

Frequently Asked Questions about Small Claims

[County Court Civil Matters](#) is a pamphlet that contains additional information on Small Claims.

Is there a handbook that can walk me through the process?

- Yes. See the latest [Small Claims Handbook](#).

Where do I find instructions, forms and fees?

- These are located under the FORMS section. [Small Claims](#)

Where do I file my small claim?

- All actions in the small claims court shall be brought in the county which at the time of filing of the claim is either where:
 - any of the defendants resides,
 - the defendant(s) is regularly employed
 - the defendant has an office for the transaction of business
 - the defendant is a student at an institution of higher education. In an action to enforce restrictive covenants or arising from a security deposit dispute, the action may alternatively be brought in the county in which the subject real property is located.

What is the maximum dollar amount for a claim?

- The maximum is \$7,500.00 for a claim. If the claim amount exceeds \$7,500.00 you may waive the balance over that amount and stay in Small Claims Court. However, you will not be able to collect the amount you waived. You are not allowed to divide the claims into multiple cases.

Small Claims statutes of limitations (the time by which the action must be filed) are the same whether filed in county or district court. Some examples are:

- *One year:* Cases involving motor vehicle repair; tort actions such as those based on assault, battery or treble damages on security deposits.
- *Two years:* Bad check cases in which triple damages are sought; any type of action against health care providers, hospitals, pharmacies, dentists, optometrists and veterinarians.
- *Three years:* Actions involving bodily injury or property damage arising out of a motor vehicle accident; contract cases; and those alleging fraud or misrepresentation.
- *Six years:* Actions to recover bad debts; unpaid loans; or, for bad checks where triple damages are not sought.

Am I limited in how many small claims cases I can file?

- A plaintiff cannot file more than 2 claims per month in a county or 18 claims per calendar year. C.R.S. §13-6-411.

Can I have a jury trial?

- No, jury trials are not allowed for small claims cases. All cases are heard before a Magistrate or Judge.

Who is the plaintiff and who is the defendant?

- The *plaintiff* is the person(s), company or other entity who filed the lawsuit.
- The *defendant* is the person(s), company or other entity against whom the case is filed.

What happens if I'm the defendant and I ignore the Notice Claim and Summons to Appear (JDF 250)?

- A judgment could be entered against you, and the other party could start collection procedures.

What happens if I'm the plaintiff and I ignore the response or counterclaim?

- A judgment could be entered against you, and the other party could start collection procedures.

What is Service of Process and how do I do it?

- Service of Process is the official means by which the Notice, Claim and Summons to Appear for Trial is delivered to the Defendant to notify him/her that a lawsuit has been filed.
- Select either the Sheriff's Department, a private process server, or someone you know who is 18 years or older, to serve each Defendant. They must not be a party to the case and know about the rules of service. They will need to fill out an affidavit of service. It is helpful if you fill out all the information about the party to be served before you give the papers to the server.
- There is a service fee that is payable to the Sheriff's Department or Private Process Server. The fee for service is usually awarded as part of your court costs if you win your case.

Will the court collect my judgment for me?

- No, the party who was awarded the judgment is responsible for collecting the money. The Court may provide the person who owes the money with either a Motion & Order for Interrogatories – Short Form (JDF 252A) or a Motion & Order for Interrogatories – Long Form (JDF 252B). The interrogatories are designed to help identify where the party works, money held in savings/checking accounts, and property that the debtor owns that can help with collecting the money.
- Additional collection information entitled "Instructions for Collecting a Judgment and Completing a Writ of Garnishment" (JDF 82) is available on the website under Forms, in the drop down of Garnishments. [Instructions for Collecting a Judgment](#)

Does the court have local small claims policies and practices?

- Some do. For example, mediation/settlement assistance may be required in some Small Claims Courts. Check this list to see if your court has special procedures at: [Local Small Claims Practices](#)