

Court <input checked="" type="checkbox"/> County Colorado County: <u>Teller</u> Court Address: <u>101 Bennett Ave , Cripple Creek CO 80813</u>	↑ Court Use Only ↑
Plaintiffs: <u>Robert E (Bob) Armstrong</u> v. Defendants: <u>Tony , Gail , Asa Poland</u> <input checked="" type="checkbox"/> Any and all other occupants	
My Name: <u>Robert E Armstrong</u> Address: <u>28124 State Hwy 67 , CO 80863</u> Phone <u>719-3372733</u> Fax: _____ Email: <u>Bob@CoSy.com</u> Atty. Reg.#: _____	Case Number: _____ Division: _____ Courtroom: _____
Court Summons: Eviction / Forcible Entry and Detainer	

To the above-named Defendant(s), take notice that:

1. Court Date

On *(enter date)* _____,
 at *(enter time)* _____,
 at the court above in *(enter location/room number)* _____,

the Plaintiff may ask the Court to enter judgment against you. If the Court grants the Plaintiff's request to enter judgment against you, you will have to move out and it may mean you have to pay money to the landlord.

2. A copy of the complaint against you, a blank answer form, blank request for documents form, blank fee waiver forms, and an eviction information form are attached for your use.

3. If you do not agree with the complaint, then you must either:

- a. File your answer with the Court at or before the court date specified above stating any legal reason you have why judgment should not be entered against you, **or**
- b. Attend the court date and time above **and** file your answer.

4. When you file your answer, you must pay a filing fee to the Clerk of the Court. If you are eligible for a jury trial, you must ask for one in the answer and pay a jury fee in addition to the filing fee. If

you cannot afford the filing fee or jury fee, file *JDF 205 - Motion to Waive Fees* and *JDF 206 - Order for Fee Waiver*.

5. If you file an answer, you must provide a copy to the Plaintiff or the attorney who signed the complaint.

6. If you do not respond to the landlord's complaint by filing a written answer with the Court, as set forth above, or appear in court at the date and time in this summons, the judge may enter a default judgment against you in favor of your landlord for possession. A default judgment for possession means that you will have to move out, and it may mean that you will have to pay money to the landlord.

7. In your answer to the court, you can state:

- Why you believe you have a right to remain in the property,
- Whether you admit or deny the landlord's factual allegations against you and your legal defenses,
- Whether you believe you were given proper notice of the landlord's reasons for terminating your tenancy before you got this summons, and
- Whether you have a counterclaim or crossclaim against the landlord.

8. If you are claiming that the landlord's failure to repair the residential premises is a defense to the landlord's allegation of nonpayment of rent, the Court will require you to pay into the registry of the Court, at the time of filing your answer, the rent due less any expenses you have incurred based upon the landlord's failure to repair the residential premises. In addition to filing an answer, you are required to complete an Affidavit (JDF 109) to support the amount you will need to pay into the registry of the Court or to seek waiver of this requirement.

9. Any records associated with the action are suppressed and not accessible to the public until an order is entered granting the plaintiff possession of the premises.

10. If the plaintiff is granted possession of the premises, the court records may remain suppressed if both parties agree to suppress the records.

Dated: _____

Signed: _____
Deputy Clerk of Court or Attorney for Plaintiff(s) (if applicable)

Address(es) of Plaintiff(s) (if applicable): _____

Telephone Number(s) of Plaintiff(s) _____

This summons is issued pursuant to C.R.S. § 13-40-111. A copy of the complaint together with a blank answer form, blank request for documents form, blank fee waiver forms, and an eviction information form must be served with this summons. This form should be used only for actions filed under Colorado's Forcible Entry and Detainer Act.

To the clerk: If this summons is issued by the Clerk of the Court, the seal of the Court should be provided by stamp, or typewriter, in the space to the right of the signature.

WARNING: ALL FEES ARE NON-REFUNDABLE. IN SOME CASES, REQUEST FOR A JURY TRIAL MAY BE DENIED PURSUANT TO LAW EVEN THOUGH A JURY FEE HAS BEEN PAID.

