ Phone Number: _____
 Address: _____
 Amount of Payments: _____ Dates of Payments: _____

4. If you are not employed or have other sources of income, state all sources of money you use to pay your living expenses, including the name, address, telephone number, and amounts. Show additional sources on a separate sheet of paper, if necessary:

Name of Payor: _____ Phone Number: _____

Address: _____

Amount of Payments: \$ _____ Dates of Payments: _____

Name of Payor: _____ Phone Number: _____

Address: _____

Amount of Payments: \$ _____ Dates of Payments: _____

5. State whether you own or rent the home you live in, including the amount of rent or house payments you make:

Rent _____ (monthly rent payment)

Own _____ (monthly house payment)

Name(s) of Owner(s): _____

6. State the name, address, account number and type of account for every financial institution (bank, savings and loan, credit union, brokerage house) where you have an account or where you have signature authority on the account. Provide additional information on a separate sheet of paper, if necessary.

Name: _____

Address: _____

Type of Account: _____ Account Number (last 4-digits): _____

Name: _____

Address: _____

Type of Account: _____ Account Number (last 4-digits): _____

Name: _____

Address: _____

Type of Account: _____ Account Number (last 4-digits): _____

7. If you own, ~~or~~ owned during the last four years, or regularly use any automobiles, motorcycles, trucks, RV's, ATV's, Jet skis, boats, or trailers, list the make, model, year, VIN, date of purchase, purchase price, and the name of the owner if ~~only used by~~ the owner is not you. If you no longer own the vehicle, identify date of sale, sale price, and name and address of purchaser. Provide additional information on a separate sheet of paper, if necessary.

Make: _____ Model: _____ Year: _____ VIN: _____

Purchase Date: _____ Price: _____

Sale Date: _____ Price: _____ Purchaser: _____

Address of Purchaser: _____

Owner if not you: _____

Make: _____ Model: _____ Year: _____ VIN: _____

Purchase Date: _____ Price: _____

Sale Date: _____ Price: _____ Purchaser: _____

Address of Purchaser: _____

Owner if not you: _____

8. If you own, ~~or~~ owned during the last four years, or use any firearms, list the make, model, serial number, date of purchase, purchase price. If you no longer own the firearm, identify date of sale, sale price, and name and address of purchaser. Provide additional information on a separate sheet of paper, if necessary.

Make: _____ Model: _____ Serial Number: _____

Purchase Date: _____ Price: _____
Sale Date: _____ Price: _____ Purchaser: _____
Address of Purchaser: _____
Owner if not you: _____

Make: _____ Model: _____ Serial Number: _____
Purchase Date: _____ Price: _____
Sale Date: _____ Price: _____ Purchaser: _____
Address of Purchaser: _____
Owner if not you: _____

9. If you own, ~~or~~ owned during the last four years, or regularly use any personal property NOT DESCRIBED ABOVE for which the purchase price was \$500.00 or more, describe each item by make, model, date of purchase, purchase price, and name of owner if ~~only used by~~ not you. If you no longer own the item, identify date of sale, sale price, and name and address of purchaser. Provide additional information on a separate sheet of paper, if necessary.

Make: _____ Model: _____ Purchase Date: _____ Price: _____
Sale Date: _____ Price: _____ Purchaser: _____
Address of Purchaser: _____
Owner if not you: _____

Make: _____ Model: _____ Purchase Date: _____ Price: _____
Sale Date: _____ Price: _____ Purchaser: _____
Address of Purchaser: _____
Owner if not you: _____

Make: _____ Model: _____ Purchase Date: _____ Price: _____
Sale Date: _____ Price: _____ Purchaser: _____
Address of Purchaser: _____
Owner if not you: _____

10. State the name, address, and telephone number of your spouse, if you are married ~~and if not~~. If not married, list a close relative not living with you, indicating their relationship to you.

Name: _____ Relationship: _____
Address: _____
Phone Number: _____

11. Produce and attach to your answers, copies of the following documents ~~for the last four years~~:

- a. Your federal and state tax returns with all attachments for the last four years.
- b. The deed to or the lease for your home.
- c. Your driver's license.
- d. Your last pay stub from your employer(s).
- e. Your last bank statement(s).

12. If you wish to propose an arrangement to pay the judgment, state the proposed terms:

If you are self-employed, you must also answer the following questions.

13. What is the full name, address, and phone number of the business?

Name: _____ Phone Number: _____
Address: _____

14. What does your business do? _____

15. On a separate sheet of paper, list the name, address and phone number of each business customer during the past three months, including the amount and reason for any money owed by the customer, if any.

16. State the name, address, account number, and type of account for every financial institution (bank, savings and loan, credit union, brokerage house) where the business has an account. Provide additional information on a separate sheet of paper, if necessary.

Name: _____
Address: _____
Type of Account: _____ Account Number (last 4-digits): _____

Name: _____
Address: _____
Type of Account: _____ Account Number (last 4-digits): _____

17. If the business owns, or owned during the last four years, or regularly uses, any personal property for which it paid \$500.00 or more, describe each item by make, model, date of purchase, purchase price, name of owner if only used by you not the business. If the business no longer owns the item, identify date of sale, sale price, and name and address of purchaser. Provide additional information on a separate sheet of paper, if necessary.

Make: _____ Model: _____ Purchase Date: _____ Price: _____
Sale Date: _____ Price: _____ Purchaser: _____
Address of Purchaser: _____
Owner if not you: _____

Make: _____ Model: _____ Purchase Date: _____ Price: _____
Sale Date: _____ Price: _____ Purchaser: _____
Address of Purchaser: _____
Owner if not you: _____

Make: _____ Model: _____ Purchase Date: _____ Price: _____
Sale Date: _____ Price: _____ Purchaser: _____
Address of Purchaser: _____
Owner if not you: _____

18. Produce and attach to your answers, copies of the following documents for the business:

- a. All bank records for the past three months.
- b. All payroll records for the past three months.
- c. Current list of the accounts receivable.
- d. Profit and Loss Statements for the current and prior year.
- e. Current asset list, including the inventory.

Failure to respond fully, accurately, and timely to these interrogatories could result in a citation for contempt of court.

By checking this box, I am acknowledging I am filling in the blanks and not changing anything else on the form.

By checking this box, I am acknowledging that I have made a change to the original content of this form.

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 Judgment Debtor)

Signature of Judgment Debtor

HOW TO SERVE THESE PATTERN INTERROGATORIES ON THE JUDGMENT DEBTOR

The Judgment Creditor may ask the Clerk or Deputy Clerk of Court to serve these Pattern Interrogatories by mailing them to the Judgment Debtor. The Clerk is not required to mail them, and the Clerk will use only regular mail for service. If the Clerk agrees to serve these Pattern Interrogatories, the Clerk will complete the "Certificate of Service by Mailing" below.

If the Judgment Creditor prefers, or if the Clerk declines to mail the Pattern Interrogatories, the Judgment Creditor may serve these Pattern Interrogatories in accordance with C.R.C.P. 304 ("Service of Process"). If C.R.C.P. 304 service is used, the Judgment Creditor must file proof of service as required by C.R.C.P. 304(g). A proof of service form – JDF 98 – is available on the Colorado Judicial Branch's website, <https://www.courts.state.co.us/>

CERTIFICATE OF SERVICE BY MAILING

(To be performed by Clerk within three days of filing)

I hereby certify that on _____(date), I mailed a true and complete copy of the *PATTERN INTERROGATORIES UNDER C.R.C.P. 369(g) - INDIVIDUAL* by placing them in the United States Mail, postage pre-paid to the ~~Defendant~~ Judgment Debtor at the address listed below.

To: _____

Clerk of Court/Deputy Clerk

(If applicable) Plaintiff notified of non-service on _____ (date). Clerk's Initials _____

<input type="checkbox"/> County Court <input type="checkbox"/> District Court <div style="text-align: center;">County, Colorado</div>	COURT USE ONLY
Court address: _____	
Plaintiff(s): _____ v. Defendant(s): _____	
Judgment Debtor's Attorney or Judgment Debtor (Name and Address): _____ Phone Number: _____ E-mail: _____ FAX Number: _____ Atty.Reg. #: _____	Case Number: _____ Division _____ Courtroom _____
OBJECTION TO CALCULATION OF THE AMOUNT OF EXEMPT EARNINGS	

Instructions to Judgment Debtor: Use this form to object to the calculations of your exempt earnings.

