

Rule Change #2002(12)

CHAPTER 25
THE COLORADO
RULES OF COUNTY COURT
CIVIL PROCEDURE

Rule 402. Attachments

(a) - (m) (NO CHANGE).

(n) When Suit Transferred to District Court.

(1) Indivisible Property Over \$~~150~~,000.00. Whenever in any attachment proceedings in the county court it is determined by the court that the ownership of indivisible property of the value of more than \$~~150~~,000.00 is in issue, the county court shall suspend all proceedings in the entire action and certify the same, including a transcript of any judgment which may have been rendered, and transmit all papers therein to the district court of the same county, and the entire actions shall thereupon proceed as if originally instituted in the said district court, and any judgment so certified shall be entered in the judgment docket of the district court and when so entered shall have the same force and effect as if rendered originally by such district court; provided, however, that the judgment of the district court may be reviewed by the Supreme Court on writ of certiorari.

(2) Intervenor or Attachment Creditor. Whenever the original suit in which a writ of attachment shall be issued and served shall be begun in the county court of any county in this state, and the claim of an attaching creditor therein, as hereinbefore provided, shall exceed the sum of \$~~150~~,000.00 exclusive of costs, it shall be the duty of such court to forthwith certify such case and transmit all papers issued or filed therein the district court of such county, and thereafter the case shall proceed in the same manner as if it had been originally begun in such district court.

(o) - (z) (NO CHANGE).

Rule 404. Replevin

(a) Personal Property. The plaintiff in an action in the county court to recover the possession of personal property, the value of which does not exceed ~~ten~~fifteen thousand dollars, may, at the time of the commencement of the action, or at any time before trial, claim the delivery of such property to the plaintiff as provided in this Rule.

(b) - (p) (NO CHANGE).

Amended and adopted by the Court En Banc October 10, 2002, effective January 1, 2003.

BY THE COURT:

**Nancy E. Rice
Justice, Colorado Supreme Court**