



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:

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|---|---|
| <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

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|---------------------------------------|--|
| <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.