

<b>JDF 141</b>	<b>Eviction Complaint and Affidavit</b> (Mobile Home)	
<b>1. Court</b> <input type="checkbox"/> District <input type="checkbox"/> County Colorado County: _____ Mailing Address: _____	<i>This box is for court use only.</i>	
<b>2. Parties to the Case</b> Park: <i>(plaintiff)</i> _____ v. Owner: <i>(defendant)</i> _____		
<b>3. Filed by</b> Name: _____ Mailing Address: _____ City: _____ St: _____ Zip: _____ Phone: _____ Email: _____	<b>4. Case Details</b> Number: _____ Division: _____ Courtroom: _____	

**5. Background**

I submit this complaint pursuant to C.R.S. § 13-40-110. I affirm the following facts as true:

**Note to Mobile Home Owner**

- a) Review the due dates on Page 1 of the Summons.
- b) Attend the “return date” meeting or file an Answer (*JDF 143*) by that date.
- c) Visit [[www.ColoradoJudicial.gov](http://www.ColoradoJudicial.gov)] for forms and resources.
- d) Create an account and submit forms online at [[www.jbits.courts.state.co.us/efiling](http://www.jbits.courts.state.co.us/efiling)].

**6. Park Information**

Do you need an interpreter?       No.       Yes, in *(language)* \_\_\_\_\_

I would like to attend court events:       In-person.       Remotely. *(by phone/video)*

If *different* from Section 3 above, my *(the Park’s)* contact information is:

Full Name: \_\_\_\_\_

Mailing Address: *(with city/state/zip)* \_\_\_\_\_

Phone: \_\_\_\_\_      Email: \_\_\_\_\_

If this ever changes, file *JDF 88 – Contact Information Change*.

**7. Description of Premises**

The Park owns the following space in a mobile home park:

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ County: \_\_\_\_\_ Zip: \_\_\_\_\_

Space Number/Location: \_\_\_\_\_

**8. Lease**

The Homeowner leased and occupied the space pursuant to a written lease.

*Attach a copy of the lease and label it "Attachment 1".*

Through this lease the Home Owner took possession and occupied the space.

**9. Grounds for Eviction**

I'm evicting the Home Owner because: *(check all claims that apply)*

**a) Unpaid Rent**

The Home Owner has failed to pay rent for the following dates: \_\_\_\_\_

At the time of filing, the Home Owner owes \$ \_\_\_\_\_ in past-due rent.

Rent continues to accrue at \$ \_\_\_\_\_ per day until the Park regains possession of the space.

The Home Owner was given notice of right to cure the noncompliance within 10 days from date of service or posting of the Demand for Compliance Notice of Nonpayment of Rent.

Ten days have passed, and the noncompliance has not been cured.

**b) Rule Violations** *(check all that apply)*

b1. Home Owner failed to comply with local ordinances, state laws, or state rules relating to mobile homes and lots. *See C.R.S. § 38-12-203(1)(a).*

First, identify the ordinance, law, or rule broken. Then specify the time, place and way the Home Owner failed to comply:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Home Owner was given notice of right to cure the noncompliance within 90 days from date of service or posting of the notice to terminate tenancy. Ninety days have passed, and the noncompliance has not been cured.

- b2. Home Owner failed to comply with the mobile park's written rules and regulations. See C.R.S. §§ 38-12-203(1)(c); 38-12-214.

Identify the rule or regulation broken. Then specify the time, place, and the way Home Owner failed to comply:

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The purpose of this rule is:

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This rule achieves its stated purpose because:

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Home Owner was given notice of right to cure the noncompliance within 90 days from date of service or posting of the notice to terminate tenancy. Ninety days have passed, and the noncompliance has not been cured.

- c) **Condemnation or Use Change**

The mobile home park is being condemned or its use is changing. See C.R.S. § 38-12-203(1)(d).

- d) **False Application**

Home Owner made or caused someone to make materially false or misleading statements on the Park's rental application. See C.R.S. § 38-12-203(1)(e).

- e) **Improper Conduct** (check all that apply)

The Home Owner or their lessee's conduct; or the conduct of the Home Owner or their guest, agent, invitee, or associate: See C.R.S. § 38-12-203(1)(f).

