

**RULE CHANGE 2022(01)**  
**COLORADO RULES OF CIVIL PROCEDURE**  
**Rules 16, 16.1, 30, and 45**  
**Forms 26, 29, 32, 33, 47, 250, 601, and 603**

## Rule 16. Case Management and Trial Management

(a) – (b)(5) [NO CHANGE]

(6) Evaluation of Proportionality Factors. The proposed order shall provide a brief **assessment statement** of each party's position on the application of any factors to be considered in determining proportionality, including those factors identified in C.R.C.P. 26(b)(1). Each party that filed a certification of value pursuant to C.R.C.P. 16.1(d) must include in the proposed order a description of the categories of damages sought and a computation of any category of economic damages claimed.

(7) - (d)(2) [NO CHANGE]

(3) If the case is proceeding under C.R.C.P. 16 because of a certification of value filed pursuant to C.R.C.P. 16.1(d), the court has discretion to strike the certification for good cause.

(4) If all parties are represented by counsel, counsel may timely submit a proposed order and may jointly request the court to dispense with a case management conference. In the event that there appear to be no unusual issues, that counsel appear to be working together collegially, and that the information on the proposed order appears to be consistent with the best interests of all parties and is proportionate to the needs of the case, the court may dispense with the case management conference.

(e) – end [NO CHANGE]

COMMENTS [NO CHANGE]

## Rule 16.1. Simplified Procedure for Civil Actions

(a) [NO CHANGE]

(b) **Actions Subject to Simplified Procedure.** Simplified Procedure applies to all civil actions other than:

(1) [NO CHANGE]

(2) civil actions in which any one party seeks monetary judgment from any other party of more than \$100,000, exclusive of ~~reasonable allowable attorney fees,~~ interest and costs, ~~as shown by a statement on the Civil Cover Sheet by the party's attorney or, if unrepresented, by the party, that "In compliance with C.R.C.P. 11, based upon information reasonably available to me at this time, I certify that the value of this party's claims against one of the other parties is reasonably believed to exceed \$100,000."~~

(c) [NO CHANGE]

(d) ~~**Motion for** Exclusion from Simplified Procedure.~~ Simplified Procedure shall apply unless; ~~no later than 42 days after the case is at issue as defined in C.R.C.P. 16(b)(1), any party files a motion, signed by both the party and its counsel, if any, establishing good cause to exclude the case from the application of Simplified Procedure.~~

(1) The Civil Cover Sheet includes a certification, signed by both the plaintiff and its counsel, if any, that "In compliance with C.R.C.P. 11, based upon information reasonably available to me at this time, I certify that the value of this party's claims against one of the other parties is reasonably believed to exceed \$100,000."; or

(2) No later than 42 days after the case is at issue as defined in C.R.C.P. 16(b)(1), any other party files a certification, signed by both the party and its counsel, if any, ~~Good cause shall be established and the motion shall be granted if a defending party files a statement by its attorney or, if unrepresented, by the party, that "In compliance with C.R.C.P. 11, based upon information reasonably available to me at this time, I certify that the value of this party's claims against one of the other parties is reasonably believed to exceed \$100,000";~~ or

(3) The trial court, in its discretion, may determine other good cause for exclusion, considering factors such as the complexity of the case, the importance of the issues at stake, the parties' relative access to relevant information, the parties' resources, the importance of discovery in resolving the issues, and whether the burden or expense of proposed discovery outweighs its likely benefit.

(e) – (l) [NO CHANGE]

COMMENTS [NO CHANGE]

## Rule 30. Depositions Upon Oral Examination

(a) [NO CHANGE]

**(b) Notice of Examination: General Requirements; Method of Recording; Production of Documents and Things; Deposition of Organization; Deposition by Telephone.**

(1) - (5) [NO CHANGE]

(6) A party may in ~~his~~its notice ~~or subpoena~~ name as the deponent a public or private corporation, ~~or a~~ partnership, ~~or~~ association, ~~or~~ governmental agency, or other entity and designate with reasonable particularity the matters on which examination is requested. The named organization ~~so named~~ shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which ~~he~~the person will testify. Before a notice is served, or promptly after a subpoena is served, the serving party and the organization shall confer in good faith about the matters for examination. A subpoena shall advise a nonparty organization of its duty to confer with the serving party and to designate each person who will testify. The persons so designated shall testify as to matters known or reasonably available to the organization. This subsection (b)(6) does not preclude taking a deposition by any other procedure authorized in these rules. The duration of a deposition under this subsection (b)(6), regardless of the number of persons designated, is governed by Rule 30(d)(2)(A).

(7) [NO CHANGE]

(c) - (g) [NO CHANGE]

### COMMENTS

1995 - 2015 [NO CHANGE]

2022

Rule 30(b)(6) depositions differ from ordinary depositions and impose additional obligations on both the party taking the deposition and the organization being deposed. First, the serving party must provide advance notice of topics that are sufficiently detailed and reasonable in relation to the time for the deposition such that the organization may fairly prepare a representative(s) to testify. Second, the serving party and the organization must engage in substantive conferral on matters to be covered in the examination. Third, the organization has an obligation to identify and adequately prepare its witness(es) to testify on the specified topics.



## Rule 45. Subpoena

(a) - (d) [NO CHANGE]

(e) **Subpoena for Deposition; ~~Place of Examination.~~**

(1) Residents of This State. A resident of this state may be required by subpoena to attend an examination upon deposition only in the county wherein the witness resides or is employed or transacts his business in person, or at such other convenient place as is fixed by an order of court.

(2) Nonresidents of This State. A nonresident of this state may be required by subpoena to attend only within forty miles from the place of service of the subpoena in the state of Colorado or in the county wherein the nonresident resides or is employed or transacts business in person or at such other convenient place as is fixed by an order of court.

(3) Subpoena for deposition of an organization. A subpoena commanding a public or private corporation, partnership, association, governmental agency, or other entity to attend and testify at a deposition is subject to the requirements of Rule 30(b)(6). Responses to such subpoenas are also subject to Rule 30(b)(6).

(f) [NO CHANGE]

COMMENTS [NO CHANGE]

## **Rule 16. Case Management and Trial Management**

(a) – (b)(5) [NO CHANGE]

(6) Evaluation of Proportionality Factors. The proposed order shall provide a brief statement of each party's position on the application of any factors to be considered in determining proportionality, including those factors identified in C.R.C.P. 26(b)(1). Each party that filed a certification of value pursuant to C.R.C.P. 16.1(d) must include in the proposed order a description of the categories of damages sought and a computation of any category of economic damages claimed.

(7) - (d)(2) [NO CHANGE]

(3) If the case is proceeding under C.R.C.P. 16 because of a certification of value filed pursuant to C.R.C.P. 16.1(d), the court has discretion to strike the certification for good cause.

(4) If all parties are represented by counsel, counsel may timely submit a proposed order and may jointly request the court to dispense with a case management conference. In the event that there appear to be no unusual issues, that counsel appear to be working together collegially, and that the information on the proposed order appears to be consistent with the best interests of all parties and is proportionate to the needs of the case, the court may dispense with the case management conference.

(e) – end [NO CHANGE]

COMMENTS [NO CHANGE]

## **Rule 16.1. Simplified Procedure for Civil Actions**

**(a) [NO CHANGE]**

**(b) Actions Subject to Simplified Procedure.** Simplified Procedure applies to all civil actions other than:

(1) [NO CHANGE]

(2) civil actions in which any one party seeks monetary judgment from any other party of more than \$100,000, exclusive of interest and costs.

**(c) [NO CHANGE]**

**(d) Exclusion from Simplified Procedure.** Simplified Procedure shall apply unless:

(1) The Civil Cover Sheet includes a certification, signed by both the plaintiff and its counsel, if any, that “In compliance with C.R.C.P. 11, based upon information reasonably available to me at this time, I certify that the value of this party’s claims against one of the other parties is reasonably believed to exceed \$100,000.”; or

(2) No later than 42 days after the case is at issue as defined in C.R.C.P. 16(b)(1), any other party files a certification, signed by both the party and its counsel, if any, that “In compliance with C.R.C.P. 11, based upon information reasonably available to me at this time, I certify that the value of this party’s claims against one of the other parties is reasonably believed to exceed \$100,000”; or

(3) The trial court, in its discretion, may determine other good cause for exclusion, considering factors such as the complexity of the case, the importance of the issues at stake, the parties’ relative access to relevant information, the parties’ resources, the importance of discovery in resolving the issues, and whether the burden or expense of proposed discovery outweighs its likely benefit.

**(e) – (l) [NO CHANGE]**

**COMMENTS [NO CHANGE]**

## **Rule 30. Depositions Upon Oral Examination**

**(a) [NO CHANGE]**

**(b) Notice of Examination: General Requirements; Method of Recording; Production of Documents and Things; Deposition of Organization; Deposition by Telephone.**

**(1) - (5) [NO CHANGE]**

(6) A party may in its notice or subpoena name as the deponent a public or private corporation, partnership, association, governmental agency, or other entity and designate with reasonable particularity the matters on which examination is requested. The named organization shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Before a notice is served, or promptly after a subpoena is served, the serving party and the organization shall confer in good faith about the matters for examination. A subpoena shall advise a nonparty organization of its duty to confer with the serving party and to designate each person who will testify. The persons so designated shall testify as to matters known or reasonably available to the organization. This subsection (b)(6) does not preclude taking a deposition by any other procedure authorized in these rules. The duration of a deposition under this subsection (b)(6), regardless of the number of persons designated, is governed by Rule 30(d)(2)(A).

**(7) [NO CHANGE]**

**(c) - (g) [NO CHANGE]**

### **COMMENTS**

1995 - 2015 [NO CHANGE]

2022

Rule 30(b)(6) depositions differ from ordinary depositions and impose additional obligations on both the party taking the deposition and the organization being deposed. First, the serving party must provide advance notice of topics that are sufficiently detailed and reasonable in relation to the time for the deposition such that the organization may fairly prepare a representative(s) to testify. Second, the serving party and the organization must engage in substantive conferral on matters to be covered in the examination. Third, the organization has an obligation to identify and adequately prepare its witness(es) to testify on the specified topics.

## **Rule 45. Subpoena**

**(a) - (d) [NO CHANGE]**

**(e) Subpoena for Deposition.**

(1) Residents of This State. A resident of this state may be required by subpoena to attend an examination upon deposition only in the county wherein the witness resides or is employed or transacts his business in person, or at such other convenient place as is fixed by an order of court.

(2) Nonresidents of This State. A nonresident of this state may be required by subpoena to attend only within forty miles from the place of service of the subpoena in the state of Colorado or in the county wherein the nonresident resides or is employed or transacts business in person or at such other convenient place as is fixed by an order of court.

(3) Subpoena for deposition of an organization. A subpoena commanding a public or private corporation, partnership, association, governmental agency, or other entity to attend and testify at a deposition is subject to the requirements of Rule 30(b)(6). Responses to such subpoenas are also subject to Rule 30(b)(6).

**(f) [NO CHANGE]**

**COMMENTS [NO CHANGE]**

<input type="checkbox"/> County Court <input type="checkbox"/> District Court _____ County, Colorado Court Address: _____ <hr/> Plaintiff(s)/Petitioner(s): _____  v. Defendant(s)/Respondent(s): _____	<b>▲      Court Use Only      ▲</b>
Judgment Creditor's Attorney or Judgment Creditor (Name and Address): _____  Phone Number: _____      E-mail: _____ FAX Number: _____      Atty. Reg. #: _____	Case Number: _____  Division _____      Courtroom _____
<b>Writ of Continuing Garnishment</b>	

### Read This Whole Document

~~☐ This writ is in compliance with the requirements of 24-33.5-704.3 and 13-54-102, C.R.S. to initiate or maintain a new extraordinary collection action. Certain provisions of these statutes expire on June 1, 2021.~~

Judgment Debtor's name, last known physical and mailing addresses or a statement that Judgment Debtor's physical and mailing addresses are not known, and other identifying information: \_\_\_\_\_

1. Original or Revived Amount of Judgment Entered on \_\_\_\_\_ (date) for \$ \_\_\_\_\_
  - a. Effective Garnishment Period
 

☐ 91 days (Judgment entered prior to August 8, 2001)  
☐ 182 days (Judgment entered on or after August 8, 2001)
2. Plus any Interest Due on Judgment (currently \_\_\_\_\_ % per annum)      \$ \_\_\_\_\_
3. Taxable Costs (including estimated cost of service of this Writ)      \$ \_\_\_\_\_
4. Less any Amount Paid      \$ \_\_\_\_\_
5. Principal Balance/Total Amount Due and Owing      \$ \_\_\_\_\_

I affirm under penalty of perjury that I am authorized to act for the Judgment Creditor and this is a correct statement as of \_\_\_\_\_ (date).

☐ 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.

\_\_\_\_\_  
Print Judgment Creditor's Name

Address: \_\_\_\_\_

By: \_\_\_\_\_  
Signature (Type Name, Title, Address and Phone)

---

---

## Writ of Continuing Garnishment

THE PEOPLE OF THE STATE OF COLORADO to the Sheriff of any Colorado County or to any person 18 years or older and who is not a party to this action:

You are directed to serve **Two Copies** of this Writ of Continuing Garnishment upon \_\_\_\_\_, Garnishee, with proper return of service to be made to the Court.

### To The Garnishee: You Are Summoned as Garnishee in This Action and Ordered:

- a. To answer the following questions under oath and file your answers with the Clerk of Court AND mail a completed copy with your answers to the Judgment Creditor or attorney no later than 7 days after you have been served with this writ. **Your failure to answer this writ of continuing garnishment may result in the entry of a default against you.**
- b. To pay any nonexempt earnings to the party designated in "e" below no less than 7 nor more than 14 days following each time you pay the Judgment Debtor during the effective Garnishment Period of this Writ and attach a copy of the Calculation of the Amount of Exempt Earnings used (the Calculation under "Questions to be Answered by Garnishee" should be used for the first pay period, and one of the multiple Calculation forms included with this Writ should be used for all subsequent pay periods).
- c. To deliver a copy of this Writ, together with the Calculation of the Amount of Exempt Earnings, and a blank Objection to Calculation of the Amount of Exempt Earnings form, and an Explanation Of Wage Garnishment In Colorado to Judgment Debtor on the same day the copy of this Writ and Calculation of the Amount of Exempt Earnings are sent to Judgment Creditor.
- d. To deliver to the Judgment Debtor a copy of each subsequent Calculation of the Amount of Exempt Earnings each time you pay the Judgment Debtor for earnings subject to this Writ.
- e. **Make Checks Payable and Mail To:** ☐ Judgment Creditor named above (only if the Judgment Creditor is a licensed collection agency pursuant to 5-16-101, et. seq., C.R.S.); ☐ Judgment Creditor's Attorney (if applicable); or to the ☐ Clerk of the ☐ County Court or ☐ District Court in \_\_\_\_\_ (city), Colorado (Must select if the Judgment Creditor is not represented by an attorney AND is not a licensed collection agency pursuant to 5-16-101, et. seq., C.R.S.)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

**Please** - put the case number (shown above) on the front of the check.

CLERK OF THE COURT

By Deputy Clerk: \_\_\_\_\_

Date: \_\_\_\_\_

## Notice to Garnishee

- a. This Writ applies to all nonexempt earnings owed or owing during the Effective Garnishment Period shown on Line 1a on the front of this Writ or until you have paid to the party, designated in paragraph "e" on the front of this Writ, the amount shown on Line 5 on the front of this Writ, whichever occurs first. **However, if you have already been served with a Writ of Continuing Garnishment for Child Support, this new Writ is effective for the Effective Garnishment Period after any prior Writ terminates.**
- b. **"Earnings" includes all forms of compensation for Personal Services.** Also read "Notice to Judgment Debtor" below.
- c. In no case may you withhold any amount greater than the amount on Line 5 on the front of this Writ.
- d. **If you determine that the judgment debtor is your employee and the Writ of Continuing Garnishment contains all required information, you are required to send the judgment debtor this Writ of Continuing Garnishment and the document attached to it titled "EXPLANATION OF WAGE GARNISHMENT IN COLORADO" on the same day that you send your answer to this Writ of Continuing Garnishment to the judgment creditor.**

## Questions to be Answered by Garnishee

Judgment Debtor's Name: \_\_\_\_\_ Case Number: \_\_\_\_\_

The following questions MUST be answered by you under oath:

