

S U P R E M E C O U R T O F C O L O R A D O

Office of the Chief Justice

PROCEDURES IN C.R.C.P. 120 PROCEEDINGS
WHEN NO RESPONSE HAS BEEN FILED

When no response has been filed to a motion for an order authorizing sale under the provisions of C.R.C.P. 120, the order of court authorizing sale should be entered routinely by the court, without requiring counsel for the moving party to be present, unless there are unusual circumstances which in the opinion of the court require the presence of counsel. In such case, counsel shall be notified by the court of the court's requirement and its reasons that counsel for the moving party be present. If counsel for the moving party is unable to be present, or the court's determination that counsel's presence is required is not made in sufficient time to notify counsel, the hearing shall be continued to a time certain when counsel is able to be present.

Nothing in this directive shall relieve the court of the necessity of determining whether there is a reasonable probability that a default or other circumstance has occurred, and whether an order authorizing sale is otherwise proper under the Soldiers' and Sailors' Civil Relief Act, as required by paragraph (d) of Rule 120.

Reenacted by Chief Justice Order, February 20, 1985