- e1. Occurred on the mobile home park premises and unreasonably endangered the life of the landlord, any home owner or lessee of the mobile home park, any person living in the park, or any home owner's or lessee's guest, agent, invitee, or associate. *See C.R.S. § 38-12-203(1)(f)(I).*
- e2. Occurred on the mobile park premises and constituted willful, wanton, or malicious damage to or destruction of property of the landlord, any home owner or lessee of the mobile home park, any person living in the park, or any guest, agent, invitee, or associate of the home owner or lessee of the home owner. *See § 38-12-203(1)(f)(II).*
- e3. Occurred on the mobile home park premises, materially harmed or threatened real or personal property or the health, safety, or welfare of one or more individuals or animals, including pet animals, and constituted a felony prohibited under article 3, 4, 6, 7, 9, 10, 12, or 18 of title 18 (*criminal code*). *See C.R.S. § 38-12-203(1)(f)(III).*
- e4. Was the basis for an action that declared the mobile home or any of its contents a class 1 public nuisance under C.R.S. § 16-13-303. *See C.R.S. § 38-12-203(1)(f)(IV).*

Specify time, place and manner of conduct:

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## 10. Damages

If checked, the Home Owner owes damages in the amount of \$ \_\_\_\_\_

Damages continue to accrue at \$ \_\_\_\_\_ per day until the Mobile Home Park regains possession of the space.

The total amount the Park requests in unpaid rent and damages is \$ \_\_\_\_\_

If the amount exceeds \$25,000, and I still file in County Court, I agree to limit the possible award to that amount.

**11. Prior Notice**

On *(enter date)* \_\_\_\_\_, I properly served the “Important Notice to the Home Owner” required by C.R.S. § 38-12-204.3(1). I also served the homeowner with: *(check one)*

- A. Demand for Compliance Notice of Nonpayment of Rent (JDF 139 A). Or,
- B. Notice to Terminate Tenancy (JDF 139 B).

The amount of time given to the Home Owner in the Notice has expired.

A copy of that Notice is attached and labeled “Attachment 2”.

**12. Military Service**

Are any of the Home Owners engaged in military service for the United States of America?

- Yes.  No.

**13. Jury Demand**

- If checked, the Park demands a trial by jury. *(Additional non-refundable fees apply.)*

**Note:** *Not all claims are entitled to a jury trial.*

**14. Request for relief**

The Mobile Home Park requests judgment for recovery of possession of the premises, for rent due or to become due, for present and future damages and costs, and for any other relief to which the Park is entitled.

**15. Facts regarding Mandatory Mediation**

**Note about Mediation**

Tenants who receive:

- a) Supplemental Security Income (SSI),
- b) Social Security Disability Income (SSDI), or
- c) Cash Assistance through the Colorado Works Program

may have the right to mandatory mediation before a case is filed.

I swear or affirm the following information is true:

- If checked, Mandatory Mediation was held, but unsuccessful.

- If checked, Mandatory Mediation was not held because: *(Check why)*
  - The tenant didn't say if they qualified for Mandatory Mediation.
  - The tenant doesn't qualify for Mandatory Mediation.
  - The landlord is a non-profit organization that has already offered mediation.
  - The landlord doesn't have more than five rental units.

**In other words:**

*The residential tenant receives Supplemental Security Income, Social Security Disability Insurance Under Title II of the Federal "Social Security Act", 42 U.S.C. Sec. 401 et seq., as amended, or Cash Assistance through the Colorado Works Program created in Part 7 of Article 2 of Title 26, and the complainant and residential tenant participated in mandatory mediation and the mediation was unsuccessful;*

*The complainant and residential tenant did not participate in mandatory mediation because the residential tenant:*

*Did not disclose or declined to disclose in writing in response to a written inquiry from the complainant that the residential tenant receives Supplemental Security Income, Social Security Disability Insurance Under Title II of the Federal "Social Security Act", 42 U.S.C. Sec. 401 et seq., as amended, or Cash Assistance through the Colorado Works Program created in Part 7 of Article 2 of Title 26; or*

*Does not receive Supplemental Security Income, Social Security Disability Insurance under Title II of the Federal "Social Security Act", 42 U.S.C. Sec. 401 et seq., as amended, or Cash Assistance through the Colorado Works Program created in Part 7 of Article 2 of Title 26; or*

*The complainant and residential tenant did not participate in mandatory mediation because the complainant is a 501(c)(3) nonprofit organization that offers opportunities for mediation to residential tenants prior to filing a residential eviction in court; or*

*A landlord with five or fewer single-family rental homes and no more than five total rental units, including any single-family homes.*

**16. 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: \_\_\_\_\_

Lawyer Signature: *(If any)* \_\_\_\_\_