- a. Is the Judgment Debtor your employee?
1. ☐ Yes
  2. ☐ No
- b. Does the Writ of Continuing Garnishment contain: the name of the Judgment Debtor, the last-known physical and mailing addresses of the Judgment Debtor or a statement that the information is not known, the amount of the Judgment, information sufficient to identify the judgment on which the continuing garnishment is based, an Explanation of Wage Garnishment in Colorado?
1. ☐ Yes
  2. ☐ No
- c. On the date and time this Writ of Continuing Garnishment was served upon you, did you owe or do you anticipate owing any of the following to the Judgment Debtor within the Effective Garnishment Period shown on Line 1a on the front of this Writ? (Mark appropriate box(es)):
1. ☐ WAGES/SALARY/COMMISSIONS/BONUS/OTHER COMPENSATION FOR PERSONAL SERVICES NOT INCLUDING TIPS (Earnings)
  2. ☐ Health, Accident or Disability Insurance Funds or Payments
  3. ☐ Pension or Retirement Benefits (for suits commenced prior to 5/1/91 ONLY - check front of Writ for date)
  4. ☐ Health insurance coverage provided by you and withheld from the individual's earnings

If you marked any box above, indicate how the Judgment debtor is paid: ☐ weekly ☐ bi-weekly ☐ semi-monthly ☐ monthly ☐ other

The Judgment Debtor will be paid on the following dates during the Effective Garnishment Period shown on Line 1a (front of this Writ), starting at least twenty-one days after you were served with this Writ of Garnishment: \_\_\_\_\_

- d. Are the Judgment Debtor's earnings subject to deductions other than withholding for local, state, and federal income taxes and pursuant to the "Federal Insurance Contributions Act", 26 U.S.C. sec. 3101 et seq., as amended? If so mark the appropriate boxes and list the nature, number, and amounts of these deductions and the relative priority of this Writ of Garnishment (Mark appropriate box(es)):
5. ☐ Writ of Garnishment for Support (Expected Termination Date: \_\_\_\_\_)
  6. ☐ Writ of Continuing Garnishment (Expected Termination Date: \_\_\_\_\_)
  7. ☐ Any additional deductions (Expected Termination Date: \_\_\_\_\_)
- e. If in paragraph c. above you marked Box 1 and you did NOT mark either Box 5, 6, or 7, complete the Calculation below for each pay period following receipt of this Writ. If you marked either Box 4 or 5, you must complete Calculations beginning with the first pay period following termination of the prior writ(s).
- f. If in paragraph c. above you marked Box 2, 3, or 4 and you did NOT mark either Box 5, 6, or 7, complete the Calculation below for each pay period following receipt of this Writ. If you marked either box 5, 6, or 7, you must complete Calculations beginning with the first pay period following termination of the prior writ(s) that is at least twenty-one days after service of this writ on you. However, there are a number of total exemptions, and you should seek legal advice about such exemptions. **If the earnings are totally exempt, please mark box 8 below:**
8. ☐ The earnings are totally exempt because: \_\_\_\_\_



## Calculation of The Amount of Exempt Earnings (Each Pay Period)

Gross Earnings for the pay period from \_\_\_\_\_ thru \_\_\_\_\_ \$ \_\_\_\_\_

Less Deductions Required by Law (For Example, Withholding Taxes, FICA, Costs for Employer-Provided Health Insurance Withheld From Earnings) - \$ \_\_\_\_\_

Disposable Earnings (Gross Earnings less Deductions) = \$ \_\_\_\_\_

Less Statutory Exemption (Use Exemption Chart Below) - \$ \_\_\_\_\_

Net Amount Subject to Garnishment = \$ \_\_\_\_\_

Less Wage/Income Assignment(s) During Pay Period (If Any) - \$ \_\_\_\_\_

**Amount to be withheld and paid** = \$ \_\_\_\_\_

EXEMPTION CHART ("Minimum Hourly Wage" means state or federal minimum wage, whichever is greater.)	PAY PERIOD	AMOUNT EXEMPT IS THE GREATER OF:
	Weekly	40 x Minimum Hourly Wage or 80% of Disposable Earnings
	Bi-weekly	80 x Minimum Hourly Wage or 80% of Disposable Earnings
	Semi-monthly	86.67 x Minimum Hourly Wage or 80% of Disposable Earnings
	Monthly	173.3 x Minimum Hourly Wage or 80% of Disposable Earnings

I certify that I am authorized to act for the Garnishee; that the above answers are true and correct; and that I have delivered a copy of this Writ, together with the Calculation of the Amount of Exempt Earnings, a blank Objection to Calculation of the Amount of Exempt Earnings form, and an EXPLANATION OF WAGE GARNISHMENT IN COLORADO form to the Judgment Debtor.

Name of Garnishee (Print) \_\_\_\_\_  
Address \_\_\_\_\_  
Phone Number \_\_\_\_\_

\_\_\_\_\_  
Name of Person Answering (Print)

\_\_\_\_\_  
Signature of Person Answering

## Explanation of Wage Garnishment in Colorado

Notice of garnishment to judgment debtor.  
Money will be taken from your pay if you fail to act.

### 1. Why am I getting this notice?

You are getting this notice because a court has ruled that you owe the judgment creditor, who is called "Creditor" in this notice, money. Creditor has started a legal process called a "garnishment". The process requires that money be taken from your pay and given to Creditor to pay what you owe. The person who pays you does not keep the money.

Creditor filled out this form. The law requires the person who pays you to give you this notice. Creditor may not be the person or company to which you originally owed money. You may request that Creditor provide the name and address of the person or company to which you originally owed money. If you want this information, you must write Creditor or Creditor's lawyer at the address at the very beginning of this form. You must do this within 14 days after receiving this notice. Creditor will send you this information at the address you give Creditor. Creditor must send you this information within 7 days after receiving your request. Knowing the name of the original creditor might help you understand why the money will be taken from your pay.

### 2. How much do I owe?

The amount the court has ruled that you currently owe is listed at the top of the writ of garnishment. The amount could go up if there are more court costs or additional interest. The interest rate on the amount you owe is listed at the top of the Writ of Garnishment. The amount could also go down if you make payments to Creditor.

### 3. How will the amount I owe be paid?

The person who pays you will start taking money from your paycheck on the first payday that is at least 14 days after the day the person who pays you sends you this notice. Money will continue to be taken from your pay for

up to 6 months. If the debt is not paid off or not likely to be paid off by that time, Creditor may serve another garnishment.

The rules about how much of your pay can be taken are explained in the notice of Colorado Rules About Garnishment that you received with this notice. This notice also contains an estimate of how much of your pay will likely be withheld each paycheck.

At any time, you can get a report that shows how the amount taken from your pay was calculated. To receive this report, you must write or e-mail the person who pays you.

#### **4. Do I have options?**

Yes, you have several options, here are three of them:

- A. You can talk with a lawyer: A lawyer can explain the situations to you and help you decide what to do. The self-help desk of the court where the garnishment action is pending can provide you help with resources to find a lawyer.
- B. You can contact Creditor: If you can work something out with Creditor, money might not have to be taken from your pay. The Creditor's contact information is on the first page of the writ of garnishment.
- C. You can request a court hearing: A hearing could be helpful if there are disagreements about the garnishment, the amount the court has ruled that you owe, whether the amount of money being withheld from your paycheck is correct, or whether the amount being withheld should be reduced to help you support your family and yourself. If you disagree with the estimate of the amount of money that will be withheld from your paycheck, you must attempt to work this out with the person who pays you before going to court. You must do this within 7 days after receiving this notice. If you cannot work it out with the person who pays you, you may seek a hearing in court. If you want a court hearing, you must request one. If you think that you need more money to support your family and yourself, you may seek a court hearing without consulting the person who pays you. For help requesting a hearing, contact the self-help desk of the court where the garnishment action is pending.

#### **5. What if I don't do anything?**

If you don't do anything, the law requires that money be taken out of your paycheck beginning with the first payday that is at least 14 days after the day the person who pays you sends you this notice. The money will be given to Creditor. This process will continue for 6 months unless your debt is paid off before that.

#### **6. How does garnishment work in Colorado?**

Only a portion of your pay can be garnished. The amount that can be withheld from your pay depends on something called "disposable earnings". Your disposable earnings are what is left after deductions from your gross pay for taxes and certain health insurance costs. Your paycheck stub should tell what your disposable earnings are.

The amount of your disposable earnings that can be garnished is determined by comparing two numbers: (1) 20% of your disposable earnings and (2) the amount by which your disposable earnings exceed 40 times the minimum wage. The smaller of these two amounts will be deducted from your pay.

If you think that your earnings after garnishment are not enough to support yourself and any members of your family that you support, you can try to have the amount of your disposable earnings that are garnished further reduced. This is discussed earlier in this notice under **4. Do I have options?**

Your employer cannot fire you because your earnings have been garnished. If your employer does this in violation of your legal rights, you may file a lawsuit within 91 days of your firing to recover wages you lost because you were fired. You can also seek to be reinstated to your job. If you are successful with this lawsuit, you cannot recover more than 6 weeks wages and attorney fees.

Based on your most recent paycheck, the person who pays you estimates that \$ \_\_\_\_\_ will be withheld from each paycheck that is subject to garnishment.



### Writ of Garnishment with Notice of Exemption and Pending Levy

THE PEOPLE OF THE STATE OF COLORADO to the Sheriff of any Colorado County, or to any person 18 years or older and who is not a party to this action:

You are directed to serve a copy of this Writ of Garnishment upon \_\_\_\_\_, Garnishee, with proper return of service to be made to the Court.

#### To The Garnishee:

You are hereby summoned as garnishee in this action and ordered:

- a. To answer the following questions under oath and file your answers with the Clerk of the Court (AND to mail a completed copy with your answers to the Judgment Creditor or attorney when a stamped envelope is attached) within 14 days following service of this Writ upon you.

Your failure to answer this writ with notice may result in the entry of a default against you.

- b. To hold pending court order the personal property of any kind (other than earnings of a natural person) in your possession or control, including the debts, credits, choses in action or money owed to the Judgment Debtor whether they are due at the time of the service of the writ or are to become due thereafter.

#### You Are Notified:

- a. This Writ with Notice applies to all personal property (other than earnings) owed to or owned by the Judgment Debtor and in your possession or control as of the date and time this Writ was served upon you.
- b. In no case may you withhold any personal property greater than the amount on Line 5 on the front of this Writ unless the personal property is incapable of being divided.
- c. After you file your answers to the following questions, and after receiving a separate notice or order from the court, **make checks payable** and mail to: ☐ the Judgment Creditor named above (May select only if the Judgment Creditor is a licensed collection agency pursuant to 5-16-101, et. seq., C.R.S.); ☐ the Judgment Creditor's Attorney (if applicable); or to the ☐ Clerk of the ☐ County Court or ☐ District Court in \_\_\_\_\_ (city), Colorado (Must select if the Judgment Creditor is not represented by an attorney AND is not a licensed collection agency pursuant to 5-16-101, et. seq., C.R.S.) at the address below:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

**Please Put the Case Number (Above) on the Front of the Check.**

CLERK OF THE COURT

By Deputy Clerk: \_\_\_\_\_

Date: \_\_\_\_\_

#### Questions to be Answered by Garnishee

**Judgment Debtor's Name:** \_\_\_\_\_ **Case Number:** \_\_\_\_\_

The following questions MUST be answered by you under oath:

- a. On the date and time this Writ was served upon you, did you possess or control any personal property of the Judgment Debtor or did you owe any rents, payments, obligations, debts or moneys other than earnings to the Judgment Debtor?

☐ YES ☐ NO

- b. If **YES**, list all items of personal property and their location(s) and/or describe the nature and amount of the debt or obligation: (Attach additional pages if necessary): \_\_\_\_\_

- c. Do you claim any setoff against any property, debt or obligation listed above? ☐ YES ☐ NO

- d. If you answered **YES** to question c, describe the nature and amount of the setoff claimed:

(Attach additional pages if necessary): \_\_\_\_\_

#### Verification

I declare under penalty of perjury under the law of Colorado that I am authorized to act for the Garnishee and the foregoing is true and correct.

Name of Garnishee (Print) \_\_\_\_\_

Executed on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_  
(date) (month) (year) (city or other location, and state OR country)

(Printed name of Person Answering)

Signature of Person Answering

## Notice to Judgment Debtor of Exemption and Pending Levy

This Writ with Notice is a Court order which may cause your property or money to be held and taken to pay a judgment entered against you. You have legal rights which may prevent all or part of your money or property from being taken. That part of the money or property which may not be taken is called "exempt property". A partial list of "exempt property" is shown below, along with the law which may make all or part of your money or property exempt. The purpose of this notice is to tell you about these rights.

### Partial List of Exempt Property

1. All or part of your property listed in Sections 13-54-101 and 102, C.R.S., including clothing, jewelry, books, burial sites, household goods, food and fuel, farm animals, seed, tools, equipment and implements, military allowances, stock-in-trade and certain items used in your occupation, bicycles, motor vehicles (greater for disabled persons), life insurance, income tax refunds, attributed to an earned income tax credit or child tax credit, money received because of loss of property or for personal injury, equipment that you need because of your health, or money received because you were a victim of a crime.
2. All or part of your earnings under Section 13-54-104, C.R.S.
3. Worker's compensation benefits under Section 8-42-124, C.R.S.
4. Unemployment compensation benefits under Section 8-80-103, C.R.S.
5. Group life insurance benefits under Section 10-7-205, C.R.S.
6. Health insurance benefits under Section 10-16-212, C.R.S.
7. Fraternal society benefits under Section 10-14-403, C.R.S.
8. Family allowances under Section 15-11-404, C.R.S.
9. Teachers' retirement fund benefits under Section 22-64-120, C.R.S.
10. Public employees' retirement benefits (PERA) under Sections 24-51-212 and 24-54-111, C.R.S.
11. Social security benefits (OASDI, SSI) under 42 U.S.C. §407.
12. Railroad employee retirement benefits under 45 U.S.C. §231m.
13. Public assistance benefits (OAP, AFDC, TANF, AND, AB, LEAP) under Section 26-2-131, C.R.S.
14. Police Officer's and Firefighter's pension fund payments under Sections 31-30-1117 & 31-30.5-208 and 31-31-203, C.R.S.
15. Utility and security deposits under Section 13-54-102(1)(r), C.R.S.
16. Proceeds of the sale of homestead property under Section 38-41-207, C.R.S.
17. Veteran's Administration benefits under 38 U.S.C. §5301.
18. Civil service retirement benefits under 5 U.S.C. §8346.
19. Mobile homes and trailers under Section 38-41-201.6, C.R.S.
20. Certain retirement and pension funds and benefits under Section 13-54-102(1)(s), C.R.S.
21. A Court-ordered child support or maintenance obligation or payment under Section 13-54-102(1)(u), C.R.S.
22. Public or private disability benefits under Section 13-54-102(1)(v), C.R.S.
23. Through February 1, 2021, up to four thousand dollars cumulative in a depository account or accounts in the name of the debtor under Section 13-54-102, C.R.S.

If the money or property which is being withheld from you includes any "exempt property," you must file within 14 days of receiving this notice a written Claim of Exemption with the Clerk of the Court describing what money or property you think is "exempt property" and the reason that it is exempt. YOU MUST USE THE APPROVED FORM attached to this Writ or a copy of it. When you file the claim, you must immediately deliver, by certified mail, return receipt requested, a copy of your claim to the Garnishee (person/place that was garnished) and to the Judgment Creditor's attorney, or if none, to the Judgment Creditor at the address shown on this Writ with Notice. Notwithstanding your right to claim the property as "exempt," no exemption other than the exemptions set forth in Section 13-54-104(3), C.R.S., may be claimed for a Writ which is the result of a judgment taken for arrearages for child support or for child support debt.

Once you have properly filed your claim, the court will schedule a hearing within 14 days. The Clerk of the Court will notify you and the Judgment Creditor or attorney of the date and time of the hearing, by telephone, by mail or in person.

When you come to your hearing, you should be ready to explain why you believe your money or property is "exempt property". If you do not appear at the scheduled time, your money or property may be taken by the Court to pay the judgment entered against you.

**Remember** that this is only a partial list of "exempt property"; you may wish to consult with a lawyer who can advise you of your rights. If you cannot afford one, there are listings of legal assistance and legal aid offices in the yellow pages of the telephone book.

You must act quickly to protect your rights. Remember, you only have 14 days after receiving this notice to file your claim of exemption with the Clerk of the Court.



## Writ of Garnishment

**THE PEOPLE OF THE STATE OF COLORADO** to the Sheriff of any Colorado County, or to any person 18 years or older and who is not a party to this action:

You are directed to serve a copy of this Writ of Garnishment upon \_\_\_\_\_, Garnishee, with proper return of service to be made to the Court.

**TO THE GARNISHEE:**

**YOU ARE HEREBY SUMMONED AS GARNISHEE IN THIS ACTION AND ORDERED:**

- a. To answer the following questions under oath and file your answers with the Clerk of the Court (AND to mail a completed copy with your answer to the Judgment Creditor or attorney when a stamped envelope is attached) within 14 days following service of this Writ upon you.

