

RULE CHANGE 2012(10)

COLORADO RULES OF CIVIL PROCEDURE

**Rule 4. Process; Rule 5. Service and Filing of Pleadings and Other Papers; Rule 121 –
Section 1-26;**

COLORADO RULES OF COUNTY COURT CIVIL PROCEDURE

Rule 304. Service of Process; Rule 305.5 Electronic Filing and Serving

Rule 4. Process

(a) through (d) [NO CHANGE].

(e) **Personal Service.** Personal service shall be as follows:

(1) Upon a natural person whose age is eighteen years or older by delivering a copy thereof to the person, or by leaving a copy thereof at the person's usual place of abode, with any person whose age is eighteen years or older and who is a member of the person's family, or at the person's usual workplace, with the person's **SUPERVISOR**, secretary, administrative assistant, bookkeeper, **HUMAN RESOURCES REPRESENTATIVE** or managing agent; or by delivering a copy to a person authorized by appointment or by law to receive service of process.

(2) and (3) [NO CHANGE]

(4) Upon any form of corporation, partnership, association, cooperative, limited liability company, limited partnership association, trust, organization, or other form of entity that is recognized under the laws of this state or of any other jurisdiction, (including any such organization, association or entity serving as an agent for service of process for itself or for another entity) by delivering a copy thereof to the registered agent for service as set forth in the most recently filed document in the records of the secretary of state of this state or of any other jurisdiction, or that agent's secretary or assistant, or one of the following:

(A) An officer of any form of entity having officers, **OR THAT OFFICER'S SECRETARY OR ASSISTANT;**

(B) A general partner of any form of partnership, **OR THAT GENERAL PARTNER'S SECRETARY OR ASSISTANT;**

(C) A manager of a limited liability company or limited partnership association in which management is vested in managers rather than members, **OR THAT MANAGER'S SECRETARY OR ASSISTANT;**

(D) A member of a limited liability company or limited partnership association in which management is vested in the members or in which management is vested in managers and there are no managers, OR THAT MEMBER'S SECRETARY OR ASSISTANT;

(E) A trustee of a trust, OR THAT TRUSTEE'S SECRETARY OR ASSISTANT;

(F) The functional equivalent of any person described in paragraphs (A) through (E) of this subsection (4), regardless of such person's title, under:

(I) the articles of incorporation, articles of organization, certificate of limited partnership, articles of association, statement of registration, or other documents of similar import duly filed or recorded by which the entity or any or all of its owners obtains status as an entity or the attribute of limited liability, or

(II) the law pursuant to which the entity is formed or which governs the operation of the entity;

(G) If no person listed in subsection (4) of this rule can be found in this state, upon any person serving as a shareholder, member, partner, or other person having an ownership or similar interest in, or any director, agent, or principal employee of such entity, who can be found in this state, or service as otherwise provided by law.

(5) through (12) and (f) through (k) [NO CHANGE]

Rule 5. Service and Filing of Pleadings and Other Papers

(a) [NO CHANGE]

(b) Making Service. (1) Service under C.R.C.P. 5(a) on a party represented by an attorney is made upon the attorney unless the court orders personal service upon the party. A resident attorney, on whom pleadings and other papers may be served, shall be associated as attorney of record with any out-of-state attorney practicing in any courts of this state. (2) Service under C.R.C.P. 5(a) is made by:

(A) through (C) [NO CHANGE]

(D) Delivering a copy by any other means, including E-Service, other electronic means or a designated overnight courier, consented to in writing by the person served. Designation of a facsimile phone number OR AN EMAIL ADDRESS in the pleadings-FILING effects consent in writing for such delivery. Parties who have subscribed to E-Filing, pursuant to C.R.C.P. 121 Section 1-26 § 1.(d), have agreed to receive E-Service. Service by other electronic means is complete on transmission; service by other consented means is complete when the person making service delivers the copy to the agency designated to make delivery. Service by other electronic means or overnight courier under C.R.C.P. 5(b)(2)(D) is not effective if the party making service learns that the attempted service did not reach the person to be served.

(c) through (f) [NO CHANGE]

**Rule 121. Local Rules – Statewide Practice Standards
Section 1-26
ELECTRONIC FILING AND SERVICE SYSTEM**

1. Definitions:

(a) through (e) [NO CHANGE]

(f) ~~**SIGNATURES: S/ Name:** A symbol representing the signature of the person whose name follows the “S/” on the electronically or otherwise signed form of the E Filed or E Served document.~~

(I) ELECTRONIC SIGNATURE: AN ELECTRONIC SOUND, SYMBOL, OR PROCESS ATTACHED TO OR LOGICALLY ASSOCIATED WITH AN ELECTRONIC RECORD AND EXECUTED OR ADOPTED BY THE PERSON WITH THE INTENT TO SIGN THE E-FILED OR E-SERVED DOCUMENT.

(II) SCANNED SIGNATURE: A GRAPHIC IMAGE OF A HANDWRITTEN SIGNATURE.

