

RULE CHANGE 2022(12)

COLORADO RULES OF CIVIL PROCEDURE
Chapter 25 The Colorado Rules of County Court Civil Procedure

Rule 355
Forms 1A and 185

Rule 355. Default

(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 may enter judgment pursuant to statute; however, the 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.

Court <input type="checkbox"/> County Colorado County: _____ Court Address: _____	
Plaintiffs: _____ V. Defendants: _____ <input type="checkbox"/> Any and all other occupants	↑ Court Use Only ↑
My Name: _____ Address: _____ Phone _____ Fax: _____ Email: _____ Atty. Reg.#: _____	Case Number: _____ Division: _____ Courtroom: _____
Court Summons: Eviction / Forcible Entry and Detainer	

To the above-named Defendant(s), take notice that [your landlord is attempting to evict you](#). You [need to take an action or an eviction order will enter against you](#). Your options are below:

1. [If you do not agree with the Complaint, then you must either:](#)

a. [File your Answer with the Court on or before \(enter day\)](#) _____

[or](#)

b. [Attend court on \(enter date\)](#) _____, [at \(enter time\)](#) _____,
[at the court above in \(enter location/room number\)](#) _____

[and, if you choose not to reach a written settlement agreement with the Plaintiff, file your Answer that same day.](#)

Court Date

On (enter date) _____,

at (enter time) _____,

at the court above in (enter location/room number) _____. ~~A copy of the complaint against you, a blank answer form, blank request for documents form, blank fee waiver forms, and an eviction information form are attached for your use.~~

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the Plaintiff may ask the Court to enter judgment against you. This means you will have to move out and it may mean you have to pay money to the landlord.

2. [A copy of the Complaint against you, a blank answer form, blank request for documents form, blank fee waiver forms, and an eviction information form are attached for your use.](#)

~~3. If you do not agree with the complaint, then you must either:~~

~~File your answer with the Court at or before the court date specified above stating any legal reason you have why judgment should not be entered against you, or~~

~~Attend the court date and time above and file your answer.~~

3. [To avoid being evicted for non-payment of rent, you can pay all amounts you owe stated in the Notice plus any other amounts due under your rental agreement. You must pay this amount before the Court enters an eviction order. A copy of the complaint against you, a blank answer form, blank request for documents form, blank fee waiver forms, and an eviction information form are attached for your use.](#)

~~3. If you do not agree with the complaint, then you must either:~~

~~a. File your answer with the Court at or before the court date specified above stating any legal reason you have why judgment should not be entered against you, or~~

~~b. a. Attend the court date and time above and file your answer.~~

4. [If you take no action, the Plaintiff may ask the Court to enter an eviction order against you. If the Court grants that request, that means you will have to move out and it may mean you have to pay money to the landlord. However, the Court is not allowed to enter a default judgment for possession before the close of business on the date upon which your appearance is due.](#)

5. [When you file your Answer, you must pay all applicable filing fees to the Clerk of the Court. If you are eligible for a jury trial, you must ask for one in the answer and pay a jury fee in addition to the filing fee. If you cannot afford the filing fee or jury fee, file JDF 205 - Motion to Waive Fees and JDF 206 - Order for Fee Waiver.](#)

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~~56.~~ If you file an your Answer, you must provide a copy to the Plaintiff or the attorney who signed the complaint.

~~6.~~ If you do not respond to the landlord's complaint by filing a written answer with the Court, as set forth above, or appear in court at the date and time in this summons, the judge may enter a default judgment against you in favor of your landlord for possession. A default judgment for possession means that you will have to move out, and it may mean that you will have to pay money to the landlord.

~~7.~~ In your Answer to the Court, you can state:

- Why you believe you have a right to remain in the property,
- Whether you admit or deny the landlord's factual allegations against you and your legal defenses,
- Whether you believe you were given proper notice of the landlord's reasons for terminating your tenancy before you got this summons, and
- Whether you have a counterclaim or cross claim against ~~the landlord~~ a party.

