

**RULE CHANGE 2021(21)**

**COLORADO RULES OF CIVIL PROCEDURE**

**Chapter 25 The Colorado Rules of County Court Civil Procedure**

**Rules: 304, 312.5, and 316.5**

**Forms: Form 1A, JDF 185, and JDF 186**

### **Rule 304. Service of Process.**

(a) [NO CHANGE]

(b) Initial Process. Initial process shall be as follows:

(1) Initial Process in cases other than forcible entry and detainer cases.

Except in cases of service by publication under Rule 304(f), the complaint and a blank copy of the answer form shall be served with the summons.

(2) Initial Process in forcible entry and detainer cases. Plaintiff shall serve the following on the defendant at least seven days before the return date: (1) summons containing all language and information required by statute; (2) complaint; (3) blank copy of the answer form; (4) Form JDF 186 SC: Information for Eviction Cases; (5) Form JDF 185 SC: Request for Documents in Eviction Cases; and (6) blank copies of Forms JDF 205 and 206 (fee waiver forms).

(c) - (j) [NO CHANGE]

**Rule 312.5. Defenses and Objections in Forcible Entry and Detainer Cases -- When and How.**  
**Defenses and Objections in Forcible Entry and Detainer Cases -- by Pleading or Motion.**

(a) Responsive Pleadings; When Presented. The defendant shall file an answer including any counterclaim or cross-claim on or before, and shall appear in court at, the date and time as fixed in the summons, or such other date as fixed by the court.

(b) Motions. A defendant may file a motion setting forth defenses simultaneously with the defendant's answer. All other motions, except for motions arising at trial, must be filed at least three days before the earlier of the date of any pretrial conference or the trial date.

(c) Waiver of Defenses. A party waives all defenses and objections which are not raised either by motion or in his answer except that the defense of lack of jurisdiction of the subject matter may be made at any time.

(d) Motion for Judgment on the Pleadings. At any time after the last pleading is filed, but within such time as not to delay the trial, any party may move for judgment on the pleadings. A party shall not submit matters outside the pleadings in support of the motion.

**Rule 316.5. Pretrial Procedure – Forcible Entry and Detainer Cases -- Requests for Documents and Conference.**

**(a) Requests for Documents.**

(1) Either party may request all documents in the other party's possession relevant to the current action. To make this request, a party must complete, file, and send Form JDF 185 SC (Request for Documents in Eviction Cases) to the opposing party.

(2) Any party failing to comply with a court order requiring such party to provide documentation relevant to the current action shall be subject to imposition of appropriate sanctions.

(b) Trial Scheduling and Pretrial Conferences. Except as provided by statute, if the defendant files an answer, the court shall schedule a trial no sooner than seven days, but not more than ten days, after the answer is filed, unless (1) the defendant requests a waiver of this requirement in the defendant's answer or after filing the answer, (2) the court sets the trial date beyond ten days if either party demonstrates good cause for an extension or if the court otherwise finds justification for the extension. Prior to trial, the court may in its discretion and upon reasonable notice order a pretrial conference. Conferences by telephone or videoconference are encouraged. Following a pretrial conference, the court may issue an order which may include limitations on the issues to be raised and the witnesses and exhibits to be allowed at trial, entry of judgment, or dismissal, if appropriate. Failure to appear at a pretrial conference may result in appropriate sanctions, including an award of attorney's fees and expenses incurred by the appearing party. Courts may encourage the parties to engage in mediation.

(c) Pretrial Discovery. Any party may request that discovery be permitted to assist in the preparation for trial. The request shall be made only during the pretrial conference. The discovery may include depositions, requests for admission, interrogatories, physical or mental examinations, or requests for production or inspection. If the court enters a discovery order, it shall set forth the extent and terms of the discovery as well as the time for compliance. If the court fails to specify any term, then the provisions of C.R.C.P. 30, 32, 33, 34, 35, and 36 shall be followed as to the missing term.