2. through 3. [NO CHANGE]

4. Commencement of Action--Service of Summons: Cases may be commenced under C.R.C.P. 3 by E-Filing the initial pleading. Service of a summons shall be made in accordance with C.R.C.P. 4. THE SERVING PARTY OR THE PARTY’S ATTORNEY SHALL ENTER INTO THE E-SYSTEM THE BEST KNOWN ADDRESS FOR EACH SERVED PARTY AS THAT PARTY IS SERVED.

5. [NO CHANGE]

6. E-Service - When Required - Date and Time of Service: Documents submitted to the court through E-Filing shall be served under C.R.C.P. 5 by E-Service. PARTIES SHALL KEEP THEIR ADDRESS AND CONTACT INFORMATION UPDATED IN THE E-SYSTEM. A FILING PARTY SHALL ENTER OR CONFIRM THE SERVED PARTY’S LAST KNOWN ADDRESS IN THE E-SYSTEM. A document transmitted to the E-System Provider for service by 11:59 p.m. Colorado time shall be deemed to have been served on that date. ~~E-Service shall entitle the party being served an additional 3 days as provided by C.R.C.P. 6(e).~~

**7. Filing Party to Maintain the Signed Copy - Paper Document Not to Be Filed-
Duration of Maintaining of Document:** A printed or printable copy of an E-Filed or E-Served document with original, ELECTRONIC, 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. FOR DOMESTIC RELATIONS DECREES, SEPARATION AGREEMENTS AND PARENTING PLANS, ORIGINAL SIGNATURE PAGES BEARING THE ATTORNEYS, PARTIES', AND NOTARIES' SIGNATURES MUST BE SCANNED AND E-FILED. FOR PROBATE OF A WILL, THE ORIGINAL MUST BE LODGED WITH THE COURT.

8. Documents Requiring E-Filed Signatures: ~~For domestic relations decrees, separation agreements and parenting plans, original signature pages bearing the attorneys', parties', and notaries' signatures must be scanned and E-filed.~~ For all other E-Filed and E-Served documents, signatures of attorneys, parties, witnesses, notaries and notary stamps may be in ~~S/Name~~ AFFIXED ELECTRONICALLY OR DOCUMENTS WITH SIGNATURES OBTAINED ON A PAPER FORM SCANNED. ~~typed form to satisfy signature requirements, once the necessary signatures have been obtained on a paper form of the document. For probate of a will, the original must be lodged with the court.~~

9. C.R.C.P. 11 Compliance: ~~Use of the E-System by an attorney constitutes compliance with the signature requirement of C.R.C.P. 11. An attorney using the E-System shall be subject to all other requirements of Rule 11.~~ AN E-SIGNATURE IS A SIGNATURE FOR THE PURPOSES OF C.R.C.P. 11.

10. through 14. [NO CHANGE]

15. Form of Electronic Documents

(a) **Electronic document format, size and density.** Electronic document format, size, and density shall be as specified by Chief Justice Directive # ~~05-02-11-01, as amended.~~

(b) and (c) [NO CHANGE]

COLORADO RULES OF COUNTY COURT CIVIL PROCEDURE

Rule 304. Service of Process

(a) through (c) [NO CHANGE].

(d) **Personal Service.** Personal service shall be as follows:

(1) Upon a natural person whose age is eighteen years or older by delivering a copy thereof to the person, or by leaving a copy thereof at the person's usual place of abode, with any person whose age is eighteen years or older and who is a member of the person's family, or at the person's usual workplace, with the person's SUPERVISOR, secretary, administrative assistant, bookkeeper, HUMAN RESOURCES REPRESENTATIVE, managing agent; or by delivering a copy to a person authorized by appointment or by law to receive service of process.

(2) and (3) [NO CHANGE]

(4) Upon any form of corporation, partnership, association, cooperative, limited liability company, limited partnership association, trust, organization, or other form of entity that is recognized under the laws of this state or of any other jurisdiction, (including any such organization, association or entity serving as an agent for service of process for itself or for another entity) by delivering a copy thereof to the registered agent for service as set forth in the most recently filed document in the records of the secretary of state of this state or OF any other jurisdiction, OR THAT AGENT'S SECRETARY OR ASSISTANT, or one of the following:

(A) An officer of any form of entity having officers, OR THAT OFFICER'S SECRETARY OR ASSISTANT;

(B) A general partner of any form of partnership, OR THAT GENERAL PARTNER'S SECRETARY OR ASSISTANT;

(C) A manager of a limited liability company or limited partnership association in which management is vested in managers rather than members, OR THAT MANAGER'S SECRETARY OR ASSISTANT;

(D) A member of a limited liability company or limited partnership association in which management is vested in the members or in which management is vested in managers and there are no managers, OR THAT MEMBER'S SECRETARY OR ASSISTANT;

(E) A trustee of a trust, OR THAT TRUSTEE'S SECRETARY OR ASSISTANT;

(F) The functional equivalent of any person described in paragraphs (A) through (E) of this subsection (4), regardless of such person's title, under:

(I) the articles of incorporation, articles of organization, certificate of limited partnership, articles of association, statement of registration, or other documents of similar import duly filed or recorded by which the entity or any or all of its owners obtains status as an entity or the attribute of limited liability, or

(II) the law pursuant to which the entity is formed or which governs the operation of the entity;

(G) If no person listed in subsection (4) of this rule can be found in this state, upon any person serving as a shareholder, member, partner, or other person having an ownership or similar interest in, or any director, agent, or principal employee of such entity, who can be found in this state, or service as otherwise provided by law.

