

RULE CHANGE 2020(33)
COLORADO RULES OF CIVIL PROCEDURE
Chapter 25 Colorado Rules of County Court Civil Procedure
Form 1a

County Court _____ County, Colorado Court Address: 		▲ COURT USE ONLY ▲
Plaintiff(s): v. Defendant(s): <input type="checkbox"/> Any and all other occupants:		
Attorney or Party Without Attorney (Name and Address): Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____		
		Case Number: Division _____ Courtroom _____
SUMMONS IN FORCIBLE ENTRY AND UNLAWFUL DETAINER		

To the above-named Defendant(s), take notice that:

1. On _____, 20____, at _____ o'clock __M. in the _____ County Court, _____, Colorado, the Court may be asked to enter judgment against you as set forth in the complaint.
2. A copy of the complaint against you and an answer form that you must use if you file an answer are attached.
3. If you do not agree with the complaint, then you must either:
 - a. Go to the Court, located at: _____, Colorado, at the above date and time and file an answer stating any legal reason you have why judgment should not be entered against you, **OR**
 - b. File the answer with the Court before that date and time.
4. When you file your answer, you must pay a filing fee to the Clerk of the Court.
5. If you file an answer, you must personally serve or mail a copy to the Plaintiff(s) or the attorney who signed the complaint.
6. If you do not file with the Court, at or before the time for appearance specified in this summons, an answer to the complaint setting forth the grounds upon which you base your claim for possession and denying or admitting all of the material allegations of the complaint, judgment by default may be taken against you for the possession of the property described in the complaint, for the rent, if any, due or to become due, for present and future damages and costs, and for any other relief to which the Plaintiff(s) is (are) entitled.
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. 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.
8. If you want a jury trial, you must ask for one in the answer and pay a jury fee in addition to the filing fee.
9. If you want to file an answer or request a jury trial and you are indigent, you must appear at the above date and time, fill out a financial affidavit, and ask the Court to waive the fee.
10. 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.
- 9-11. If the plaintiff is granted possession of the premises, the court records may remain suppressed if both parties agree to suppress the records.

Dated at _____, Colorado, this _____ day of _____ 20 _____.

Clerk of the Court

By: _____
Deputy Clerk

Attorney for Plaintiff(s) (if applicable)

Address(es) of Plaintiff(s)

Telephone Number(s) of Plaintiff(s)

This Summons is issued pursuant to §13-40-111, C.R.S. A copy of the Complaint together with a blank answer form must be served with this Summons. 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 signature block for the clerk, deputy and the seal of the Court should be provided by stamp, or typewriter, in the space to the left of the attorney's name.

WARNING: ALL FEES ARE NON-REFUNDABLE. IN SOME CASES, A 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), the date on which the Summons, Complaint, and Answer were filed, I/we mailed a copy of the Summons/Alias Summons, a copy of the Complaint, and Answer form by postage prepaid, first class mail, to

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

_____.

Plaintiff(s)/Agent for Plaintiff(s)

Section 13-40-111 Colorado Revised Statutes, as amended.

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

(1) Upon filing the complaint as provided in §13-40-110, C.R.S., the clerk of the court or the attorney for the plaintiff shall issue a summons. The summons shall command the Defendant to appear before the Court at a place named in such summons and at a time and on a day which shall be not less than seven days nor more than fourteen days from the day of issuing the same to answer the complaint of Plaintiff. The summons shall also contain a statement addressed to the Defendant stating: "If you fail to file with the Court, at or before the time for appearance specified in the summons, an answer to the complaint setting forth the grounds upon which you base your claim or possession and denying or admitting all of the material allegations of the complaint, judgment by default may be taken against you for the possession of the property described in the complaint, for the rent, if any, due or to become due, for present and future damages and costs, and for any other relief to which the Plaintiff is entitled". 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.

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: 		▲ COURT USE ONLY ▲
Plaintiff(s): v. Defendant(s): <input type="checkbox"/> Any and all other occupants:		
Attorney or Party Without Attorney (Name and Address): Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____		
		Case Number: Division _____ Courtroom _____
SUMMONS IN FORCIBLE ENTRY AND UNLAWFUL DETAINER		

To the above-named Defendant(s), take notice that:

1. On _____, 20____, at _____ o'clock__M. in the _____ County Court, _____, Colorado, the Court may be asked to enter judgment against you as set forth in the complaint.
2. A copy of the complaint against you and an answer form that you must use if you file an answer are attached.
3. If you do not agree with the complaint, then you must either:
 - a. Go to the Court, located at: _____, Colorado, at the above date and time and file an answer stating any legal reason you have why judgment should not be entered against you, **OR**
 - b. File the answer with the Court before that date and time.
4. When you file your answer, you must pay a filing fee to the Clerk of the Court.
5. If you file an answer, you must personally serve or mail a copy to the Plaintiff(s) or the attorney who signed the complaint.
6. If you do not file with the Court, at or before the time for appearance specified in this summons, an answer to the complaint setting forth the grounds upon which you base your claim for possession and denying or admitting all of the material allegations of the complaint, judgment by default may be taken against you for the possession of the property described in the complaint, for the rent, if any, due or to become due, for present and future damages and costs, and for any other relief to which the Plaintiff(s) is (are) entitled.
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10. **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.**
11. **If the plaintiff is granted possession of the premises, the court records may remain suppressed if both parties agree to suppress the records.**

Dated at _____, Colorado, this _____ day of _____ 20 ____.

Clerk of the Court

By: _____
Deputy Clerk

Attorney for Plaintiff(s) (if applicable)

Address(es) of Plaintiff(s)

Telephone Number(s) of Plaintiff(s)

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

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Plaintiff(s)/Agent for Plaintiff(s)

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(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.

Amended and Adopted by the Court, En Banc, November 25, 2020, effective December 1, 2020.

By the Court:

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