

PREPARING FOR EVICTION COURT LANDLORDS AND TENANTS

**I'm a tenant and I've just been served a summons to appear in eviction court.
What should I do?**

- Don't wait! The sooner you communicate with your landlord or their attorney, the better. Many issues can be resolved before the court date if you and your landlord can agree to the terms (for example: paying back rent, negotiating a move-out date, etc.). Any agreement between you should be put in writing and signed and dated both of you.
- If you have been unable to work things out with your landlord directly, seek information about your rights (see page 4 of this document) and/or or contact the appropriate mediation service below.

**For properties in the City of Boulder:
Community Mediation Service
www.bouldercolorado.gov, (303) 441-4364**

**For properties in the City of Longmont:
Longmont Mediation Services
www.longmontcolorado.us, (303) 651-8444**

- Come to court and be on time! Your summons will list the court date and time:

SUMMONS IN FORCIBLE ENTRY AND UNLAWFUL DETAINER

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

1. On _____, 20____, at _____ o'clock .M. in the _____ County Court, _____, Colorado, the Court may be asked to enter judgment against you as set forth in the complaint.

- If you are not present at court, an eviction order may automatically be entered against you.

What can I expect at court?

The judge will usually require the landlord (or landlord's attorney) and the tenant(s) to talk to each other before hearing the case. This is a chance for them

to reach an agreement of their own, on their own. A mediator may be available to help the parties talk to each other and write up an agreement.

Typical types of agreements might include:

1. Tenant(s) pays the landlord on the day of court and stays in the property.
Or
2. The landlord agrees to give the tenant(s) gets a little more time to move out. Move out date is agreed upon. Or
3. The landlord and tenant(s) agree upon a payment plan for the tenant to get caught up with rent or a plan to correct a lease violation in order to remain in the property. Due dates are agreed upon.
4. The landlord might agree to remove the eviction from the case record if the tenant follows through on their commitments.

I'm a landlord. What if we come to an agreement but the tenant falls through on their commitment? Do I have to start this whole process over again? No. You can include in your written agreement that a judgment for possession (eviction) and a writ and/or a money judgment will automatically issue, without further notice to the tenant(s) upon landlord's request if the tenant doesn't follow through on their commitments.

What if we can't come to an agreement?

The judge will recall the case and both the landlord and/or the landlord's attorney and the tenant(s) will come to the front of the courtroom. If the tenant has a legal defense to the eviction, the judge will have the tenant file an answer and set the case for hearing within the next week. If the tenant does not have a legal defense, and the court grants the landlords' motion for judgment, the tenant will have 48 hours to move out.

What can I ask for in court?

- An interpreter
- Mediation
- Information about the Self-Help Center and other resources

Things to Bring to Court

- Documentation to prove that the complaint is true or not true
- If the tenant agrees they owe the landlord money, they should bring cash or verifiable form of payment.
- If your children must come with you, please bring an adult to be with them in the playroom or hallway

I'm a tenant and couldn't pay my rent because I got sick and lost my job. Will I be allowed to stay because it wasn't my fault?

Most reasons people have for not paying rent, whether it's job loss, illness, medical expenses, or other hardships, are not considered a legal defense and will not prevent you from being evicted. Consult with an attorney for information about what is considered a valid defense for non-payment of rent.

Common Eviction Court Terms:

Stipulation: Agreement between the landlord and tenant(s) that, once signed by a judge, becomes an order that can be enforced by the court.

Judgment for Possession: The legal term for an eviction.

Writ of Restitution: An order from the court giving authority to the sheriff to remove the tenant from the property as early as 48 hours after the eviction order is entered in court. A writ of restitution is valid for 49 days.

Stay of Execution: An agreement by the landlord to postpone taking the writ of restitution to the sheriff beyond the default 48 hours, thus providing the tenant more time to move out.

Set the Case for Trial: If the tenant files an answer with a legal defense, as determined by the judge, a trial will be set. The trial date will usually be within 5 days.

Dismissed without prejudice: The case could be re-filed in the future based on the same issues.

Dismissed with prejudice: The case cannot ever be re-filed in the future based on the same issues.

Additional Resources

Legal

**Eviction (Forcible Entry and Detainer)
Information and forms**

www.courts.state.co.us

**Boulder County Legal Services (Low-
income and seniors only)**

(303) 449-7575

**CU Boulder Student Legal Services (for
students only)**

www.cubouldersls.com

(303) 492-6813

Law Line 9 (9News/KNBC Service)

Each Wednesday of the month, 4 pm – 6:30
pm

(303) 698-0999

**Bridge to Justice (Low- and moderate-
income)**

<https://www.boulderbridgetojustice.org>

(303) 443-1038

Self Help Center (assistance in filling out
court forms)

Office at 1777 6th Street

BoulderCourtSelfHelp@judicial.state.co.us

(303) 441-4741

Basic Needs

Emergency Family Assistance Association (EFAA)

For families with minor children and/or others needing short term financial assistance and other resources. Shelter, food, transportation, rent assistance, furniture, banking, money management info & more.

1575 Yarmouth Ave. Boulder
303-442-3042 or 303-665-8064
Efaa.org

OUR Center

Drop-in or call to make an appointment to request emergency food, supplies and services. Serves breakfast and lunch and has an off-site clothing bank for residents of the greater Longmont area.

220 Collyer St., Longmont
(303) 772-5529
Ourcenter.org

*This document was prepared by The City of Longmont Mediation Services and The City of
Boulder Mediation Service*