~~87.~~ If you are claiming that the landlord's failure to repair the residential premises is a defense to the landlord's allegation of nonpayment of rent, the Court will require you to pay into the registry of the Court, at the time of filing your Answer, the rent due less any expenses you have incurred based upon the landlord's failure to repair the residential premises. If you cannot pay this amount, you may be eligible for a waiver by filing a motion. (See JDF 109). ~~In addition to filing an answer, you are required to complete an Affidavit (JDF 109) to support the amount you will need to pay into the registry of the Court or to seek waiver of this requirement.~~

89. Any records associated with the action are suppressed and not accessible to the public until an order is entered granting the Plaintiff possession of the premises.

40. ~~If the Plaintiff is granted possession of the premises, the court records may remain suppressed if both parties agree to suppress the records.~~

Dated: _____

Signed: _____ Dated: _____

Deputy Clerk of Court or Attorney for Plaintiff(s) (if applicable)

Address(es) of Plaintiff(s) (if applicable): _____

Telephone Number(s) of Plaintiff(s) _____

This Summons is issued pursuant to C.R.S. § 13-40-111. A copy of the Complaint together with a blank answer form, blank request for documents form, blank fee waiver forms, and an eviction information form must be served with this eSummons. ~~This form should be used only for actions filed under Colorado's Forcible Entry and Detainer Act.~~

~~To the clerk: If this summons is issued by the Clerk of the Court, the seal of the Court should be provided by stamp, or typewriter, in the space to the right of the signature.~~

~~WARNING: ALL FEES ARE NON-REFUNDABLE. IN SOME CASES, REQUEST FOR A JURY TRIAL MAY BE DENIED PURSUANT TO LAW EVEN THOUGH A JURY FEE HAS BEEN PAID.~~

- 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.

CERTIFICATE OF MAILING

I/we, the undersigned Plaintiff(s) (or agent for Plaintiff(s)), certify that on _____ (date)

I/we mailed a copy of the Summons, Complaint, blank answer form, request for documents form, fee waiver forms, and an eviction information form by postage prepaid, first class mail, to

_____, the Defendant(s) at the following address(es):

_____.

Plaintiff(s)/Agent for Plaintiff(s)

Certificate of Service

~~I/we, certify that a copy of the summons, complaint, blank answer form, request for documents form, fee waiver forms, and an eviction information form were:~~

~~Served personally upon the following person on the following date and time:~~

_____.

OR

~~After diligent efforts, on (date) _____ were posted in some conspicuous place on the premises, and mailed by first class mail to the Defendants at the following address:~~

_____.

Signature of: Plaintiff(s) / Agent for Plaintiff(s)

Resources

- Colorado Judicial Branch Self Help Center
 - Your local Self Help Center can be found by following this link:
https://www.courts.state.co.us/Self_Help/center.cfm
 - Colorado Legal Services
 - Free legal services to low income tenants facing evictions.
 - Call (303) 837-1313 ext. 444 or visit <https://www.coloradolegalservices.org/>
 - Colorado Department of Local Affairs
 - The Division of Housing can help with rental assistance programs, housing counseling, eviction and foreclosure prevention, and other programs.
 - Call (303) 864-7810 or visit <https://cdola.colorado.gov/housing>
 - Colorado Housing Connects
 - Free housing, eviction, and foreclosure resources for tenants, landlords, homeowners, and homebuyers.
 - Call (844) 926-6632 or visit <https://coloradohousingconnects.org/>
 - Colorado Poverty Law Project
 - Free legal services to fight eviction and housing insecurity.
 - <https://www.copovertylawproject.org/>
 - COVID-19 Eviction Defense Project
 - Free legal aid and guidance to tenants facing eviction and housing insecurity.
 - Visit <https://www.cedproject.org>
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Relevant Colorado Statutes

~~Colorado Revised Statutes section 13-40-111, as amended.~~

13-40-111. Issuance and return of summons.