(d) Resolution of Disputes. All issues regarding discovery shall be resolved on or before the day of trial and shall not cause any undue delay in the proceedings. No party shall be entitled to seek protective orders following the conference. Unless otherwise ordered by the court, a dispute over compliance with the discovery order shall be resolved at the time of trial, and the court may impose appropriate sanctions, including attorney's fees and costs, against the non-complying party.

(e) Juror Notebooks. The court may order the use of juror notebooks. If notebooks are to be used, counsel for each party shall confer about items to be included in juror notebooks and at the pretrial conference or other date set by the court make a joint submission to the court of items to be included in the juror notebook.

<b>Court</b> <input type="checkbox"/> County Colorado County: _____ Court Address: _____	
Plaintiffs: _____ v. Defendants: _____ <input type="checkbox"/> Any and all other occupants	↑ <b>Court Use Only</b> ↑
My Name: _____ Address: _____ Phone: _____ Fax: _____ Email: _____ Atty. Reg.#: _____	Case Number: _____ Division: _____ Courtroom: _____
<b><u>Court Summons: Eviction / Forcible Entry and Detainer</u></b> <b><u>SUMMONS</u></b> <b><u>IN FORCIBLE ENTRY AND UNLAWFUL DETAINER</u></b>	

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

**1. Court Date**

On (enter date) \_\_\_\_\_,  
20 \_\_\_\_\_, at (enter time) \_\_\_\_\_,  
at the court above in (enter location/room number) \_\_\_\_\_, o'clock  
 \_\_\_\_\_ M. in the  
 \_\_\_\_\_ County Court,  
 \_\_\_\_\_, Colorado,  
 the Plaintiff may ask the Court ~~may be asked~~ to enter judgment against you. If the Court grants the Plaintiff's request to enter judgment against you, you will have to move out and it may mean you have to pay money to the landlord as set forth in the complaint.

2. A copy of the complaint against you, ~~and an~~ a blank answer form, blank ~~that you must use if you file an answer for~~ request for documents form, blank fee waiver forms, and an eviction information form are attached for your use.

3. If you do not agree with the complaint, then you must either:

- a. File your answer with the Court at or before the court date specified above stating any legal reason you have why judgment should not be entered against you, or
- a.b. Go to the Court, located at: \_\_\_\_\_, Colorado, at the above date and time Attend the court date and time above **and** file ~~an~~ your 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. If you are eligible for ~~want~~ a jury trial, you must ask for one in the answer and pay a jury fee in addition to the filing fee. If you cannot afford the filing fee or jury fee, file JDF 205 - Motion to Waive Fees and JDF 206 - Order for Fee Waiver.

5. If you file an answer, you must ~~personally serve~~ provide ~~or mail~~ a copy to the Plaintiff(s) or the attorney who signed the complaint.

6. If you do not respond to the landlord's complaint by filing a written answer ~~file~~ with the Court, as set forth above, ~~at or before the time for appearance specified in this summons or appear in court at the date and time in this summons, the judge may enter a default judgment against you in favor of your landlord for possession. A default judgment for possession means that you will have to move out, and it may mean that you will have to pay money to the landlord.~~

7. In your ~~an~~ answer to the court, you can state:

- Why you believe you have a right to remain in the property,
- Whether you admit or deny the landlord's factual allegations against you and your legal defenses,
- Whether you believe you were given proper notice of the landlord's reasons for terminating your tenancy before you got this summons, and
- Whether you have a counterclaim or crossclaim against the landlord.

~~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.~~ 8. 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 [or to seek waiver of this requirement](#).

~~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.~~

9~~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.