Your failure to answer this writ with notice may result in the entry of a default against you.

- b. To hold pending court order any personal property owed to or owned by the Judgment Debtor and in your possession or control on the date and time this Writ was served upon you.

**You Are Notified:**

- a. This Writ of Garnishment applies to all personal property owed to or owned by the Judgment Debtor and in your possession or control as of the date and time this Writ was served upon you.
- b. In no case may you withhold any personal property greater than the amount on Line 5 on the front of this Writ unless the personal property is incapable of being divided.
- c. After you file your answers to the following questions, **and after receiving a separate notice or order from the court,**

**MAKE CHECKS PAYABLE AND MAIL TO:** ☐ the Judgment Creditor named above (May select only if the Judgment Creditor is a licensed collection agency pursuant to 5-16-101, et. seq., C.R.S.); ☐ the Judgment Creditor's Attorney (if applicable); or to the ☐ Clerk of the ☐ County Court or ☐ District Court in \_\_\_\_\_ (city), Colorado (Must select if the Judgment Creditor is not represented by an attorney AND is not a licensed collection agency pursuant to 5-16-101, et. seq., C.R.S.) at the address below:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

PLEASE PUT THE CASE NUMBER (above) ON THE FRONT OF THE CHECK.

CLERK OF THE COURT

By Deputy Clerk: \_\_\_\_\_

Date: \_\_\_\_\_

### Questions to be Answered by Garnishee

**Judgment Debtor's Name:** \_\_\_\_\_ **Case Number:** \_\_\_\_\_

The following questions MUST be answered by you:

- a. On the date and time this Writ was served upon you, did you possess or control any personal property of the Judgment Debtor or did you owe any rents, payments, obligations, debts or moneys to the Judgment Debtor?  
☐ YES    ☐ NO
- b. If YES, list all items of personal property and their location(s) and/or describe the nature and amount of the debt or obligation: (Attach additional pages is necessary): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- c. Do you claim any setoff against any property, debt or obligation listed above?  
☐ YES    ☐ NO
- d. If you answered YES to question c, describe the nature and amount of the setoff claimed:  
(Attach additional pages if necessary): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Verification**

I declare under penalty of perjury under the law of Colorado that I am authorized to act for the Garnishee and the above answers are true and correct.

Executed on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_  
(date) (month) (year) (city or other location, and state OR country)

\_\_\_\_\_  
Printed name of Garnishee

Address of Garnishee: \_\_\_\_\_  
City State Zip Code Phone

By: \_\_\_\_\_  
Printed name of Person Answering Signature of Person Answering



☒ This writ is in compliance with the requirements of 24-33-5-704.3 and 13-54-102, C.R.S. to initiate or maintain a new extraordinary collection action. Certain provisions of these statutes expire on November 1, 2020, unless extended by the Administrator to a date not later than February 1, 2021.

1. Original Amount of Claim	\$ _____
2. Plus any Interest Due on Claim (currently _____ % per annum from _____ (date) +	\$ _____
3. Taxable Costs (including estimated cost of service of this Writ)	+ \$ _____
4. Less any Amount Paid	- \$ _____
5. Principal Balance/Total Amount Due and Owing	= \$ _____

I declare under penalty of perjury under the law of Colorado that I am authorized to act for the Plaintiff in Attachment and the above answers are true and correct.

Address: \_\_\_\_\_

City	State	Zip Code	Phone
------	-------	----------	-------

**You Are Hereby Summoned as Garnishee in This Action and Ordered:**

- a. To answer the following questions under oath and file your answers with the Clerk of the Court (**AND** to mail a completed copy with your answer to the Plaintiff in Attachment or attorney when a stamped envelope is attached) within 14 days following service of this Writ upon you.

Your failure to answer this writ may result in the entry of a default against you.

- b. To hold pending court order any personal property (other than earnings of a natural person) owed to or owned by the Defendant in Attachment and in your possession or control on the date and time this Writ was served upon you.

**You Are Notified:**

- a. This Writ applies to all personal property (other than earnings of a natural person) owed to or owned by the Defendant in Attachment and in your possession or control as of the date and time this Writ was served upon you.
- b. In no case may you withhold any personal property greater than the amount on Line 5 on the front of this Writ unless the personal property is incapable of being divided.

- c. If you are ordered to pay funds to the Court, tender your check for the amount ordered **PAYABLE TO THE CLERK OF THE**  
\_\_\_\_\_ **COURT AT** \_\_\_\_\_, **CO** \_\_\_\_\_

CLERK OF THE COURT

By Deputy Clerk: \_\_\_\_\_

Date: \_\_\_\_\_

**Questions to be Answered by Garnishee**

**Defendant in Attachment's Name:** \_\_\_\_\_ **Case Number:** \_\_\_\_\_

The following questions **MUST** be answered by you:

- a. On the date and time this Writ was served upon you, did you possess or control any personal property of the Defendant in Attachment or did you owe any rents, payments, obligations, debts or moneys other than earnings to the Defendant in Attachment? ☐ **YES** ☐ **NO**
- b. If **YES to question a**, list all items of personal property and their location(s) and/or describe the nature and amount of the debt or obligation: (Attach additional pages if necessary): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- c. Do you claim any setoff against any property, debt or obligation listed above? ☐ **YES** ☐ **NO**
- d. If you answered **YES** to question c, describe the nature and amount of the setoff claimed:  
(Attach additional pages if necessary): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Verification**

I declare under penalty of perjury under the law of Colorado that I am authorized to act for the Garnishee and the above answers are true and correct.

Executed on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_  
(date) (month) (year) (city or other location, and state OR country)

\_\_\_\_\_  
Printed name of Garnishee

Address of Garnishee: \_\_\_\_\_  
City State Zip Code Phone

By: \_\_\_\_\_  
Printed name of Person Answering

\_\_\_\_\_  
Signature of Person Answering

<input type="checkbox"/> District Court <input type="checkbox"/> County Court _____ County, Colorado Court Address: _____  Plaintiff(s)/Petitioner(s): _____  v. _____ Defendant(s)/Respondent(s): _____	    <p style="text-align: center;">▲ <b>COURT USE ONLY</b> ▲</p> <hr/> Case Number: _____  Division: _____ Courtroom: _____
<b>NOTICE TO JUDGMENT DEBTOR PURSUANT TO §24-33.5-704.3, C.R.S.</b>	

This form is applicable until November 1, 2020, unless extended by the Administrator to a date not later than February 1, 2021.

### **TO THE JUDGMENT DEBTOR(S):**

**~~YOU HAVE THE RIGHT TO TEMPORARILY SUSPEND THIS  
COLLECTION ACTION IF YOU ARE FACING FINANCIAL  
HARDSHIP DUE TO THE COVID-19 EMERGENCY.~~**

Judgment Creditor Name: \_\_\_\_\_  
 Judgment Creditor Address: \_\_\_\_\_  
 Case Number: \_\_\_\_\_  
 Phone: \_\_\_\_\_

The above judgment creditor intends on executing a collection action against you. If you have experienced financial hardship due to the COVID-19 emergency, directly or indirectly, you have the right to suspend temporarily this extraordinary collection action. The suspension is effective until November 1, 2020, or February 1, 2021, if the State of Colorado extends the period of suspension.

**To exercise this right**, you must notify the judgment creditor that you are experiencing financial hardship due to the COVID-19 emergency. You can provide this notice by phone call or by writing to the creditor at the address shown in this notice. Your notification to the judgment creditor must include your full name (first and last), the case number identified above and at least one (1) additional piece of the following information: your date of birth, social security number, physical and

~~mailing addresses, or the judgment creditor's internal account number or identifier, if different from the case number designated above. You are not required to provide documentation to support your request.~~

~~Note: Requesting the temporary suspension of this extraordinary debt collection action is not a waiver to the obligation to pay or debt forgiveness, Interest may continue to accrue on the judgment debt even while the extraordinary collection actions are suspended.~~

~~You may enter into a voluntary repayment plan with the judgment creditor, but you are not required to do so.~~

---

---

### CERTIFICATE OF MAILING

I certify that on \_\_\_\_\_ (date), I mailed, faxed, or hand-delivered a copy of this NOTICE TO JUDGMENT DEBTOR PURSUANT TO §24-33.5-704.3, C.R.S. to the following:

☐ Judgment Debtor

Judgment Debtor's Address: \_\_\_\_\_

☐ Judgment Debtor's Attorney

☐ Other: \_\_\_\_\_

\_\_\_\_\_  
Signature of Judgment Creditor

Small Claims Court _____ County, Colorado Court Address: _____	
<b>PLAINTIFF(S):</b> _____ Address: _____ City/State/Zip: _____ Phone: Home _____ Work _____ Cell _____ v. <b>DEFENDANT(1):</b> _____ Address: _____ City/State/Zip: _____ Phone: Home _____ Work _____ Cell _____ <b>DEFENDANT(2):</b> _____ Address: _____ City/State/Zip: _____ Phone: Home _____ Work _____ Cell _____	<div style="border: 1px solid black; padding: 10px; margin: 0 auto; width: 80%;"> <div style="text-align: center; font-weight: bold; margin-bottom: 10px;">▲ COURT USE ONLY ▲</div> <div style="margin-bottom: 20px;">Case Number: _____</div> <div style="font-size: 2em; font-weight: bold; margin-bottom: 20px;">S</div> <div style="display: flex; justify-content: space-between;"> <div>Division _____</div> <div>Courtroom _____</div> </div> </div>
<b>NOTICE, CLAIM AND SUMMONS TO APPEAR FOR TRIAL (Part 1)</b>	

If Defendant(s) is/are other than a person, go on-line at [www.sos.state.co.us](http://www.sos.state.co.us) [www.coloradosos.gov](http://www.coloradosos.gov) to determine the registered agent for service of this notice. Please enter name and address of the agent. Name: \_\_\_\_\_ Address: \_\_\_\_\_

1. The Defendant(s) is/are in the military service: ☐ Yes ☐ No ☐ Unknown
2. The Defendant(s) reside(s), is/are regularly employed, has/have an office for the transaction of business, or is/are a student in this county, or real property located in this county is the subject of claim(s) arising from a restrictive covenant or security deposit dispute. ☐ Yes ☐ No
3. I/We understand that it is my/our responsibility to have each Defendant served with the "Defendant's Copy" of this Notice by a person whose age is 18 years or older and who is not a party to this action 15 days prior to the trial and to provide the Court with written proof of service. ☐ Yes ☐ No
4. I am an attorney: ☐ Yes ☐ No

<b>Notice and Summons to Appear for Trial</b>
<p><b>To the Defendant(s):</b>          You are scheduled to have your trial in this case on _____ (date) at _____ (time) at the Court address stated in the above caption. Bring with you all books, papers and witnesses you need to establish your defense. <b>If you do not appear, judgment may be entered against you.</b> If you wish to defend the claim or present a counterclaim, you must provide a written response or written counterclaim on or before the scheduled trial date and pay a <b>nonrefundable</b> filing fee.</p> <p>Dated: _____</p> <p style="text-align: right;">_____ Clerk of Court/Deputy Clerk</p>

**Plaintiff(s)'s Claim (Please summarize reasons to support your claim below.)**

The Defendant(s) owe(s) me \$\_\_\_\_\_, which includes penalties, plus interest and costs allowed by law, and/or should be ordered to return property, perform a contract or set aside a contract or comply with a restrictive covenant for the following reasons. (If seeking return of property, please describe the property being requested).

---



---



---



---

**Note: The combined value of money, property, specific performance or cost to remedy a covenant violation cannot exceed \$7,500.00.** I/we declare under penalty of perjury under the law of Colorado that the foregoing is true and correct. I/we have not filed in any Small Claims Court in this County more than 2 claims during this calendar month, nor more than 18 claims in this County this calendar year.

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

\_\_\_\_\_  
Plaintiff's Signature

Plaintiff's Signature



Small Claims Court _____ County, Colorado Court Address: _____ <hr/> <b>PLAINTIFF(S):</b> _____ Address: _____ City/State/Zip: _____ Phone: Home _____ Work _____ Cell _____ v. <b>DEFENDANT(1):</b> _____ Address: _____ City/State/Zip: _____ Phone: Home _____ Work _____ Cell _____ <b>DEFENDANT(2):</b> _____ Address: _____ City/State/Zip: _____ Phone: Home _____ Work _____ Cell _____	<div style="border-top: 1px solid black; border-bottom: 1px solid black; margin: 5px 0;"> <b>▲ COURT USE ONLY ▲</b> </div> Case Number: _____  <div style="font-size: 2em; font-weight: bold; margin: 20px 0;">S</div> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div>Division _____</div> <div>Courtroom _____</div> </div>
<b>NOTICE, CLAIM AND SUMMONS TO APPEAR FOR TRIAL (Part 2)</b>	

If Defendant(s) is/are other than a person, go on-line at [www.coloradosos.gov](http://www.coloradosos.gov) [www.sos.state.co.us](http://www.sos.state.co.us) to determine the registered agent for service of this notice. Please enter name and address of the agent. Name: \_\_\_\_\_ Address: \_\_\_\_\_

1. The Defendant(s) is/are in the military service: ☐ Yes ☐ No ☐ Unknown
2. The Defendant(s) reside(s), is/are regularly employed, has/have an office for the transaction of business, or is/are a student in this county, or real property located in this county is the subject of claim(s) arising from a restrictive covenant or security deposit dispute. ☐ Yes ☐ No
3. I/We understand that it is my/our responsibility to have each Defendant served with the "Defendant's Copy" of this Notice by a person whose age is 18 years or older and who is not a party to this action 15 days prior to the trial and to provide the Court with written proof of service. ☐ Yes ☐ No
4. I am an attorney: ☐ Yes ☐ No

<b>Notice and Summons to Appear for Trial</b>
<b>To the Defendant(s):</b> You are scheduled to have your trial in this case on _____ (date) at _____ (time) at the Court address stated in the above caption. Bring with you all books, papers and witnesses you need to establish your defense. <b>If you do not appear, judgment may be entered against you.</b> If you wish to defend the claim or present a counterclaim, you must provide a written response or written counterclaim on or before the scheduled trial date and pay a <b>nonrefundable</b> filing fee.  Dated: _____ <div style="text-align: right;">Clerk of Court/Deputy Clerk</div>

**Plaintiff(s)'s Claim (Please summarize reasons to support your claim below.)**  
 The Defendant(s) owe(s) me \$ \_\_\_\_\_, which includes penalties, plus interest and costs allowed by law, and/or should be ordered to return property, perform a contract or set aside a contract or comply with a restrictive covenant for the following reasons. (If seeking return of property, please describe the property being requested).  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Note: The combined value of money, property, specific performance or cost to remedy a covenant violation cannot exceed \$7,500.00.** I/we declare under penalty of perjury under the law of Colorado that the foregoing is true and correct. I/we have not filed in any Small Claims Court in this County more than 2 claims during this calendar month, nor more than 18 claims in this County in this calendar year.

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

Plaintiff's Signature \_\_\_\_\_

\_\_\_\_\_  
Plaintiff's Signature

**You must complete and fill out a response and or counterclaim on reverse side of Defendant's copy and bring to Court.**  
**Defendant's Response** (If responding, pay the appropriate filing fee). I do not owe the Plaintiff(s) or am not responsible to the Plaintiff(s) because:

\_\_\_\_\_

\_\_\_\_\_

**Defendant's Counterclaim** (If submitting a counterclaim, pay the appropriate filing fee).

The Plaintiff(s) owe(s) me \$\_\_\_\_\_, which includes penalties, plus interest and costs allowed by law and/or should be ordered to return property, perform a contract or set aside a contract or comply with a restrictive covenant for the following reasons. (If seeking return of property, please describe the property being requested).

\_\_\_\_\_

- ☐ The amount of my/our counterclaim does not exceed the jurisdictional amount of the Small Claims Court of \$7,500.00.
- ☐ The amount of my/our counterclaim exceeds the jurisdictional amount of the Small Claims Court, but I/we wish to limit the amount that I/we wish to recover from the Plaintiff to \$7,500.00.
- ☐ The amount of my/our counterclaim exceeds the jurisdictional amount of the Small Claims Court, and I/we wish to have the case sent to ☐ County Court (only if I/we wish to limit the amount I/we can recover from the plaintiff to \$4525,000.00) ☐ District Court (I /we do not wish to limit the amount I/we can recover from the Plaintiff(s)) and will pay the appropriate filing fee. I/we am/are filing a Notice of Removal and paying the appropriate filing fee to the Court at this time.

**I am an attorney.** ☐ Yes ☐ No

I declare under penalty of perjury that this information is true and correct and that I mailed a copy of the Response/Counterclaim to the Plaintiff(s) at the address(es) stated on this form on \_\_\_\_\_ (date).