Name: _____ Phone Number: _____
Street Address: _____
Mailing Address, if different: _____
City: _____ State: _____ Zip Code: _____

EXEMPTION CHART	PAY PERIOD	AMOUNT EXEMPT IS THE GREATER OF:
("Minimum Hourly Wage" means state or federal minimum wage, whichever is greater.)	Weekly	30 x Minimum Hourly Wage or 75% of Disposable Earnings
	Bi-Weekly	60 x Minimum Hourly Wage or 75% of Disposable Earnings
	Semi-monthly	65 x Minimum Hourly Wage or 75% of Disposable Earnings
	Monthly	130 x Minimum Hourly Wage or 75% of Disposable Earnings

1. Judgment Debtor's objection to the Garnishee's Calculation of the Amount of Exempt Earnings because I believe that the correct calculation is:

Gross Earnings for My Pay Period from _____ thru _____	\$	
Less Deductions Required by Law (For Example, Withholding Taxes, FICA)	-	\$ _____
Disposable Earnings (Gross Earnings Less Deductions)	=	\$ _____
Less Statutory Exemption (Use Exemption Chart on Writ)	-	\$ _____
Net Amount Subject to Garnishment	=	\$ _____
Less Wage/Income Assignment(s) During Pay Period (If Any)	-	\$ _____
Amount which should be withheld	=	\$ _____

OR

2. The earnings garnished are pension or retirement benefits/deferred compensation/health, accident or disability insurance and they are totally exempt because:

I understand that I must make a good faith effort to resolve my dispute with the Garnishee.

I **have** **have not** attempted to resolve this dispute with the Garnishee.

Name of Person I Talked to: _____

Position: _____ Phone Number: _____

Debtor's Notice to Garnishee: Even though I am filing this Objection, you are directed to send my nonexempt earnings to the Court at the address noted instead of to the party designated in paragraph "e" on the front of the Writ of Continuing Garnishment. The Court will hold my nonexempt earnings in its registry until my Objection is resolved.

I certify that the above is correct to the best of my knowledge and belief and that I sent a copy of this document by certified mail (return receipt requested) to both the Garnishee and to the Judgment Creditor, or if the Judgment Creditor is represented by Counsel, certified mail (return receipt requested) to the Judgment Creditor's Attorney or E-Service to the Judgment Creditor's Attorney.

By checking this box, I am acknowledging I am filling in the blanks and not changing anything else on the form.

By checking this box, I am acknowledging that I have made a change to the original content of this form.

Garnishee

Judgment Creditor or Attorney

Address:

Address:

Signature of Judgment Debtor or
Judgment Debtor's Counsel and Reg. Number

County Court _____ County, Colorado Court Address: 	▲ COURT USE ONLY ▲
Plaintiff(s)/Petitioner(s): v. Defendant(s)/Respondent(s):	
Attorney or Party Without Attorney (Name and Address): Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____	Case Number: Division _____ Courtroom _____
PATTERN INTERROGATORIES UNDER C.R.C.P. 369(g) - INDIVIDUAL	

The following Pattern Interrogatories are propounded to _____ (name of Judgment Debtor) pursuant to C.R.C.P. 369(g).

Answer all of the questions and each and every part thereof fully and completely. Your answers must be filed with the Court and a copy mailed to the sender no later than 14 days after you receive these Pattern Interrogatories. Use a separate sheet of paper, if necessary. Do not use Post Office boxes for any address provided in your answers unless you request and receive permission from the Court.

1. State your home address, business address, home phone, business phone, and date of birth:

Home address: _____
 Business address: _____
 Home phone: _____ Business phone: _____
 Date of Birth: _____

2. If you are employed, state the name, address, and phone number of your employer(s). If more than one employer, show additional employers on a separate sheet of paper.

Name of Employer: _____ Phone Number: _____
 Address: _____

3. If you have any income from any source other than your employer (for example, rental income, commissions, stock dividends, interest), state the name, address, and phone number of the person or business paying you the income, the amount of income, and the dates of payment.

Name of Payor: _____ Phone Number: _____
 Address: _____
 Amount of Payments: _____ Dates of Payments: _____

Name of Payor: _____ Phone Number: _____
 Address: _____
 Amount of Payments: _____ Dates of Payments: _____

4. If you are not employed or have other sources of income, state all sources of money you use to pay your living expenses, including the name, address, telephone number, and amounts. Show additional sources on a separate sheet of paper, if necessary:

Name of Payor: _____ Phone Number: _____

Address: _____

Amount of Payments: \$ _____ Dates of Payments: _____

Name of Payor: _____ Phone Number: _____

Address: _____

Amount of Payments: \$ _____ Dates of Payments: _____

5. State whether you own or rent the home you live in, including the amount of rent or house payments you make:

Rent _____ (monthly rent payment)

Own _____ (monthly house payment)

Name(s) of Owner(s): _____

6. State the name, address, account number and type of account for every financial institution (bank, savings and loan, credit union, brokerage house) where you have an account or where you have signature authority on the account. Provide additional information on a separate sheet of paper, if necessary.

Name: _____

Address: _____

Type of Account: _____ Account Number (last 4-digits): _____

Name: _____

Address: _____

Type of Account: _____ Account Number (last 4-digits): _____

Name: _____

Address: _____

Type of Account: _____ Account Number (last 4-digits): _____

7. If you own, owned during the last four years, or regularly use any automobiles, motorcycles, trucks, RV's, ATV's, jet skis, boats, or trailers, list the make, model, year, VIN, date of purchase, purchase price, and the name of the owner if the owner is not you. If you no longer own the vehicle, identify date of sale, sale price, and name and address of purchaser. Provide additional information on a separate sheet of paper, if necessary.

Make: _____ Model: _____ Year: _____ VIN: _____

Purchase Date: _____ Price: _____

Sale Date: _____ Price: _____ Purchaser: _____

Address of Purchaser: _____

Owner if not you: _____

Make: _____ Model: _____ Year: _____ VIN: _____

Purchase Date: _____ Price: _____

Sale Date: _____ Price: _____ Purchaser: _____

Address of Purchaser: _____

Owner if not you: _____

8. If you own, owned during the last four years, or use any firearms, list the make, model, serial number, date of purchase, purchase price. If you no longer own the firearm, identify date of sale, sale price, and name and address of purchaser. Provide additional information on a separate sheet of paper, if necessary.

Make: _____ Model: _____ Serial Number: _____

Purchase Date: _____ Price: _____
Sale Date: _____ Price: _____ Purchaser: _____
Address of Purchaser: _____
Owner if not you: _____

Make: _____ Model: _____ Serial Number: _____
Purchase Date: _____ Price: _____
Sale Date: _____ Price: _____ Purchaser: _____
Address of Purchaser: _____
Owner if not you: _____

9. If you own, owned during the last four years, or regularly use any personal property NOT DESCRIBED ABOVE for which the purchase price was \$500.00 or more, describe each item by make, model, date of purchase, purchase price, and name of owner if not you. If you no longer own the item, identify date of sale, sale price, and name and address of purchaser. Provide additional information on a separate sheet of paper, if necessary.

Make: _____ Model: _____ Purchase Date: _____ Price: _____
Sale Date: _____ Price: _____ Purchaser: _____
Address of Purchaser: _____
Owner if not you: _____

Make: _____ Model: _____ Purchase Date: _____ Price: _____
Sale Date: _____ Price: _____ Purchaser: _____
Address of Purchaser: _____
Owner if not you: _____

Make: _____ Model: _____ Purchase Date: _____ Price: _____
Sale Date: _____ Price: _____ Purchaser: _____
Address of Purchaser: _____
Owner if not you: _____

10. State the name, address, and telephone number of your spouse, if you are married. If not married, list a close relative not living with you, indicating their relationship to you.

Name: _____ Relationship: _____
Address: _____
Phone Number: _____

11. Produce and attach to your answers copies of the following documents:

- a. Your federal and state tax returns with all attachments for the last four years.
- b. The deed to or the lease for your home.
- c. Your driver's license.
- d. Your last pay stub from your employer(s).
- e. Your last bank statement(s).

12. If you wish to propose an arrangement to pay the judgment, state the proposed terms:

If you are self-employed, you must also answer the following questions.

13. What is the full name, address, and phone number of the business?

Name: _____ Phone Number: _____

Address: _____

14. What does your business do? _____

15. On a separate sheet of paper, list the name, address and phone number of each business customer during the past three months, including the amount and reason for any money owed by the customer, if any.

16. State the name, address, account number, and type of account for every financial institution (bank, savings and loan, credit union, brokerage house) where the business has an account. Provide additional information on a separate sheet of paper, if necessary.

Name: _____

Address: _____

Type of Account: _____ Account Number (last 4-digits): _____

Name: _____

Address: _____

Type of Account: _____ Account Number (last 4-digits): _____

17. If the business owns, owned during the last four years, or regularly uses any personal property for which it paid \$500.00 or more, describe each item by make, model, date of purchase, purchase price, name of owner if not the business. If the business no longer owns the item, identify date of sale, sale price, and name and address of purchaser. Provide additional information on a separate sheet of paper, if necessary.

