

Rule 3.1 Commencement of Actions in Forcible Entry and Detainer Cases

(a) How Commenced. An action filed under Article 40 of Title 13 of the Colorado Revised Statutes is commenced by filing with the court a complaint consisting of a statement of claim setting forth briefly the facts and circumstances giving rise to the action in the manner and form provided in section 13-40-110, C.R.S.

(b) Time of Jurisdiction. The court shall have jurisdiction from the filing of the complaint.

Rule 4. Process

(a) **To What Applicable.** This Rule applies to all process except as otherwise provided by these rules.

(b) **Issuance of Summons by Attorney or Clerk.**

- (1) The summons may be signed and issued by the clerk, under the seal of the court, or it may be signed and issued by the attorney for the plaintiff. Separate additional or amended summons may issue against any defendant at any time. All other process shall be issued by the clerk, except as otherwise provided in these rules.
- (2) In forcible entry and detainer actions where a plaintiff is represented by an attorney, the summons must be signed and issued by the attorney.

(c) **Contents of Summons.**

- (1) The summons shall contain the name of the court, the county in which the action is brought, the names or designation of the parties, shall be directed to the defendant, shall state the time within which the defendant is required to appear and defend against the claims of the complaint, and shall notify the defendant that in case of the defendant's failure to do so, judgment by default may be rendered against the defendant. If the summons is served by publication, the summons shall briefly state the sum of money or other relief demanded. The summons shall contain the name, address, and registration number of the plaintiff's attorney, if any, and if none, the address of the plaintiff. Except in case of service by publication under Rule 4(g) or when otherwise ordered by the court, the complaint shall be served with the summons. In any case, where by special order personal service of summons is allowed without the complaint, a copy of the order shall be served with the summons.
- (2) In forcible entry and detainer cases, the summons shall also contain all language and information required by statute, and in addition to the completed Form JDF 101: Eviction Complaint, be accompanied by a blank copy of Form JDF 103: Eviction Answer, and a blank copy of Form JDF 108: Request for Documents in Eviction Cases. The Plaintiff may use, and the court shall accept, documents filed or served on different forms if those forms meet all of the requirements of section 13-40-110, C.R.S., section 13-40-111, C.R.S., and any other applicable statutes. Any summons issued pursuant to this subsection (c)(2) shall not be served on a defendant unless it includes the case number assigned by the court in the caption.

(d) to (m) [NO CHANGE]

COMMENT [NO CHANGE]

Rule 303.1 Commencement of Actions in Forcible Entry and Detainer Cases

(a) How Commenced. An action filed under Article 40 of Title 13 of the Colorado Revised Statutes is commenced by filing with the court a complaint consisting of a statement of claim setting forth briefly the facts and circumstances giving rise to the action in the manner and form provided in Section 13-40-110, C.R.S.

(b) Issuance of Summons. Upon the filing of a complaint as provided in section (a) of this Rule and the payment of the docket fee, the clerk shall docket the case and assign it a case number. A summons and amended summons may be issued by the clerk or an attorney of record against any defendant at any time after the case has been docketed, and when issued by an attorney, it must be filed with the court no later than 7 days in advance of the return date. All process shall be issued by the clerk except as otherwise provided by these rules. If a plaintiff is represented by an attorney, the summons must be signed and issued by the attorney. Any summons issued pursuant to this Rule shall not be served on a defendant unless it includes the case number assigned by the court in the caption.

(c) Time of Jurisdiction. The court shall have jurisdiction from the filing of the complaint.