10~~1~~. 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: Signed: \_\_\_\_\_  
Deputy Clerk of Court [or](#) Attorney for Plaintiff(s) (if applicable)

Address(es) of Plaintiff(s) (if applicable): \_\_\_\_\_

Telephone Number(s) of Plaintiff(s) \_\_\_\_\_

This sSummons is issued pursuant to C.R.S. § 13-40-111. A copy of the Ccomplaint together with a blank answer form, [blank request for documents form, blank fee waiver forms, and an](#)

[eviction information form](#) must be served with this [sSummons](#). This form should be used only for actions filed under Colorado's Forcible Entry and Detainer Act.

**To the clerk:** If this [sSummons](#) 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-right~~ of the ~~attorney's name~~[signature](#).

**WARNING: ALL FEES ARE NON-REFUNDABLE. IN SOME CASES, 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.

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### Certificate of [MailingService](#)

I/we, ~~the undersigned Plaintiff(s) (or agent for Plaintiff(s))~~, certify that [a copy of on \(date\)](#)  
~~\_\_\_\_\_~~, ~~the date on which~~ the [sSummons](#), [Complaint](#), [blank and aAnswer](#)  
[form, request for documents form, fee waiver forms, and an eviction information form](#) 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~~ ☐ [Served personally upon the following](#)  
[person on the following date and time:](#)

\_\_\_\_\_.

### [OR](#)

☐ After diligent efforts, on (date) \_\_\_\_\_ were posted in some conspicuous place  
on the premises, and mailed by first class mail to the Defendants at the following address:

\_\_\_\_\_, the

Defendants at the following address(es):

\_\_\_\_\_.

\_\_\_\_\_.

[Signature of:](#) Plaintiff/(s) / Agent for Plaintiff(s)

\_\_\_\_\_.

### [Resources](#)



- [Colorado Judicial Branch Self Help Center](#)
  - [Your local Self Help Center can be found by following this link:  
https://www.courts.state.co.us/Self\\_Help/center.cfm](#)
- [Colorado Legal Services](#)
  - [Free legal services to low income tenants facing evictions.](#)
  - [Call \(303\) 837-1313 ext. 444 or visit https://www.coloradolegalservices.org/](#)
- [Colorado Department of Local Affairs](#)
  - [The Division of Housing can help with rental assistance programs, housing counseling, eviction and foreclosure prevention, and other programs.](#)
  - [Call \(303\) 864-7810 or visit https://cdola.colorado.gov/housing](#)
- [Colorado Housing Connects](#)
  - [Free housing, eviction, and foreclosure resources for tenants, landlords, homeowners, and homebuyers.](#)
  - [Call \(844\) 926-6632 or visit https://coloradohousingconnects.org/](#)
- [Colorado Poverty Law Project](#)
  - [Free legal services to fight eviction and housing insecurity.](#)
  - [https://www.copovertylawproject.org/](#)
- [COVID-19 Eviction Defense Project](#)
  - [Free legal aid and guidance to tenants facing eviction and housing insecurity.](#)
  - [Visit https://www.cedproject.org](#)

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## Relevant Statutes

**Colorado Revised Statutes sSection 13-40-111–Colorado Revised Statutes, as amended.**

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

(1) Upon filing the complaint as ~~provided~~required in section 13-40-110, the clerk of the court or the attorney for the plaintiff shall issue a summons. The summons ~~shall~~must command the Defendant to appear before the Court at a place named in ~~such~~the summons and at a time and on a day ~~which shall be~~ not less than seven days ~~but not~~ more than fourteen days from the day of issuing the same to answer the complaint of Plaintiff. The summons ~~shall~~must also contain a

statement addressed to the Defendant stating: "If you do not respond to the landlord's complaint by filing a written answer with the court on or before the date and time in this summons or appearing in court at the date and time in this summons, the judge may enter a default judgment against you in favor of your landlord for possession. A default judgment for possession means that you will have to move out, and it may mean that you will have to pay money to the landlord. In your answer to the court, you can state why you believe you have a right to remain in the property, whether you admit or deny the landlord's factual allegations against you, and whether you believe you were given proper notice of the landlord's reasons for terminating your tenancy before you got this summons. When you file your answer, you must pay a filing fee to the clerk of the court. If you are claiming that the landlord's failure to repair a 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; unless the court determines that you qualify to have this requirement waived due to your income."