Make: _____ Model: _____ Purchase Date: _____ Price: _____

Sale Date: _____ Price: _____ Purchaser: _____

Address of Purchaser: _____

Owner if not you: _____

Make: _____ Model: _____ Purchase Date: _____ Price: _____

Sale Date: _____ Price: _____ Purchaser: _____

Address of Purchaser: _____

Owner if not you: _____

Make: _____ Model: _____ Purchase Date: _____ Price: _____

Sale Date: _____ Price: _____ Purchaser: _____

Address of Purchaser: _____

Owner if not you: _____

18. Produce and attach to your answers copies of the following documents for the business:

- a. All bank records for the past three months.
- b. All payroll records for the past three months.
- c. Current list of the accounts receivable.
- d. Profit and Loss Statements for the current and prior year.
- e. Current asset list, including the inventory.

Failure to respond fully, accurately, and timely to these interrogatories could result in a citation for contempt of court.

By checking this box, I am acknowledging I am filling in the blanks and not changing anything else on the form.

By checking this box, I am acknowledging that I have made a change to the original content of this form.

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 Judgment Debtor)

Signature of Judgment Debtor

HOW TO SERVE THESE PATTERN INTERROGATORIES ON THE JUDGMENT DEBTOR

The Judgment Creditor may ask the Clerk or Deputy Clerk of Court to serve these Pattern Interrogatories by mailing them to the Judgment Debtor. The Clerk is not required to mail them, and the Clerk will use only regular mail for service. If the Clerk agrees to serve these Pattern Interrogatories, the Clerk will complete the "Certificate of Service by Mailing" below.

If the Judgment Creditor prefers, or if the Clerk declines to mail the Pattern Interrogatories, the Judgment Creditor may serve these Pattern Interrogatories in accordance with C.R.C.P. 304 ("Service of Process"). If C.R.C.P. 304 service is used, the Judgment Creditor must file proof of service as required by C.R.C.P. 304(g). A proof of service form – JDF 98 – is available on the Colorado Judicial Branch's website, <https://www.courts.state.co.us/>

CERTIFICATE OF SERVICE BY MAILING

I hereby certify that on _____(date), I mailed a true and complete copy of the *PATTERN INTERROGATORIES UNDER C.R.C.P. 369(g) - INDIVIDUAL* by placing them in the United States Mail, postage pre-paid to the Judgment Debtor at the address listed below.

To: _____

Clerk of Court/Deputy Clerk

(If applicable) Plaintiff notified of non-service on _____ (date). Clerk's Initials _____

Amended and Adopted by the Court, En Banc, January 6, 2022, effective immediately.

By the Court:

**Richard L. Gabriel
Justice, Colorado Supreme Court**

RULE CHANGE 2022(03)
COLORADO RULES OF CIVIL PROCEDURE
Chapter 30 Colorado Municipal Court Rules of Procedure

Rule 257. Rules of Court

All municipal court local rules, including local municipal procedures and standing orders having the effect of municipal court local rules, enacted before February 1, 1992, are hereby repealed. Each municipal court, by a majority of its judges, may from time to time propose municipal court local rules and amendments of municipal court local rules. Proposed rules and amendments shall not be inconsistent with the Colorado Rules of Municipal Court Procedure or with any directive of the Supreme Court regarding the conduct of formal judicial proceedings in municipal courts. A proposed local rule or amendment shall not be effective until it is approved by the Supreme Court. To obtain approval, three copies of any proposed local rule or amendment shall be submitted to the Supreme Court through [the Clerk of the Supreme Court](#) ~~the office of the State Court Administrator~~. Reasonable uniformity of municipal court local rules is required. ~~Numbering and format of any municipal court local rule shall be as prescribed by the Supreme Court. Numbering and format requirements are on file at the office of the State Court Administrator.~~ The Supreme Court's approval of a municipal court local rule or local procedure shall not preclude review of that rule or procedure under the law or circumstances of a particular case. Nothing in this rule is intended to affect the authority of a municipal court to adopt internal administrative procedures not relating to the conduct of formal judicial proceedings as prescribed by the Colorado Rules of Municipal Court Procedure.

Rule 257. Rules of Court

All municipal court local rules, including local municipal procedures and standing orders having the effect of municipal court local rules, enacted before February 1, 1992, are hereby repealed. Each municipal court, by a majority of its judges, may from time to time propose municipal court local rules and amendments of municipal court local rules. Proposed rules and amendments shall not be inconsistent with the Colorado Rules of Municipal Court Procedure or with any directive of the Supreme Court regarding the conduct of formal judicial proceedings in municipal courts. A proposed local rule or amendment shall not be effective until it is approved by the Supreme Court. To obtain approval, three copies of any proposed local rule or amendment shall be submitted to the Supreme Court through the Clerk of the Supreme Court. Reasonable uniformity of municipal court local rules is required. The Supreme Court's approval of a municipal court local rule or local procedure shall not preclude review of that rule or procedure under the law or circumstances of a particular case. Nothing in this rule is intended to affect the authority of a municipal court to adopt internal administrative procedures not relating to the conduct of formal judicial proceedings as prescribed by the Colorado Rules of Municipal Court Procedure.

Amended and Adopted by the Court, En Banc, January 6, 2022, effective immediately.

By the Court:

**Richard L. Gabriel
Justice, Colorado Supreme Court**

Proposal to Add Juneteenth to List of Holidays in C.R.C.P. 6

Rule 6. Time

(a)(1) [NO CHANGE]

(2) As used in this Rule, “Legal holiday” includes the first day of January, observed as New Year's Day; the third Monday in January, observed as Martin Luther King Day; the third Monday in February, observed as Washington-Lincoln Day; the last Monday in May, observed as Memorial Day; the nineteenth day of June, observed as Juneteenth Day; the fourth day of July, observed as Independence Day; the first Monday in September, observed as Labor Day; the first Monday in October, observed as Frances Cabrini Day; the 11th day of November, observed as Veteran's Day; the fourth Thursday in November, observed as Thanksgiving Day; the twenty-fifth day of December, observed as Christmas Day, and any other day except Saturday or Sunday when the court is closed.

(b) – (e) [NO CHANGE]

COMMENTS [NO CHANGE]

Rule 26. ~~Computati~~ng and ~~Extensio~~ng of Time

(a) ~~Computati~~ng of Time. In computing any period of time prescribed or allowed by these rules the day of the act, event, or default from which the designated period of time begins to run ~~sh~~will not be included. Thereafter, every day ~~sh~~will be counted including holidays, Saturdays, and Sundays. The last day of the period so computed ~~sh~~will be included, unless it is a Saturday, a Sunday, or a legal holiday, in which event the period runs until the end of the next day which is not a Saturday, a Sunday, or a legal holiday.

(b) “Legal Holiday” Defined. As used in these ~~r~~Rules, “legal holiday” includes the first day of January, observed as New Year’s Day; the third Monday in January, observed as Martin Luther King Day; the third Monday in February, observed as Washington-Lincoln Day; the last Monday in May, observed as Memorial Day; ~~the nineteenth day of June, observed as Juneteenth Day;~~ the fourth day of July, observed as Independence Day; the first Monday in September, observed as Labor Day; the ~~second~~first Monday in October, observed as ~~Columbus Day~~Frances Cabrini Day; the 11th day of November, observed as Veteran’s Day; the fourth Thursday in November, observed as Thanksgiving Day; the twenty-fifth day of December, observed as Christmas Day, and any other day except Saturday or Sunday when the court is closed.

(c) ~~Enlargement~~xtending of Time. ~~For good cause shown, t~~The appellate court ~~for good cause shown~~ may upon motion ~~enlarge~~extend the time prescribed by these rules or by its order for doing any act, or may permit an act to be done after ~~that~~ time ~~expires~~ation ~~of such time;~~ but the court may not ~~extend~~enlarge ~~the time for to file;~~

~~(1) ing~~ a notice of appeal beyond that prescribed in C.A.R. 4(a); or

~~(2). Nor may the court enlarge the time prescribed by law for filing~~ a petition to enjoin, set aside, suspend, modify, enforce, or otherwise review, or a notice of appeal from, an order of an administrative agency, board, commission, or officer of the State of Colorado, except as specifically authorized by law.

(de**) Additional Time After Service by Mail [Repealed].**

COMMITTEE COMMENT [NO CHANGE]

COMMENT [NO CHANGE]

MEMORANDUM

TO: The Civil Rules Committee

FROM: Judge Adam J. Espinosa on behalf of the FED Subcommittee of the Civil Rules Committee

SUBJECT: Recommendations Regarding Proposed Amendments to C.R.C.P. 55 and 355 and an update on the FED summons

DATE: January 17, 2022

Introduction

The Civil Rules FED Subcommittee was reconvened on November 12, 2021 to consider feedback that the Civil Rules Committee received regarding recent changes to certain rules and forms in eviction matters. The feedback included a letter from various Colorado legislators that was submitted by Jack Regenbogen, Esq., with the Colorado Poverty Law Project. The FED subcommittee was reconvened to consider the letter and feedback received by the Civil Rules Committee. In addition to reconvening the subcommittee, the Chair appointed two new members, Denver County Court Judge Beth Faragher and El Paso County Magistrate Andrea Paprzycki, both who have substantial experience in eviction matters and currently preside over heavy eviction dockets.

