

Chief Judge Directive 17-02
Regarding Original Documents

ORDER AND NOTICE REGARDING FILING OF ORIGINAL DOCUMENTS

The Eleventh Judicial District has implemented mandatory e-file for appropriate case types. This order contemplated that the entire district would be implementing paper on demand (POD).

The following guidelines shall apply to all cases filed in the 11th Judicial District (JD) whether in District or County Court as related to original documents.

1. Original documents are defined for purposes of these procedures as those documents that may be required to be filed by statute or rule such as wills (CRCP 121 1-26(7)), bonds (CRCP 121 1-23), promissory notes (CRCP 121 1-14), deeds, checks or other documents identified as "originals."
2. CRCP 121 1-26 Electronic Filing and Service System shall be followed for purposes of this process.
3. CRCP 121 1-26(13) provides that e-filing, as per the 11th JD Chief Judge Directive may be made mandatory.
4. CRCP 121 1-26(7) provides, "*A printed or printable copy of an E-Filed or E-Served document with original or scanned signatures shall be maintained by the filing party and made available for inspection by other parties or the court upon request, but shall not be filed with the court. When these rules require a party to maintain a document, the filer is required to maintain the document for a period of two years after the final resolution of the action, including the final resolution of all appeals.*"
5. CRCP 121 1-26(7) further provides, "*...For probate of a will, the original must be lodged with the court.*" So as to provide for a totally electronic file, the 11th JD implements the procedures below to comply with CRCP 121 1-26(7).
 - A. Once the original will is filed with the court, the Clerk of Court will scan and mark the document as follows: ORIGINAL (file date:_____). The Clerk of Court or Deputy Clerk shall scan and upload the documents to the proper electronic PR case. The original will shall be returned to the filing party with the notation that the filing party should maintain the document in the same manner prescribed in CRCP 121 1-26(7), noted above.
6. CRCP 121 1-14(f) provides, "*If the action is on a promissory note, the original note shall be presented to the court in order that the court may make a notation of the judgment on the face of the note. If the note is to be withdrawn, a photocopy shall be substituted.*" If a matter goes to default, the original promissory note shall be filed at the time the default is requested. The same procedure shall be used for the original promissory note at the time the court enters judgment in any matter other than in default. The Clerk of Court or Deputy Clerk shall mark the original promissory note with "In Judgment" on the face of the document, scan the document

and upload to the appropriate cases. The original as marked "In Judgment" shall be returned to the filing party or as may be ordered by the court.

7. Except as otherwise ordered, bonds filed as per CRCP 121 1-23, Bonds in Civil Actions, shall be handled in the same manner as any other document as per CRCP 121 1-26(7) except for sections 121 1-23(1)(b) and 2(a). Except documents filed as per 121 1-23(1)(b) and (2)(a), documents should be e-filed as per 121 1-26. If paper documents are filed they will be marked as originals, scanned, uploaded and returned. Documents filed as per CRCP 121 1-23(1)(b) and (2)(a), will be scanned and uploaded but the original filed in a single paper file and indexed by year (i.e. 2010CV02 Admin – Original Bonds) to assure access by staff as required. This paper file shall be kept in a secure location within court offices. The originals for all cases and those filed in accordance with CRCP 121 1-23(1)(b) and (2)(a) will be returned when the case is completed and or in accordance with court order.

In all e-file case types, it is the intent of the Eleventh Judicial District to eliminate paper and file such documents electronically to the greatest extent possible. Original documents that are filed that are not specifically covered by this procedure or CRCP 121 1-26, shall be filed in accordance with the POD first concept but as per court order to provide proper care for such documents and the record.

Done in Salida, Colorado this ___24_ day of _March_____, 2017.

BY THE COURT:

/S/ Patrick W. Murphy

Patrick W. Murphy, Chief Judge – 11th Judicial District