- By checking this box, I am acknowledging I am filling in the blanks and not changing anything else on the form.
 By checking this box, I am acknowledging that I have made a change to the original content of this form.

Certificate of Service

I/we, certify that a copy of the summons, complaint, blank answer form, request for documents form, fee waiver forms, and an eviction information form were:

- Served personally upon the following person on the following date and time:

_____.

OR

- After diligent efforts, on (date) _____ were posted in some conspicuous place on the premises, and mailed by first class mail to the Defendants at the following address:

_____.

Signature of: Plaintiff(s) / Agent for Plaintiff(s)

Resources

- Colorado Judicial Branch Self Help Center
 - Your local Self Help Center can be found by following this link: https://www.courts.state.co.us/Self_Help/center.cfm
 - Colorado Legal Services
 - Free legal services to low income tenants facing evictions.
 - Call (303) 837-1313 ext. 444 or visit <https://www.coloradolegalservices.org/>
 - Colorado Department of Local Affairs
 - The Division of Housing can help with rental assistance programs, housing counseling, eviction and foreclosure prevention, and other programs.
 - Call (303) 864-7810 or visit <https://cdola.colorado.gov/housing>
 - Colorado Housing Connects
 - Free housing, eviction, and foreclosure resources for tenants, landlords, homeowners, and homebuyers.
 - Call (844) 926-6632 or visit <https://coloradohousingconnects.org/>
 - Colorado Poverty Law Project
 - Free legal services to fight eviction and housing insecurity.
 - <https://www.copovertylawproject.org/>
 - COVID-19 Eviction Defense Project
 - Free legal aid and guidance to tenants facing eviction and housing insecurity.
 - Visit <https://www.cedproject.org>
-

Relevant Statutes

Colorado Revised Statutes section 13-40-111, as amended.

13-40-111. Issuance and return of summons.

(1) Upon filing the complaint as required in section 13-40-110, the clerk of the court or the attorney for the plaintiff shall issue a summons. The summons must command the Defendant to appear before the Court at a place named in the summons and at a time and on a day not less than seven days but not more than fourteen days from the day of issuing the same to answer the complaint of

Plaintiff. The summons must also contain a statement addressed to the Defendant stating: "If you do not respond to the landlord's complaint by filing a written answer with the court on or before the date and time in this summons or appearing in court at the date and time in this summons, the judge may enter a default judgment against you in favor of your landlord for possession. A default judgment for possession means that you will have to move out, and it may mean that you will have to pay money to the landlord. In your answer to the court, you can state why you believe you have a right to remain in the property, whether you admit or deny the landlord's factual allegations against you, and whether you believe you were given proper notice of the landlord's reasons for terminating your tenancy before you got this summons. When you file your answer, you must pay a filing fee to the clerk of the court. If you are claiming that the landlord's failure to repair a residential premises is a defense to the landlord's allegation of nonpayment of rent, the court will require you to pay into the registry of the court, at the time of filing your answer, the rent due less any expenses you have incurred based upon the landlord's failure to repair the residential premises; unless the court determines that you qualify to have this requirement waived due to your income."

13-40-112. Service.

- (1) Such summons may be served by personal service as in any civil action. A copy of the complaint must be served with the summons.
- (2) If personal service cannot be had upon the Defendant by a person qualified under the Colorado Rules of Civil Procedure to serve process, after having made diligent effort to make such personal service, such person may make service by posting a copy of the summons and the complaint in some conspicuous place upon the premises. In addition thereto, the Plaintiff shall mail, no later than the next day following the day on which he/she files the complaint, a copy of the summons, or, in the event that an alias summons is issued, a copy of the alias summons, and a copy of the complaint to the Defendant at the premises by postage prepaid, first class mail.
- (3) Personal service or service by posting shall be made at least seven days before the day for appearance specified in such summons, and the time and manner of such service shall be endorsed upon such summons by the person making service thereof.