\_\_\_\_\_  
Defendant's Address

\_\_\_\_\_  
Defendant's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Telephone #: Home

\_\_\_\_\_  
Work

\_\_\_\_\_  
Cell

### Information for Defendants in Small Claims Cases

**A. Filing Fees.**

Response without a counterclaim:

♦ **Claim \$500.00 or less: \$26.00**

♦ **Claim over \$500.00 but less than \$7,500.00: \$41.00**

Response with a counterclaim:

♦ **If Plaintiff's claim is \$500.00 or less and counterclaim is \$500.00 or less:**

**\$31.00**

♦ **If Plaintiff's claim is more than \$500.00 or counterclaim is more than \$500.00:**

**\$46.00**

**B. Response.** You have been served with a Summons. If you fail to appear on the trial date shown on this notice, judgment may be entered against you. If you wish to defend the claim or present a counterclaim, you must **file with the Court Clerk a written response or counterclaim** on or before the scheduled trial date, provide a copy to the Plaintiff(s), pay the appropriate **nonrefundable** filing fee, and appear on the date set for trial in this notice with all evidence and witnesses needed to establish your defense.

**C. Subpoenas.** Upon your request, the clerk will issue a subpoena to require witnesses to appear or bring documents for your trial. It is your responsibility to complete the information needed on the subpoena and to have the subpoena served. Subpoenas must be served personally and may be served by a person over the age of 18 that is not a party to the case. Subpoenas must be accompanied by a check for payment of witness fees and mileage for any witnesses served.

**D. Counterclaim.** If you have a claim against the Plaintiff(s), you must **file with the Court clerk** the Defendant's counterclaim at the top of this form, provide a copy of the counterclaim to the Plaintiff(s) prior to the trial, and pay the appropriate **nonrefundable** filing fee. If you settle your counterclaim before trial, notify the Small Claims Court and the Plaintiff(s) in writing. **If you want your case heard by a Court of greater jurisdiction, you must complete and file this form, pay the appropriate filing fee (County: Under \$999.99 = \$85.00; \$1,000 - \$14,999.99 = \$105.00; \$15,000.00 - \$25,000 = \$135.00. District: \$235.00) and file a Notice of Removal (JDF 251) at least 7 days before the trial date shown on this Notice.**

**E. Trial Responsibility.** You have a right to a trial. Bring all evidence necessary to establish your defense and/or counterclaim: books, papers, repair bills, photographs or other exhibits. If the suit involves the delivery of personal property, be prepared to deliver the property immediately after trial. Be on time. If you are late, the Court may enter judgment against you.

**F. Appeal.** If you wish to appeal, you must file your notice of appeal within 14 days of the judgment and proceed according to C.R.C.P 411.

**G. Judgment. The Court does not collect any judgment**, but will help with the necessary forms.

**Money Judgment.** If judgment is entered against you, you are expected to immediately pay the judgment, including filing fees and court costs. If the judgment is not paid immediately, you must answer questions about your assets and income and the other party can obtain a writ of garnishment or execution against your wages or property. Once the judgment is paid, you are entitled to have the judgment satisfied.

**Non-monetary Judgment.** If the Court orders immediate possession of the property, performance of a contract, setting aside of a contract or compliance with a restrictive covenant, your failure to comply with the Court order may result in an award of damages and/or being held in contempt.

**H. Case Inquiries.** When inquiring about this case, refer to the case number on this notice. Direct all inquiries to the clerk, not the judge or magistrate.

**I. Attorney.** If you want to be represented by an attorney, you or your attorney must file a Notice of Representation of Attorney (JDF 256) at least 7 days before the trial date on this notice. Then the Plaintiff(s) may have representation by an attorney. If the Plaintiff(s) is/are an

attorney, you also may be represented by an attorney without filing a notice of representation. Even if there are attorneys in the case, the rules and procedures of the Small Claims Court will still apply.

- J. Judicial Officer.** A magistrate or a judge may hear your case. If you want a judge to hear your case, you must file an Objection to a Magistrate Hearing Case (JDF 259) at least 7 days before the trial date set in this notice. The rules and procedures of the Small Claims Court will still apply.
- K. Language Interpreter.** If you or a witness requires a language interpreter to be present for hearings, you must contact the Managing Interpreter corresponding to the district in which the case will be heard at least 7 days before the trial date is set on this notice. A language interpreter may only interpret what is said between parties during a hearing and immediately prior to or after the hearing. A language interpreter may not provide legal advice or any other service that is not related to interpreting. Interpreters may not provide any services that may constitute a violation of the language interpreter's Code of Professional Responsibility. A current list of Managing Interpreters can be viewed at [http://www.courts.state.co.us/Administration/Custom.cfm?Unit=interp&Page\\_ID=117](http://www.courts.state.co.us/Administration/Custom.cfm?Unit=interp&Page_ID=117).

Small Claims Court _____ County, Colorado Court Address: _____ <hr/> <b>PLAINTIFF(S):</b> _____ Address: _____ City/State/Zip: _____ Phone: Home _____ Work _____ Cell _____ v. <b>DEFENDANT(1):</b> _____ Address: _____ City/State/Zip: _____ Phone: Home _____ Work _____ Cell _____ <b>DEFENDANT(2):</b> _____ Address: _____ City/State/Zip: _____ Phone: Home _____ Work _____ Cell _____	<div style="border: 1px solid black; padding: 10px; margin: 10px auto; width: 80%;"> <div style="display: flex; justify-content: space-between; align-items: center;"> <span>▲</span> <span><b>COURT USE ONLY</b></span> <span>▲</span> </div> <div style="margin-top: 20px;"> <p>Case Number: _____</p> <p style="font-size: 2em; font-weight: bold; margin: 20px 0;">S</p> <div style="display: flex; justify-content: space-between;"> <span>Division _____</span> <span>Courtroom _____</span> </div> </div> </div>
<b>NOTICE, CLAIM AND SUMMONS TO APPEAR FOR TRIAL (Part 3)</b>	

If Defendant(s) is/are other than a person, go on-line at [www.coloradosos.gov](http://www.coloradosos.gov) [www.sos.state.co.us](http://www.sos.state.co.us) to determine the registered agent for service of this notice. Please enter name and address of the agent. Name: \_\_\_\_\_ Address: \_\_\_\_\_

1. The Defendant(s) is/are in the military service: ☐ Yes ☐ No ☐ Unknown
2. The Defendant(s) reside(s), is/are regularly employed, has/have an office for the transaction of business, or is/are a student in this county, or real property located in this county is the subject of claim(s) arising from a restrictive covenant or security deposit dispute. ☐ Yes ☐ No
3. I/We understand that it is my/our responsibility to have each Defendant served with the "Defendant's Copy" of this Notice by a person whose age is 18 years or older and who is not a party to this action 15 days prior to the trial and to provide the Court with written proof of service. ☐ Yes ☐ No
4. I am an attorney: ☐ Yes ☐ No

<b>Notice and Summons to Appear for Trial</b>
<p><b>To the Defendant(s):</b>          You are scheduled to have your trial in this case on (date) _____ (time) _____ at the Court address stated in the above caption. Bring with you all books, papers and witnesses you need to establish your defense. <b>If you do not appear, judgment may be entered against you.</b> If you wish to defend the claim or present a counterclaim, you must provide a written response or written counterclaim on or before the scheduled trial date and pay a <b>nonrefundable</b> filing fee.</p> <p>Dated: _____</p> <p style="text-align: right; margin-right: 50px;">_____ Clerk of Court/Deputy Clerk</p>

**Plaintiff(s)'s Claim (Please summarize reasons to support your claim below.)**

The Defendant(s) owe(s) me \$\_\_\_\_\_, which includes penalties, plus interest and costs allowed by law, and/or should be ordered to return property, perform a contract or set aside a contract or comply with a restrictive covenant for the following reasons. (If seeking return of property, please describe the property being requested).

---



---



---

**Note: The combined value of money, property, specific performance or cost to remedy a covenant violation cannot exceed \$7,500.00.** I/we declare under penalty of perjury under the law of Colorado that the foregoing is true and correct. I/we have not filed in any Small Claims Court in this County more than 2 claims during this calendar month, nor more than 18 claims in this County in this calendar year.

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

\_\_\_\_\_  
Plaintiff's Signature

\_\_\_\_\_  
Plaintiff's Signature

## INFORMATION FOR PLAINTIFFS IN SMALL CLAIMS CASES

**A. FILING.** You may file your claim in this Court if:

1. Your claim is for money, property, specific performance or rescission of a contract, or enforcement of a restrictive covenant that does not exceed \$7,500.00. You may reduce a larger claim and waive the balance. You cannot divide a claim and file two separate cases.
2. At least one of the parties you sue resides, is regularly employed, has an office for the transaction of business, or is a student in this county, or they own rental property in the county that is the subject of this claim.
3. You pay the clerk one of the following **NONREFUNDABLE** filing fees.

♦ **Claim \$500.00 or less:** **\$31.00**

♦ **Claim over \$500.00 but less than \$7,500.00:** **\$55.00**

**B. SERVICE.** This notice to appear must be served at least 15 days prior to the trial on each Defendant. It may be served by:

1. Any person whose age is 18 years or older and who is not a party to this action.
2. Sheriff or process server.
3. Certified Mail that is mailed by the clerk. You must deposit the cost for certified mail in advance.

**C. SETTLEMENT.** If you settle your claim before trial, you must notify the Small Claims Court and Defendant in writing.

**D. SUBPOENAS.** Upon your request, the clerk will issue a subpoena to require witnesses to appear or bring documents for your trial. It is your responsibility to complete the information needed on the subpoena and to have the subpoena served. Subpoenas must be served personally and may be served by a person over the age of 18 that is not a party to the case. Subpoenas must be accompanied by a check for payment of witness fees and mileage for any witnesses served.

**E. TRIAL RESPONSIBILITY.** You have a right to a trial. Bring all evidence necessary to prove your case: books, papers, repair bills, photographs or other exhibits. Be on time. If you are late or do not appear, the Court may enter judgment in favor of the Defendant and against you if the Defendant filed a counterclaim.

**F. APPEAL.** If you wish to appeal, you must file your notice of appeal within 14 days of the judgment and proceed according to C.R.C.P. 411.

**G. JUDGMENT. THE COURT DOES NOT COLLECT ANY JUDGMENT**, but will help with the necessary forms.

**Money Judgment.** If judgment is entered in favor of the Defendant and against you, you are expected to immediately pay the judgment, including filing fees and court costs. If the judgment is not paid immediately, you must answer questions about your assets and income and the other party can obtain a writ of garnishment or execution against your wages or property. Once the judgment is paid, you are entitled to have the judgment satisfied.

**Non-monetary Judgment.** If the Court orders immediate possession of the property, performance of a contract, setting aside of a contract or compliance with a restrictive covenant, failure to comply with the Court order may result in an award of damages and or being held in contempt.

**H. CASE INQUIRIES.** When inquiring about this case, refer to the case number on the other side of this document. Direct all inquiries to the clerk, not the judge or magistrate.

**I. ATTORNEY.** If the Defendant(s) want(s) to be represented by an attorney, the Defendant(s) or attorney must file a Notice of Representation of Attorney (JDF 256) at least 7 days before the trial date on this notice. Then, you may have representation by an attorney. If either party is an attorney, the other party may be represented by an attorney without filing a notice of representation. Even if there are attorneys in the case, the rules and procedures of the Small Claims Court will still apply.

**J. JUDICIAL OFFICER.** A magistrate or judge may hear your case. If you want a judge to hear your case, you must file an Objection to a Magistrate Hearing Case (JDF 259) at least 7 days before the trial date set in this notice. The rules and procedures of the Small Claims Court will still apply.

**K. Language Interpreter.** If you or a witness requires a language interpreter to be present for hearings, you must contact the Managing Interpreter corresponding to the district in which the case will be heard at least 7 days before the trial date is set on this notice. A language interpreter may only interpret what is said between parties during a hearing and immediately prior to or after the hearing. A language interpreter may not provide legal advice or any other service that is not related to interpreting. Interpreters may not provide any services that may constitute a violation of the language interpreter's Code of Professional Responsibility. A current list of Managing Interpreters can be viewed at:  
[http://www.courts.state.co.us/Administration/Custom.cfm?Unit=interp&Page\\_ID=117](http://www.courts.state.co.us/Administration/Custom.cfm?Unit=interp&Page_ID=117).

Small Claims Court _____ County, Colorado Court Address: _____ <hr/> <b>PLAINTIFF(S):</b> _____ Address: _____ City/State/Zip: _____ Phone: Home _____ Work _____ Cell _____ v. <b>DEFENDANT(1):</b> _____ Address: _____ City/State/Zip: _____ Phone: Home _____ Work _____ Cell _____ <b>DEFENDANT(2):</b> _____ Address: _____ City/State/Zip: _____ Phone: Home _____ Work _____ Cell _____	<div style="border-top: 1px solid black; border-bottom: 1px solid black; margin: 0 auto; width: 80%;">▲ <b>COURT USE ONLY</b> ▲</div> <div style="margin-top: 10px; font-size: 24px; font-weight: bold; letter-spacing: 10px;">S</div> <div style="margin-top: 10px;"> <div style="display: flex; justify-content: space-between;"> <span>Case Number: _____</span> </div> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <span>Division _____</span> <span>Courtroom _____</span> </div> </div>
<b>NOTICE, CLAIM AND SUMMONS TO APPEAR FOR TRIAL (Part 4)</b>	

If Defendant(s) is/are other than a person, go on-line at [www.coloradosos.gov](http://www.coloradosos.gov) [www.sos.state.co.us](http://www.sos.state.co.us) to determine the registered agent for service of this notice. Please enter name and address of the agent. Name: \_\_\_\_\_ Address: \_\_\_\_\_

1. The Defendant(s) is/are in the military service: ☐ Yes ☐ No ☐ Unknown
2. The Defendant(s) reside(s), is/are regularly employed, has/have an office for the transaction of business, or is/are a student in this county, or real property located in this county is the subject of claim(s) arising from a restrictive covenant or security deposit dispute. ☐ Yes ☐ No
3. I/We understand that it is my/our responsibility to have each Defendant served with the "Defendant's Copy" of this Notice by a person whose age is 18 years or older and who is not a party to this action 15 days prior to the trial and to provide the Court with written proof of service. ☐ Yes ☐ No
4. I am an attorney: ☐ Yes ☐ No

<b>Notice and Summons to Appear for Trial</b>
To the Defendant(s): You are scheduled to have your trial in this case on (date) _____ (time) _____ at the Court address stated in the above caption. Bring with you all books, papers and witnesses you need to establish your defense. <b>If you do not appear, judgment may be entered against you.</b> If you wish to defend the claim or present a counterclaim, you must provide a written response or written counterclaim on or before the scheduled trial date and pay a <b>nonrefundable</b> filing fee.  Dated: _____ <div style="text-align: right; margin-top: 10px;">           _____            Clerk of Court/Deputy Clerk         </div>

**Plaintiff(s)'s Claim (Please summarize reasons to support your claim below.)**

The Defendant(s) owe(s) me \$ \_\_\_\_\_, which includes penalties, plus interest and costs allowed by law, and/or should be ordered to return property, perform a contract or set aside a contract or comply with a restrictive covenant for the following reasons. (If seeking return of property, please describe the property being requested).

---



---



---

**Note: The combined value of money, property, specific performance or cost to remedy a covenant violation cannot exceed \$7,500.00**  
 I/we declare under penalty of perjury under the law of Colorado that the foregoing is true and correct. I/we have not filed in any Small Claims Court in this County more than 2 claims during this calendar month, nor more than 18 claims in this County in this calendar year.

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

\_\_\_\_\_  
 Plaintiff's Signature

\_\_\_\_\_  
Plaintiff's Signature

Case Name \_\_\_\_\_ v. \_\_\_\_\_

Case Number: \_\_\_\_\_

**AFFIDAVIT OF SERVICE**  
(Must be returned to Court)

I swear/affirm under oath that I am 18 years or older and not a party to the action, and that I served the **Notice, Claim, and Summons to Appear for Trial (JDF 250)** on the following:

Name of Person Served

Date and Time of Service

Address of Service  
(Street, County, City, State)

**Check type of Service:**

- ☐ By handing the documents to a person identified to me as the Defendant.
- ☐ By identifying the documents, offering to deliver them to a person identified to me as the Defendant who refused service, and then leaving the documents in a conspicuous place.
- ☐ By leaving the documents at the Defendant's usual place of abode with \_\_\_\_\_ (Name of Person) who is a member of the Defendant's family and whose age is 18 years or older. (Identify family relationship) \_\_\_\_\_.)
- ☐ By leaving the documents at the Defendant's usual workplace with \_\_\_\_\_ (Name of Person) who is the Defendant's secretary, administrative assistant, bookkeeper, or managing agent. (Circle title of person served.)
- ☐ By leaving the documents with \_\_\_\_\_ (Name of Person), who as \_\_\_\_\_ (title) is authorized by appointment or by law to receive service of process for the Defendant.
- ☐ By leaving the documents with an officer, partner, manager, stockholder, elected official or functional equivalent pursuant to C.R.C.P. 304 \_\_\_\_\_ (please identify) of the corporation or non-corporate entity which was to be served. (Circle title of person who was served.)
- ☐ By serving the documents as follows (other service under C.R.C.P. 304: \_\_\_\_\_.

