

INSTRUCTIONS FOR FILING A RESPONSE TO A RULE 120 NOTICE

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

- ◆ Pursuant to Rule 120(c) and Rule 120.1(c), any interested person who disputes the Plaintiff(s) request authorizing a sale or an expedited sale may file and serve a response to the Verified Motion, setting forth the facts to support his/her position. Supporting documentation can be attached to the response.
- ◆ The response along with any supporting documentation must be filed with the Court and mailed to the Plaintiff(s) not less than 7 days prior to the hearing date.
- ◆ Pursuant to Rule 120, the Court's review is very limited. The Court shall determine whether there is a reasonable probability that such default or other circumstance has occurred, and whether an order authorizing sale is proper under the Service Member Civil Relief Act and shall grant or deny the motion in accordance with such determination.
- ◆ If a response is not filed within the required time frame, the Court shall examine the Verified Motion and, if satisfied that venue is proper and the Plaintiff(s) is/are entitled to an order or expedited order authorizing sale based upon the facts stated in the Verified Motion, the Court shall dispense with the hearing and enter an order authorizing the sale.
- ◆ For additional information, please review Rule 120 of the Civil Rules of Civil Procedure or Rule 120.1 and §38-38-901 – §38-38-906 of the Colorado Revised Statutes for an expedited residential foreclosure sale.
- ◆ 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

COMMON TERMS

- | | |
|---|---|
| <input checked="" type="checkbox"/> Verified Motion: | Document that officially commences the Rule 120 foreclosure process. |
| <input checked="" type="checkbox"/> Plaintiff(s): | The person or persons filing the Verified Motion with the Court. |
| <input checked="" type="checkbox"/> Defendant(s): | The person(s) or business that the Verified Motion is filed against. |
| <input checked="" type="checkbox"/> Service of Process: | The official means by which a party is notified that a document has been filed against him/her and provided a copy of the document and a description of the person's rights and obligations as a party to the case. |
| <input checked="" type="checkbox"/> Hearing Date: | The date that the Plaintiff and Defendant must appear in Court. |
| <input checked="" type="checkbox"/> May: | In legal terms, "may" is defined as "optional" or "can". |
| <input checked="" type="checkbox"/> Shall: | In legal terms, "shall" is defined as "required". |

If you do not understand this information, please contact an attorney.

FEES

A response fee of \$192.00 is required. If you are unable to pay the response fee, you must complete the Motion to File without Payment and Supporting Financial Affidavit (JDF 205) and submit to the Court. Once you submit the completed JDF 205 form and a blank Order (JDF 206), the Court will decide whether you need to pay the response fee.

FORM

To access the response online go to www.courts.state.co.us and click on the “Forms” tab. The response form is available in PDF or WORD by selecting “District Civil – Response to Rule 120 Notice”. You may complete the response online and print it or you may print it and type or print legibly in black ink.

- JDF 621 Verified Response to Rule 120 Notice

STEPS TO FILING YOUR RESPONSE

Step 1: Complete Verified Response to a Rule 120 Notice - JDF 621.

- Clearly state your reasons why you dispute the sale of the property.
- If this case is not filed in the county where your property is located, you have the right to ask the Court to move the case to that county. You can make this request as a part of your response.
- If you or anyone listed on the mortgage is currently in the military, this information should be disclosed in the response. The Court will review to determine whether the Service Member Civil Relief Act applies.
- If you have filed for bankruptcy, please consult with a bankruptcy attorney as federal law may bar this proceeding from going forward.
- Keep a copy for your own records and make copies to provide to the other parties.

Step 2: You are ready to file your response with the Court.

Provide the Court with the Response. If the Response has not been signed in the presence of a Notary Public, you will sign the Response before the Clerk at this time.

- Pay the \$192.00 response fee.
- Mail a copy of the response to the Plaintiff(s) and/or Attorney at least 7 days prior to the hearing date identified on the Notice.

Step 3: Be prepared for your hearing.

This is an opportunity for you to state your reasons why you dispute the sale of your property. If you have exhibits, please label them and make copies for the Court and the Plaintiff(s). District Civil matters can be complicated, so it is suggested that you consult an attorney for assistance with this matter.