



EVICTIONS AND WRITS OF RESTITUTION

Notice (Demand) to Vacate:

The general eviction process begins when the landlord gives a written demand for the tenant to vacate. (13-40-106). The written notice must be served upon the tenant three days before the landlord can seek additional remedy from the courts, 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, 13-40-104(1)(d). The written notice to vacate is used only when the tenant has failed to meet the obligations of agreement with the landlord (i.e., failure to pay rent). Landlord may post.

The notice must contain:

- a. Specific grounds for the landlords right to possession of the premises.
- b. Description of the premises.
- c. Specific time to deliver possession.
- d. Signed by the landlord, or attorney.
- e. Alternative of payment of rent (if applicable).

In case of a mobile home eviction from a mobile home park for nonpayment of rent, 38-12-204(1) allows the tenant five days to remove the mobile home after the written notice is served or posted.

1. You must receive a Summons and Forcible Entry and Detainer from the county court, which has jurisdiction under the applicable statutes to continue the eviction procedure. The court will request a copy of the three-day notice. (13-40-108/110/111) that was posted.
2. Service of the summons can be completed by the Sheriff's Office or by a disinterested party over the age of 18 years. A copy of the complaint must be served with the Summons (13-40-12). Service must be completed at least five working days, not including Week-ends and holidays, before the day of appearance specified in the summons and a return of service must be returned to the court (13-40-113).
3. **Only the Sheriff's Office** can execute the Writ of Restitution (eviction).
4. Special circumstances should be directed to the Civil Division including concerns about the tenant's reactions to being evicted.
5. This office requires the landlord to hire and be responsible for all necessary movers/towers and requires the landlord to be present at the scheduled time of eviction. The landlord is to provide enough manpower to remove all belongings.

Civil Deputy will stand-by (when possible) at the landlord's expense. In a 2-hour time frame.

6. If the tenants vacate the premises before the scheduled date for eviction, please contact the Sheriff's Office Civil Division at 369-8624 to cancel the eviction.
7. The Sheriff's Office will post the Writ of Restitution with a date approximately 48 hours from the time of the Writ of Restitution is posted or served and we will schedule a date and time M- Wed. that must be between the hours 8:30-3:00 for the removal of the tenants and belongings.

FEES

Fees for service are as follows:

Mileage is charged for each round trip to the premises @ **.50/mile**. A service fee in the amount of **\$35.00** for Summons and Forcible Entry and Detainer, plus a notary fee. A service fee in the amount of **\$60.00** will be charged for the service of the Writ of Restitution as well as a fee of **\$50.00/hour** for the Civil Deputy to stand-by, a maximum of 2hours will be allowed for this service, as allowed by (30-1-104).

Access the Colorado Courts at www.courts.state.co.us. Choose /Forms then Evictions to access forms needed for the eviction process.

The following information is not intended to be legal advice and does not address the specific statutory and legal issues of evictions and Writs of Restitution.