The reconvened subcommittee members include Hon. Adam J. Espinosa, chair, Hon. Christopher Zenisek, Hon. Beth Faragher, Hon. Andrea Paprzycki, Hon. Sabino Romano (ret.), Greg Whitehair, Esq., Jose Vasquez, Esq., Reenie Terjak, Esq., Victor Sulzer, Esq., Mark Tschetter, Esq., Lisa Hamilton-Fieldman, Esq., Deborah Wilson, Esq., and Mandy Allen. The subcommittee met for the first time on November 23, 2021 and has met six times since. We are scheduled to have our eighth meeting on January 27, 2022.

At our first meeting, the subcommittee invited Jack Regenbogen, Esq. to present to the subcommittee to provide feedback on the recent changes to the rules and forms in eviction cases. Mr.

Regenbogen proposed three primary changes to the form of summons: 1) Clarify on the summons that defendants have until end of business to file an answer; 2) Clarify on the summons that defendants have the right to cure nonpayment of rent until a judgment for possession is ordered; and 3) Clarify on the summons which defendants qualify to have the warranty of habitability bond waived due to indigency/income.

Also at the first meeting, the subcommittee identified the following areas to consider: 1) The amendment of C.R.C.P. 55 and 355 to reflect the new legislation in C.R.S. 13-40-111(1); 2) The amendment of the certificate of service on the summons; 3) The amendment of the summons to reflect that default judgment would not enter before the close of business pursuant to the new legislation in 13-40111(1); 4) The reduction of the length of the summons; 5) The use of more plain language in the summons; and 6) The need for additional rule and form changes in District Court eviction matters.

The subcommittee decided to start its work with C.R.C.P. 55 and 355 and then move toward the amendment of the summons. This memo includes the subcommittee's recommendations for rule changes to C.R.C.P. 55 and 355 along with a summary of our work on the summons. As mentioned above, our next meeting is January 27, 2022 where I anticipate the FED Subcommittee will conclude its edits and recommendations to the summons and shift its focus back to District Court rules and forms.

Proposed Rule Changes

(1) Proposed C.R.C.P 55

In 2021, the legislature amended C.R.S. 13-40-111(1) to state, "A court shall not enter a default judgment for possession before the close of business on the date upon which an appearance is due." Rule 55 is the default judgment rule in District Court cases.

The FED Subcommittee unanimously approved the amendment of Rule 55 to make specific reference to the new statutory language. The FED Subcommittee recommends amending Rule 55 by breaking paragraph (b) into two paragraphs addressing default judgments

generally, and default judgments for possession in eviction cases. Our recommendations for changes to Rule 55(b) are as follows:

1) Other than a judgment for possession in a forcible entry and detainer case, a party entitled to a judgment by default shall apply to the court . . .

(2) Judgment for possession in forcible entry and detainer cases: A court shall not enter a default judgment for possession before the close of business on the date upon which an appearance is due as set forth by C.R.S. 13-40-111(1).

(2) Proposed C.R.C.P. 355

In 2021, the legislature amended C.R.S. 13-40-111(1) to state, “A court shall not enter a default judgment for possession before the close of business on the date upon which an appearance is due.” Rule 355 is the default judgment rule in County Court cases.

The FED Subcommittee unanimously approved the amendment of Rule 355 to make specific reference to the new statutory language. The FED Subcommittee recommends amending Rule 355 by amending paragraph (b) to reflect the new statutory language and by moving the language in the current paragraph (b) in Rule 355 to a new paragraph (c). Our recommendations for changes in C.R.C.P. 355 are as follows:

(b) Judgment for possession in forcible entry and detainer cases.

A court shall not enter a default judgment for possession before the close of business on the date upon which an appearance is due as set forth by C.R.S. 13-40-111(1) and if the court is satisfied that service is complete pursuant to C.R.S. 13-40-112.

(c) At Time of Trial. Failure to appear on any date set for trial shall be grounds for entering a default and judgment thereon against the non-appearing party. For good cause shown, the court may set aside an entry of default and the judgment entered thereon in accordance with Rule 360.

(3) Update on the Summons

The members of the FED subcommittee elected to review the summons line by line to determine if the summons warranted any additions, edits, or corrections. This review has resulted in several hours of work by the subcommittee. At the conclusion of our seventh meeting, the subcommittee had voted on content, language, and location of content for all the substantive parts of the summons. We have been able to reduce the length of the summons from five pages to four pages, clarified the summons to include cure language for nonpayment of rent cases, clarified the ability to seek waiver of certain financial requirements when asserting the warranty of habitability, amended the certificate of mailing on the summons, included language that default judgment for possession would not enter before the close of business, and edited the summons to incorporate more plain language where possible.

At a recent meeting, a subcommittee member proposed additional nuanced and targeted edits to our most recent version of the summons that focuses on specific language and the addition of an additional clause. We have not had the opportunity to fully consider that proposal and plan to do so at our eighth meeting on January 27, 2022. The subcommittee anticipates the completion of the summons at that time. From there, the subcommittee will shift its focus back to District Court rules and forms.

* * * *

West's Colorado Revised Statutes Annotated
Colorado Court Rules
Chapters 1--24. Rules of Civil Procedure
Chapter 6. Judgment

C.R.C.P. Rule 55

Rule 55. Default

Currentness

(a) Entry. When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend as provided by these rules and that fact is made to appear by affidavit or otherwise, the clerk shall enter his default.

(b) Judgment.

[\(1\) Other than a judgment for possession in a forcible entry and detainer case.](#) A party entitled to a judgment by default shall apply to the court therefor; but no judgment by default shall be entered against an infant or incompetent person unless represented in the action by a general guardian, guardian ad litem, conservator, or such other representative who has appeared in the action. If the party against whom judgment by default is sought has appeared in the action, the party (or, if appearing by representative, the party's representative) shall be served with written notice of the application for judgment at least 7 days prior to the hearing on such application. If, in order to enable the court to enter judgment or to carry it into effect, it is necessary to take an account or to determine the amount of damages or to establish the truth of any averment by evidence or to make an investigation of any other matter, the court may conduct such hearings or order such references as it deems necessary and proper. However, before judgment is entered, the court shall be satisfied that the venue of the action is proper under Rule 98.

[\(2\) Judgment for possession in forcible entry and detainer cases: A court shall not enter a default judgment for possession before the close of business on the date upon which an appearance is due as set forth by C.R.S. 13-40-111\(1\).](#)

(c) Setting Aside Default. For good cause shown the court may set aside an entry of default and, if a judgment by default has been entered, may likewise set it aside in accordance with Rule 60(b).

(d) Plaintiffs, Counterclaimants, Cross Claimants. The provisions of this Rule apply whether the party entitled to the judgment by default is a plaintiff, a third-party plaintiff, or a party who has pleaded a cross claim or counterclaim. In all cases a judgment by default is subject to the limitations of Rule 54(c).

(e) Judgment Against an Officer or Agency of the State of Colorado. No judgment by default shall be entered against an officer or agency of the State of Colorado unless the claimant establishes his claim or right to relief by evidence satisfactory to the court.

Formatted: Left, Space Before: 0 pt, Widow/Orphan control, Font Alignment: Baseline

(f) Judgment on Substituted Service. In actions where the service of summons was by publication, mail, or personal service out of the state, the plaintiff, upon expiration of the time allowed for answer, may upon proof of service and of the failure to plead or otherwise defend, apply for judgment. The court shall thereupon require proof to be made of the claim and may render judgment subject to the limitations of [Rule 54\(c\)](#).

Credits

Amended effective April 1, 1988; January 1, 2012.

[Notes of Decisions \(319\)](#)

Rules Civ. Proc., Rule 55, CO ST RCP Rule 55
Current with amendments received through October 15, 2021.

End of Document

© 2021 Thomson Reuters. No claim to original U.S. Government Works.

West's Colorado Revised Statutes Annotated

Colorado Court Rules

Chapter 25. Rules of County Court Civil Procedure

C.R.C.P. Rule 355

Rule 355. Default

Currentness

(a) Entry at Time of Appearance. Upon the date and at the time set for appearance, if the defendant has filed no answer or fails to appear and if the plaintiff proves by appropriate return that the summons was served at least 14 days before the appearance date, the judge may enter judgment for the plaintiff for the amount due, including interest, costs and other items provided by statute or the agreement. However, before judgment is entered, the court shall be satisfied that the venue of the action is proper Under Rule 398(c).

(b) Judgment for possession in forcible entry and detainer cases. A court shall not enter a default judgment for possession before the close of business on the date upon which an appearance is due as set forth by C.R.S. 13-40-111(1) and if the court is satisfied that service is complete pursuant to C.R.S. 13-40-112.

(c) At Time of Trial. Failure to appear on any date set for trial shall be grounds for entering a default and judgment thereon against the non-appearing party. For good cause shown, the court may set aside an entry of default and the judgment entered thereon in accordance with Rule 360.

