

# Evictions Quick Guide

October 2020

## Step 1 – Give Notice (Landlord)

The notice shows the Landlord's intent to start an eviction. Choose one of the forms listed below to start the process. The notice can be posted on the door or hand delivered to the Tenant. Keep a copy of the notice. The Landlord does not file it with the Court yet. Once the "move out" or "comply" date has passed, the Landlord/property owner can start the eviction process with the Court.

### [Demand for Compliance or Right to Possession Notice](#) (JDF 101)

The Landlord uses this demand when the renter/Tenant doesn't pay rent or violates one of the rules of the lease. If the Tenant complies with the demand in time, they can stay.

### [Notice to Quit](#) (JDF 97)

The Landlord uses this notice when they are trying to get someone to leave the property that does not have a lease or rental agreement, their rental period has ended, or the Landlord just wants them out.

## Step 2 – Forms Required to Start an Eviction (Landlord)

File these forms with the Court after the notice "move out date" or "comply" date has passed.

- Landlord pays the filing fee \$85 - \$135 or files the [motion to file without payment](#) (JDF 205)
- Complaint in Forcible Entry and Detainer (JDF 99)
- Summons in Forcible Entry and Detainer (CRCCP Form 1A)
- Answer under Simplified Civil Procedure (CRCCP Form 3) (Only fill out name of Plaintiff and defendant)
- Copy of lease or rental agreement (if there is one)
- Copy of the notice or demand given to the Tenant/person being asked to move

## Quick Tips

1. Plaintiff is the Landlord or property owner.
2. Defendant is the Tenant or person being asked to leave the property.
3. Before an eviction can be filed with the Court, the Tenant must be given a notice to quit or demand for compliance (Step 1).
4. The notice or demand gives the Tenant a specific amount of time/date to move from the property or comply with the terms of the lease or agreement. After this date has passed, an eviction can be filed with the Court. (Step 2)
5. The eviction must be filed in the County the property is located.
6. General information for Landlords and Tenants: <https://www.coloradolegalserVICES.org/node/31/housing-related-information>
  - Reasons for eviction
  - Eviction process
  - Property is not habitable
  - Security deposit
  - More

### Step 3 – Service (Landlord) (Choose personal service OR posting and mailing.)

#### Personal Service

- The Landlord can arrange to have the Tenant/person being evicted personally served with the Complaint, Summons, and blank Answer form at least 7 days before the scheduled court hearing.
- Service should be completed on every adult you want removed from the property.
- The Landlord or property owner cannot serve the paperwork.
- The Landlord is also encouraged to mail the documents to the Tenant.

OR

#### Posting and Mailing

- If personal service cannot be completed, the Landlord/property owner can arrange to have the paperwork posted on the property.
- The Landlord must have someone else post it for them.
- The Landlord must also mail the paperwork to the Tenant(s) within 24 hours of filing the Complaint.
- \*If trying to collect money for rent or damages, DO NOT use this method. Tenant must be personally served.

### Step 4 – First Appearance (Landlord and Tenant) Filing an Answer (Tenant)

- This is the date/deadline the Tenant can file an answer to dispute the eviction ([CRCCP Form 3](#)). Check with your local Courthouse about their procedures if you have any questions.
- If an answer is not filed, the Landlord may win by default (automatically) and the Tenant may be evicted and/or owe money. No hearing will be held if an answer is not filed.

**Answer** – This is the form filed by the Tenant to explain to the Judge why they should not be evicted and/or why they do not owe money to the Landlord.

- Tenant pays the filing fee \$80-\$134 to file an answer or files the motion to file without payment ([JDF 205](#))
- Counterclaim – suing the Landlord/property owner
- Crossclaim – suing another defendant/Tenant listed in the Complaint

### Step 5 – Eviction Hearing (Landlord and Tenant)

- **Mediation may be ordered** before the hearing to try to come to an agreement.
- **If the Landlord or Tenant fails to appear on the hearing date**, the other party may win automatically.
- **At the hearing**, the Landlord and Tenant will have a chance to explain their side to the Judge and present evidence.
- **If the Judge rules in favor of the Landlord**, the Tenant must move out within 48 hours, unless the Court orders otherwise. If the Tenant fails to move out in that time, the Court may issue a Writ of Restitution, directing the Sheriff to remove the Tenant(s) from the property.
- **If the Judge rules in favor of the Tenant**, they get to remain at the property unless ordered otherwise by the Court.