~~"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: _____  Plaintiff(s): _____  v. _____  Defendant(s): _____	<div style="text-align: center; border-top: 1px solid black; border-bottom: 1px solid black; padding: 2px 0;"> <b>▲ COURT USE ONLY ▲</b> </div> Case Number: _____  Division _____ Courtroom _____
Attorney or Party Without Attorney (Name and Address): _____  Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____	
<b><u>REQUEST FOR DOCUMENTS IN EVICTION CASES</u></b>	

I \_\_\_\_\_, am the ☐ Plaintiff ☐ Defendant in this case.

I ask that the court order the other party in this case to give me all documents that the party has that are relevant to this case.

Dated: \_\_\_\_\_

Printed name of <input type="checkbox"/> Plaintiff/Petitioner <input type="checkbox"/> Defendant/Respondent	Signature of <input type="checkbox"/> Plaintiff/Petitioner <input type="checkbox"/> Defendant/Respondent
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### **CERTIFICATE OF SERVICE**

I certify that on \_\_\_\_\_ (date) a true and accurate copy of this *REQUEST FOR DOCUMENTS IN EVICTION CASES* was served on the other party by:

☐ Hand Delivery ☐ E-filed ☐ Faxed to this number \_\_\_\_\_ or ☐ by placing it in the United States mail, postage pre-paid, and addressed to the following:

\_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_ Signature

**FOR COURT USE ONLY BELOW THIS LINE:**

### **ORDER**

The Court orders that the party who was asked to provide documents in the above Request for Documents in Eviction Case must provide all documents related to this case to the party that made the request within the earlier of (a) two business days after this Order is received or (b) two days before the trial in this case is scheduled to begin.

Dated: \_\_\_\_\_  
 \_\_\_\_\_ ☐ Judge ☐ Magistrate



# Information for Eviction Cases

A forcible entry and detainer case, also called an “FED” or “eviction” case, has been filed against you. This sheet explains some of your rights. While you are not required to do so, you may contact the landlord or the landlord’s attorney to discuss resolving your case and you may also contact a tenant attorney to discuss your case.—

①

## What to do



**If you disagree with the claim against you, you must:**

1. Complete the blank Answer form.

Your completed Answer should say why you should not be evicted and/or do not owe the money (state your defense). You can also list claims you may have against the plaintiff/landlord. These are called “counterclaims.” If you have a counterclaim, you must list the facts that support your counterclaim.

2. File your completed Answer.



File your completed Answer with the court at or before the date given for your appearance in the Summons.

Provide a copy to the plaintiff/landlord or the plaintiff/landlord’s attorney.

3. Appear in Court at the date and time listed in your Summons or in any court order.

4. Pay the filing fee or, if you cannot afford the filing fee, complete and file fee waiver forms JDF 205 and 206. You can find the forms and instructions at:  
[https://www.courts.state.co.us/Forms/Forms\\_List.cfm?Form\\_Type\\_ID=176](https://www.courts.state.co.us/Forms/Forms_List.cfm?Form_Type_ID=176)

5. You may request all documents in the plaintiff/landlord’s possession related to this case.

- File with the court a completed copy of the Request for Documents in Eviction Cases form.
- You received this form with the Summons.
- Provide a copy of the completed Request to the plaintiff/landlord.

6. You must follow any court order requiring you to give the plaintiff/landlord documents that you have related to this case.

If you are missing forms, you can find them at:  
[https://www.courts.state.co.us/Forms/Forms\\_List.cfm?Form\\_Type\\_ID=28](https://www.courts.state.co.us/Forms/Forms_List.cfm?Form_Type_ID=28)

The following website has information about the procedures in the county in which your case was filed:  
<https://www.courts.state.co.us/Courts/District/Choose.cfm>

**Note:** If you do **not** file a timely Answer or appear in court, the court may issue a *default judgment* and/or money judgment against you. This means you will be evicted. The landlord is given possession of the property. You may also owe the landlord money.