Formatted: Font: Bold

Credits

Amended effective June 28, 2007; January 1, 2012.

Notes of Decisions (1)

Rules Civ. Proc., County Court Rule 355, CO ST CTY CT RCP Rule 355
Current with amendments received through October 15, 2021.

End of Document

© 2021 Thomson Reuters. No claim to original U.S. Government Works.

Paraprofessionals And Legal Services (PALS)
Subcommittee
Preliminary Report (May 2021) Outlining
Proposed Components of Program for Licensed
Legal Paraprofessionals

The Colorado Supreme Court created the Paraprofessionals and Legal Services Subcommittee (PALS) of its Advisory Committee to study whether licensed paralegals specializing in domestic relations matters could provide limited legal services to the 75% of family law litigants who now appear in court without lawyers.¹ Several other states have implemented or are considering similar proposals.² The Court has asked the PALS Subcommittee to develop a proposal for consideration by the Advisory Committee and the Colorado Supreme Court.³

- The subcommittee is comprised of current and former trial and appellate judges, family law lawyers, an experienced family law paralegal/mediator, a

¹ According to the Colorado Judicial Branch’s “Cases and Parties without Attorney Representation in Civil Cases FY2018,” the number of domestic relations cases across all judicial districts totaled 34,364. Of that number, 23,810 cases had no attorney, and the case level pro se rate was set at 67%. The number of parties totaled 69,021, of which 51,646 parties were without attorneys. The party level pro se rate was at 75%. The updated numbers for 2020 show that this challenge for unrepresented litigants is continuing.

² Utah and Washington State are the primary models for this program, offering different options and opportunities for licensure. Other states considering or moving forward with similar proposals include Arizona, Illinois, Minnesota, and California. In mid-2020, the State of Washington decided to “sunset” its LLLT program, but there are still LLLTs practicing in Washington State.

³ The Supreme Court entered an order creating this second PALS Subcommittee on February 27, 2020. The Court did so after considering the recommendations of the first PALS subcommittee in 2019 for a pilot program for nonlawyer advocates in landlord-tenant cases. The Supreme Court agreed that assistance the unrepresented litigants would be helpful, but it decided to prioritize such assistance in domestic relations cases.

family court facilitator, Attorney Regulation Counsel, and the Chair of the Supreme Court Advisory Committee. ⁴

- The subcommittee’s purpose is to substantially decrease the number of self-represented litigants in domestic relations cases as part of an effort to address what is commonly referred to by the bar as “the justice gap.”

According to a 2017 study by the Legal Services Corporation, in 2016, low income Americans received inadequate or no legal help for 86 percent of their civil legal problems.⁵ These individuals are unable to obtain representation from Colorado Legal Services or similar programs that provide free legal assistance to low-income individuals. Pro bono representation has been unable to meet the legal needs of self-represented litigants, especially in family law cases, where pro bono lawyers are often reluctant to represent clients outside of their usual practice areas.

- Most of these folks would not qualify for Colorado Legal Services, but still cannot afford a lawyer at regular market rates.⁶ We hope to give them another choice. They should not have to choose between a lawyer and no lawyer. They should be able to choose between representing themselves and getting help from a licensed legal paraprofessional.

⁴ Colorado Supreme Court Justice Melissa Hart (Liaison Justice), Judge Daniel Taubman (COA, Retired), Judge Angela Arkin (18th JD, Retired; Co-Chair), Judge Adam Espinosa (Denver County Court), Maha Kamal, Esq. (Co-Chair), Rebekah Pfahler, Esq., Colleen McManamon, (Paralegal/Mediator), Heather Lang (Family Court Facilitator), Jessica Yates, Esq., and David Stark, Esq.

⁵ Legal Serv. Corp., *The Justice Gap: Measuring the Unmet Civil Legal Needs of Low-Income Americans* 6 (2017).

⁶ Colorado Legal Services does not represent all indigent family law litigants. It only represents indigent family litigants in certain categories of cases.

- We have been and are continuing to solicit input from family law practitioners, judicial officers, family court facilitators (FCFs), self-represented litigant coordinators (Sherlocks), experienced and new paralegals, community college and legal educators, and the public to develop this proposal. Feedback is welcome on all aspects of the proposed program components set forth in this preliminary report.

Proposed Program Components:

1. **Title:** These professionals will be titled “Licensed Legal Paraprofessionals (LLPs).”
2. **Licensure:** LLPs would be licensed by the Colorado Supreme Court to engage in the limited practice of domestic relations law.
3. **Independence:** LLPs could engage in this limited practice either with a law firm or with their own legal paraprofessional firm (see the ethics rules, below).
4. **Scope:** The scope of practice of LLPs would be limited to uncomplicated domestic relations matters.
5. **A. Task limits of an unsupervised LLP⁷:**

⁷ An “unsupervised” LLP is an LLP acting independently of attorney supervision. We are not suggesting any change to the current role of a paralegal under attorney supervision.

Task	Description of LLP Role
Client Interview	<i>Interview client to determine needs & goals of client & whether LLP services are appropriate or if matter should be referred to a lawyer. Determine appropriate motion or petition to file with the court: dissolution of marriage or civil union, legal separation, allocation of parental responsibility (APR), invalidity of marriage, parentage (in context of dissolution or APR) petition, and/or protection orders, modification of APR, child support and/or maintenance, & motions for contempt citations under C.R.C.P. 107.⁸</i>
Determine jurisdiction and venue, complete petition, summons, and case information sheet or post-decree motion or complaint for temporary protection order (TPO) & supplementing documents	<i>Assist client in gathering information & completing state approved forms. May need to add additional simple state forms.</i>
File documents with the court	<i>File forms in person or electronically on behalf of the client.</i>
Case management order	<i>Assist client in understanding and complying with case management order.</i>
Obtain service of process	<i>Arrange for service of documents (may complete and file a motion for publication or substituted service if needed).</i>
Complete sworn financial statement (SFS), disclosures & pattern discovery	<i>Assist client with gathering disclosure information, completing SFS & Certificate of Compliance with Mandatory Disclosures.⁹</i>
Direct client to parenting class & other resources as necessary	<i>Provide client with co-parenting education class info & file certificate of completion with court; help clients process what they learned in class.</i>
Review of documents of other party (OP)	<i>Review documents of OP and explain documents to client. Refer to lawyer for complex issues.¹⁰</i>

⁸ Cases involving alleged contemnors charged with punitive contempt, trusts, common law marriage, marital agreements, and contested jurisdiction must be referred to a lawyer.

⁹ All non-pattern discovery, including drafting or review of questions or responses, must be referred to a lawyer. Depositions also must be handled by a lawyer. However, LLPs can issue and respond to pattern discovery, and assist in non-pattern discovery authorized by the Court, or under a lawyer's supervision. A lawyer's representation of the LLP's client may be on an unbundled basis. The PALS subcommittee urges the Civil Rules Committee to consider studying an amendment to C.R.C.P. 16.2 that would require leave of court to issue discovery.

Task	Description of LLP Role
Speak with OP or opposing counsel (OC)	<i>Communicate with OP or OC regarding case status, potential agreements, and relevant forms. Refer to a lawyer for complex issues.</i>
Accompany client to initial status conference (ISC)	<i>Accompany client to ISC, provide emotional support, answer factual questions to LLP by judge, court facilitator, or opposing counsel, take notes, help client understand proceeding.¹¹</i>
Assist client in reaching agreements; prepare documents	<i>Assist client with forming parenting plan, separation agreement, stipulation for modification, support worksheets, uncontested proposed orders, non-appearance affidavit, etc.</i>
Assist with the selection of a mediator & scheduling	<i>Work with OP or OC to identify and schedule mediation.</i>
Accompany client to mediation	<i>Inform, counsel, assist, and advocate for a client in mediation.¹²</i>
Pretrial work, including pretrial conferences	<i>Draft or review joint trial or trial management certificate, proposed parenting plan, C.R.C.P. 16.2 pretrial submissions, exhibit lists, witness lists.</i>
Accompany client to temporary orders hearing	<i>Stand or sit with client, provide emotional support, answer factual questions as needed that are addressed to client by Court or OC, take notes, help client understand proceeding and orders.¹³</i>
Accompany client to permanent orders hearing	<i>Stand or sit with client, provide emotional support, answer factual questions as needed that are addressed to client by Court or OC, take notes, help client understand proceeding and orders.</i>

¹⁰ In Utah, only lawyers can prepare documents that are not court-approved forms. Drafting documents without court-approved forms is outside the scope of an LLP's authority.

¹¹ Only lawyers can advocate for clients in court.

¹² An LLP can negotiate on a client's behalf at mediation, but not in court. LLPs are allowed to review settlement agreements or MOUs drafted by an attorney or mediator, and explain them to their client before the client enters into the agreement.

¹³ Only lawyers can represent clients in court.

