INSTRUCTIONS FOR FILING A COUNTY COURT CIVIL OR SMALL CLAIMS APPEAL

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

- An appeal is not a new trial, but an opportunity to request the District Court to review the proceedings from a county court civil case or a small claims case based upon law, if a party believes that the judgment is in error.
- Neither party is present for an appeal; it is a paper review only by the District Court.
- You may not file any new evidence or subpoena witnesses for an appeal.
- An appeal can be filed by either party if they believe that the judgment entered is in error.
- The party appealing, the Appellant, must file the Notice of Appeal and the Appeal Bond in the County Court within 14 days of entry of the judgment by the County or Small Claims Court.
- The Appellant must post an Appeal Bond in cash or certified funds within 14 days of the entry of the judgment.
- The Appeal Bond may be the amount of the judgment in a money demand case, the amount of rent in an eviction case or any designated amount set by the Judge. The Appeal Bond shall be approved by the Judge or the Clerk.
- The Appellant must also file the Notice of Appeal in the District court within 35 days after the filing of the notice of appeal in County or Small Claims court.
- The Appellant must request a written transcript and deposit an estimated fee in advance of preparing the record and a written transcript of the proceedings from the County or Small Claims Court. For any appeal from a judgment entered after July 1, 2013, the clerk of the County or Small Claims Court will prepare the transcript within 42 days of filing the notice of appeal. For an appeal from a judgment entered prior to July 1, 2013, the clerk of the County or Small Claims Court will prepare the transcript within 42 days of the entry of the judgment. Transcribers usually charge by the page and the Appellant must pay any additional fees above the deposit before the clerk will file the record with the District Court.
- For additional information, please review Rule 411 of the Colorado Rules of County Court Civil Procedure, §13-6-311, C.R.S., and §16-2-114, C.R.S.
- 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

☒ Appeal Bond:	An appeal bond is posted money to cover the amount of the judgment. It must be posted in cash or certified funds. According to Colorado law, a bond shall be furnished by a corporate surety authorized and licensed to do business in this state as a surety, or one or more sufficient private sureties, or may be a cash deposit by the Appellant. If the appeal is made by the Plaintiff, the bond shall include the costs of the appeal and the counterclaim, if any and if the appeal is made by the Defendant, shall include the costs and judgment.
☒ Appellant:	The person or entity filing the appeal.
☒ Appellee:	The person or entity responding to the appeal.
☒ Judgment Creditor(s):	The person(s), company or other entity who should receive the money as ordered by the Court.
☒ Judgment Debtor(s):	The person(s), company or other entity who owes the money as ordered by the Court.
☒ Brief:	A written statement summarizing the facts of the case, the applicable laws, and arguments of how the law applies to the facts supporting your position.
☒ Stay of Execution:	An order stopping a judicial proceeding or execution of a judgment.
☒ Service of Process:	The official means by which a party is notified that an appeal has been filed.
☒ May:	In legal terms, “may” is defined as “optional” or “can.”
☒ Shall:	In legal terms, “shall” is defined as “required.”

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

FEES

A filing fee of $193.00 is required. If you are unable to pay, you must complete the Motion to File without Payment and Supporting Financial Affidavit (JDF 205) and submit it to the Court. Once you submit the completed JDF 205 form and a blank Order (JDF 206), the Court will decide if you need to pay the filing fee.

Other fees that a party to the case may encounter are as follows:

❑ Appellee Response fee	$222.00
❑ Appeal Bond **(cash or certified funds)**	Varies; usually the judgment amount and is approved by the Judge or the Clerk.
❑ Certification Fee	$ 20.00
❑ Transcript Costs	Pursuant to Chief Justice Directive 05-03
❑ Copies of Documents	$ .25 per page or $0.50 if double-sided

FORMS

To access forms online go to **www.coloradojudicial.gov**.

❑ Form 4	Notice of Appeal
❑ Form 5	Designation of Record
❑ JDF 4	Transcript Request Information and Form

STEPS TO FILING YOUR APPEAL

Step 1: Complete Forms.

Selecting these instructions indicates that you plan to file a county civil or a small claims appeal. You must identify yourself as the Plaintiff or Defendant depending on your "title/role" in the original "**C"** = County Civil or **"S"** = Small Claims case. It is important to remember that your "title/role" in the case does not change based on who files the appeal. The caption below must be completed on all forms filed. Forms must be filled out completely. **Be sure to make a copy for your own records of all forms you file with the Court.**

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
NAME OF FORM	

❑ **Notice of Appeal (Form 4).**

This Notice must be filed with the County Court within 14 days of the entry of the judgment and with the District Court within 35 days after the filing of the notice of appeal in County or Small Claims court.