The Court may also issue a Writ of Restitution against you. The Writ of Restitution allows a Sheriff to remove you and your belongings from your home.

②

## Resources



You can find these and other helpful resources in the Summons form:

- Self Help Center  
To locate your local self help center go here:  
[https://www.courts.state.co.us/Self\\_Help/center.cfm](https://www.courts.state.co.us/Self_Help/center.cfm)
- Colorado Legal Services  
- Free legal services to low income tenants facing evictions.  
  
- Call (303) 837-1313 ext. 444 or visit  
<https://www.coloradolegalservices.org/>

### **Rule 304. Service of Process.**

(a) [NO CHANGE]

(b) Initial Process. Initial process shall be as follows:

(1) Initial Process in cases other than forcible entry and detainer cases. Except in cases of service by publication under Rule 304(f), the complaint and a blank copy of the answer form shall be served with the summons.

(2) Initial Process in forcible entry and detainer cases. Plaintiff shall serve the following on the defendant at least seven days before the return date: (1) summons containing all language and information required by statute; (2) complaint; (3) blank copy of the answer form; (4) Form JDF 186 SC: Information for Eviction Cases; (5) Form JDF 185 SC: Request for Documents in Eviction Cases; and (6) blank copies of Forms JDF 205 and 206 (fee waiver forms).

(c) - (j) [NO CHANGE]

**Rule 312.5. Defenses and Objections in Forcible Entry and Detainer Cases -- When and How.**  
**Defenses and Objections in Forcible Entry and Detainer Cases -- by Pleading or Motion.**

(a) Responsive Pleadings; When Presented. The defendant shall file an answer including any counterclaim or cross-claim on or before, and shall appear in court at, the date and time as fixed in the summons, or such other date as fixed by the court.

(b) Motions. A defendant may file a motion setting forth defenses simultaneously with the defendant's answer. All other motions, except for motions arising at trial, must be filed at least three days before the earlier of the date of any pretrial conference or the trial date.

(c) Waiver of Defenses. A party waives all defenses and objections which are not raised either by motion or in his answer except that the defense of lack of jurisdiction of the subject matter may be made at any time.

(d) Motion for Judgment on the Pleadings. At any time after the last pleading is filed, but within such time as not to delay the trial, any party may move for judgment on the pleadings. A party shall not submit matters outside the pleadings in support of the motion.

**Rule 316.5. Pretrial Procedure – Forcible Entry and Detainer Cases -- Requests for Documents and Conference.**

(a) Requests for Documents.

(1) Either party may request all documents in the other party's possession relevant to the current action. To make this request, a party must complete, file, and send Form JDF 185 SC (Request for Documents in Eviction Cases) to the opposing party.

(2) Any party failing to comply with a court order requiring such party to provide documentation relevant to the current action shall be subject to imposition of appropriate sanctions.

(b) Trial Scheduling and Pretrial Conferences. Except as provided by statute, if the defendant files an answer, the court shall schedule a trial no sooner than seven days, but not more than ten days, after the answer is filed, unless (1) the defendant requests a waiver of this requirement in the defendant's answer or after filing the answer, (2) the court sets the trial date beyond ten days if either party demonstrates good cause for an extension or if the court otherwise finds justification for the extension. Prior to trial, the court may in its discretion and upon reasonable notice order a pretrial conference. Conferences by telephone or videoconference are encouraged. Following a pretrial conference, the court may issue an order which may include limitations on the issues to be raised and the witnesses and exhibits to be allowed at trial, entry of judgment, or dismissal, if appropriate. Failure to appear at a pretrial conference may result in appropriate sanctions, including an award of attorney's fees and expenses incurred by the appearing party. Courts may encourage the parties to engage in mediation.

