

Frequently Asked Questions:

For all forms: <http://www.courts.state.co.us/Forms/Index.cfm>

For all Colorado Statutes: <http://www.michie.com/colorado/>

What If I Can't Afford the Filing Fees?

If you cannot afford the filing fees, you may still file if you meet certain income requirements. For details on the eligibility income levels, see:

<http://www.courts.state.co.us/chs/court/forms/general/general.html> (*Guide for Determination of Indigency*)

To apply for a waiver of fees, file :

**JDF 205/Motion to File Without Payment, and
JDF 206/ Finding & Order Concerning Payment**

How to File Documents with the Court

- Take Original + three copies to Clerk, (*total of four*) with a Certificate of Delivery attached to each
- Ask the Clerk to date-stamp all of them
- Clerk will keep the Original and One Copy
- You keep one stamped copy for **your** files
- The last stamped copy is mailed **to the other party**

What is Service?

Service is formal notice to the other party about the case involving them before the Court.

- Service ensures both parties know about the case, and have a fair opportunity to appear before the Court and be heard.

Service in Rule 120 Actions: **by mailing**

- Specific timelines apply, depending on the party, and what document is being served (*see flowchart*)
- Anytime documents are being served, a Certificate of Delivery should be filed with the Court, together with a copy of the document being served
Motlong v. World Savings, 452 P.2d 384 (Colo. 1969)
Dews v. Dist. Ct., 648 P.2d 662 (Colo. 1982)

Relevant evidence in a Rule 120 Action is evidence tending to show that no default exists

Defenses in a Rule 120 Action

Waiver:

➤ Waiver is the intentional relinquishment of a known right or privilege. Waiver may be explicit, or it may be implied by a party's conduct if the conduct is unambiguous and clearly manifests an intention not to assert the right or if it is inconsistent with assertion of the right.

Estoppel:

➤ Estoppel is a bar or impediment (*obstruction*) which precludes a person from asserting a fact or a right, or prevents one from denying a fact. Such hindrance is due to a person's actions, conduct, statements, admissions, failure to act, or judgment against the person in an identical legal case.

Goodwin v. Dist. Ct., 779 P.2d 837 (Colo. 1989)

Motlong v. World Savings, 452 P.2d 384 (Colo. 1969)

Moreland v. Marwich Ltd, 665 P.2d 613 (Colo. 1983)

Premier Farm Credit v. W Cattle, 155 P.3d 504 (Colo. App. 2006)

NationsBank v. Conifer Asset, 928 P.2d 760 (Colo. App. 1996)

Not Real Party in Interest:

➤ A **real party in interest** is one who actually possesses the substantive right being asserted and has a legal right to enforce the claim, and who must sue in his own name.

Goodwin v. Dist. Ct., 779 P.2d 837 (Colo. 1989)

Dallas Creek Water v. Huey, 933 P.2d 27 (Colo. 1997)

C.R.C.P. 17(a) (Real Parties in Interest)

Federal Servicemember's Civil Relief Act:

Federal law that provides additional protections for active duty and deployed US servicemembers.

50 U.S.C. app. §§ 501 et seq