

JDF 102	<b>Eviction Summons</b> Forcible Entry and Detainer	
<b>A. Court</b> <input type="checkbox"/> District <input type="checkbox"/> County Colorado County: _____ Mailing Address: _____	<i>This box is for court use only.</i>	
<b>B. Parties to the Case</b> Landlord: ( <i>Plaintiff</i> ) _____ v. Tenant: ( <i>Defendant</i> ) _____ <input type="checkbox"/> And any other occupants.		
<b>C. Landlord's Attorney Information (if any)</b> Name: _____ Bar #: _____ Mailing Address: _____ City: _____ St: _____ Zip: _____ Phone: _____ Email: _____	<b>D. Case Details</b> Number: _____ Division: _____ Courtroom: _____	

## 1. Eviction Case

You (*the Defendant*) are now involved in a court case to decide whether you should be evicted from your rental unit.

Along with this summons, you will get a document called a Complaint. The Complaint will explain why the Landlord (*the Plaintiff*) is evicting you (*cause/grounds/claims*) and what they want the court to do (*relief/damages*).

## 2. Your Next Steps

You must attend an introductory meeting (*Return Date*) and/or file a written answer.

### a) Return Date

On: (*date*) \_\_\_\_\_

At: (*time*) \_\_\_\_\_

In room: \_\_\_\_\_ at the Court's address above.

Depending on the outcome of the *Return Date* meeting, the Court may schedule the case for a formal Trial.

You can appear by phone or video for court events. See [Section 7] for more information.

### b) Written Answer

You must submit an *Answer*, due on the Return Date. The Landlord must provide a blank form, *JDF 103 – Eviction Answer*, with this summons.

Your *Answer* to the court should explain:

- Why you think you have a right to stay in your rental unit,
- Whether what your landlord says is true or not true,
- Whether you have any legal defenses,
- Whether you think you were given proper notice of the landlord's reasons for wanting to evict you, and
- Whether you have a reason to file a case against the landlord for something they did (*called a counterclaim*).

### c) Submit Forms Online

- 1) Create an account at: [[www.jbits.courts.state.co.us/efiling](http://www.jbits.courts.state.co.us/efiling)]  
**Note** Not available for cases in Denver County Court.
- 2) Submit your completed forms (*efile*) and send them to the Landlord (*eservice*).
- 3) Pay the filing fee with a card or file forms *JDF 205 – Motion to Waive Fees* and *JDF 206 – Order re Court Fees*, provided with this Summons.
- 4) View your case file and receive notifications when new filings are submitted.

Or, bring the completed paperwork with you to the *Return Date*, or mail/deliver it to the court before then. Then mail a copy of those forms to the Landlord.

## 3. Non-Payment of Rent: Unfixed Repairs

If you have not paid your rent because the landlord did not repair something in your rental unit, the Court will require you to pay the rent you owe to the Court minus any money you have spent repairing your rental unit.

This must be paid when you file your *Answer* along with form *JDF 104 – Unliveable Conditions at Home*. *JDF 104* has a section to request that this payment be waived if you cannot afford it.

#### 4. Consequences

If you do not file a written *Answer* or attend the *Return Date* meeting, the judge will not know if you have any defenses and may enter a default judgment against you.

This means you may be evicted and have to pay the landlord the money you owe.

##### **In other words:**

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 premise; unless the court determines that you qualify to have this requirement waived due to your income.

C.R.S. § 13-40-111(1).

#### 5. Privacy and Fee Notifications

- a) Any documents filed in this case can only be seen by the parties, not the public.
- b) If the Court orders an eviction, the case documents will be made public unless both parties agree to keep them private.
- c) Fees are non-refundable. In some cases, a jury trial will be denied because it is not authorized by law, even though you paid the jury trial fee.

#### 6. Legal Authority and Attachments

This summons is issued pursuant to Colorado Revised Statute (C.R.S.) section (§) 13-40-111.

Along with this summons you should receive:

- a) A copy of the complaint.
- b) A blank answer form. (*JDF 103 – Eviction Answer*)
- c) A blank request for documents form. (*JDF 108 – Request for Documents*)
- d) Blank fee waiver forms. (*JDF 205 – Motion to Waive Fees* and *JDF 206 – Order re Fees*)

**7. Notice about Remote Participation**

You can choose to participate in Court events by phone or video. You can do that in your *Answer* form or by filing *JDF 105 – Notice About Remote Participation*.

If you select remote participation, the Court will send/provide information on how to attend. If disconnected during the event, try to reconnect or contact the court.

In other words:

**For a residential action filed in County Court pursuant to this article 40, either party has a right to appear in person or remotely by phone or video on a platform designated by the court. If a party participates remotely and the party is disconnected or there is a technology failure, the court shall make all reasonable efforts to contact the party and shall allow reasonable time for the party to reestablish connection. If the party is unable to reestablish connection, the court shall reschedule the hearing in person on the first available date after the date of the originally scheduled hearing, to the extent practicable. The Court shall not enter a default judgment if a party is unable to participate remotely due to a technological disconnection or failure.**

C.R.S. § 13-40-111(4)(c).

**8. Signed and Dated**

Signed by:  Court Clerk  Plaintiff's Attorney

Signature: \_\_\_\_\_

Dated: \_\_\_\_\_

Plaintiff's Address: (if applicable) \_\_\_\_\_

Plaintiff's Phone: (if applicable) \_\_\_\_\_

**9. Certificate of Mailing**

Plaintiff, be sure to file *JDF 98 – Affidavit of Service* when service has been completed.

If checked, I swear that on *(date)* \_\_\_\_\_ this summons, eviction complaint, blank answer form, request for documents, and fee waiver forms were mailed by first class mail to the Defendants at the following address: *(include city, state, and zip-code)*

\_\_\_\_\_

Plaintiff or Plaintiff's Agent Signature: \_\_\_\_\_

## 10. Resources

### **Court Self-Help Centers**

Your local Self Help Center can be found by following this link:  
[[www.courts.state.co.us/Self\\_Help/resources.cfm](http://www.courts.state.co.us/Self_Help/resources.cfm)]

### **Colorado Legal Services**

Free legal services to low income tenants facing evictions.  
Call (303) 837-1313 ext. 444 or visit [[www.coloradolegalservices.org](http://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 [[cdola.colorado.gov/housing](http://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 [[coloradohousingconnects.org](http://coloradohousingconnects.org)]

### **Colorado Poverty Law Project**

Free legal services to fight eviction and housing insecurity.  
Visit [[www.copovertylawproject.org](http://www.copovertylawproject.org)]

### **Community Economic DefenseProject**

Free legal aid and guidance to tenants facing eviction and housing insecurity.  
Visit [[www.cedproject.org](http://www.cedproject.org)]