- ❑ Complete all sections.
- ❑ Prepare two originals.
  - ❑ One original is for the County Court to be placed in the original case file. **Include the County Civil "C" or Small Claims "S" case number on this original.**
  - ❑ One original is for the District Court. The District Court will assign and enter a new District Civil (CV) case number on this original.
- ❑ Make two copies: one to provide to the other party (Appellee) and one for your records. Once you receive the District Court case number, enter the "**CV"** case number on your copy and the copy to send to the other party.

❑ **Designation of Record (Form 5).**

The purpose of this form is to identify to the Court the records that will be included in the appeal record.

- ❑ Complete all sections.
- ❑ Prepare **two** originals.
  - ❑ One original is for the County Court to be placed in the original case file. **Include the County Civil "C" or Small Claims "S" case number on this original.**
  - ❑ One original is for the District Court. The District Court will assign and enter a new District Civil (CV) case number on this original.
- ❑ Make two copies: one to provide to the other party (Appellee) and one for your records. Once you receive the District Court case number, enter the "**CV"** case number on your copy and the copy to send to the other party.

❑ **Transcript Request Information and Form (JDF 4).**

The record on appeal must include a transcript of the trial or court hearing. The Court will need the original transcript and you can request additional copies for your records. Some courts only require a digital recording of the small claims court trial, so please check with the Court first before completing JDF 4.

- ❑ Complete all applicable sections of this form. If you want copies, make sure your payment includes the cost of the copies.
- ❑ Upon completion of this form, please follow established policies and procedures for each judicial district which outline instructions for ordering transcripts, tapes or digital recording disks.
- ❑ You will need to pay for the transcript in advance. Transcripts will not be started and the time limits stated for delivery of transcripts will not commence until satisfactory payment arrangements are made.
- ❑ To avoid any disputes as to dates or payment, a dated receipt for payment shall be provided to requester.
- ❑ The individual assigned to complete the transcription will contact the party upon completion.

Step 2: File the Notice of Appeal and Designation of Record

- ❑ **Many courts are combined, so you can provide the Combined Court with both originals of the Notice of Appeal and Designation of Record or provide the County Court and the District Court each with an original Notice of Appeal and Designation of Record at the same time.**
- ❑ Pay the filing fee.
- ❑ Pay the Appeal Bond with cash or certified funds. The Appeal Bond may be the amount of the judgment in a money demand case, the amount of rent in an eviction case or any designated amount set by the Judge.
- ❑ Check with the Court to determine what their procedure is for ordering the transcripts. You may need to talk directly with the County Court judicial assistant assigned to the courtroom where your case was heard.
- ❑ Provide the Combined/District Court with a self-addressed stamped envelope to receive the written ruling from the District Court.

Step 3: Mail the opposing party a copy of the Notice of Appeal and the Designation of Record.

AFTER YOU FILE THE NOTICE OF APPEAL

- ❑ Upon the filing of the Notice of Appeal, the posting and approval of the bond and the deposit of the transcript fees, the County Court shall discontinue all further proceeding and recall any execution issued. For example, the Court will hold garnished funds in their possession; notify the Sheriff of any execution of property, etc.
- ❑ The County Court will prepare the Record per the "Designation of Record" form and provide the Record to the District Court within 42 days after the filing of the notice of appeal or as soon as may be possible.
- ❑ The County Court shall issue a Notice of Completion of Record to you and the opposing party. The opposing party shall have 14 days from the date of the Notice to file an objection.
- ❑ If no objections are received, the Record will be certified to the District Court.

❑ Prepare a Written Opening Brief.

- ❑ Once the District Court receives the Record from County Court, you will have 21 days to file a written opening brief.
- ❑ The written opening brief should outline any issues constituting errors and outline any arguments to support your issues.
- ❑ You must also provide a copy of your written brief to the Appellee.
- ❑ The Appellee may file an answering brief within 21 days after you provide them a copy of the written opening brief.

❑ Once all of the timeframes have passed for filing briefs, answering, etc, the District Court will review the case file and transcript. **No new hearing will be held.**

- ❑ The District Court will enter a written ruling.
- ❑ You and the Appellee will receive a copy of the written ruling.
- ❑ Unless there is further review by the Supreme Court, after final disposition of the appeal by the District Court, the judgment on appeal shall be certified to the County Court for action as directed by the District Court.

❑ Release of the Appeal Bond.

The Court will release/disburse the Appeal Bond based on the ruling of the Court.