(c) Pretrial Discovery. Any party may request that discovery be permitted to assist in the preparation for trial. The request shall be made only during the pretrial conference. The discovery may include depositions, requests for admission, interrogatories, physical or mental examinations, or requests for production or inspection. If the court enters a discovery order, it shall set forth the extent and terms of the discovery as well as the time for compliance. If the court fails to specify any term, then the provisions of C.R.C.P. 30, 32, 33, 34, 35, and 36 shall be followed as to the missing term.

(d) Resolution of Disputes. All issues regarding discovery shall be resolved on or before the day of trial and shall not cause any undue delay in the proceedings. No party shall be entitled to seek protective orders following the conference. Unless otherwise ordered by the court, a dispute over compliance with the discovery order shall be resolved at the time of trial, and the court may impose appropriate sanctions, including attorney's fees and costs, against the non-complying party.

(e) Juror Notebooks. The court may order the use of juror notebooks. If notebooks are to be used, counsel for each party shall confer about items to be included in juror notebooks and at the pretrial conference or other date set by the court make a joint submission to the court of items to be included in the juror notebook.

<b>Court</b> <input type="checkbox"/> County Colorado County: _____ Court Address: _____	<div style="font-size: 2em; margin: 0 auto;">↑</div> <div style="margin: 5px 0;"><b>Court Use Only</b></div> <div style="font-size: 2em; margin: 0 auto;">↑</div>
Plaintiffs: _____ v. Defendants: _____ <input type="checkbox"/> Any and all other occupants	
My Name: _____ Address: _____ Phone: _____ Fax: _____ Email: _____ Atty. Reg.#: _____	Case Number: _____ Division: _____ Courtroom: _____
<b>Court Summons: Eviction / Forcible Entry and Detainer</b>	

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

**1. Court Date**

On *(enter date)* \_\_\_\_\_,  
 at *(enter time)* \_\_\_\_\_,  
 at the court above in *(enter location/room number)* \_\_\_\_\_,

the Plaintiff may ask the Court to enter judgment against you. If the Court grants the Plaintiff's request to enter judgment against you, you will have to move out and it may mean you have to pay money to the landlord.

**2.** A copy of the complaint against you, a blank answer form, blank request for documents form, blank fee waiver forms, and an eviction information form are attached for your use.

**3.** If you do not agree with the complaint, then you must either:

- a. File your answer with the Court at or before the court date specified above stating any legal reason you have why judgment should not be entered against you, **or**
- b. Attend the court date and time above **and** file your answer.

**4.** When you file your answer, you must pay a filing fee to the Clerk of the Court. If you are eligible for a jury trial, you must ask for one in the answer and pay a jury fee in addition to the filing fee. If



you cannot afford the filing fee or jury fee, file *JDF 205 - Motion to Waive Fees* and *JDF 206 - Order for Fee Waiver*.

**5.** If you file an answer, you must provide a copy to the Plaintiff or the attorney who signed the complaint.

**6.** If you do not respond to the landlord's complaint by filing a written answer with the Court, as set forth above, or appear in court at the date and time in this summons, the judge may enter a default judgment against you in favor of your landlord for possession. A default judgment for possession means that you will have to move out, and it may mean that you will have to pay money to the landlord.

**7.** In your answer to the court, you can state:

- Why you believe you have a right to remain in the property,
- Whether you admit or deny the landlord's factual allegations against you and your legal defenses,
- Whether you believe you were given proper notice of the landlord's reasons for terminating your tenancy before you got this summons, and
- Whether you have a counterclaim or crossclaim against the landlord.