B. Financial Limits:

For an LLP to represent a party in a domestic relations matter, the parties must have **no more than \$200,000 combined net marital assets**.¹⁴

1. If the case has net marital assets in excess of \$200,000, the LLP could not handle the case without a licensed lawyer, absent good cause shown.
2. “Good cause shown” would be a finding by the district court, with specific factors to be considered (factors would be generally related to the simplicity and uncontested nature of the case, and whether the financial limits were only nominally exceeded).

The district court may also consider the extent to which the party seeking to employ an LLP does not have direct access to the equity in a marital asset, such as equity in a home or in a pension, even though that party has an ownership interest in such assets.

6. Qualifications, Education and Training:

- a. **General Degree Requirement.** A Colorado LLP applicant must have one of the following degrees:
 - i. A degree in law from an accredited law school;
 - ii. An associate’s degree in paralegal studies from an accredited school;

¹⁴ Net marital assets are cash assets, net marital equity in a marital residence (whether the home is separate or marital); and/or net marital retirement assets in a defined contribution plan (401(k), IRA, 457, etc.).

- iii. A bachelor's degree in paralegal studies from an accredited school; or
 - iv. A bachelor's degree in any subject from an accredited school, plus a paralegal certificate, or 15 hours of paralegal studies from an accredited school.
- b. **Training and Experience.** In addition to those degree requirements, an applicant is required to:
- i. Complete 1,500 hours of substantive law-related experience within the three years prior to the application, including 500 hours of substantive law-related experience in Colorado family law;¹⁵
 - ii. Complete required classes¹⁶:
 - 1. ETHICS CLASS – All applicants, including those with a law degree, will be required to take this class.
 - 2. FAMILY LAW CLASS – Required for all applicants applying to become licensed LLPs (law degree exempt);and
 - iii. Pass Licensing Examinations:

¹⁵ The subcommittee strongly recommends that new LLPs be engaged with individual mentors and a mentoring group, to support and enhance their practice in this new profession. The subcommittee recommends that a mentoring relationship, whether required or simply encouraged, continue through at least the LLP's first full year of practice. The implementation phase of this proposal, if approved by the Court, could include discussions with community colleges about mentorship programs, as well as exploring whether the Colorado Attorney Mentoring Program could provide a platform for LLP mentoring.

¹⁶ We anticipate all classes will be offered through continuing education at a community college(s) (and we hope to offer all classes online).

1. the Colorado LLP Professional Ethics Examination.
2. the Colorado LLP Family Law Examination.

c. **Transition Period (for waiver of educational requirements only):**

- i. The Colorado Supreme Court may grant waiver of minimum educational requirements **for three years from the date the Court begins to accept LLP applications for licensure.**

Applicants must show, within two years from the waiver request, that they:

1. have filed the application for a limited time waiver and paid prescribed fees.
2. are at least 21 years old.
3. have completed three years of full-time substantive law-related experience within the five years preceding the application, including 500 hours of substantive law-related experience in Colorado family law.

d. **Character and Fitness.** All applicants must undergo a character and fitness review and bear the burden of proving that the applicant is of good moral character and has a proven record of ethical and professional behavior.

e. **“Safety Valve” rule similar to C.R.C.P. 206:** a similar rule would need to be drafted to allow individual petitions to the Colorado

Supreme Court by aspiring LLPs, for waiver of individual eligibility requirements, while still ensuring their basic competence by requiring them to pass the licensure examinations.¹⁷

7. **Annual Registration:** LLPs would pay an annual registration fee.
8. **CLE.** The LLPs must meet CLE requirements of 30 hours in each three-year compliance period (including five credit hours devoted to professional responsibility as provided in Rule 205.2 C.R.C.P.).
9. **Malpractice insurance.** Malpractice insurance is another area being researched, and it is possible some kind of malpractice coverage will be required.¹⁸
10. **Ethics Rules.** The Colorado Rules of Professional Conduct for lawyers would be generally applicable to LLPs as recommended here, with modifications depending on the scope of activities ultimately approved by the Colorado Supreme Court for LLPs. Those Rules will be titled The Colorado Rules of Professional Conduct for LLPs:
 - a. We recommend two general principles: (1) ethics rules for LLPs should specify that they parallel the Colorado Rules of Professional Conduct for lawyers and that case law and ethics opinions interpreting those

¹⁷ Unlike the standardization of law school education, there currently are not standardized educational programs for preparing individuals for licensure as LLPs, and there may be individuals who are very well-qualified due to their professional experience. By waiving educational eligibility requirements in such cases, these individuals would be encouraged to apply for licensure, but they still would be required to pass a competence exam and ethical exam.

¹⁸ Currently, there is no requirement that attorneys in Colorado have malpractice insurance coverage. The subcommittee recommends that LLPs be required to have malpractice insurance if attorneys are required to have malpractice insurance.

rules would provide guidance for LLPs; and (2) a link to the Colorado Rules of Professional Conduct for LLPs be provided to the client at the outset of the representation. This second principle could facilitate a discussion about the difference between representation by an LLP and a lawyer.

- b. The One Series – We recommend:
- i. changes that reflect the limited scope of the LLP’s authority to practice law.
 - ii. the requirement of a written agreement at the outset of representation and a prohibition on contingency fees.
 - iii. that LLPs may not represent organizations.
 - iv. that LLPs be precluded from filing guardianship and conservatorship actions.
 - v. that LLPs only be allowed to purchase the practice of another LLP.
 - vi. using Colorado’s Rule 1.18 with the modification that any disqualification will apply to any other lawyer or LLP in the firm, unless the affected clients give informed consent or the lawyer or LLP is screened as provided by Colorado Rule 1.18 (d).
- c. The 2 series – We recommend that Colorado adopt rules that allow LLPs to provide information to third parties and to serve as mediators.

LLPs would have limited opportunities to function in those categories, but they should be authorized to do so.

- d. We recommend adapting the 3 Series and the 4 Series to LLPs.
- e. The 5 Series -- The Rule 5 series of the Colorado ethics rules covers a variety of issues relating to eligibility to practice law in Colorado: supervisory responsibilities, ownership and fee-sharing restrictions, responsibilities around professional independence, and right to practice. We recommend:
 - i. LLPs should have no direct supervisory authority over any lawyer. Similarly, LLPs should support the efforts of lawyers with managerial authority to ensure firm-wide compliance with the rules of professional conduct.
 - ii. LLPs, as nonlawyers, should have the authority to own minority interests in law firms as well as establish their own LLP firms.
 - iii. Prohibiting the temporary practice by out-of-state LLPs in Colorado.
 - iv. Colo. RPC 5.7 concerning law-related services be adopted for Colorado LLPs. Examples of “law-related services,” include the provision of “financial planning, accounting, trust services, real estate counseling, legislative lobbying, economic analysis, social work, psychological counseling, tax preparation, and patent, medical or environmental consulting.” LLPs will have a limited

scope of practice, and it is anticipated that they likely will not be involved in providing law-related services. However, to the extent they are, LLPs should be held to the same ethical standards as lawyers in providing such services.

- f. The 6 Series – We recommend that LLPs provide pro bono legal services.
- g. The 7 Series – We recommend that:
 - i. LLPs have an affirmative obligation to state that they have only a limited license and only for family law, and to avoid implying that the LLP has a broader license.
 - ii. An LLP in private practice and not part of a law firm must use the words "Licensed Legal Paraprofessional" in the firm name.
- h. The 8 Series – We recommend similar requirements for LLPs as there are for lawyers regarding misconduct and disciplinary action.

11. Program Evaluation. The subcommittee recommends that an evaluation plan be adopted as part of a broader implementation plan, so that relevant data could be collected and tracked starting at the time the initial LLPs are licensed and commence their work. Key measures could include: the number (or percentage) of litigants receiving LLP services in domestic relations matters; the satisfaction of judges presiding over such matters about the performance of LLPs and the efficiency of the matters with LLPs; surveys of LLP clients; and surveys of attorneys working with LLPs.

Licensed Legal Paraprofessionals: Program Plans and Updates¹

Licensed Legal Paraprofessionals

Colorado currently does not license paralegals or other legal paraprofessionals, but that could change in the near future. After approving a preliminary report recommending that Licensed Legal Paraprofessionals (LLPs) be allowed to provide limited legal services in certain types of domestic relations cases, the Colorado Supreme Court has requested that its [Advisory Committee](#) develop an implementation plan. Given that some 75% of litigants in domestic relations cases have no legal representation (“pro se”), LLPs could help fill the gap in representation, and would be allowed to assist clients directly in lower-asset marital dissolution, parentage, and allocation of parental responsibility (APR) cases. Other jurisdictions, including Utah, Arizona and Washington, already have similar programs to license paralegals or legal paraprofessionals with enhanced skills in limited legal practice areas.