I have charged the following fees for my services in this matter:

☐ Private process server

☐ Sheriff, \_\_\_\_\_ County  
Fee \$ \_\_\_\_\_ Mileage \$ \_\_\_\_\_

\_\_\_\_\_  
Signature of Process Server

\_\_\_\_\_  
Name (Print or type)

Subscribed and affirmed, or sworn to before me in the County of \_\_\_\_\_, State of \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

**CERTIFICATE OF SERVICE BY MAILING**  
(To be performed by Clerk within three days of filing)

I hereby certify that on \_\_\_\_\_ (date), I mailed a true and correct copy of the **NOTICE, CLAIM, AND SUMMONS TO APPEAR FOR TRIAL**, by placing it in the United States Mail, postage pre-paid to the Defendant(s) at the address(es) listed above.

\_\_\_\_\_  
Clerk of Court/Deputy Clerk

☐ (If applicable) Plaintiff(s) notified of non-service on (date) \_\_\_\_\_. Clerk's Initials \_\_\_\_\_



☐ **FORM 1.2. DISTRICT COURT CIVIL (CV) CASE COVER SHEET FOR INITIAL PLEADING OF COMPLAINT, COUNTERCLAIM, CROSS-CLAIM OR THIRD PARTY COMPLAINT AND JURY DEMAND**

District Court _____ County, Colorado Court Address:  		<b>▲ COURT USE ONLY ▲</b>
Plaintiff(s): v. Defendant(s):		
Attorney or Party Without Attorney (Name and Address):  Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____		Case Number:
<b>DISTRICT COURT CIVIL (CV) CASE COVER SHEET FOR INITIAL PLEADING OF COMPLAINT, COUNTERCLAIM, CROSS-CLAIM OR THIRD PARTY COMPLAINT AND JURY DEMAND</b>		

1. This cover sheet shall be filed with the initial pleading of a complaint, counterclaim, cross-claim or third party complaint in every district court civil (CV) case. It shall not be filed in Domestic Relations (DR), Probate (PR), ~~Water (CW)~~, Juvenile (JA, JR, JD, JV), or Mental Health (MH) cases or in Water (CW) proceedings subject to sections 37-92-302 to 37-92-305, C.R.S. Failure to file this cover sheet is not a jurisdictional defect in the pleading but may result in a clerk's show cause order requiring its filing.

2. Simplified Procedure under C.R.C.P. 16.1 **applies** to this case **unless** (check one box below if this party asserts that C.R.C.P. 16.1 **does not** apply):

☐ This is a class action, forcible entry and detainer, Rule 106, Rule 120, or other similar expedited proceeding, **or**

☐ This party is seeking a monetary judgment against another party ~~for~~ of more than \$100,000.00, ~~including any penalties or punitive damages, but excluding attorney fees,~~ exclusive of interest and costs, as supported by the following certification:

By my signature below and in compliance with C.R.C.P. 11, based upon information reasonably available to me at this time, I certify that the value of this party's claims against one of the other parties is reasonably believed to exceed \$100,000.<sup>22</sup>

**Or**

☐ Another party has previously filed a cover sheet stating that C.R.C.P. 16.1 does not apply to this case.

3. ☐ This party makes a **Jury Demand** at this time and pays the requisite fee. *See* C.R.C.P. 38. (Checking this box is optional.)

**Date:** \_\_\_\_\_

\_\_\_\_\_  
**Signature of Party ~~or Attorney for Party~~**

**Date:** \_\_\_\_\_

\_\_\_\_\_  
**Signature of Attorney for Party (if any)**

### **NOTICE**

This cover sheet must be served on all other parties along with the initial pleading of a complaint, counterclaim, cross-claim, or third party complaint.

# INSTRUCTIONS TO COMPLETE DISTRICT CIVIL (CV) CASE COVER SHEET JDF 601 FOR INITIAL PLEADING OF COMPLAINT, COUNTERCLAIM, CROSS- CLAIM, OR THIRD PARTY COMPLAINT, RULE 16.1 SIMPLIFIED PROCEDURE

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

- ◆ As of July 1, 2004, the JDF 601 case cover sheet is required by C.R.C.P. 16.1 Simplified Procedure for all District Civil (CV) actions filed on or after that date. This cover sheet must be filed with the complaint and any counterclaim, cross-claim, or third party complaint.
- ◆ If you fail to file a Case Cover Sheet with such a pleading, you will be notified by the Court that you need to file a Case Cover Sheet and must then do so within the time stated by the Court, or the Court may impose sanctions, including striking this pleading.
- ◆ 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](http://www.courts.state.co.us/Administration/HR/ADA/Coordinator_List.cfm)

## STEPS TO COMPLETE CIVIL CASE COVER SHEET

### Step 1: Complete Caption.

- ☐ Identify the name of the county and court address where you plan to file your papers.
- ☐ Identify the name of the Plaintiff(s) and Defendant(s). If you have multiple Plaintiffs or Defendants, list only the first Plaintiff or Defendant.
- ☐ Complete the identifying information for the party or attorney completing the Case Cover Sheet.
- ☐ Once you file your papers, the Court will assign a case number and division and will indicate such on the Case Cover Sheet.
- ☐ If a case number has already been assigned, you must still complete the Case Cover Sheet and insert the case number.

### Step 2: Complete Item 2.

- ☐ Check the applicable box if the Simplified Procedure **applies** to your case.  
or
- ☐ Check the applicable box if the Simplified Procedure **does not apply** to your case. If you have checked this box, **you must also check one of the three boxes** within this section to identify why the Simplified Procedure does not apply. The three options are identified below:
  - ☐ Some civil actions are automatically excluded and are not subject to C.R.C.P. 16.1. If you are filing a class action, domestic relations case, juvenile case, mental health case, probate case, [water-law-case](#), [water law proceeding subject to sections 37-92-302 to 37-92-305, C.R.S.](#), forcible entry and detainer, Rule 106 or 120, petition to seal criminal record, distraint warrant, county court or municipal appeal, or a writ of habeas corpus civil action your case is not subject to the simplified procedure.  
or
  - ☐ Simplified Procedures does not apply if you are seeking a monetary judgment for more than \$100,000.00 against any other party, including attorney fees, penalties or punitive damages, but excluding interest and costs, as well as the value of any equitable relief sought.  
or

- ☐ Simplified Procedures does not apply if another party has previously indicated in a Civil Case Cover Sheet that the Simplified Procedure under C.R.C.P. 16.1 does not apply to your case.

**Step 3: Complete Item 3. (Optional)**

- ☐ You can request a jury trial and pay the requisite fee at this time. If you check this box, your filing fee must include the jury demand fee. Please refer to C.R.C.P. 38 for your right to request a jury trial and waiving the right to a jury trial.
- ☐ If you are making a jury demand pursuant to §38-1-106, C.R.S., a jury demand fee is not required for a jury of six freeholders. However, if you are requesting a jury of freeholders in excess of six (including alternates) an advance deposit of \$50.00 per extra juror for one day of service is required. For example, if you demand a jury of 12, an advance deposit of \$300.00 (\$50.00 x 6) is required.

**Step 4: Sign and Date Civil Case Cover Sheet.**

- ☐ The party or the Attorney, if applicable, must date and sign the Civil Case Cover Sheet.

<input type="checkbox"/> County Court <input type="checkbox"/> District Court _____ County, Colorado Court Address: _____  <hr/> Plaintiff(s)/Petitioner(s): _____  v. Defendant(s)/Respondent(s): _____	<b>▲      Court Use Only      ▲</b>
Judgment Creditor's Attorney or Judgment Creditor (Name and Address): _____  Phone Number: _____      E-mail: _____ FAX Number: _____      Atty. Reg. #: _____	Case Number: _____  Division _____      Courtroom _____
<b>Writ of Continuing Garnishment</b>	

### Read This Whole Document

Judgment Debtor's name, last known physical and mailing addresses or a statement that Judgment Debtor's physical and mailing addresses are not known, and other identifying information: \_\_\_\_\_

1. Original or Revived Amount of Judgment Entered on \_\_\_\_\_ (date) for \$ \_\_\_\_\_
  - a. Effective Garnishment Period
 

☐ 91 days (Judgment entered prior to August 8, 2001)  
☐ 182 days (Judgment entered on or after August 8, 2001)
2. Plus any Interest Due on Judgment (currently \_\_\_\_\_ % per annum)      \$ \_\_\_\_\_
3. Taxable Costs (including estimated cost of service of this Writ)      \$ \_\_\_\_\_
4. Less any Amount Paid      \$ \_\_\_\_\_
5. Principal Balance/Total Amount Due and Owing      \$ \_\_\_\_\_

I affirm under penalty of perjury that I am authorized to act for the Judgment Creditor and this is a correct statement as of \_\_\_\_\_ (date).

- ☐ 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.

\_\_\_\_\_  
 Print Judgment Creditor's Name  
 Address: \_\_\_\_\_  
 \_\_\_\_\_  
 By: \_\_\_\_\_  
 Signature (Type Name, Title, Address and Phone)

---

---

## Writ of Continuing Garnishment

THE PEOPLE OF THE STATE OF COLORADO to the Sheriff of any Colorado County or to any person 18 years or older and who is not a party to this action:

You are directed to serve **Two Copies** of this Writ of Continuing Garnishment upon \_\_\_\_\_, Garnishee, with proper return of service to be made to the Court.

### To The Garnishee: You Are Summoned as Garnishee in This Action and Ordered:

- a. To answer the following questions under oath and file your answers with the Clerk of Court AND mail a completed copy with your answers to the Judgment Creditor or attorney no later than 7 days after you have been served with this writ. **Your failure to answer this writ of continuing garnishment may result in the entry of a default against you.**
- b. To pay any nonexempt earnings to the party designated in "e" below no less than 7 nor more than 14 days following each time you pay the Judgment Debtor during the effective Garnishment Period of this Writ and attach a copy of the Calculation of the Amount of Exempt Earnings used (the Calculation under "Questions to be Answered by Garnishee" should be used for the first pay period, and one of the multiple Calculation forms included with this Writ should be used for all subsequent pay periods).
- c. To deliver a copy of this Writ, together with the Calculation of the Amount of Exempt Earnings, and a blank Objection to Calculation of the Amount of Exempt Earnings form, and an Explanation Of Wage Garnishment In Colorado to Judgment Debtor on the same day the copy of this Writ and Calculation of the Amount of Exempt Earnings are sent to Judgment Creditor.
- d. To deliver to the Judgment Debtor a copy of each subsequent Calculation of the Amount of Exempt Earnings each time you pay the Judgment Debtor for earnings subject to this Writ.
- e. **Make Checks Payable and Mail To:** ☐ Judgment Creditor named above (only if the Judgment Creditor is a licensed collection agency pursuant to 5-16-101, et. seq., C.R.S.); ☐ Judgment Creditor's Attorney (if applicable); or to the ☐ Clerk of the ☐ County Court or ☐ District Court in \_\_\_\_\_ (city), Colorado (Must select if the Judgment Creditor is not represented by an attorney AND is not a licensed collection agency pursuant to 5-16-101, et. seq., C.R.S.)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

**Please** - put the case number (shown above) on the front of the check.

CLERK OF THE COURT

By Deputy Clerk: \_\_\_\_\_

Date: \_\_\_\_\_

## Notice to Garnishee

- a. This Writ applies to all nonexempt earnings owed or owing during the Effective Garnishment Period shown on Line 1a on the front of this Writ or until you have paid to the party, designated in paragraph "e" on the front of this Writ, the amount shown on Line 5 on the front of this Writ, whichever occurs first. **However, if you have already been served with a Writ of Continuing Garnishment for Child Support, this new Writ is effective for the Effective Garnishment Period after any prior Writ terminates.**
- b. **"Earnings" includes all forms of compensation for Personal Services.** Also read "Notice to Judgment Debtor" below.
- c. In no case may you withhold any amount greater than the amount on Line 5 on the front of this Writ.
- d. **If you determine that the judgment debtor is your employee and the Writ of Continuing Garnishment contains all required information, you are required to send the judgment debtor this Writ of Continuing Garnishment and the document attached to it titled "EXPLANATION OF WAGE GARNISHMENT IN COLORADO" on the same day that you send your answer to this Writ of Continuing Garnishment to the judgment creditor.**

## Questions to be Answered by Garnishee

Judgment Debtor's Name: \_\_\_\_\_ Case Number: \_\_\_\_\_

The following questions MUST be answered by you under oath:

- a. Is the Judgment Debtor your employee?
1. ☐ Yes
  2. ☐ No
- b. Does the Writ of Continuing Garnishment contain: the name of the Judgment Debtor, the last-known physical and mailing addresses of the Judgment Debtor or a statement that the information is not known, the amount of the Judgment, information sufficient to identify the judgment on which the continuing garnishment is based, an Explanation of Wage Garnishment in Colorado?
1. ☐ Yes
  2. ☐ No
- c. On the date and time this Writ of Continuing Garnishment was served upon you, did you owe or do you anticipate owing any of the following to the Judgment Debtor within the Effective Garnishment Period shown on Line 1a on the front of this Writ? (Mark appropriate box(es)):
1. ☐ WAGES/SALARY/COMMISSIONS/BONUS/OTHER COMPENSATION FOR PERSONAL SERVICES NOT INCLUDING TIPS (Earnings)
  2. ☐ Health, Accident or Disability Insurance Funds or Payments
  3. ☐ Pension or Retirement Benefits (for suits commenced prior to 5/1/91 ONLY - check front of Writ for date)
  4. ☐ Health insurance coverage provided by you and withheld from the individual's earnings

If you marked any box above, indicate how the Judgment debtor is paid: ☐ weekly ☐ bi-weekly ☐ semi-monthly ☐ monthly ☐ other

The Judgment Debtor will be paid on the following dates during the Effective Garnishment Period shown on Line 1a (front of this Writ), starting at least twenty-one days after you were served with this Writ of Garnishment: \_\_\_\_\_

- d. Are the Judgment Debtor's earnings subject to deductions other than withholding for local, state, and federal income taxes and pursuant to the "Federal Insurance Contributions Act", 26 U.S.C. sec. 3101 et seq., as amended? If so mark the appropriate boxes and list the nature, number, and amounts of these deductions and the relative priority of this Writ of Garnishment (Mark appropriate box(es)):
5. ☐ Writ of Garnishment for Support (Expected Termination Date: \_\_\_\_\_)
  6. ☐ Writ of Continuing Garnishment (Expected Termination Date: \_\_\_\_\_)
  7. ☐ Any additional deductions (Expected Termination Date: \_\_\_\_\_)
- e. If in paragraph c. above you marked Box 1 and you did NOT mark either Box 5, 6, or 7, complete the Calculation below for each pay period following receipt of this Writ. If you marked either Box 4 or 5, you must complete Calculations beginning with the first pay period following termination of the prior writ(s).
- f. If in paragraph c. above you marked Box 2, 3, or 4 and you did NOT mark either Box 5, 6, or 7, complete the Calculation below for each pay period following receipt of this Writ. If you marked either box 5, 6, or 7, you must complete Calculations beginning with the first pay period following termination of the prior writ(s) that is at least twenty-one days after service of this writ on you. However, there are a number of total exemptions, and you should seek legal advice about such exemptions. **If the earnings are totally exempt, please mark box 8 below:**
8. ☐ The earnings are totally exempt because: \_\_\_\_\_

## Calculation of The Amount of Exempt Earnings (Each Pay Period)

Gross Earnings for the pay period from \_\_\_\_\_ thru \_\_\_\_\_ \$ \_\_\_\_\_

Less Deductions Required by Law (For Example, Withholding Taxes, FICA, Costs for Employer-Provided Health Insurance Withheld From Earnings) - \$ \_\_\_\_\_

Disposable Earnings (Gross Earnings less Deductions) = \$ \_\_\_\_\_

Less Statutory Exemption (Use Exemption Chart Below) - \$ \_\_\_\_\_

Net Amount Subject to Garnishment = \$ \_\_\_\_\_

Less Wage/Income Assignment(s) During Pay Period (If Any) - \$ \_\_\_\_\_

**Amount to be withheld and paid** = \$ \_\_\_\_\_

EXEMPTION CHART ("Minimum Hourly Wage" means state or federal minimum wage, whichever is greater.)	PAY PERIOD	AMOUNT EXEMPT IS THE GREATER OF:
	Weekly	40 x Minimum Hourly Wage or 80% of Disposable Earnings
	Bi-weekly	80 x Minimum Hourly Wage or 80% of Disposable Earnings
	Semi-monthly	86.67 x Minimum Hourly Wage or 80% of Disposable Earnings
	Monthly	173.3 x Minimum Hourly Wage or 80% of Disposable Earnings

I certify that I am authorized to act for the Garnishee; that the above answers are true and correct; and that I have delivered a copy of this Writ, together with the Calculation of the Amount of Exempt Earnings, a blank Objection to Calculation of the Amount of Exempt Earnings form, and an EXPLANATION OF WAGE GARNISHMENT IN COLORADO form to the Judgment Debtor.