(1) Upon filing the complaint as required in section 13-40-110, the clerk of the court or the attorney for the plaintiff shall issue a summons. The summons must command the Defendant to appear before the Court at a place named in the summons and at a time and on a day not less than seven days but not more than fourteen days from the day of issuing the same to answer the complaint of plaintiff. [A court shall not enter a default judgment for possession before the close of business on the date upon which an appearance is due.](#) The summons must also contain a statement

addressed to the Defendant stating: "If you do not respond to the landlord's complaint by filing a written answer with the court on or before the date and time in this summons or appearing in court at the date and time in this summons, the judge may enter a default judgment against you in favor of your landlord for possession. A default judgment for possession means that you will have to move out, and it may mean that you will have to pay money to the landlord. In your answer to the court, you can state why you believe you have a right to remain in the property, whether you admit or deny the landlord's factual allegations against you, and whether you believe you were given proper notice of the landlord's reasons for terminating your tenancy before you got this summons. When you file your answer, you must pay a filing fee to the clerk of the court. If you are claiming that the landlord's failure to repair a residential premises is a defense to the landlord's allegation of nonpayment of rent, the court will require you to pay into the registry of the court, at the time of filing your answer, the rent due less any expenses you have incurred based upon the landlord's failure to repair the residential premises; unless the court determines that you qualify to have this requirement waived due to your income."

13-40-112. Service.

(1)—Such summons may be served by personal service as in any civil action. A copy of the complaint must be served with the summons.

(2)—If personal service cannot be had upon the Defendant by a person qualified under the Colorado Rules of Civil Procedure to serve process, after having made diligent effort to make such personal service, such person may make service by posting a copy of the summons and the complaint in some conspicuous place upon the premises. In addition thereto, the Plaintiff shall mail, no later than the next day following the day on which he/she files the complaint, a copy of the summons, or, in the event that an alias summons is issued, a copy of the alias summons, and a copy of the complaint to the Defendant at the premises by postage prepaid, first class mail.

(3)—Personal service or service by posting shall be made at least seven days before the day for appearance specified in such summons, and the time and manner of such service shall be endorsed upon such summons by the person making service thereof.

County Court _____ County, Colorado Court Address: _____ Plaintiff(s): _____ v. Defendant(s): _____	▲ COURT USE ONLY ▲
Attorney or Party Without Attorney (Name and Address): _____ Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____	Case Number: _____ Division _____ Courtroom _____
REQUEST FOR DOCUMENTS IN EVICTION CASES	

I, _____, am the Plaintiff Defendant in this case.

I ask that the court order the other party in this case to give me all documents that the party has that are relevant to this case including: [\(Relevant documents may include: A lease, the rent ledger or payment history, the eviction notice, and any other documents that you believe are necessary to be presented at trial.\)](#)

[Please send documents to me at the following location and manner:](#) _____.

Dated: _____

 Printed name of Plaintiff/Petitioner Defendant/Respondent

 Signature of Plaintiff/Petitioner Defendant/Respondent

CERTIFICATE OF SERVICE

I certify that on _____ (date) a true and accurate copy of this *REQUEST FOR DOCUMENTS IN EVICTION CASES* was served on the other party by:

Hand Delivery E-filed Faxed to this number _____ or by placing it in the United States mail, postage pre-paid, and addressed to the following:

 Signature

FOR COURT USE ONLY BELOW THIS LINE:

ORDER

The Court orders that the party who was asked to provide documents in the above Request for Documents in Eviction Case must provide all documents related to this case to the party that made the request ~~within the earlier of (a) two business days after this Order is received or (b) two days before the trial in this case is scheduled to begin~~ [before trial occurs.](#)

Dated: _____

 Judge Magistrate

Rule 355. Default

(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 may enter judgment pursuant to statute; however, the 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.

