

## INSTRUCTIONS FOR REVIVING A JUDGMENT

**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

- ◆ Give yourself plenty of time to file and serve the documents. You must file and serve the documents in advance of the expiration date of the judgment, as the Court must rule on the revival at least one day prior to the expiration date.
  - ◆ A judgment in County Court expires and is unenforceable six years from the date of judgment.
  - ◆ A judgment in District Court expires and is unenforceable 20 years from the date of judgment.
- ◆ A judgment may be revived against any one or more judgment debtors whether they are jointly or severally liable under the judgment.
- ◆ Separate forms may need to be filed to identify the unsatisfied judgment amount for each judgment debtor.
- ◆ Once the Motion for Revival of Judgment is filed, the Court will issue a Notice to Show Cause for Revival of Judgment. The Judgment Debtor is allowed 14 days from the date of service of the Notice to respond in writing why the judgment amount that remains unsatisfied should not be revived.
- ◆ The revived judgment may be enforced and made a lien in the same manner and for like period as the original judgment.
- ◆ For additional information, please review the relevant Colorado Rules of Civil Procedure Rule 54(h) and Colorado Rules of County Court Procedure Rule 354(h).
- ◆ 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](http://www.courts.state.co.us/Administration/HR/ADA/Coordinator_List.cfm)

### COMMON TERMS

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| <input checked="" type="checkbox"/> Motion:             | Document officially commences the reviving of a judgment process.  |
| <input checked="" type="checkbox"/> Plaintiff:          | The person, persons, company or other entity filing a case 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"/> Judgment Creditor   | The person, persons, company or other entity for whom the Court entered judgment for.  |
| <input checked="" type="checkbox"/> Judgment Debtor     | The person, persons, company or other entity against whom the Court entered judgment   |
| <input checked="" type="checkbox"/> Service of Process: | The official means by which a Defendant is notified that the Motion has been filed and provided a copy of the Notice and a description of the Judgment Debtor's rights and obligations as a party to the case. |
| <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**



## **Step 2: File Documents with the Court.**

- Be sure to provide self-addressed stamped envelopes with the documents you file with the Court.
- You will need to submit addressed stamped envelopes for both the Judgment Debtor and Judgment Creditor.
- Upon receipt of your Motion, the clerk will complete the Notice to Show Cause for Revival of Judgment (JDF 114).

## **Step 3: You are Ready to Have the Judgment Debtor 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 and who knows the rule of service. The Judgment Debtor, within 14 days from the date of service of the Notice to Show Cause, can respond why the judgment should not be revived. 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 Judgment Debtor. There is a service fee that is payable to the Sheriff's Department or Private Process Server.
  - You can locate private process servers in the yellow pages under Process Servers.
  - Provide the process server a copy of the Motion for Revival of Judgment (JDF 113), Notice to Show Cause (JDF 114) and an original Affidavit of Service (JDF 98) for each Judgment Debtor.
  - The process server will return the original Affidavit of Service completed.
  - Each Judgment Debtor must be served.

### **Service by Mail or Publication:**

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

## **Step 4: Service Complete.**

Provide the completed Affidavit of Service (JDF 98) to the Clerk upon receipt from the individual serving the Motion and Notice. Make sure that the case number is listed on the Affidavit of Service.

## **Step 5: Court Review.**

- The Court will review the Motion together with the Affidavit of Service (JDF 98) on the Judgment Debtor.
- Allow 14 days from the date of service for the Judgment Debtor to respond as to why the judgment should not be revived.
- Once that time period has passed the Court will then be able to rule on the Motion.
- A copy of the Order (JDF 125) will be sent to the Judgment Creditor and Judgment Debtor if you have provided addressed stamped envelopes.