Name of Garnishee (Print) \_\_\_\_\_  
Address \_\_\_\_\_  
Phone Number \_\_\_\_\_

\_\_\_\_\_  
Name of Person Answering (Print)

\_\_\_\_\_  
Signature of Person Answering

## Explanation of Wage Garnishment in Colorado

Notice of garnishment to judgment debtor.  
Money will be taken from your pay if you fail to act.

### 1. Why am I getting this notice?

You are getting this notice because a court has ruled that you owe the judgment creditor, who is called "Creditor" in this notice, money. Creditor has started a legal process called a "garnishment". The process requires that money be taken from your pay and given to Creditor to pay what you owe. The person who pays you does not keep the money.

Creditor filled out this form. The law requires the person who pays you to give you this notice. Creditor may not be the person or company to which you originally owed money. You may request that Creditor provide the name and address of the person or company to which you originally owed money. If you want this information, you must write Creditor or Creditor's lawyer at the address at the very beginning of this form. You must do this within 14 days after receiving this notice. Creditor will send you this information at the address you give Creditor. Creditor must send you this information within 7 days after receiving your request. Knowing the name of the original creditor might help you understand why the money will be taken from your pay.

### 2. How much do I owe?

The amount the court has ruled that you currently owe is listed at the top of the writ of garnishment. The amount could go up if there are more court costs or additional interest. The interest rate on the amount you owe is listed at the top of the Writ of Garnishment. The amount could also go down if you make payments to Creditor.

### 3. How will the amount I owe be paid?

The person who pays you will start taking money from your paycheck on the first payday that is at least 14 days after the day the person who pays you sends you this notice. Money will continue to be taken from your pay for



up to 6 months. If the debt is not paid off or not likely to be paid off by that time, Creditor may serve another garnishment.

The rules about how much of your pay can be taken are explained in the notice of Colorado Rules About Garnishment that you received with this notice. This notice also contains an estimate of how much of your pay will likely be withheld each paycheck.

At any time, you can get a report that shows how the amount taken from your pay was calculated. To receive this report, you must write or e-mail the person who pays you.

#### **4. Do I have options?**

Yes, you have several options, here are three of them:

- A. You can talk with a lawyer: A lawyer can explain the situations to you and help you decide what to do. The self-help desk of the court where the garnishment action is pending can provide you help with resources to find a lawyer.
- B. You can contact Creditor: If you can work something out with Creditor, money might not have to be taken from your pay. The Creditor's contact information is on the first page of the writ of garnishment.
- C. You can request a court hearing: A hearing could be helpful if there are disagreements about the garnishment, the amount the court has ruled that you owe, whether the amount of money being withheld from your paycheck is correct, or whether the amount being withheld should be reduced to help you support your family and yourself. If you disagree with the estimate of the amount of money that will be withheld from your paycheck, you must attempt to work this out with the person who pays you before going to court. You must do this within 7 days after receiving this notice. If you cannot work it out with the person who pays you, you may seek a hearing in court. If you want a court hearing, you must request one. If you think that you need more money to support your family and yourself, you may seek a court hearing without consulting the person who pays you. For help requesting a hearing, contact the self-help desk of the court where the garnishment action is pending.

#### **5. What if I don't do anything?**

If you don't do anything, the law requires that money be taken out of your paycheck beginning with the first payday that is at least 14 days after the day the person who pays you sends you this notice. The money will be given to Creditor. This process will continue for 6 months unless your debt is paid off before that.

#### **6. How does garnishment work in Colorado?**

Only a portion of your pay can be garnished. The amount that can be withheld from your pay depends on something called "disposable earnings". Your disposable earnings are what is left after deductions from your gross pay for taxes and certain health insurance costs. Your paycheck stub should tell what your disposable earnings are.

The amount of your disposable earnings that can be garnished is determined by comparing two numbers: (1) 20% of your disposable earnings and (2) the amount by which your disposable earnings exceed 40 times the minimum wage. The smaller of these two amounts will be deducted from your pay.

If you think that your earnings after garnishment are not enough to support yourself and any members of your family that you support, you can try to have the amount of your disposable earnings that are garnished further reduced. This is discussed earlier in this notice under **4. Do I have options?**

Your employer cannot fire you because your earnings have been garnished. If your employer does this in violation of your legal rights, you may file a lawsuit within 91 days of your firing to recover wages you lost because you were fired. You can also seek to be reinstated to your job. If you are successful with this lawsuit, you cannot recover more than 6 weeks wages and attorney fees.

Based on your most recent paycheck, the person who pays you estimates that \$ \_\_\_\_\_ will be withheld from each paycheck that is subject to garnishment.



with proper return of service to be made to the Court.

**To The Garnishee:**

You are hereby summoned as garnishee in this action and ordered:

- a. To answer the following questions under oath and file your answers with the Clerk of the Court (AND to mail a completed copy with your answers to the Judgment Creditor or attorney when a stamped envelope is attached) within 14 days following service of this Writ upon you.

Your failure to answer this writ with notice may result in the entry of a default against you.

- b. To hold pending court order the personal property of any kind (other than earnings of a natural person) in your possession or control, including the debts, credits, choses in action or money owed to the Judgment Debtor whether they are due at the time of the service of the writ or are to become due thereafter.

**You Are Notified:**

- a. This Writ with Notice applies to all personal property (other than earnings) owed to or owned by the Judgment Debtor and in your possession or control as of the date and time this Writ was served upon you.
- b. In no case may you withhold any personal property greater than the amount on Line 5 on the front of this Writ unless the personal property is incapable of being divided.
- c. After you file your answers to the following questions, and after receiving a separate notice or order from the court, **make checks payable** and mail to: ☐ the Judgment Creditor named above (May select only if the Judgment Creditor is a licensed collection agency pursuant to 5-16-101, et. seq., C.R.S.); ☐ the Judgment Creditor's Attorney (if applicable); or to the ☐ Clerk of the ☐ County Court or ☐ District Court in \_\_\_\_\_ (city), Colorado (Must select if the Judgment Creditor is not represented by an attorney AND is not a licensed collection agency pursuant to 5-16-101, et. seq., C.R.S.) at the address below:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

**Please Put the Case Number (Above) on the Front of the Check.**

CLERK OF THE COURT

By Deputy Clerk: \_\_\_\_\_

Date: \_\_\_\_\_

**Questions to be Answered by Garnishee**

**Judgment Debtor's Name:** \_\_\_\_\_ **Case Number:** \_\_\_\_\_

The following questions MUST be answered by you under oath:

- a. On the date and time this Writ was served upon you, did you possess or control any personal property of the Judgment Debtor or did you owe any rents, payments, obligations, debts or moneys other than earnings to the Judgment Debtor?

☐ YES ☐ NO

- b. If **YES**, list all items of personal property and their location(s) and/or describe the nature and amount of the debt or obligation: (Attach additional pages if necessary): \_\_\_\_\_

- c. Do you claim any setoff against any property, debt or obligation listed above? ☐ YES ☐ NO

- d. If you answered **YES** to question c, describe the nature and amount of the setoff claimed: (Attach additional pages if necessary): \_\_\_\_\_

**Verification**

I declare under penalty of perjury under the law of Colorado that I am authorized to act for the Garnishee and the foregoing is true and correct.

Name of Garnishee (Print) \_\_\_\_\_

Executed on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_  
(date) (month) (year) (city or other location, and state OR country)

\_\_\_\_\_  
(Printed name of Person Answering)

\_\_\_\_\_  
Signature of Person Answering

**Notice to Judgment Debtor of Exemption and Pending Levy**

This Writ with Notice is a Court order which may cause your property or money to be held and taken to pay a judgment entered against you. You have legal rights which may prevent all or part of your money or property from being taken. That part of the money or property which may not be taken is called "exempt property". A partial list of "exempt property" is shown below, along

with the law which may make all or part of your money or property exempt. The purpose of this notice is to tell you about these rights.

### **Partial List of Exempt Property**

1. All or part of your property listed in Sections 13-54-101 and 102, C.R.S., including clothing, jewelry, books, burial sites, household goods, food and fuel, farm animals, seed, tools, equipment and implements, military allowances, stock-in-trade and certain items used in your occupation, bicycles, motor vehicles (greater for disabled persons), life insurance, income tax refunds, attributed to an earned income tax credit or child tax credit, money received because of loss of property or for personal injury, equipment that you need because of your health, or money received because you were a victim of a crime.
2. All or part of your earnings under Section 13-54-104, C.R.S.
3. Worker's compensation benefits under Section 8-42-124, C.R.S.
4. Unemployment compensation benefits under Section 8-80-103, C.R.S.
5. Group life insurance benefits under Section 10-7-205, C.R.S.
6. Health insurance benefits under Section 10-16-212, C.R.S.
7. Fraternal society benefits under Section 10-14-403, C.R.S.
8. Family allowances under Section 15-11-404, C.R.S.
9. Teachers' retirement fund benefits under Section 22-64-120, C.R.S.
10. Public employees' retirement benefits (PERA) under Sections 24-51-212 and 24-54-111, C.R.S.
11. Social security benefits (OASDI, SSI) under 42 U.S.C. §407.
12. Railroad employee retirement benefits under 45 U.S.C. §231m.
13. Public assistance benefits (OAP, AFDC, TANF, AND, AB, LEAP) under Section 26-2-131, C.R.S.
14. Police Officer's and Firefighter's pension fund payments under Sections 31-30-1117 & 31-30.5-208 and 31-31-203, C.R.S.
15. Utility and security deposits under Section 13-54-102(1)(r), C.R.S.
16. Proceeds of the sale of homestead property under Section 38-41-207, C.R.S.
17. Veteran's Administration benefits under 38 U.S.C. §5301.
18. Civil service retirement benefits under 5 U.S.C. §8346.
19. Mobile homes and trailers under Section 38-41-201.6, C.R.S.
20. Certain retirement and pension funds and benefits under Section 13-54-102(1)(s), C.R.S.
21. A Court-ordered child support or maintenance obligation or payment under Section 13-54-102(1)(u), C.R.S.
22. Public or private disability benefits under Section 13-54-102(1)(v), C.R.S.
23. Through February 1, 2021, up to four thousand dollars cumulative in a depository account or accounts in the name of the debtor under Section 13-54-102, C.R.S.

If the money or property which is being withheld from you includes any "exempt property," you must file within 14 days of receiving this notice a written Claim of Exemption with the Clerk of the Court describing what money or property you think is "exempt property" and the reason that it is exempt. YOU MUST USE THE APPROVED FORM attached to this Writ or a copy of it. When you file the claim, you must immediately deliver, by certified mail, return receipt requested, a copy of your claim to the Garnishee (person/place that was garnished) and to the Judgment Creditor's attorney, or if none, to the Judgment Creditor at the address shown on this Writ with Notice. Notwithstanding your right to claim the property as "exempt," no exemption other than the exemptions set forth in Section 13-54-104(3), C.R.S., may be claimed for a Writ which is the result of a judgment taken for arrearages for child support or for child support debt.

Once you have properly filed your claim, the court will schedule a hearing within 14 days. The Clerk of the Court will notify you and the Judgment Creditor or attorney of the date and time of the hearing, by telephone, by mail or in person.

When you come to your hearing, you should be ready to explain why you believe your money or property is "exempt property". If you do not appear at the scheduled time, your money or property may be taken by the Court to pay the judgment entered against you.

**Remember** that this is only a partial list of "exempt property"; you may wish to consult with a lawyer who can advise you of your rights. If you cannot afford one, there are listings of legal assistance and legal aid offices in the yellow pages of the telephone book.

You must act quickly to protect your rights. Remember, you only have 14 days after receiving this notice to file your claim of exemption with the Clerk of the Court.



## Writ of Garnishment

**THE PEOPLE OF THE STATE OF COLORADO** to the Sheriff of any Colorado County, or to any person 18 years or older and who is not a party to this action:

You are directed to serve a copy of this Writ of Garnishment upon \_\_\_\_\_, Garnishee, with proper return of service to be made to the Court.

### TO THE GARNISHEE:

#### YOU ARE HEREBY SUMMONED AS GARNISHEE IN THIS ACTION AND ORDERED:

- a. To answer the following questions under oath and file your answers with the Clerk of the Court (AND to mail a completed copy with your answer to the Judgment Creditor or attorney when a stamped envelope is attached) within 14 days following service of this Writ upon you.

Your failure to answer this writ with notice may result in the entry of a default against you.

- b. To hold pending court order any personal property owed to or owned by the Judgment Debtor and in your possession or control on the date and time this Writ was served upon you.

#### You Are Notified:

- a. This Writ of Garnishment applies to all personal property owed to or owned by the Judgment Debtor and in your possession or control as of the date and time this Writ was served upon you.
- b. In no case may you withhold any personal property greater than the amount on Line 5 on the front of this Writ unless the personal property is incapable of being divided.
- c. After you file your answers to the following questions, **and after receiving a separate notice or order from the court,**

**MAKE CHECKS PAYABLE AND MAIL TO:** ☐ the Judgment Creditor named above (May select only if the Judgment Creditor is a licensed collection agency pursuant to 5-16-101, et. seq., C.R.S.); ☐ the Judgment Creditor's Attorney (if applicable); or to the ☐ Clerk of the ☐ County Court or ☐ District Court in \_\_\_\_\_ (city), Colorado (Must select if the Judgment Creditor is not represented by an attorney AND is not a licensed collection agency pursuant to 5-16-101, et. seq., C.R.S.) at the address below:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

PLEASE PUT THE CASE NUMBER (above) ON THE FRONT OF THE CHECK.

CLERK OF THE COURT

By Deputy Clerk: \_\_\_\_\_

Date: \_\_\_\_\_

### Questions to be Answered by Garnishee

**Judgment Debtor's Name:** \_\_\_\_\_ **Case Number:** \_\_\_\_\_

The following questions MUST be answered by you:

- a. On the date and time this Writ was served upon you, did you possess or control any personal property of the Judgment Debtor or did you owe any rents, payments, obligations, debts or moneys to the Judgment Debtor?  
☐ YES ☐ NO
- b. If YES, list all items of personal property and their location(s) and/or describe the nature and amount of the debt or obligation: (Attach additional pages is necessary): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- c. Do you claim any setoff against any property, debt or obligation listed above?  
☐ YES ☐ NO
- d. If you answered YES to question c, describe the nature and amount of the setoff claimed:  
(Attach additional pages if necessary): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Verification**

I declare under penalty of perjury under the law of Colorado that I am authorized to act for the Garnishee and the above answers are true and correct.

Executed on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_  
(date) (month) (year) (city or other location, and state OR country)

\_\_\_\_\_  
Printed name of Garnishee

Address of Garnishee: \_\_\_\_\_  
City State Zip Code Phone

By: \_\_\_\_\_  
Printed name of Person Answering Signature of Person Answering





Your failure to answer this writ may result in the entry of a default against you.

- b. To hold pending court order any personal property (other than earnings of a natural person) owed to or owned by the Defendant in Attachment and in your possession or control on the date and time this Writ was served upon you.

**You Are Notified:**

- a. This Writ applies to all personal property (other than earnings of a natural person) owed to or owned by the Defendant in Attachment and in your possession or control as of the date and time this Writ was served upon you.
- b. In no case may you withhold any personal property greater than the amount on Line 5 on the front of this Writ unless the personal property is incapable of being divided.
- c. If you are ordered to pay funds to the Court, tender your check for the amount ordered **PAYABLE TO THE CLERK OF THE**

\_\_\_\_\_ **COURT AT** \_\_\_\_\_, **CO** \_\_\_\_\_

CLERK OF THE COURT

By Deputy Clerk: \_\_\_\_\_

Date: \_\_\_\_\_

**Questions to be Answered by Garnishee**

**Defendant in Attachment's Name:** \_\_\_\_\_ **Case Number:** \_\_\_\_\_

The following questions **MUST** be answered by you:

- a. On the date and time this Writ was served upon you, did you possess or control any personal property of the Defendant in Attachment or did you owe any rents, payments, obligations, debts or moneys other than earnings to the Defendant in Attachment? ☐ **YES** ☐ **NO**

- b. If **YES** to question a, list all items of personal property and their location(s) and/or describe the nature and amount of the debt or obligation: (Attach additional pages if necessary): \_\_\_\_\_

\_\_\_\_\_

- c. Do you claim any setoff against any property, debt or obligation listed above? ☐ **YES** ☐ **NO**

- d. If you answered **YES** to question c, describe the nature and amount of the setoff claimed:

(Attach additional pages if necessary): \_\_\_\_\_

\_\_\_\_\_

**Verification**

I declare under penalty of perjury under the law of Colorado that I am authorized to act for the Garnishee and the above answers are true and correct.

