



How to File a County Civil Lawsuit (Money Demand)

Note! 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

- ◆ You may file in the County where the transaction occurred or the Defendant lives.
- ◆ The claim amount cannot exceed \$25,000.00.
- ◆ If you are the Defendant **do not disregard** the Complaint. A judgment could be entered against you, and the other party could start collection procedures.
- ◆ If you are the Plaintiff **do not disregard** an answer or counterclaim. A judgment could be entered against you, and the other party could start collection procedures.
- ◆ The Court cannot collect your judgment for you.
- ◆ Representation by an attorney may be required for Corporations, Limited Partnerships, Closely Held Entities, etc, please see §13-1-127, C.R.S.
- ◆ For additional information, please review the relevant Colorado Rules of Civil Procedure Chapter 25.
- ◆ 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

COMMON TERMS

- | | |
|---|---|
| <input checked="" type="checkbox"/> Plaintiff: | The person, persons, company or other entity filing a Complaint against another person, persons, company or other entity. |
| <input checked="" type="checkbox"/> Defendant: | The person, persons, company or other entity that the case is filed against. |
| <input checked="" type="checkbox"/> Complaint: | Document officially commencing the suit against a person or persons stating the amount claimed and the reason for the claim. |
| <input checked="" type="checkbox"/> Summons: | Document telling the Defendant when and where to appear and the other requirements the Defendant must perform. |
| <input checked="" type="checkbox"/> Answer: | Document filed by the Defendant to respond to the allegations in the complaint and to state any claims against the Plaintiff that the Defendant might have. |
| <input checked="" type="checkbox"/> Counterclaim: | A complaint filed by the Defendant against the Plaintiff. |
| <input checked="" type="checkbox"/> Service of Process: | The official means by which a Defendant is notified that a lawsuit has been filed against him/her and provided a copy of the complaint and a description of the person's rights and obligations as a party to the case. |
| <input checked="" type="checkbox"/> Default: | If the Defendant does not appear at the time of the hearing or file an answer, the Court may enter "default" or "failure to appear/answer" which entitles the Plaintiff to all relief asked for in the complaint. |
| <input checked="" type="checkbox"/> Return Date: | The date that the Defendant must file his/her answer by and/or appear in Court, which is listed on the Summons. |
| <input checked="" type="checkbox"/> May: | In legal terms, "may" is defined as "optional" or "can." |
| <input checked="" type="checkbox"/> Shall: | In legal terms, "shall" is defined as "required." |

If you do not understand this information, please contact an attorney.

FEES

Plaintiff, Petitioner

Claim Amount

Less than \$1,000
\$1,000 up to \$14,999.99
\$15,000 up to \$25,000

Filing Fee

\$85
\$105
\$135

Third Party Plaintiff Intervenor, Party filing answer with cross claim or counter claim

Claim Amount

Less than \$1,000
\$1,000 up to \$14,999.99
\$15,000 up to \$25,000

Filing Fee

\$84
\$104
\$134

Defendant, Respondent, Third Party Defendant Other party NOT filing cross claim or counterclaim

Claim Amount

Less than \$1,000
\$1,000 up to \$14,999.99
\$15,000 up to \$25,000

Filing Fee

\$80
\$100
\$130

If you are unable to pay, you must complete the Motion to File without Payment and Supporting Financial Affidavit (JDF 205) and submit it to the Court. Once you submit the completed JDF 205 form and a blank Order (JDF 206), the Court will decide if you need to pay the filing fee.

Other fees that a party to the case may encounter are as follows:

- | | |
|---|---|
| <input type="checkbox"/> Jury Demand Fee | \$ 98.00 |
| <input type="checkbox"/> Copies of Documents | \$ 0.25 per page or \$ 0.50 if double-sided |
| <input type="checkbox"/> Service Fees | Varies (Payable to Process Server) |
| <input type="checkbox"/> Certification Fee | \$ 20.00 |
| <input type="checkbox"/> Writ of Garnishment | \$ 45.00 |
| <input type="checkbox"/> Transcript of Judgment | \$ 25.00 |
| <input type="checkbox"/> Execution | \$ 45.00 |
| <input type="checkbox"/> Satisfaction of Judgment | \$ 20.00 |