(5) through (12) and (e) through (j) [NO CHANGE]

Rule 305.5 Electronic Filing and Serving

(a) **Definitions:**

(1) Through (5) [NO CHANGE]

(6) ~~S/Name~~ **SIGNATURES:** ~~A symbol representing the signature of the person whose name follows the "S/" on the electronically or otherwise signed form of the E-Filed or E-Served document.~~

- I. ELECTRONIC SIGNATURE: AN ELECTRONIC SOUND, SYMBOL, OR PROCESS ATTACHED TO OR LOGICALLY ASSOCIATED WITH AN ELECTRONIC RECORD AND EXECUTED OR ADOPTED BY THE PERSON WITH THE INTENT TO SIGN THE E-FILED OR E-SERVED DOCUMENT.
- II. SCANNED SIGNATURE: A GRAPHIC IMAGE OF A HANDWRITTEN SIGNATURE.

(b) **Types of Cases Applicable:** E-Filing and E-Service may be used for all cases filed in county court as the service becomes available. The availability of the E-System will be determined by the Colorado Supreme Court and announced through its website: <http://www.courts.state.co.us/supct.htm> and through published directives. E-Filing and E-Service may be mandated pursuant to Section (o) of this Rule 305.5.

(c) [NO CHANGE]

(d) **Commencement of Action-Service of Summons:** Cases may be commenced under C.R.C.P. 303 through an E-Filing. Cases commenced under C.R.C.P. 303 through an E-Filing must be E-Filed to the court no later than ~~five (5)~~ **SEVEN (7)** ~~business~~ days before the set return date, if any. Service of a summons shall be made in accordance with C.R.C.P. 304

(e) [NO CHANGE]

(f) **E-Service - When Required - Date and Time of Service:** Documents submitted to the court through E-Filing shall be served under C.R.C.P. 5 by E-Service. **PARTIES SHALL KEEP THEIR ADDRESS AND CONTACT INFORMATION UPDATED IN THE E-SYSTEM. A FILING PARTY SHALL ENTER OR CONFIRM THE SERVED PARTY'S LAST KNOWN ADDRESS IN THE E-SYSTEM.** A document transmitted to the E-System Provider for service by 11:59 p.m. Colorado time shall be deemed to have been served on that date. ~~E-Service shall entitle the party being served an additional three (3) days as provided by C.R.C.P. 306(e).~~

(g) **Filing Party To Maintain the Signed Copy, Paper Document Not To Be Filed, Duration of Maintaining of Document:** A printed or printable copy of an E-Filed or E-Served document with original, **ELECTRONIC**, 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.

(h) Default Judgments and Original Documents:

(1) and (2) [NO CHANGE]

(3) When the return of service is required for entry of default, the return of service may be scanned and E-Filed. In accordance with paragraph (i) of this Rule, signatures of attorneys, parties, witnesses, notaries and notary stamps may be ~~in S/ name typed form~~ **ELECTRONICALLY AFFIXED OR DOCUMENTS WITH SIGNATURES OBTAINED ON A PAPER FORM MAY BE SCANNED INTO THE SYSTEM** to satisfy signature requirements; ~~once the necessary signatures have been obtained on a paper form of the return of service.~~

(i) Documents Requiring E-Filed Signatures: E-Filed and E-Served documents, signatures of attorneys, parties, witnesses, notaries and notary stamps may be **ELECTRONICALLY AFFIXED OR DOCUMENTS WITH SIGNATURES OBTAINED ON A PAPER FORM MAY BE SCANNED INTO THE SYSTEM**~~in S/ name typed form~~ to satisfy signature requirements; ~~once the necessary signatures have been obtained on a paper form of the document. It is preferable that such documents be scanned into the system.~~

(j) through (m) [NO CHANGE]

(n) REPEALED. ~~Section 13-1-113, C.R.S. Compliance:~~ ~~Use of an electronic seal by the clerk of the court or public officer for E-Filing shall be the same as impressing a seal as required by Section 13-1-113, C.R.S.~~

(o) through (p) [NO CHANGE]

(q) Form of Electronic Documents

(1) Electronic Document Format, Size, and Density: Electronic document format, size, and density shall be as specified by Chief Justice Directive # ~~05-02, 11-01 as amended.~~

(2) through (3) [NO CHANGE]

Amended and Adopted by the Court, En Banc, June 21, 2012 effective immediately.

By the Court:

**Nancy E. Rice
Justice, Colorado Supreme Court**