Executed on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_  
(date) (month) (year) (city or other location, and state OR country)

\_\_\_\_\_  
Printed name of Garnishee

Address of Garnishee: \_\_\_\_\_  
City State Zip Code Phone

By: \_\_\_\_\_  
Printed name of Person Answering Signature of Person Answering

Small Claims Court _____ County, Colorado Court Address: _____	
<b>PLAINTIFF(S):</b> _____ Address: _____ City/State/Zip: _____ Phone: Home _____ Work _____ Cell _____ v. <b>DEFENDANT(1):</b> _____ Address: _____ City/State/Zip: _____ Phone: Home _____ Work _____ Cell _____ <b>DEFENDANT(2):</b> _____ Address: _____ City/State/Zip: _____ Phone: Home _____ Work _____ Cell _____	<div style="border: 1px solid black; padding: 10px;"> <div style="text-align: center; font-weight: bold;">▲ COURT USE ONLY ▲</div> <div style="font-size: 24px; margin: 20px 0;">S</div> <div style="display: flex; justify-content: space-between;"> <span>Case Number: _____</span> <span>Division _____ Courtroom _____</span> </div> </div>
<b>NOTICE, CLAIM AND SUMMONS TO APPEAR FOR TRIAL (Part 1)</b>	

If Defendant(s) is/are other than a person, go on-line at [www.coloradosos.gov](http://www.coloradosos.gov) to determine the registered agent for service of this notice. Please enter name and address of the agent. Name: \_\_\_\_\_  
 Address: \_\_\_\_\_

1. The Defendant(s) is/are in the military service: ☐Yes ☐No ☐Unknown
2. The Defendant(s) reside(s), is/are regularly employed, has/have an office for the transaction of business, or is/are a student in this county, or real property located in this county is the subject of claim(s) arising from a restrictive covenant or security deposit dispute. ☐Yes ☐No
3. I/We understand that it is my/our responsibility to have each Defendant served with the "Defendant's Copy" of this Notice by a person whose age is 18 years or older and who is not a party to this action 15 days prior to the trial and to provide the Court with written proof of service. ☐Yes ☐No
4. I am an attorney: ☐Yes ☐No

<b>Notice and Summons to Appear for Trial</b>
<b>To the Defendant(s):</b> You are scheduled to have your trial in this case on _____ (date) at _____ (time) at the Court address stated in the above caption. Bring with you all books, papers and witnesses you need to establish your defense. <b>If you do not appear, judgment may be entered against you.</b> If you wish to defend the claim or present a counterclaim, you must provide a written response or written counterclaim on or before the scheduled trial date and pay a <b>nonrefundable</b> filing fee.  Dated: _____ <div style="text-align: right;">Clerk of Court/Deputy Clerk</div>

**Plaintiff(s)'s Claim (Please summarize reasons to support your claim below.)**  
 The Defendant(s) owe(s) me \$\_\_\_\_\_, which includes penalties, plus interest and costs allowed by law, and/or should be ordered to return property, perform a contract or set aside a contract or comply with a restrictive covenant for the following reasons. (If seeking return of property, please describe the property being requested).  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Note: The combined value of money, property, specific performance or cost to remedy a covenant violation cannot exceed \$7,500.00.**  
 I/we declare under penalty of perjury under the law of Colorado that the foregoing is true and correct. I/we have not filed in any Small Claims Court in this County more than 2 claims during this calendar month, nor more than 18 claims in this County this calendar year.

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

\_\_\_\_\_  
 Plaintiff's Signature

\_\_\_\_\_  
 Plaintiff's Signature

Small Claims Court _____ County, Colorado Court Address: _____ <hr/> <b>PLAINTIFF(S):</b> _____ Address: _____ City/State/Zip: _____ Phone: Home _____ Work _____ Cell _____ v. <b>DEFENDANT(1):</b> _____ Address: _____ City/State/Zip: _____ Phone: Home _____ Work _____ Cell _____ <b>DEFENDANT(2):</b> _____ Address: _____ City/State/Zip: _____ Phone: Home _____ Work _____ Cell _____	<div style="border-top: 1px solid black; border-bottom: 1px solid black; margin: 5px 0;"> <b>▲ COURT USE ONLY ▲</b> </div> Case Number: _____  <div style="font-size: 2em; font-weight: bold; margin: 20px 0;">S</div> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div>Division _____</div> <div>Courtroom _____</div> </div>
<b>NOTICE, CLAIM AND SUMMONS TO APPEAR FOR TRIAL (Part 2)</b>	

If Defendant(s) is/are other than a person, go on-line at [www.coloradosos.gov](http://www.coloradosos.gov) to determine the registered agent for service of this notice. Please enter name and address of the agent. Name: \_\_\_\_\_  
 Address: \_\_\_\_\_

1. The Defendant(s) is/are in the military service: ☐ Yes ☐ No ☐ Unknown
2. The Defendant(s) reside(s), is/are regularly employed, has/have an office for the transaction of business, or is/are a student in this county, or real property located in this county is the subject of claim(s) arising from a restrictive covenant or security deposit dispute. ☐ Yes ☐ No
3. I/We understand that it is my/our responsibility to have each Defendant served with the "Defendant's Copy" of this Notice by a person whose age is 18 years or older and who is not a party to this action 15 days prior to the trial and to provide the Court with written proof of service. ☐ Yes ☐ No
4. I am an attorney: ☐ Yes ☐ No

<b>Notice and Summons to Appear for Trial</b>
<b>To the Defendant(s):</b> You are scheduled to have your trial in this case on _____ (date) at _____ (time) at the Court address stated in the above caption. Bring with you all books, papers and witnesses you need to establish your defense. <b>If you do not appear, judgment may be entered against you.</b> If you wish to defend the claim or present a counterclaim, you must provide a written response or written counterclaim on or before the scheduled trial date and pay a <b>nonrefundable</b> filing fee.  Dated: _____ <div style="text-align: right;">Clerk of Court/Deputy Clerk</div>

**Plaintiff(s)'s Claim (Please summarize reasons to support your claim below.)**  
 The Defendant(s) owe(s) me \$ \_\_\_\_\_, which includes penalties, plus interest and costs allowed by law, and/or should be ordered to return property, perform a contract or set aside a contract or comply with a restrictive covenant for the following reasons. (If seeking return of property, please describe the property being requested).

---



---



---



---

**Note: The combined value of money, property, specific performance or cost to remedy a covenant violation cannot exceed \$7,500.00.**  
 I/we declare under penalty of perjury under the law of Colorado that the foregoing is true and correct. I/we have not filed in any Small Claims Court in this County more than 2 claims during this calendar month, nor more than 18 claims in this County in this calendar year.

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

\_\_\_\_\_  
 Plaintiff's Signature  
  
 \_\_\_\_\_  
 Plaintiff's Signature

**You must complete and fill out a response and or counterclaim on reverse side of Defendant's copy and bring to Court.**  
**Defendant's Response** (If responding, pay the appropriate filing fee). I do not owe the Plaintiff(s) or am not responsible to the Plaintiff(s) because:

**Defendant's Counterclaim** (If submitting a counterclaim, pay the appropriate filing fee).

The Plaintiff(s) owe(s) me \$\_\_\_\_\_, which includes penalties, plus interest and costs allowed by law and/or should be ordered to return property, perform a contract or set aside a contract or comply with a restrictive covenant for the following reasons. (If seeking return of property, please describe the property being requested).

- ☐ The amount of my/our counterclaim does not exceed the jurisdictional amount of the Small Claims Court of \$7,500.00.
- ☐ The amount of my/our counterclaim exceeds the jurisdictional amount of the Small Claims Court, but I/we wish to limit the amount that I/we wish to recover from the Plaintiff to \$7,500.00.
- ☐ The amount of my/our counterclaim exceeds the jurisdictional amount of the Small Claims Court, and I/we wish to have the case sent to ☐ County Court (only if I/we wish to limit the amount I/we can recover from the plaintiff to \$25,000.00) ☐ District Court (I /we do not wish to limit the amount I/we can recover from the Plaintiff(s)) and will pay the appropriate filing fee. I/we am/are filing a Notice of Removal and paying the appropriate filing fee to the Court at this time.

**I am an attorney.** ☐ Yes ☐ No

I declare under penalty of perjury that this information is true and correct and that I mailed a copy of the Response/Counterclaim to the Plaintiff(s) at the address(es) stated on this form on \_\_\_\_\_ (date).

\_\_\_\_\_  
Defendant's Address

\_\_\_\_\_  
Defendant's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Telephone #: Home

\_\_\_\_\_  
Work

\_\_\_\_\_  
Cell

### Information for Defendants in Small Claims Cases

**A. Filing Fees.**

Response without a counterclaim:

◆ **Claim \$500.00 or less: \$26.00**

◆ **Claim over \$500.00 but less than \$7,500.00: \$41.00**

Response with a counterclaim:

◆ **If Plaintiff's claim is \$500.00 or less and counterclaim is \$500.00 or less:**

**\$31.00**

◆ **If Plaintiff's claim is more than \$500.00 or counterclaim is more than \$500.00:**

**\$46.00**

**B. Response.** You have been served with a Summons. If you fail to appear on the trial date shown on this notice, judgment may be entered against you. If you wish to defend the claim or present a counterclaim, you must **file with the Court Clerk a written response or counterclaim** on or before the scheduled trial date, provide a copy to the Plaintiff(s), pay the appropriate **nonrefundable** filing fee, and appear on the date set for trial in this notice with all evidence and witnesses needed to establish your defense.

**C. Subpoenas.** Upon your request, the clerk will issue a subpoena to require witnesses to appear or bring documents for your trial. It is your responsibility to complete the information needed on the subpoena and to have the subpoena served. Subpoenas must be served personally and may be served by a person over the age of 18 that is not a party to the case. Subpoenas must be accompanied by a check for payment of witness fees and mileage for any witnesses served.

**D. Counterclaim.** If you have a claim against the Plaintiff(s), you must **file with the Court clerk** the Defendant's counterclaim at the top of this form, provide a copy of the counterclaim to the Plaintiff(s) prior to the trial, and pay the appropriate **nonrefundable** filing fee. If you settle your counterclaim before trial, notify the Small Claims Court and the Plaintiff(s) in writing. **If you want your case heard by a Court of greater jurisdiction, you must complete and file this form, pay the appropriate filing fee (County: Under \$999.99 = \$85.00; \$1,000 - \$14,999.99 = \$105.00; \$15,000.00 - \$25,000 = \$135.00. District: \$235.00) and file a Notice of Removal (JDF 251) at least 7 days before the trial date shown on this Notice.**

**E. Trial Responsibility.** You have a right to a trial. Bring all evidence necessary to establish your defense and/or counterclaim: books, papers, repair bills, photographs or other exhibits. If the suit involves the delivery of personal property, be prepared to deliver the property immediately after trial. Be on time. If you are late, the Court may enter judgment against you.

**F. Appeal.** If you wish to appeal, you must file your notice of appeal within 14 days of the judgment and proceed according to C.R.C.P 411.

**G. Judgment.** The Court does not collect any judgment, but will help with the necessary forms.

**Money Judgment.** If judgment is entered against you, you are expected to immediately pay the judgment, including filing fees and court costs. If the judgment is not paid immediately, you must answer questions about your assets and income and the other party can obtain a writ of garnishment or execution against your wages or property. Once the judgment is paid, you are entitled to have the judgment satisfied.

**Non-monetary Judgment.** If the Court orders immediate possession of the property, performance of a contract, setting aside of a contract or compliance with a restrictive covenant, your failure to comply with the Court order may result in an award of damages and/or being held in contempt.

**H. Case Inquiries.** When inquiring about this case, refer to the case number on this notice. Direct all inquiries to the clerk, not the judge or magistrate.

**I. Attorney.** If you want to be represented by an attorney, you or your attorney must file a Notice of Representation of Attorney (JDF 256) at least 7 days before the trial date on this notice. Then the Plaintiff(s) may have representation by an attorney. If the Plaintiff(s) is/are an attorney, you also may be represented by an attorney without filing a notice of representation. Even if there are attorneys in the case, the rules and procedures of the Small Claims Court will still apply.

**J. Judicial Officer.** A magistrate or a judge may hear your case. If you want a judge to hear your case, you must file an Objection to a Magistrate Hearing Case (JDF 259) at least 7 days before the trial date set in this notice. The rules and procedures of the Small Claims Court will still apply.

**K. Language Interpreter.** If you or a witness requires a language interpreter to be present for hearings, you must contact the Managing Interpreter corresponding to the district in which the case will be heard at least 7 days before the trial date is set on this notice. A language interpreter may only interpret what is said between parties during a hearing and immediately prior to or after the hearing. A language interpreter may not provide legal advice or any other service that is not related to interpreting. Interpreters may not provide any services that may constitute a violation of the language interpreter's Code of Professional Responsibility. A current list of Managing Interpreters can be viewed at [http://www.courts.state.co.us/Administration/Custom.cfm?Unit=interp&Page\\_ID=117](http://www.courts.state.co.us/Administration/Custom.cfm?Unit=interp&Page_ID=117).

Small Claims Court _____ County, Colorado Court Address: _____ <hr style="border: 1px solid black;"/> <b>PLAINTIFF(S):</b> _____ Address: _____ City/State/Zip: _____ Phone: Home _____ Work _____ Cell _____ v. <b>DEFENDANT(1):</b> _____ Address: _____ City/State/Zip: _____ Phone: Home _____ Work _____ Cell _____ <b>DEFENDANT(2):</b> _____ Address: _____ City/State/Zip: _____ Phone: Home _____ Work _____ Cell _____	<div style="border: 1px solid black; padding: 10px; margin: 10px auto; width: 80%;"> <div style="display: flex; justify-content: space-between; align-items: center;"> <span>▲</span> <b>COURT USE ONLY</b> <span>▲</span> </div> <div style="margin-top: 20px;">             Case Number: _____   <div style="font-size: 2em; font-weight: bold; margin: 20px 0;">S</div> </div> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <span>Division _____</span> <span>Courtroom _____</span> </div> </div>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

NOTICE, CLAIM AND SUMMONS TO APPEAR FOR TRIAL (Part 3)

If Defendant(s) is/are other than a person, go on-line at [www.coloradosos.gov](http://www.coloradosos.gov) to determine the registered agent for service of this notice. Please enter name and address of the agent. Name: \_\_\_\_\_  
 Address: \_\_\_\_\_

1. The Defendant(s) is/are in the military service: ☐Yes ☐No ☐Unknown
2. The Defendant(s) reside(s), is/are regularly employed, has/have an office for the transaction of business, or is/are a student in this county, or real property located in this county is the subject of claim(s) arising from a restrictive covenant or security deposit dispute. ☐Yes ☐No
3. I/We understand that it is my/our responsibility to have each Defendant served with the "Defendant's Copy" of this Notice by a person whose age is 18 years or older and who is not a party to this action 15 days prior to the trial and to provide the Court with written proof of service. ☐Yes ☐No
4. I am an attorney: ☐Yes ☐No

Notice and Summons to Appear for Trial

**To the Defendant(s):**  
 You are scheduled to have your trial in this case on (date) \_\_\_\_\_ (time) \_\_\_\_\_  
 at the Court address stated in the above caption. Bring with you all books, papers and witnesses you need to establish your defense. **If you do not appear, judgment may be entered against you.** If you wish to defend the claim or present a counterclaim, you must provide a written response or written counterclaim on or before the scheduled trial date and pay a **nonrefundable** filing fee.

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

\_\_\_\_\_  
Clerk of Court/Deputy Clerk

**Plaintiff(s)'s Claim (Please summarize reasons to support your claim below.)**  
 The Defendant(s) owe(s) me \$\_\_\_\_\_, which includes penalties, plus interest and costs allowed by law, and/or should be ordered to return property, perform a contract or set aside a contract or comply with a restrictive covenant for the following reasons. (If seeking return of property, please describe the property being requested).