Court <input type="checkbox"/> County Colorado County: _____ Court Address: _____	
Plaintiffs: _____ v. Defendants: _____ <input type="checkbox"/> Any and all other occupants	↑ Court Use Only ↑
My Name: _____ Address: _____ Phone _____ Fax: _____ Email: _____ Atty. Reg.#: _____	Case Number: _____ Division: _____ Courtroom: _____
Court Summons: Eviction / Forcible Entry and Detainer	

To the above-named Defendant(s), take notice that your landlord is attempting to evict you. You need to take an action or an eviction order will enter against you. Your options are below:

1. If you do not agree with the Complaint, then you must either:
 - a. File your Answer with the Court on or before (enter day) _____
or
 - b. Attend court on (enter date) _____, at (enter time) _____,
at the court above in (enter location/room number) _____
and, if you choose not to reach a written settlement agreement with the Plaintiff, file your Answer that same day.

2. A copy of the Complaint against you, a blank answer form, blank request for documents form, blank fee waiver forms, and an eviction information form are attached for your use.

3. To avoid being evicted for non-payment of rent, you can pay all amounts you owe stated in the Notice plus any other amounts due under your rental agreement. You must pay this amount before the Court enters an eviction order.

4. If you take no action, the Plaintiff may ask the Court to enter an eviction order against you. If the Court grants that request, that means you will have to move out and it may mean you have to

pay money to the landlord. However, the Court is not allowed to enter a default judgment for possession before the close of business on the date upon which your appearance is due.

5. When you file your Answer, you must pay all applicable filing fees to the Clerk of the Court. If you cannot afford the filing fee, file *JDF 205 - Motion to Waive Fees* and *JDF 206 - Order for Fee Waiver*.

6. If you file your Answer, you must provide a copy to the Plaintiff or the attorney who signed the complaint. In your Answer to the Court, you can state:

- Why you believe you have a right to remain in the property,
- Whether you admit or deny the landlord's factual allegations against you and your legal defenses,
- Whether you believe you were given proper notice of the landlord's reasons for terminating your tenancy before you got this summons, and
- Whether you have a counterclaim or cross claim against a party.

7. If you are claiming that the landlord's failure to repair the residential premises is a defense to the landlord's allegation of nonpayment of rent, the Court will require you to pay into the registry of the Court, at the time of filing your Answer, the rent due less any expenses you have incurred based upon the landlord's failure to repair the residential premises. If you cannot pay this amount, you may be eligible for a waiver by filing a motion. (See JDF 109).

8. Any records associated with the action are suppressed and not accessible to the public until an order is entered granting the Plaintiff possession of the premises. If the Plaintiff is granted possession of the premises, the court records may remain suppressed if both parties agree to suppress the records.

Signed: _____ Dated: _____

Deputy Clerk of Court or Attorney for Plaintiff(s) (if applicable)

Address(es) of Plaintiff(s) (if applicable): _____

Telephone Number(s) of Plaintiff(s) _____

This Summons is issued pursuant to C.R.S. § 13-40-111. A copy of the Complaint together with a blank answer form, blank request for documents form, blank fee waiver forms, and an eviction information form must be served with this Summons.

- 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.

CERTIFICATE OF MAILING

I/we, the undersigned Plaintiff(s) (or agent for Plaintiff(s)), certify that on _____(date)
I/we mailed a copy of the Summons, Complaint, blank answer form, request for documents form, fee waiver
forms, and an eviction information form by postage prepaid, first class mail, to
_____, the Defendant(s) at the following address(es):
_____.

Plaintiff/(s)/Agent for Plaintiff(s)

Resources

- Colorado Judicial Branch Self Help Center
 - Your local Self Help Center can be found by following this link:
https://www.courts.state.co.us/Self_Help/center.cfm
 - Colorado Legal Services
 - Free legal services to low income tenants facing evictions.
 - Call (303) 837-1313 ext. 444 or visit <https://www.coloradolegalservices.org/>
 - Colorado Department of Local Affairs
 - The Division of Housing can help with rental assistance programs, housing counseling, eviction and foreclosure prevention, and other programs.
 - Call (303) 864-7810 or visit <https://cdola.colorado.gov/housing>
 - Colorado Housing Connects
 - Free housing, eviction, and foreclosure resources for tenants, landlords, homeowners, and homebuyers.
 - Call (844) 926-6632 or visit <https://coloradohousingconnects.org/>
 - Colorado Poverty Law Project
 - Free legal services to fight eviction and housing insecurity.
 - <https://www.copovertylawproject.org/>
 - COVID-19 Eviction Defense Project
 - Free legal aid and guidance to tenants facing eviction and housing insecurity.
 - Visit <https://www.cedproject.org>
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Relevant Colorado Statutes

13-40-111. Issuance and return of summons.

