

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.