The Advisory Committee is forming working groups, which will include family law lawyers, ethics lawyers, judges, family court facilitators and other court personnel, paralegals, community college and law school representatives. The working groups will develop, for the Supreme Court’s consideration:

- Detailed educational, experiential and examination requirements for licensure of Licensed Legal Paraprofessionals;
- Court rules to set forth ethical and procedural requirements governing Licensed Legal Paraprofessionals ;
- A plan to make necessary changes to Colorado Judicial electronic filing systems to ensure Licensed Legal Paraprofessionals can file documents in cases and take other permitted actions for their clients; and
- A plan for outreach and education to stakeholders about the limited scope of a Licensed Legal Paraprofessional’s practice.

The most recent report of the Paraprofessionals and Legal Services (“PALS”) Subcommittee of the Advisory Committee, which contains recommendations about Licensed Legal Paraprofessionals’ qualifications and scopes of practice, can be viewed [here](#).

¹ From <https://www.coloradosupremecourt.us/AboutUs/PALS.asp>

The Colorado Supreme Court's February 2020 order requesting creation of the PALS Subcommittee can be viewed [here](#). The Court's June 2021 order requesting development of an implementation plan can be viewed [here](#).

Questions about the LLP initiative? While the final decisions around licensing paraprofessionals have not been made, please review the [PALS report](#), which may be able to answer your questions. Please [email](#) with any additional questions. Updated information will be posted on this website when it becomes available.

Individual Working Group Rosters as of October 26, 2021

Licensure and Qualifications

- Co-chairs: Hon. Angie Arkin (Ret.), Hon. Jennifer Torrington
- Tanya Bartholomew
- Hon. Catherine Cheroutes
- Richard Corbetta
- Jennifer Feingold
- Karey James
- Hon. Frances Johnson
- Laura Landon
- Dawn McKnight
- Colleen McManamon
- Rebekah Pfahler
- Gina Weitzenkorn
- Jessica Yates

Rules

- Chair: Hon. Adam Espinosa
- Nancy Cohen
- Cindy Covell
- Dave Johnson
- Hon. Michal Lord-Blegen
- Katharine Lum
- David Stark
- Hon. Dan Taubman (Ret.)
- Jessica Yates

Outreach and Communications

- Co-chairs: Maha Kamal and Amy Goscha
- Hon. Angela Arkin (Ret.)
- Celeste Carpenter
- Kaylene Guymon

- Brittany Kauffman
- Wes Hassler
- Hon. Bryon Large
- Laurie Mactavish
- Toni-Anne Nuñez
- Hon. Marianne Marshall Tims
- Stefanie Trujillo
- Penny Wagner
- Danae Woody

Judicial Systems Coordination

- Chair: Jessica Yates
- Dawn Handeland
- Heather Lang
- Jacqueline Marro

SUPREME COURT, STATE OF COLORADO

IN RE: ADVISORY COMMITTEE'S RECOMMENDATION
CONCERNING PARAPROFESSIONALS AND LEGAL SERVICES

ORDER OF THE COURT

On February 27, 2020, this Court ordered that a new subcommittee of the Supreme Court Advisory Committee be created to explore the possible creation of a regulatory regime for licensing qualified paraprofessionals to engage in the practice of law in defined contexts, including authorized scopes of work in certain types of domestic relations matters. Pursuant to that Order, the Advisory Committee's Paraprofessionals and Legal Services (PALS) Subcommittee has proposed a new program that would authorize Licensed Legal Paraprofessionals (LLPs) to offer and provide limited representation to parties in certain domestic relations matters. On May 21, 2021, the Advisory Committee approved the proposal and its recommendations, and subsequently transmitted the report and recommendations to this Court.

Upon consideration of the Advisory Committee's report and recommendations to this Court, **IT IS HEREBY ORDERED** that the Advisory Committee shall create a subcommittee or subcommittees, as the Committee deems appropriate and necessary, to develop more detailed requirements for licensure of and practice by LLPs, to create a plan to launch and operationalize the LLP program, and to draft appropriate Supreme Court rules to govern such a program. The subcommittee(s) shall submit a complete proposal covering these areas to the Advisory Committee for its review and any recommendation to the Supreme Court.

BY THE COURT, EN BANC, this 3rd day of June, 2021.



Brian D. Boatright
Chief Justice Colorado Supreme Court

cc: Jessica E. Yates, Attorney Regulation Counsel via email

Memorandum

To: The Honorable Michael Berger, Chair of the Civil Rules Committee

From: John Lebsack for the Subcommittee on Revisions to C.R.C.P 15(a)

(Brad Levin, John Palmeri, Stephanie Scoville, Judge Webb)

Re: Whether to Change Rule 15(a)

Date: June 7, 2021

After taking another look at our proposed changes to C.R.C.P. 15(a) the subcommittee now believes that no changes are needed, except to replace male pronouns. That work is probably better done as part of a project to update all the rules, so the changes can be done on a consistent basis.

We earlier proposed adopting the federal rule, but the committee rejected that idea. We also proposed a simpler alternative, as follows:

(a) Amendments. A party may amend ~~his~~ **a** pleading once as a matter of course at any time before a responsive pleading is filed **and prior to entry of an order dismissing the claims of the party** or, if the pleading is one to which no responsive pleading is permitted and the action has not been placed upon the trial calendar, ~~he~~ **the party** may so amend it any time within 21 days after it is filed. Otherwise, a party may amend ~~his~~ **a** pleading only by leave of court....

Adding the phrase “and prior to entry of an order dismissing the claims of the party” addresses potential problems that could arise after an order of dismissal that is not a final judgment. *DIA Brewing, LLC v. MCE-DIA, LLC*, 2020COA21, involved a dismissal that was a final judgment. *DIA Brewing* held that the right to amend without leave of court terminates with a dismissal order that is a final judgment. The case did not address whether the right to amend without leave terminates with a dismissal order that is not a final judgment (such as dismissing just one of several defendants or dismissing some claims but not all). There could be problems if an amended pleading is filed long after a partial dismissal order, based on the argument that the right amend still exists because there is no final judgment.

No one on the subcommittee has ever seen that happen. Although *DIA Brewing* leaves an opening opening for that argument, we believe the situation is so unlikely that it is not necessary to change the rule just to anticipate it. Changing the rule could have unintended consequences. Adding language to address all the hypothetical scenarios would lead to a very long rule. We question whether a rule amendment should be used to fill a gap rather than waiting for it to arise and letting an appellate court announce substantive law. The CMO could be used to set a time limit on amendments in the scenario where a dismissal order is not a final judgment.

MEMORANDUM

To: Hon. Michael Berger, Chair of the Colorado Supreme Court Advisory Committee on the Rules of Civil Procedure

From: Dave DeMuro

Date: December 18, 2021

Re: Status of proposed CRCP Rules 5(g) and 305(g)

These rules have been pending for sometime, so a little history is necessary. In 2020 it was proposed that we adopt a rule like Fed. R. Civ. P. 5.2 on “Privacy Protection for Filings Made with the Court.” A subcommittee considered this and recommended a shorter version of the federal rule which would be codified as CRCP 5(g). After some modifications were made by the full committee, including adding the same rule as Rule 305(g), it voted at the meeting on September 25, 2020, to recommend that the Supreme Court adopt Rules 5(g) and 305(g). I made the final changes to these rules and sent them to Kathryn Michaels on September 27, 2020. Copies of the final version of Rules 5(g) and 305(g) are attached.

But, other issues arose to delay submitting these rules to the Supreme Court. On December 17, 2020 (eff. May 10, 2021), the Supreme Court adopted Crim. P. 51.1 on Public Access to Court Records in Criminal Cases. You pointed out this to me in an email on December 20, 2020, and added that another committee was looking at the issue of public access in civil cases which could affect CJD 05-01 (“Directive Concerning Access to Court Records”) that our subcommittee had discussed in our recommendation on Rules 5(g) and 305(g). In light of this, I believe that a decision was made to table 5(g) and 305(g) to avoid the adoption of these rules that may have to be rewritten soon.

On November 10, 2021 (eff. Jan. 4, 2022), the Supreme Court adopted changes to CJD 05-01. I am not familiar with the changes or their purpose, but a quick look at the revised 30-page document suggests there were substantial changes in at least § 2.00 on who has access to the court records and § 4.60 on what records are excluded from public access. I hope that others who worked on these changes could advise us on whether they impact our proposed Rules 5(g) and 305(g).

In the meanwhile, a number of Court Clerks have expressed concern about how the adoption of Rules 5(g) and 305(g) may impact their duties. In a letter to you dated June 15, 2021, Mandy Allen, the Clerk of Court in the 11th Judicial District (Fremont County), and a member of the Civil Rules Committee, asked that this issue be placed on the agenda for the full committee. You asked me to follow up with the Clerks and I communicated with them several times about their issues. Also of assistance in these discussions was Genevieve Rotella, Clerk of Court in Denver and also a member of the Civil Rules Committee. The Clerks raised a number of issues which I tried to summarize in a memo that I sent to the members of the subcommittee on Rule 5(g). That memo is also attached. The Clerks were very helpful to me but some of these issues are not familiar to the practicing bar. I suggest that Ms. Allen and Ms. Rotella be given an opportunity to address the full committee on these issues and whether changes are needed to the proposed 5(g) and 305(g).