**8.** 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 or to seek waiver of this requirement.

**9. 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.**

**10. If the plaintiff is granted possession of the premises, the court records may remain suppressed if both parties agree to suppress the records.**

Dated: \_\_\_\_\_

Signed: \_\_\_\_\_  
Deputy Clerk of Court or Attorney for Plaintiff(s) (if applicable)

Address(es) of Plaintiff(s) (if applicable): \_\_\_\_\_

Telephone Number(s) of Plaintiff(s) \_\_\_\_\_

This summons is issued pursuant to C.R.S. § 13-40-111. A copy of the complaint together with a blank answer form, blank request for documents form, blank fee waiver forms, and an eviction information 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 seal of the Court should be provided by stamp, or typewriter, in the space to the right of the signature.

**WARNING: ALL FEES ARE NON-REFUNDABLE. IN SOME CASES, 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.

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### Certificate of Service

I/we, certify that a copy of the summons, complaint, blank answer form, request for documents form, fee waiver forms, and an eviction information form were:

- ☐ Served personally upon the following person on the following date and time:

\_\_\_\_\_.

**OR**

- ☐ After diligent efforts, on (date) \_\_\_\_\_ were posted in some conspicuous place on the premises, and mailed by first class mail to the Defendants at the following address:

\_\_\_\_\_.

\_\_\_\_\_  
Signature of: Plaintiff(s) / Agent for Plaintiff(s)

## **Resources**

- Colorado Judicial Branch Self Help Center
    - Your local Self Help Center can be found by following this link: [https://www.courts.state.co.us/Self\\_Help/center.cfm](https://www.courts.state.co.us/Self_Help/center.cfm)
  - Colorado Legal Services
    - Free legal services to low income tenants facing evictions.
    - Call (303) 837-1313 ext. 444 or visit <https://www.coloradolegalservices.org/>
  - Colorado Department of Local Affairs
    - The Division of Housing can help with rental assistance programs, housing counseling, eviction and foreclosure prevention, and other programs.
    - Call (303) 864-7810 or visit <https://cdola.colorado.gov/housing>
  - Colorado Housing Connects
    - Free housing, eviction, and foreclosure resources for tenants, landlords, homeowners, and homebuyers.
    - Call (844) 926-6632 or visit <https://coloradohousingconnects.org/>
  - Colorado Poverty Law Project
    - Free legal services to fight eviction and housing insecurity.
    - <https://www.copovertylawproject.org/>
  - COVID-19 Eviction Defense Project
    - Free legal aid and guidance to tenants facing eviction and housing insecurity.
    - Visit <https://www.cedproject.org>
- 

## **Relevant Statutes**

### **Colorado Revised Statutes section 13-40-111, as amended.**

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

**(1)** Upon filing the complaint as required in section 13-40-110, the clerk of the court or the attorney for the plaintiff shall issue a summons. The summons must command the Defendant to appear before the Court at a place named in the summons and at a time and on a day not less than seven days but not more than fourteen days from the day of issuing the same to answer the complaint of

Plaintiff. The summons must also contain a statement addressed to the Defendant stating: "If you do not respond to the landlord's complaint by filing a written answer with the court on or before the date and time in this summons or appearing in court at the date and time in this summons, the judge may enter a default judgment against you in favor of your landlord for possession. A default judgment for possession means that you will have to move out, and it may mean that you will have to pay money to the landlord. In your answer to the court, you can state why you believe you have a right to remain in the property, whether you admit or deny the landlord's factual allegations against you, and whether you believe you were given proper notice of the landlord's reasons for terminating your tenancy before you got this summons. When you file your answer, you must pay a filing fee to the clerk of the court. If you are claiming that the landlord's failure to repair a 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; unless the court determines that you qualify to have this requirement waived due to your income."

**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:		
Plaintiff(s):  v. Defendant(s):		
Attorney or Party Without Attorney (Name and Address):		▲ COURT USE ONLY ▲
Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____		Case Number: _____  Division _____ Courtroom _____
<b>REQUEST FOR DOCUMENTS IN EVICTION CASES</b>		

I \_\_\_\_\_, am the ☐ Plaintiff ☐ Defendant in this case.

