

STEP 1: DETERMINE CAUSE

- Tenant has failed to pay rent
- Tenant has violated a term of the lease
- Tenant refuses to leave the rental property after the end of the lease, or
- Tenant at will

STEP 2: LANDLORD GIVES TENANT A “DEMAND FOR COMPLIANCE OR RIGHT TO POSSESSION” OR A “NOTICE TO QUIT”

- The 10-day Notice states that the tenant must “cure” or fix the lease violation or vacate the rental property within 10 days. Weekends/holidays count, but the next day must follow a business day. The 10-day notice must be a written demand.
- If the tenant pays the rent or fixes a first time non-monetary lease violation within the 10-day period, the landlord must accept the money or the correction and cannot evict the tenant. If the tenant fails to pay or correct the violation or does not give up possession of the rental property then the tenant is subject to eviction.
- If the tenant does not pay rent, cure the violation, or move out in 10 days, the landlord may file a Force Entry and Detainer (“FED”) action with the court. The landlord may file without the assistance of an attorney.

TIP: CONSIDER MEDIATION

At any point throughout the eviction process, a landlord and tenant can choose to utilize mediation services to attempt a resolution. Mediation is often more efficient and less expensive than litigation and allows parties to craft their own agreement. To find out more about how mediation may be an option for your situation, call Longmont mediation services at 303-651-8444.

STEP 3: EVICTION OR FORCED ENTRY AND DETAINER (“FED”) ACTION IN COURT

Complete and file a “Complaint in Forcible Entry and Detainer” and “Summons”. This can be obtained at the Boulder County Courthouse in Longmont or Boulder or at www.courts.state.co.us. The Court Clerk will set the case for a “return date” or court date on the next Friday more than seven days after the filing. The landlord must serve the tenants with a copy of the Complaint and the Summons by either:

- Personal service
- Service by posting and mailing



Go to Court on the Return Date

It is important that both the landlord and the tenant appear in Court. If the tenant does not appear and the landlord can prove to the Court that the lease has been violated, the Court can, and most likely will, enter the eviction order without the tenant(s) being present.

Either form of service must be done by either the Sheriff’s Department, or a private process server, or someone over the age of 18 who is not involved in the case. Make sure that the Return of Service portion of the Summons is completed by the individual doing the service. If posting and mailing, post the Complaint and Summons in a conspicuous place and then mail the Complaint and Summons to the tenant by the next day.

Both the landlord and tenant should go to Court on the return date with all necessary paperwork (for example: Complaint, Summons, 10-day Notice, Return of Service, Answer, lease, and any records of payment or documents supporting the landlord’s reason(s) for eviction or the tenant’s defense(s).) Both the landlord and tenant should be ready to explain in a brief, concise way why the eviction should (landlord) or should not (tenant) be ordered.

Completing and Filing an Answer

The tenant has the right to file an “Answer” before the return date. The Answer includes the tenant’s defense (s), and counterclaim. If desired, the tenant may request a jury trial by paying the jury fee (please check with the Court Clerk for the amount of the current filing and jury fees, as they are subject to change). All answers require a filing fee.

POSSIBLE COURT OUTCOMES

- The Court enters Order for “Possession Judgment”, which is the eviction order, along with a Writ of Restitution (the order that allows the sheriff to complete a forcible eviction). The Order for Possession directs that the tenant must move from the rental property within 48 hours. If the tenant is not out in that time then the landlord can contact the Sheriff’s Department to assist with removal of the tenant from the rental property. If personal service was obtained, the landlord may be able to get a judgment against the tenant for the money that is owed to the landlord.
- The landlord and tenant work out an agreement, called a “Stipulation”, which will be made an Order of the Court.
- If the tenant has filed an Answer, a hearing may be set for a later date and the parties will return to Court. Hearings on possession will take place within a week.
- The landlord may ask the Court to continue the return date, if he/she feels that more time should be allowed to work out or follow through with an agreement.
- The Court may either continue the Court date or dismiss the complaint so that the landlord can properly comply with the procedural requirements.

EVICITION PROCEDURE - AT A GLANCE

NOTICE!	COURT!	EVICITION!
10 Day Demand Notice for Non-Payment of Rent OR Non-Monetary Lease Violation 3 Day Notice for Substantial Violation Second Notice to Quit: 10-day notice to move Notice to Quit: Tenant has 21 or more days to move out (depends on lease terms)	If tenant does not pay or move, landlord files for eviction in Court and serves tenant with Complaint and Summons	If Judgment for Possession is entered, landlord can have Sheriff assist tenant from rental if not moved out within 48 hours of time order entered

DAY	TYPICAL EVICTION TIMETABLE - NON-PAYMENT OF RENT
-	Nonpayment of rent
1	Landlord serves tenant with 10-day demand to pay rent or move out
11	Tenant must pay rent owed or move out
12	If tenant does not pay or move, landlord may file an eviction action in county court and serve tenant with complaint and summons
	Tenant may file answer. Tenant has at least 5 days, but no more than 10 days, to file an answer. Answer must be filed by return date specified in summons. Trial date set by court. Answer may be filled on return date
7-11	Return Date
14-63	If judgment for possession entered, landlord can have sheriff assist tenant from rental property if not moved out within 48 hours of time order entered. Actual date depends on appointment made between landlord and sheriff. Writ of restitution is valid for 49 days from day issued
10-20	If tenant filed answer, trial may be scheduled within 5 business days of return date

DAY	TYPICAL EVICTION TIMETABLE - SUBSTANTIAL VIOLATION
-	Substantial violation
1	Landlord serves tenant with 3-day demand to move out
4	Tenant must move out in 3 days
5	If tenant does not move, landlord may file an eviction action in county court and serve tenant with complaint and summons
	Tenant may file answer. Tenant has at least 5 days, but not more than 10 days, to file an answer. Answer may be filed on return date. Trial date set by court
7-11	Return Date
14-63	If judgment for possession entered, landlord can have sheriff assist tenant from rental property if not moved out within 48 hours of time order entered. Actual date depends on appointment made between landlord and sheriff. Writ of resolution is valid for 49 days from day issued
10-20	If tenant filed answer, trial may be scheduled within 5 business days of return date