

RULE CHANGE 2013(07)

COLORADO RULES OF CIVIL PROCEDURE
CHAPTER 13 SEIZURE OF PERSON OR PROPERTY

Rule 103. Garnishment

CHAPTER 17A

Rule 121. Local Rules

Section 1-15 Determination of Motions

COLORADO RULES OF COUNTY COURT CIVIL PROCEDURE

CHAPTER 25

Rule 403. Garnishment

Rule 411. Appeals

Rule 103. Garnishment

SECTION 1 [NO CHANGE]

SECTION 2

(a) Through (f) [NO CHANGE]

(g) Court Order on Garnishment Answer.

(1) If an answer to a writ with notice shows the garnishee is indebted to the judgment debtor, the clerk shall enter judgment in favor of the judgment debtor and against the garnishee for the use of the judgment creditor in an amount not to exceed the total amount due and owing on the judgment and if the judgment creditor is pro se, request such indebtedness paid into the registry of the court. However, if the judgment creditor is represented by an attorney or is a collection agency licensed pursuant to 12-14-101, et. seq., C.R.S., the garnishee shall pay the funds directly to the attorney or licensed collection agency.

(2) through (4) [NO CHANGE]

SECTIONS 3 through 12 [NO CHANGE]

Section 1-15

Determination of Motions

1. through 9. [NO CHANGE]

10. **Proposed Order.** Except for orders containing signatures of the parties or attorneys as required by statute or rule, each motion shall be accompanied by a proposed order submitted in editable format. The proposed order complies with this provision if it states that the requested relief be granted or denied.

Rule 403. Garnishment

SECTION 1 [NO CHANGE]

SECTION 2

WRIT OF GARNISHMENT

(ON PERSONAL PROPERTY OTHER THAN EARNINGS OF A NATURAL PERSON)

WITH NOTICE OF EXEMPTION AND PENDING LEVY

(a) through (f) [NO CHANGE]

(g) Court Order on Garnishment Answer.

(1) If an answer to a writ with notice shows the garnishee is indebted to the judgment debtor, the clerk shall enter judgment in favor of the judgment debtor and against the garnishee for the use of the judgment creditor in an amount not to exceed the total amount due and owing on the judgment and if the judgment creditor is pro se, request such indebtedness be paid to the registry of the court. However, if the judgment creditor is represented by an attorney or is a collection agency licensed pursuant to 12-14-101, et. seq., C.R.S., the garnishee shall pay the funds directly to the attorney or licensed collection agency.

(2) through (4) [NO CHANGE]

(h) and (i) [NO CHANGE]

SECTIONS 3 through 12 [NO CHANGE]

Rule 411. Appeals

(a) [NO CHANGE]

(b) Preparation of Record on Appeal. Upon the deposit of the estimated record fee, the clerk of the court shall prepare and issue as soon as may be possible a record of the proceedings in the county court, including the summons, the complaint, proof of service, and the judgment. The record shall also include a transcription of such part of the actual evidence and other proceedings as the parties may designate or, in lieu of transcription, to which they may stipulate. If a stenographic record has been maintained or the parties agree to stipulate, the party appealing shall lodge with the clerk of the court the reporter's transcript of the designated evidence or proceedings, or a stipulation covering such items within 42 days after the filing of the notice of appeal. If the proceedings have been electronically recorded, the transcription of designated evidence and proceedings shall be prepared in the office of the clerk of the county court or under the supervision of the clerk, within 42 days after the filing of the notice of appeal. The clerk shall notify, in writing, the opposing parties of the completion of the record, and such parties shall have 21 days within which to file objections. If none are received,

the record shall be certified forthwith by the judge. If objections are made, the parties shall be called for hearing and the objections settled by the county judge as soon as possible, and the record then certified.

(c) through (e) [NO CHANGE]

Amended and Adopted by the Court, En Banc, June 7, 2013, effective immediately.

By the Court:

**Nancy E. Rice
Justice, Colorado Supreme Court**