I ask that the court order the other party in this case to give me all documents that the party has that are relevant to this case.

Dated: \_\_\_\_\_

Printed name of ☐ Plaintiff/Petitioner ☐ Defendant/Respondent

Signature of ☐ Plaintiff/Petitioner ☐ Defendant/Respondent

### CERTIFICATE OF SERVICE

I certify that on \_\_\_\_\_ (date) a true and accurate copy of this *REQUEST FOR DOCUMENTS IN EVICTION CASES* was served on the other party by:

☐ Hand Delivery ☐ E-filed ☐ Faxed to this number \_\_\_\_\_ or ☐ by placing it in the United States mail, postage pre-paid, and addressed to the following:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature

**FOR COURT USE ONLY BELOW THIS LINE:**

### ORDER

The Court orders that the party who was asked to provide documents in the above Request for Documents in Eviction Case must provide all documents related to this case to the party that made the request within the earlier of (a) two business days after this Order is received or (b) two days before the trial in this case is scheduled to begin.

Dated: \_\_\_\_\_

☐ Judge ☐ Magistrate



# Information for Eviction Cases

A forcible entry and detainer case, also called an “FED” or “eviction” case, has been filed against you. This sheet explains some of your rights. While you are not required to do so, you may contact the landlord or the landlord’s attorney to discuss resolving your case and you may also contact a tenant attorney to discuss your case.

## ① What to do



**If you disagree with the claim against you, you must:**

1. Complete the blank Answer form.

Your completed Answer should say why you should not be evicted and/or do not owe the money (state your defense). You can also list claims you may have against the plaintiff/landlord. These are called “counterclaims.” If you have a counterclaim, you must list the facts that support your counterclaim.

2. File your completed Answer.



File your completed Answer with the court at or before the date given for your appearance in the Summons.

Provide a copy to the plaintiff/landlord or the plaintiff/landlord’s attorney.

3. Appear in Court at the date and time listed in your Summons or in any court order.

4. Pay the filing fee *or*, if you cannot afford the filing fee, complete and file fee waiver forms JDF 205 and 206. You can find the forms and instructions at: [https://www.courts.state.co.us/Forms/Forms\\_List.cfm?Form\\_Type\\_ID=176](https://www.courts.state.co.us/Forms/Forms_List.cfm?Form_Type_ID=176)

5. You may request all documents in the plaintiff/landlord’s possession related to this case.

- File with the court a completed copy of the Request for Documents in Eviction Cases form.
- You received this form with the Summons.
- Provide a copy of the completed Request to the plaintiff/landlord.

6. You must follow any court order requiring you to give the plaintiff/landlord documents that you have related to this case.

If you are missing forms, you can find them at: [https://www.courts.state.co.us/Forms/Forms\\_List.cfm?Form\\_Type\\_ID=28](https://www.courts.state.co.us/Forms/Forms_List.cfm?Form_Type_ID=28)

The following website has information about the procedures in the county in which your case was filed: <https://www.courts.state.co.us/Courts/District/Choose.cfm>

**Note:** If you do **not** file a timely Answer or appear in court, the court may issue a *default judgment* and/or money judgment against you. This means you will be evicted. The landlord is given possession of the property. You may also owe the landlord money.

The Court may also issue a Writ of Restitution against you. The Writ of Restitution allows a Sheriff to remove you and your belongings from your home.

## ②

## Resources



You can find these and other helpful resources in the Summons form:

- Self Help Center  
To locate your local self help center go here: [https://www.courts.state.co.us/Self\\_Help/center.cfm](https://www.courts.state.co.us/Self_Help/center.cfm)
- Colorado Legal Services  
- **Free** legal services to low income tenants facing evictions.  
- **Call** (303) 837-1313 ext. 444 or visit <https://www.coloradolegalservices.org/>

**Amended and Adopted by the Court, En Banc, October 13, 2021, effective immediately.**

**By the Court:**

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