FORMS

Visit <http://www.courts.state.co.us/Forms> for forms and resources

- | | |
|---------------------------------------|--|
| <input type="checkbox"/> CRCCP Form 1 | Summons |
| <input type="checkbox"/> CRCCP Form 2 | Complaint Under Simplified Civil Procedure |
| <input type="checkbox"/> CRCCP Form 3 | Answer Under Simplified Civil Procedure |
| <input type="checkbox"/> JDF 75 | Stipulation |
| <input type="checkbox"/> JDF 98 | Affidavit of Service |
| <input type="checkbox"/> JDF 106 | Order re: Stipulation |
| <input type="checkbox"/> JDF 107 A | Motion for Entry of Judgment |
| <input type="checkbox"/> JDF 107 B | Order for Entry of Judgment with Issuance of Interrogatories |

STEPS TO FILING YOUR CASE

Step 1: Complete appropriate forms.

- Complaint (CRCCP Form 2).**
 - Fill in all blanks on the Complaint form. You are the Plaintiff and the person(s), company, or other entity you are suing is the Defendant(s).
 - Complete all necessary information on the form. If you are filing against multiple Defendants in the same action, list all of the Defendants. The Court will keep the original.

- Summons (CRCCP Form 1) and Answer Under Simplified Civil Procedure (CRCCP Form 3).**
 - Complete the caption only on the Summons and Answer forms. This is all of the information in the box below, except for the Case Number, Division and Courtroom. The Court will provide this information when you file your case.

Step 2: You are ready to file your Documents with the Court.

- Provide the Court with two copies of the documents completed as described in Step 1 above.
- Pay the filing fee.

Step 3: When the case is filed, the Clerk will set your case for a Court date.

This Court date is the date you will return to Court for a trial setting, agreement or judgment entered in your favor.

- The Clerk will complete the appropriate fields on the Summons (CRCCP Form 1) with the Court location name, address, date, and time.
- The Court date will be made returnable no less than 14 days nor more than 63 days from the date of issuance.
- You will be given a copy of the summons to serve the Defendant(s).

Step 4: You are ready to have the Defendant(s) served.

You are responsible for paying the service fees, if any. Personal service must be made by someone who is 18 years or older and not a party to the action. Service must be completed at least 14 days before the appearance/answer date. Complete the following process based on the type of service selected:

Personal Service:

- Select either the Sheriff's Department, a private process server, or someone you know who is 18 years or older and not a party to the action and who knows the rules of service to serve each Defendant. There is a service fee that is payable to the Sheriff's Department or Private Process Server. The fee for service is usually awarded as part of your court costs if the court rules in your favor.
 - You can locate private process servers in the yellow pages under Process Servers.
 - Provide the process server with an Affidavit of Service (JDF 98) for each Defendant.
 - The process server will return the original Summons to you with the Affidavit of Service completed.
 - Each Defendant must be served.

Service by Mail or Publication:

- Service by mail or publication shall be allowed **only** upon approval by the Court.

Step 5: Service is complete.

Return the original Summons (CRCCP Form 1) with proof of service (Affidavit of Service JDF 98) to the Clerk on or before the date you are to appear in Court.

DEFENDANT FILES AN ANSWER AND/OR COUNTERCLAIM

A Defendant can file with the Court an Answer (CRCCP Form 3) in writing stating their defense(s), and if applicable, a counterclaim and any allegations with regard to the Plaintiff.

- The purpose of the answer is for the Defendant to respond to the allegations in the complaint and to state any claims against the Plaintiff that the Defendant might have.
- The Answer and/or Counterclaim can be filed at or before the time specified for the Court appearance on the Summons.
- The Defendant may also request a trial by jury if the jury demand fee is paid, along with the answer or counterclaim fee. All fees paid are non-refundable.

COURT DATE

Appear on your Court date. If you fail to appear, your case may be dismissed.

- It is important that you are on time or early for your Court Hearing and that you have all of your information with you.
- Please turn off your cell phone and respect all parties in the courtroom.
- You may be asked to speak to the other party before the Court Hearing to determine if the claim can be settled to avoid going to trial.