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Note: The combined value of money, property, specific performance or cost to remedy a covenant violation cannot exceed \$7,500.00.**  
 I/we declare under penalty of perjury under the law of Colorado that the foregoing is true and correct. I/we have not filed in any Small Claims Court in this County more than 2 claims during this calendar month, nor more than 18 claims in this County in this calendar year.

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

\_\_\_\_\_  
Plaintiff's Signature

\_\_\_\_\_  
Plaintiff's Signature

## INFORMATION FOR PLAINTIFFS IN SMALL CLAIMS CASES

**A. FILING.** You may file your claim in this Court if:

1. Your claim is for money, property, specific performance or rescission of a contract, or enforcement of a restrictive covenant that does not exceed \$7,500.00. You may reduce a larger claim and waive the balance. You cannot divide a claim and file two separate cases.
2. At least one of the parties you sue resides, is regularly employed, has an office for the transaction of business, or is a student in this county, or they own rental property in the county that is the subject of this claim.
3. You pay the clerk one of the following **NONREFUNDABLE** filing fees.

♦ **Claim \$500.00 or less:** **\$31.00**

♦ **Claim over \$500.00 but less than \$7,500.00:** **\$55.00**

**B. SERVICE.** This notice to appear must be served at least 15 days prior to the trial on each Defendant. It may be served by:

1. Any person whose age is 18 years or older and who is not a party to this action.
2. Sheriff or process server.
3. Certified Mail that is mailed by the clerk. You must deposit the cost for certified mail in advance.

**C. SETTLEMENT.** If you settle your claim before trial, you must notify the Small Claims Court and Defendant in writing.

**D. SUBPOENAS.** Upon your request, the clerk will issue a subpoena to require witnesses to appear or bring documents for your trial. It is your responsibility to complete the information needed on the subpoena and to have the subpoena served. Subpoenas must be served personally and may be served by a person over the age of 18 that is not a party to the case. Subpoenas must be accompanied by a check for payment of witness fees and mileage for any witnesses served.

**E. TRIAL RESPONSIBILITY.** You have a right to a trial. Bring all evidence necessary to prove your case: books, papers, repair bills, photographs or other exhibits. Be on time. If you are late or do not appear, the Court may enter judgment in favor of the Defendant and against you if the Defendant filed a counterclaim.

**F. APPEAL.** If you wish to appeal, you must file your notice of appeal within 14 days of the judgment and proceed according to C.R.C.P. 411.

**G. JUDGMENT. THE COURT DOES NOT COLLECT ANY JUDGMENT**, but will help with the necessary forms.

**Money Judgment.** If judgment is entered in favor of the Defendant and against you, you are expected to immediately pay the judgment, including filing fees and court costs. If the judgment is not paid immediately, you must answer questions about your assets and income and the other party can obtain a writ of garnishment or execution against your wages or property. Once the judgment is paid, you are entitled to have the judgment satisfied.

**Non-monetary Judgment.** If the Court orders immediate possession of the property, performance of a contract, setting aside of a contract or compliance with a restrictive covenant, failure to comply with the Court order may result in an award of damages and or being held in contempt.

**H. CASE INQUIRIES.** When inquiring about this case, refer to the case number on the other side of this document. Direct all inquiries to the clerk, not the judge or magistrate.

**I. ATTORNEY.** If the Defendant(s) want(s) to be represented by an attorney, the Defendant(s) or attorney must file a Notice of Representation of Attorney (JDF 256) at least 7 days before the trial date on this notice. Then, you may have representation by an attorney. If either party is an attorney, the other party may be represented by an attorney without filing a notice of representation. Even if there are attorneys in the case, the rules and procedures of the Small Claims Court will still apply.

**J. JUDICIAL OFFICER.** A magistrate or judge may hear your case. If you want a judge to hear your case, you must file an Objection to a Magistrate Hearing Case (JDF 259) at least 7 days before the trial date set in this notice. The rules and procedures of the Small Claims Court will still apply.

**K. Language Interpreter.** If you or a witness requires a language interpreter to be present for hearings, you must contact the Managing Interpreter corresponding to the district in which the case will be heard at least 7 days before the trial date is set on this notice. A language interpreter may only interpret what is said between parties during a hearing and immediately prior to or after the hearing. A language interpreter may not provide legal advice or any other service that is not related to interpreting. Interpreters may not provide any services that may constitute a violation of the language interpreter's Code of Professional Responsibility. A current list of Managing Interpreters can be viewed at:  
[http://www.courts.state.co.us/Administration/Custom.cfm?Unit=interp&Page\\_ID=117](http://www.courts.state.co.us/Administration/Custom.cfm?Unit=interp&Page_ID=117).

Small Claims Court _____ County, Colorado Court Address: _____ <hr/> <b>PLAINTIFF(S):</b> _____ Address: _____ City/State/Zip: _____ Phone: Home _____ Work _____ Cell _____ v. <b>DEFENDANT(1):</b> _____ Address: _____ City/State/Zip: _____ Phone: Home _____ Work _____ Cell _____ <b>DEFENDANT(2):</b> _____ Address: _____ City/State/Zip: _____ Phone: Home _____ Work _____ Cell _____	<div style="border: 1px solid black; padding: 10px; margin: 10px auto; width: 80%;"> <div style="display: flex; justify-content: space-between; align-items: center;"> <span>▲</span> <span><b>COURT USE ONLY</b></span> <span>▲</span> </div> <div style="margin-top: 20px;">             Case Number: _____   <div style="font-size: 2em; font-weight: bold; margin: 20px 0;">S</div> <div style="display: flex; justify-content: space-between;"> <span>Division _____</span> <span>Courtroom _____</span> </div> </div> </div>
<b>NOTICE, CLAIM AND SUMMONS TO APPEAR FOR TRIAL (Part 4)</b>	

If Defendant(s) is/are other than a person, go on-line at [www.coloradosos.gov](http://www.coloradosos.gov) to determine the registered agent for service of this notice. Please enter name and address of the agent. Name: \_\_\_\_\_  
 Address: \_\_\_\_\_

1. The Defendant(s) is/are in the military service: ☐ Yes ☐ No ☐ Unknown
2. The Defendant(s) reside(s), is/are regularly employed, has/have an office for the transaction of business, or is/are a student in this county, or real property located in this county is the subject of claim(s) arising from a restrictive covenant or security deposit dispute. ☐ Yes ☐ No
3. I/We understand that it is my/our responsibility to have each Defendant served with the "Defendant's Copy" of this Notice by a person whose age is 18 years or older and who is not a party to this action 15 days prior to the trial and to provide the Court with written proof of service. ☐ Yes ☐ No
4. I am an attorney: ☐ Yes ☐ No

<b>Notice and Summons to Appear for Trial</b>
To the Defendant(s): You are scheduled to have your trial in this case on (date) _____ (time) _____ at the Court address stated in the above caption. Bring with you all books, papers and witnesses you need to establish your defense. <b>If you do not appear, judgment may be entered against you.</b> If you wish to defend the claim or present a counterclaim, you must provide a written response or written counterclaim on or before the scheduled trial date and pay a <b>nonrefundable</b> filing fee.  Dated: _____ <div style="text-align: right; margin-top: 10px;">           _____            Clerk of Court/Deputy Clerk         </div>

**Plaintiff(s)'s Claim (Please summarize reasons to support your claim below.)**

The Defendant(s) owe(s) me \$\_\_\_\_\_, which includes penalties, plus interest and costs allowed by law, and/or should be ordered to return property, perform a contract or set aside a contract or comply with a restrictive covenant for the following reasons. (If seeking return of property, please describe the property being requested).

---



---



---



---

**Note: The combined value of money, property, specific performance or cost to remedy a covenant violation cannot exceed \$7,500.00**

I/we declare under penalty of perjury under the law of Colorado that the foregoing is true and correct. I/we have not filed in any Small Claims Court in this County more than 2 claims during this calendar month, nor more than 18 claims in this County in this calendar year.

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

\_\_\_\_\_  
 Plaintiff's Signature

\_\_\_\_\_  
 Plaintiff's Signature



Case Name \_\_\_\_\_ v. \_\_\_\_\_

Case Number: \_\_\_\_\_

**AFFIDAVIT OF SERVICE**  
(Must be returned to Court)

I swear/affirm under oath that I am 18 years or older and not a party to the action, and that I served the **Notice, Claim, and Summons to Appear for Trial (JDF 250)** on the following:

Name of Person Served

Date and Time of Service

Address of Service  
(Street, County, City, State)

**Check type of Service:**

- ☐ By handing the documents to a person identified to me as the Defendant.
- ☐ By identifying the documents, offering to deliver them to a person identified to me as the Defendant who refused service, and then leaving the documents in a conspicuous place.
- ☐ By leaving the documents at the Defendant's usual place of abode with \_\_\_\_\_ (Name of Person) who is a member of the Defendant's family and whose age is 18 years or older. (Identify family relationship) \_\_\_\_\_.)
- ☐ By leaving the documents at the Defendant's usual workplace with \_\_\_\_\_ (Name of Person) who is the Defendant's secretary, administrative assistant, bookkeeper, or managing agent. (Circle title of person served.)
- ☐ By leaving the documents with \_\_\_\_\_ (Name of Person), who as \_\_\_\_\_ (title) is authorized by appointment or by law to receive service of process for the Defendant.
- ☐ By leaving the documents with an officer, partner, manager, stockholder, elected official or functional equivalent pursuant to C.R.C.P. 304 \_\_\_\_\_ (please identify) of the corporation or non-corporate entity which was to be served. (Circle title of person who was served.)
- ☐ By serving the documents as follows (other service under C.R.C.P. 304: \_\_\_\_\_.

I have charged the following fees for my services in this matter:

☐ Private process server

☐ Sheriff, \_\_\_\_\_ County  
Fee \$ \_\_\_\_\_ Mileage \$ \_\_\_\_\_

\_\_\_\_\_  
Signature of Process Server

\_\_\_\_\_  
Name (Print or type)

Subscribed and affirmed, or sworn to before me in the County of \_\_\_\_\_, State of \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

**CERTIFICATE OF SERVICE BY MAILING**  
(To be performed by Clerk within three days of filing)

I hereby certify that on \_\_\_\_\_ (date), I mailed a true and correct copy of the **NOTICE, CLAIM, AND SUMMONS TO APPEAR FOR TRIAL**, by placing it in the United States Mail, postage pre-paid to the Defendant(s) at the address(es) listed above.

\_\_\_\_\_  
Clerk of Court/Deputy Clerk

☐ (If applicable) Plaintiff(s) notified of non-service on (date) \_\_\_\_\_. Clerk's Initials \_\_\_\_\_



☐ **FORM 1.2. DISTRICT COURT CIVIL (CV) CASE COVER SHEET FOR INITIAL PLEADING OF COMPLAINT, COUNTERCLAIM, CROSS-CLAIM OR THIRD PARTY COMPLAINT AND JURY DEMAND**

District Court _____ County, Colorado Court Address:		<b>▲ COURT USE ONLY ▲</b>
Plaintiff(s): v. Defendant(s):		
Attorney or Party Without Attorney (Name and Address):  Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____		Case Number:
<b>DISTRICT COURT CIVIL (CV) CASE COVER SHEET FOR INITIAL PLEADING OF COMPLAINT, COUNTERCLAIM, CROSS-CLAIM OR THIRD PARTY COMPLAINT AND JURY DEMAND</b>		

1. This cover sheet shall be filed with the initial pleading of a complaint, counterclaim, cross-claim or third party complaint in every district court civil (CV) case. It shall not be filed in Domestic Relations (DR), Probate (PR), Juvenile (JA, JR, JD, JV), or Mental Health (MH) cases or in Water (CW) proceedings subject to sections 37-92-302 to 37-92-305, C.R.S. Failure to file this cover sheet is not a jurisdictional defect in the pleading but may result in a clerk's show cause order requiring its filing.
2. Simplified Procedure under C.R.C.P. 16.1 **applies** to this case **unless** (check one box below if this party asserts that C.R.C.P. 16.1 **does not** apply):
  - ☐ This is a class action, forcible entry and detainer, Rule 106, Rule 120, or other similar expedited proceeding, **or**
  - ☐ This party is seeking a monetary judgment against another party of more than \$100,000.00, exclusive of interest and costs, as supported by the following certification:

By my signature below and in compliance with C.R.C.P. 11, based upon information reasonably available to me at this time, I certify that the value of this party's claims against one of the other parties is reasonably believed to exceed \$100,000.

**Or**

☐ Another party has previously filed a cover sheet stating that C.R.C.P. 16.1 does not apply to this case.

3. ☐ This party makes a **Jury Demand** at this time and pays the requisite fee. *See* C.R.C.P. 38. (Checking this box is optional.)

**Date:** \_\_\_\_\_

\_\_\_\_\_  
**Signature of Party**

**Date:** \_\_\_\_\_

\_\_\_\_\_  
**Signature of Attorney for Party (if any)**\_\_\_\_\_

**NOTICE**

This cover sheet must be served on all other parties along with the initial pleading of a complaint, counterclaim, cross-claim, or third party complaint.

# INSTRUCTIONS TO COMPLETE DISTRICT CIVIL (CV) CASE COVER SHEET JDF 601 FOR INITIAL PLEADING OF COMPLAINT, COUNTERCLAIM, CROSS- CLAIM, OR THIRD PARTY COMPLAINT, RULE 16.1 SIMPLIFIED PROCEDURE

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

- ◆ As of July 1, 2004, the JDF 601 case cover sheet is required by C.R.C.P. 16.1 Simplified Procedure for all District Civil (CV) actions filed on or after that date. This cover sheet must be filed with the complaint and any counterclaim, cross-claim, or third party complaint.
- ◆ If you fail to file a Case Cover Sheet with such a pleading, you will be notified by the Court that you need to file a Case Cover Sheet and must then do so within the time stated by the Court, or the Court may impose sanctions, including striking this pleading.
- ◆ 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](http://www.courts.state.co.us/Administration/HR/ADA/Coordinator_List.cfm)

## STEPS TO COMPLETE CIVIL CASE COVER SHEET

### Step 1: Complete Caption.

- ☐ Identify the name of the county and court address where you plan to file your papers.
- ☐ Identify the name of the Plaintiff(s) and Defendant(s). If you have multiple Plaintiffs or Defendants, list only the first Plaintiff or Defendant.
- ☐ Complete the identifying information for the party or attorney completing the Case Cover Sheet.
- ☐ Once you file your papers, the Court will assign a case number and division and will indicate such on the Case Cover Sheet.
- ☐ If a case number has already been assigned, you must still complete the Case Cover Sheet and insert the case number.

### Step 2: Complete Item 2.

- ☐ Check the applicable box if the Simplified Procedure **applies** to your case.  
or
- ☐ Check the applicable box if the Simplified Procedure **does not apply** to your case. If you have checked this box, **you must also check one of the three boxes** within this section to identify why the Simplified Procedure does not apply. The three options are identified below:
  - ☐ Some civil actions are automatically excluded and are not subject to C.R.C.P. 16.1. If you are filing a class action, domestic relations case, juvenile case, mental health case, probate case, a water law proceeding subject to sections 37-92-302 to 37-92-305, C.R.S., forcible entry and detainer, Rule 106 or 120, petition to seal criminal record, distraint warrant, county court or municipal appeal, or a writ of habeas corpus civil action your case is not subject to the simplified procedure.  
or
  - ☐ Simplified Procedures does not apply if you are seeking a monetary judgment for more than \$100,000.00 against any other party, including attorney fees, penalties or punitive damages, but excluding interest and costs, as well as the value of any equitable relief sought.  
or

- ☐ Simplified Procedures does not apply if another party has previously indicated in a Civil Case Cover Sheet that the Simplified Procedure under C.R.C.P. 16.1 does not apply to your case.

**Step 3: Complete Item 3. (Optional)**

- ☐ You can request a jury trial and pay the requisite fee at this time. If you check this box, your filing fee must include the jury demand fee. Please refer to C.R.C.P. 38 for your right to request a jury trial and waiving the right to a jury trial.
- ☐ If you are making a jury demand pursuant to §38-1-106, C.R.S., a jury demand fee is not required for a jury of six freeholders. However, if you are requesting a jury of freeholders in excess of six (including alternates) an advance deposit of \$50.00 per extra juror for one day of service is required. For example, if you demand a jury of 12, an advance deposit of \$300.00 (\$50.00 x 6) is required.

**Step 4: Sign and Date Civil Case Cover Sheet.**

- ☐ The party or the Attorney, if applicable, must date and sign the Civil Case Cover Sheet.

**Amended and Adopted by the Court, En Banc, January 6, 2022. Effective March 1, 2022 for Rules 16, 16.1, 30, 45, and Forms 601 and 603. Effective immediately for Forms 26, 29, 32, 33, 47, and 250.**

**By the Court:**

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