(1) Upon filing the complaint as required in section 13-40-110, the clerk of the court or the attorney for the plaintiff shall issue a summons. The summons must command the Defendant to appear before the Court at a place named in the summons and at a time and on a day not less than seven days but not more than fourteen days from the day of issuing the same to answer the complaint of plaintiff. A court shall not enter a default judgment for possession before the close of business on the date upon which an appearance is due. The summons must also contain a statement addressed to the Defendant stating: "If you do not respond to the landlord's complaint by filing a written answer with the court on or before the date and time in this summons or appearing in court at the date and time in this summons, the judge may enter a default judgment against you in favor of your landlord for possession. A default judgment for possession means that you will have to move out, and it may mean that you will have to pay money to the landlord. In your answer to the court, you can state why you believe you have a right to remain in the property, whether you admit or deny the landlord's factual allegations against you, and whether you believe you were given proper notice of the landlord's reasons for terminating your tenancy before you got this summons. When you file your answer, you must pay a filing fee to the clerk of the court. If you are claiming that the landlord's failure to repair a residential premises is a defense to the landlord's allegation of nonpayment of rent, the court will require you to pay into the registry of the court, at the time of filing your answer, the rent due less any expenses you have incurred based upon the landlord's failure to repair the residential premises; unless the court determines that you qualify to have this requirement waived due to your income."

13-40-112. Service.

(1) Such summons may be served by personal service as in any civil action. A copy of the complaint must be served with the summons.

(2) If personal service cannot be had upon the Defendant by a person qualified under the Colorado Rules of Civil Procedure to serve process, after having made diligent effort to make such personal service, such person may make service by posting a copy of the summons and the complaint in some conspicuous place upon the premises. In addition thereto, the Plaintiff shall mail, no later than the next day following the day on which he/she files the complaint, a copy of the summons, or, in the event that an alias summons is issued, a copy of the alias summons, and a copy of the complaint to the Defendant at the premises by postage prepaid, first class mail.

(3) Personal service or service by posting shall be made at least seven days before the day for appearance specified in such summons, and the time and manner of such service shall be endorsed upon such summons by the person making service thereof.

County Court _____ County, Colorado Court Address: _____ <hr/> Plaintiff(s): v. Defendant(s):	
Attorney or Party Without Attorney (Name and Address): Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____	▲ COURT USE ONLY ▲ Case Number: _____ Division _____ Courtroom _____
REQUEST FOR DOCUMENTS IN EVICTION CASES	

I, _____, am the Plaintiff Defendant in this case.

I ask that the court order the other party in this case to give me all documents that the party has that are relevant to this case including: _____.
 (Relevant documents may include: A lease, the rent ledger or payment history, the eviction notice, and any other documents that you believe are necessary to be presented at trial.)

Please send documents to me at the following location and manner: _____.

Dated: _____

 Printed name of Plaintiff/Petitioner Defendant/Respondent

 Signature of Plaintiff/Petitioner Defendant/Respondent

CERTIFICATE OF SERVICE

I certify that on _____ (date) a true and accurate copy of this *REQUEST FOR DOCUMENTS IN EVICTION CASES* was served on the other party by:

Hand Delivery E-filed Faxed to this number _____ or by placing it in the United States mail, postage pre-paid, and addressed to the following:

 Signature

FOR COURT USE ONLY BELOW THIS LINE:

ORDER

The Court orders that the party who was asked to provide documents in the above Request for Documents in Eviction Case must provide all documents related to this case to the party that made the request before trial occurs.

Dated: _____

 Judge Magistrate

Amended and Adopted by the Court, En Banc, June 29, 2022, effective immediately.

By the Court:

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