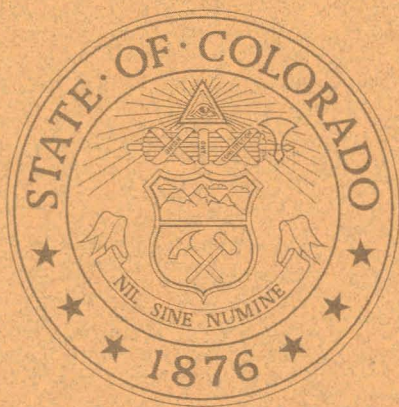


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Answers To Your Questions About

County Court Civil Matters*

*County court restraining order
information is included in a
separate brochure



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County Court Civil Matters

County court jurisdiction includes civil actions, lawsuits, and proceedings in which the debt, damage, or value of the personal property claimed is not over \$10,000. Typically, county court civil cases involve debt collection, landlord/tenant disputes, and contract disputes. In Colorado, there are rules called the County Court Rules of Civil Procedure. These rules govern the procedures in county court civil matters.

How does a civil case begin?

- ◆ **Complaint.** A civil case begins with a complaint. The complaint includes a brief statement of the facts of the complaining person's case. The person filing the complaint is the **plaintiff**, and the person being sued is the **defendant**. The plaintiff must file the complaint in the clerk's office along with a \$31 filing fee.
- ◆ **Summons.** The **summons** provides a date by which the defendant (the person being sued) must respond to the complaint. It also includes the date and time of appearance and the location of the court. The summons is issued by the clerk of court. Also, lawyers can issue summons. The summons and the complaint must be served upon (given to) the defendant by a disinterested third party, such as the sheriff or a private process server. The plaintiff must pay for the cost of service.

NOTE: It is the plaintiff's responsibility to make sure that the defendant is served and that proof of service is

filed with the court. Service of the summons and cost of publication are at the expense of the plaintiff.

What courses of action can the defendant take?

After the defendant receives a copy of the summons and complaint, there are several courses of action he or she may take.

- ◆ **Answer.** The defendant may file an answer. The **written answer** must include a denial of the allegations in the complaint that the defendant wishes to dispute. The cost to file an answer is \$26.
- ◆ In the answer, the defendant may admit that he or she owes the plaintiff money. If this happens, the judge determines the amount of money to which the plaintiff is entitled and enters an order (**judgment**) in favor of the plaintiff for the appropriate amount of money.
- ◆ **Counterclaim.** On the other hand, the defendant's answer may deny the plaintiff's allegations in the complaint. As part of the denial, the defendant may file a counterclaim that tells the defendant's claims against the plaintiff. The cost to file a counterclaim is \$30.
- ◆ **Default Judgment.** If the defendant decides not to act at all (fails to file an answer), a default judgment is entered against the defendant in favor of the plaintiff. The judge then determines the damages to which the plaintiff is entitled, and the plaintiff files the appropriate motion.

How is a judgment collected?

Remember, if you win your case, then you are responsible for collecting the judgment.

There are several ways you can do this:

As a courtesy, ask the judgment debtor (the losing party) to pay.

- ◆ A **judgment debtor** is the person against whom there is a legal judgment for repayment of a debt.

If the judgment debtor refuses to pay, and you do not know his or her assets:

- ◆ File a **motion for interrogatories** with the court. Interrogatories are a series of written questions given to the opposing party (judgment debtor/losing party) and are to be answered truthfully in front of a notary public.
- ◆ Once the order for interrogatories (questions) is signed by the magistrate or judge, a copy of the order and the interrogatories (questions) must be served on the judgment debtor (the losing party).
- ◆ The judgment debtor must answer the interrogatories (questions) truthfully, describing where assets are located. Should there be an indication that the judgment debtor has not answered the interrogatories (questions) truthfully, the judgment creditor may charge the judgment debtor with contempt of court.

If you know where the judgment debtor's assets are located:

- ◆ **Garnishment.** Go ahead and proceed to collect your money by garnishment. A **garnishment** is the legally authorized process of taking a person's money, through payroll deductions or other methods, in order to pay creditors. You may garnish any third party (**garnishee**) who owes money to the judgment debtor or who has property belonging to the judgment debtor. You can purchase sheets and forms in the clerk's office to complete this process.

How do you appeal a county court decision?

- ◆ If you believe that the judgment of the county court is in error and you want to appeal, then you must file a notice of appeal with the district court within 15 calendar days. There are costs involved with processing an appeal, such as an appeal bond, the cost for preparing the transcripts, and perhaps other court costs. Check with the clerk's office regarding costs.
- ◆ A copy of the notice of appeal together with the \$50 filing fee also must be filed in the county court within 30 days from the date of judgment. Failing to file the notice in a timely manner may result in dismissal of the appeal.

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