POSSIBLE OUTCOMES FROM YOUR COURT HEARING

- If the Plaintiff and Defendant appear, then one of the following situations may occur:
 1. The Plaintiff and the Defendant can agree to talk and work out certain agreeable conditions that could include the payment of the claim, a payment plan, etc. **This is called a Stipulation.** The Stipulation form (JDF 75) may be purchased from the clerk's office or you may bring one with you to Court.
 - If a stipulation is reached, an Order re: Stipulation (JDF 106) must be filed with the Court with the Stipulation. Complete the caption only on the form. The Court will complete the remaining sections on the form and give you a signed copy.
 2. The Defendant can file an answer contesting the claim of the Plaintiff any time after being served, up to and including the first court date/return date. The purpose of the answer is for the Defendant to respond to the allegations in the complaint and to state any claims against the Plaintiff that the Defendant might have. The Defendant may file an answer on the court date as an opportunity to discuss the issues with the Plaintiff or his/her attorney in the courtroom before the case proceeds. All filing fees paid are non-refundable and must be paid when filing the answer or counterclaim.
 3. The Plaintiff can continue the return date if the Plaintiff feels that further discussion with the Defendant is necessary or if the Defendant is given another opportunity to fulfill a pre-arranged agreement.
 4. A Court or Jury Trial can be requested and set for a future date.
- If the Plaintiff appears and the Defendant does not Appear, and an answer or counterclaim was not filed, and Steps 1 – 5 have been completed properly, then:**
 1. Complete the Motion for Entry of Judgment (JDF 107 A).
 2. Complete the caption only on the Order for Entry of Judgment (JDF 107 B). The Court will complete the remaining sections on the form and give you a signed copy.
 3. The Court may award monetary judgment to the Plaintiff(s).
- If the Defendant appears and the Plaintiff does not appear.**
 1. If a counterclaim has been filed and personally served to the Plaintiff, the Court may award judgment to the Defendant.
 2. If no counterclaim has been filed, the Court may dismiss the case.

JUDGMENT INFORMATION

The Court cannot collect your judgment for you but can give you information regarding the necessary forms.

- If you obtained personal service on the Plaintiff or Defendant, the Motion for Entry of Judgment (JDF 104) may include the principal amount you are requesting plus costs. The Motion also asks for court costs and the process fee for service of the Summons.

Additional collection information entitled "Instructions for Collecting a Judgment and Completing a Writ of Garnishment" (JDF 82) is available on the state judicial website, www.courts.state.co.us/. Select the "Forms" tab, then select County Civil or District Civil and then select Garnishments.

County Court _____ County, Colorado Court Address: _____	▲ COURT USE ONLY ▲
Plaintiff(s): v. Defendant(s):	
Attorney or Party Without Attorney (Name and Address):	Case Number:
Phone Number: E-mail: FAX Number: Atty. Reg. #:	Division Courtroom
SUMMONS	

To the abovenamed Defendant(s): Take notice that

1. On _____ (date) at _____(time) in the _____ County Court, _____, Colorado, if an answer is not filed, the Court may be asked to enter judgment against you as set forth in the Complaint.
 2. A copy of the Complaint against you and an answer form which you must use if you file an answer are attached.
 3. If you do not agree with the complaint, then you must either:
 - a. Go to the Court, located at _____, Colorado, at the above date and time and file the answer stating any legal reason you have why judgment should not be entered against you,
 - OR**
 - b. File the answer with the Court before that date and time.
 4. When you file your answer, you must pay a filing fee to the Clerk of the Court.
 5. If you file an answer, you must give or mail a copy to the Plaintiff(s) or the attorney who signed the complaint.
 6. If you do not file an answer, then the Court may enter a default judgment against you for the relief requested in the complaint.
 7. If you want a jury trial, you must ask for one in the answer and pay a jury fee in addition to the filing fee.
 8. If you want to file an answer or request for a jury trial and you are indigent, you must appear at the above date and time, fill out a financial affidavit, and ask the Court to waive the fee.
- 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.