Proposed C.R.C.P. 5(g)

6/26/20 draft with revisions adopted by the Civil Rules Committee on 9/25/20.

Rule 5(g) PRIVACY PROTECTION FOR FILINGS

- (1) Redacted Filings. Unless otherwise required by statute or court order, a party or nonparty filing an electronic or paper document with the court shall redact an individual's (A) social security number; (B) taxpayer identification number; (C) financial-account number; (D) driver's license number; and (E) other personal identification number, including but not limited to, passport number, student identification number, or state identification number. In addition, a party or nonparty filing an electronic or paper document with the court that includes a person's date of birth may only include the year of the person's birth, and if the document includes the name of a person known to be a minor shall identify the minor only by the minor's initials.
- (2) Filings Made Under Seal. The court may order that a filing made under seal be made without redaction. The court may later unseal the filing or order the party or nonparty who made the filing to file a redacted version for the public record.
- (3) Option for Additional Unredacted Filing Under Seal. A party or nonparty making a redacted filing may also file, without seeking leave of court, an unredacted copy under seal. The court shall retain the unredacted copy as part of the record.
- (4) Sanctions. A court may impose sanctions for a violation of this rule.

Proposed C.R.C.P. 305(g)

9/27/20 draft with revisions adopted by the Civil Rules Committee on 9/25/20.

Rule 305 (g) PRIVACY PROTECTION FOR FILINGS

- (1) Redacted Filings. Unless otherwise required by statute or court order, a party or nonparty filing an electronic or paper document with the court shall redact an individual's (A) social security number; (B) taxpayer identification number; (C) financial-account number; (D) driver's license number; and (E) other personal identification number, including but not limited to, passport number, student identification number, or state identification number. In addition, a party or nonparty filing an electronic or paper document with the court that includes a person's date of birth may only include the year of the person's birth, and if the document includes the name of a person known to be a minor shall identify the minor only by the minor's initials.
- (2) Filings Made Under Seal. The court may order that a filing made under seal be made without redaction. The court may later unseal the filing or order the party or nonparty who made the filing to file a redacted version for the public record.
- (3) Option for Additional Unredacted Filing Under Seal. A party or nonparty making a redacted filing may also file, without seeking leave of court, an unredacted copy under seal. The court shall retain the unredacted copy as part of the record.
- (4) Sanctions. A court may impose sanctions for a violation of this rule.

TO: Subcommittee on CRCP 5(g) and 305(g)

FROM: Dave DeMuro

RE: Discussion with Court Clerks on issues with proposed Rule 5(g)

DATE: 9/03/21

As I mentioned in my email to you on 7/22/21, I have been in touch with Court Clerks Mandy Allen (Fremont County) and Genevieve Rotella (Denver), who are both members of the Supreme Court Civil Rules Committee, about questions and concerns they raised on behalf of a number of clerks regarding our proposed Rule 5(g). I am adding Ms. Allen and Ms. Rotella to the subcommittee and sending this memo to them, too.

Attached to my 7/22 email to the subcommittee are the proposed rule 5(g), the letter from the clerks raising various issues, and my initial response to the clerks. On 7/28, I had a WEBEX conference with Ms. Rotella, Josh Wilson of her staff and Weld County Court Clerk Amanda Dunn. We resolved some concerns, but they provided further explanation on a number of issues that are worthy of our consideration.

First, what should the clerks do with a filing that contains information that the filing party failed to redact under 5(g)? The clerks have suggested that they be given authority to reject the filing of such documents, but I must oppose that because it would violate Rule 5(e) which prohibits clerks from doing this, and because it raises issues on whether filings are timely, access to the courts, and more. Also, our proposed rule on what must be redacted is vague enough that clerks in different districts would probably start making different decisions about what filings to reject.

But the clerks point out that the issue is more complicated because court filings in civil cases are accessible to the public almost immediately under CJD 05-01 on public access to court records, unless assigned a level of protection. These three levels of protection under 05-01, §§ 3.07 – 3.09, are “sealed” (accessible to judges and court staff only), “suppressed” (accessible to judges, court staff and parties), and “protected” (accessible to the public only after redaction in accord with § 4.60(e) of 05-01 or statutes or court rules, but available to the court and parties).

The Judicial Department’s Case Management System is set up to assign automatically the appropriate protection level to certain document types, such as a financial statement in a domestic case. The proposed 5(g) will probably cover some additional types of documents that are public records but often include data within them are not public. So, the clerks have suggested that if the non-compliant filing is not to be rejected, then the proposed rule be amended to specify that and to give the clerk authority to use the “protected” designation in such situations. A sentence to this effect could be added to the end of proposed 5(g)(1), or maybe it is more appropriate for a comment. Ms. Rotella added that using the protected designation “would require the court to take a second look at the document before releasing and make any appropriate redactions at that time.”

Ms. Rotella also pointed out to me new Criminal Rule 55.1 (eff. 5/10/21) which has a highly detailed procedure for motions to try to make records inaccessible to the public in certain situations and sets forth procedures to be followed by the clerks. I would like to avoid writing such a rule for the civil

side but 55.1 illustrates how complex this can become. Maybe we should consider putting those definitions of protected levels in a comment to the rule or reference them in a comment.

The clerks also raised the issue that some filers may choose to redact more than is required under 5(g) because they don't want to share the information with their opposing party, and that some filings may be made with such extensive redactions that the clerks will not be able to identify what has been redacted. I don't think we thought about this issue earlier, but I think that the Court can deal with such actions under 5(g) or the statutes or rules that require the information.

Next, in 5(g)(2), did we really mean that the court will order documents to be filed "under seal," which means that the parties cannot see the filing? On filings under seal, the clerks do not even acknowledge that the document exists. The clerks also expect to see a motion to seal before taking any such action. If the intention of the parties is to have access to this unredacted information, then the clerks believe that the "suppressed" level of protection will best meet that purpose.

Ms. Rotella also raised with me that Rule 5(g)(3) may create some confusion among clerks who review filings. That section allows a party making a redacted filing to also file, without seeking leave of court, an unredacted copy under seal. She asks how the reviewing clerk would know what the filing party is attempting to do? If not identified on the face of the document, this could create confusion. So, she suggests that the filing party could be required to make a notation on the face of the document, such as "Unredacted, Filed Under Seal," to put the responsibility for identifying the sealed, unredacted version on the filing party.

The clerks also told me that some of the things that 5(g) requires to be redacted are needed by courts and others in the judicial system. For example, the court needs a child's full name for a protection order that the police will enforce, and the Family Support Registry needs the party's Social Security Number for child support, maintenance and a qualified domestic relations order. Are these numbers available to the court in some other way or does 5(g) create a problem in this way? The clerks suggested either changing the rule to require the party to file both a redacted and an unredacted version at the same time, or to provide for an unredacted case information sheet (to be filed as suppressed or sealed) that would include these items. They add that this second alternative would require updating of the existing Domestic Relations Case Information Sheet and creating a new one for civil cases. This second alternative seems too cumbersome to me, but the issue the clerks identify needs to be addressed.

The clerks suggested that we may want to run these issues by a district court judge who handles domestic cases where many of these issues arise. Ms. Rotella recommended Judge Brody who is the current Presiding Judge for domestic relations in Denver and a member of the Civil Rules Committee.

Finally, Ms. Rotella suggested that the rule make clear that the court is not responsible for the redaction of the information which is the sole responsibility of the filing party. I agree it is the filer's duty, but I think this is already made clear in subsection (1) of the rule.

Any thoughts about how to proceed would be appreciated.

Re Virtual Oaths.txt

From: berger, michael
Sent: Monday, March 23, 2020 7:57 AM
To: lee lnslaw.net; michaels, kathryn
Subject: Re: Virtual Oaths

Lee, I'm not aware of a Colorado statute that addresses this. As you know, CRCP 30 (b)(7) expressly authorizes the taking of depositions by telephone or other remote electronic device and subsection (c) of that rule requires that the witness shall be put under oath or affirmation, but doesn't address the precise question you raise. If and when we ever have another civil rules committee meeting, I will put this on the discussion agenda. Thanks for your inquiry. Stay well.

Michael H. Berger

From: lee lnslaw.net <lee@lnslaw.net>
Sent: Saturday, March 21, 2020 12:01 PM
To: berger, michael <michael.berger@judicial.state.co.us>
Subject: Virtual Oaths

Michael,
Apparently the Fla. Supreme Court has just issued a rule which allows oaths, such as what is typically required from a witness prior to deposition or testimony to be accomplished "over the phone" so the person who administers it is not personally present with the witness / deponent. Since I have seen some comments that "we should do the same thing" my assumption is that perhaps "we" haven't. If so, perhaps we should be suggesting it as "our" way of fostering "social disengagement"(?).