



## Eviction Information

### **PLEASE NOTE**

We are forbidden by law from giving legal advice. Information is provided as a reference source only. We suggest you check the specific statutes that apply to your particular situation, and/or check with an attorney for more in-depth legal information and advice. The phone number for LEGAL AID is (303) 837-1313.

### **Demand for Payment of Rent or Possession**

The process begins when the landlord gives a written demand to the tenant or places a notice on the door to pay due rent or vacate the property per Colorado Revised Statute is 13-40-106. The written demand must be served upon the tenant three days before the landlord can seek additional remedy in the courts. C.R.S. 13-40-104(1)(d)-(e). It is not possible for a waiver of the three-day notice to be included in any written agreement. C.R.S. 13-40-104(1)(d).

### **Notice to Vacate**

The process begins when the landlord gives a written Notice to Vacate for the tenant to vacate the property for reasons of bad tenancy. The written notice must be served upon the tenant ten days before the landlord can seek additional remedy in the courts. It is not possible for a waiver of the ten-day notice to be included in any written agreement.

### **Summons and Forcible Entry and Detainer**

You must receive a Summons and Forcible Entry and Detainer (S.F.E.D.) from the courts (County or District, dependent upon jurisdiction/statutes) to continue the eviction procedure. The court will need a copy of the three-day or ten-day notice. Service of the summons can be completed by either the Sheriff's Office Civil Section or an uninvolved party who is over 18 years of age and not an immediate family member. If you are seeking monetary damages in addition to the eviction, service must be made personally, per Rule 4 of the Colorado Rules of Civil Procedure. A copy of the complaint must be served with the Summons (13-40-12). If no monetary judgment is sought, the summons and complaint may be served by posting in a conspicuous place upon the premises after diligent effort to make "Personal" service (38-40-112). Both types of service must be completed at least seven days before the day of appearance specified in the summons and must be evidenced by completing the return of service to the court (13-40-113).

### **Writ of Restitution (Eviction)**

Only a Sheriff's Deputy can execute the Writ of Restitution (eviction). After the Sheriff's Office receives the Writ of Restitution, the plaintiff should call the Civil Section from 8:00 am - 8:30 am or from 3:30 pm - 4:30 pm, Monday - Friday, to schedule the stand-by eviction. Deputies are in the field and are not always available for calls. Special circumstances should be directed to the Sergeant of the Civil Section.

Adverse or potential adverse reactions by tenants should also be reported to the Sergeant at (303) 655-3271. The Sheriff's Office requires the landlord to hire and be responsible for all necessary movers/towers and requires the landlord or agent to be present at the scheduled time of eviction. The eviction may be canceled if the landlord or agent fails to arrive. The landlord is required to provide enough manpower to remove all belongings within one hour (when possible) at his own expense. If there is not enough manpower, the Deputy may cancel the writ until enough manpower is hired.

### **Mobile Home Eviction**

For eviction from a mobile home park for non-payment of rent, 38-12-204(1) allows the tenant five days to remove the mobile home after the written notice is served or posted; there are no expressed requirements for the contents of this notice. In addition to the courts issuing the Writ of Restitution, a Notice of Judgment is issued requesting the mobile home be prepared for movement. The Civil Deputy will stand by while the premise is cleared. Removal of a mobile home requires the landlord to arrange for a tow, qualified personnel to remove skirting and make the needed disconnection at the landlords' expense, if the tenant fails to do so prior to the eviction date. No mobile home can be moved from it's lot unless it meets Colorado State statutes and Adams County ordinances applying to movement of mobile homes on public roadways. Applicable statutes can be found in Colorado Revised Statutes, specifically title 42, and Adams County Ordinance 9. The landlord is also responsible for storage of the mobile home after movement, unless other arrangements have been previously made. Mobile homes may not be placed on the side of the road.