Dated at _____, Colorado, this _____ day of _____, 20 _____.

by _____
Deputy Clerk of Court
CLERK OF COURT

Signature of Attorney for Plaintiff(s) (if applicable)

Address(es) of Plaintiff(s)

Telephone Number(s) of Plaintiff(s):

This Summons is issued pursuant to Rule 303, Rules of County Court Civil Procedure, as amended. A copy of the Complaint together with a blank answer form must be served with this Summons. This form should not be used where service by publication is desired.

To the clerk: If this Summons is issued by the Clerk of the Court, the signature block for the clerk, deputy and the seal of the Court should be provided by stamp, or typewriter, in the space to the left of the attorney's name.

WARNING: ALL FEES ARE NON-REFUNDABLE. IN SOME CASES, A REQUEST FOR A JURY TRIAL MAY BE DENIED PURSUANT TO LAW EVEN THOUGH A JURY FEE HAS BEEN PAID.

County Court _____ County, Colorado Court Address: _____ <hr/> Plaintiff(s): v. Defendant(s):	▲ COURT USE ONLY ▲
Attorney or Party Without Attorney (Name and Address): <hr/> Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____	Case Number: _____ Division _____ Courtroom _____
COMPLAINT UNDER SIMPLIFIED CIVIL PROCEDURE	

1. _____, defendant(s), is (are) resident(s) of _____ County, with a post office address of _____ Street, City _____, State of _____.

2. The amount claimed herein does not exceed the jurisdiction of the court.

OR

3. The amount claimed from _____, defendant(s), is/are _____ dollars and _____ cents (\$ _____), together with proper interest, costs and any other items allocable by statute or specific agreement.

4. Such claim arises from the following event(s) or transaction(s):

The Defendant(s) is (are) is not (are not) in the military service of the United States. In support of this statement, the Plaintiff(s) set(s) forth the following facts: (State facts concerning military status of the Defendant(s), if the military status of the Defendant(s) is (are) not known, so state here.)

5. The Plaintiff(s) does (do) does (do) not demand trial by jury (if demand is made, a jury fee must be paid).
 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.

WARNING: ALL FEES ARE NON-REFUNDABLE. IN SOME CASES, A REQUEST FOR A JURY TRIAL MAY BE DENIED PURSUANT TO LAW EVEN THOUGH A JURY FEE HAS BEEN PAID.

Note: All Plaintiffs filing this complaint must sign, unless the complaint is signed by an attorney.

 Signature of Plaintiff(s)

 Signature of Attorney for Plaintiff(s) (if applicable)

 Address(es) of Plaintiff(s)

 Telephone Number(s) of Plaintiff(s)

JDF 98	Affidavit of Service	
1. Court <input type="checkbox"/> District <input type="checkbox"/> County <input type="checkbox"/> Probate <input type="checkbox"/> Juvenile Colorado County: _____ Mailing Address: _____	<i>This box is for court use only.</i>	
2. Parties to the Case Plaintiff / Petitioner: _____ v. Defendant / Respondent: _____		
3. Filed by Name: _____ Mailing Address: _____ City: _____ St: _____ Zip: _____ Phone: _____ Email: _____	4. Case Details Number: _____ Division: _____ Courtroom: _____	

5. My Information

If checked, I am at least 18 years old and not a party to the action.

6. Documents Served

I served these documents: *(Check all that apply)*

- Petition/Complaint. Summons. Case Cover Sheet
- Blank Answer form. Blank Fee Waiver forms. Eviction Information.
- Other Documents: *(please identify)* _____

7. Where and When Served

I served the documents above on *(name of party)* _____

In County: _____ State: _____

On: *(date)* _____, at *(time)* _____

At the following location: _____

8. How Served

I delivered the documents by: *(check one)*

a) To the Party

- By handing them to *(print name)* _____, a person identified to me as the Defendant or Respondent.
- By identifying and offering the documents to the Defendant/Respondent, but they refused service. I left the documents in a conspicuous place.

b) At Home

- By leaving them with *(print name)* _____, at the Defendant/Respondent's home *(usual abode)*, who is at least 18-years old and is the Defendant/Respondent's: *(enter family relationship)* _____

c) At Work

- By leaving them with *(print name)* _____, at the Defendant/Respondent's work *(usual workplace)*.

They are the Defendant/Respondent's: *(Check one)*

- Secretary. Admin Assistant. Bookkeeper. Managing Agent.

- By leaving them with *(print name)* _____ who as *(enter title)* _____ is authorized by appointment or law to receive service of process for the Defendant/Respondent.

d) Other

- As otherwise allowed by Colorado Rules of Civil Procedure (C.R.C.P.) Rules 4(g) or 304(c)-(e). *(Explain):* _____

e) Personal Service Not Made

I attempted to serve the Plaintiff/Respondent on *(number)* _____ occasions but have not been able to complete personal service.

I made efforts, such as: _____

If checked, return to the Plaintiff/Petitioner is made on *(date)* _____

[Eviction Cases Only] Because, I haven't been able to complete service, I posted a copy of the documents in a conspicuous at the rental property's address stated in the Complaint on *(date)* _____

The documents were also sent by first class mail on *(date)* _____

Note: Mailing date must be within one day of filing the complaint.

9. Service Fees

I am a:

Private process server. Sheriff for *(enter county)* _____

I charged the following fees:

Base Fee \$ _____ Mileage \$ _____

10. Verified Signature

I declare under penalty of perjury under the law of Colorado that the foregoing is true and correct.

Executed on the *(date)* _____ day of *(month)* _____, *(year)* _____

at City: *(or other location)* _____

and State: *(or country)* _____

Print Your Name: _____

Your Signature: _____

County Court _____ County, Colorado Court Address: _____ <hr/> Plaintiff(s): v. Defendant(s):	▲ COURT USE ONLY ▲
Attorney or Party Without Attorney (Name and Address): Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____	Case Number: _____ Division _____ Courtroom _____
ANSWER UNDER SIMPLIFIED CIVIL PROCEDURE (including counterclaim(s) and/or cross claim(s))	

The Defendant(s) _____ (name), answer(s) the complaint as follows:

1. The amount of damages claimed to be due to the Plaintiff(s) by the complaint in this action is not due and owing for the following reasons:

OR

the Plaintiff(s) is/are not entitled to possession of the property and Defendant(s) is/are entitled to retain possession for the following reasons:

OR

the injunctive relief requested by the Plaintiff(s) should not be allowed for the following reasons:

2. (If applicable) the Defendant(s), _____, assert(s) the following counterclaim(s) or setoff(s) against the Plaintiff(s)

3. (If applicable) the Defendant(s) _____, assert(s) the following cross claim(s) against _____, named Defendant(s) (you are limited to the jurisdiction of the court):

4. If a counterclaim is asserted above, you must check one of the following statements:

- The amount of the counterclaim **does not** exceed the jurisdiction of the court (County Court filing fee required).
- The amount of the counterclaim **does** exceed the jurisdiction of the court, but I wish to limit my recovery to the jurisdiction of the court (County Court filing fee required).
- The amount of the counterclaim **does** exceed the jurisdiction of the court, and I wish the case transferred to the District Court (District Court filing fee required)

5. The Defendant(s):

- Request(s) a trial to the court.
- Request(s) a jury trial. By requesting a jury trial, the Defendant(s) understand(s) that a jury fee must be paid unless the fee is waived by the Court.

WARNING: ALL FEES ARE NON-REFUNDABLE. IN SOME CASES, A REQUEST FOR A JURY TRIAL MAY BE DENIED PURSUANT TO LAW EVEN THOUGH A JURY FEE HAS BEEN PAID.

Note: All Defendants filing this answer must sign unless the answer is signed by an attorney.

VERIFICATION

I declare under penalty of perjury under the law of Colorado that the foregoing is true and correct.

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

(Printed name of Defendant(s))

Signature of Defendant(s)

Signature of Attorney for Defendant(s) (if applicable)

Address(es) of Defendant(s): _____

Phone Number(s) of Defendant(s): _____

CERTIFICATE OF SERVICE

I certify that on _____ (date) a true and accurate copy of this *ANSWER UNDER SIMPLIFIED CIVIL PROCEDURE* was served on _____ the other party(s) or attorney(s) by:

Hand Delivery E-filed Faxed to this number _____ or by placing it in the United States mail, postage pre-paid, and addressed to the following:

Defendant(s) or Attorney for Defendant(s) Signature