



## EVICCTIONS INFORMATION

Evictions are a multi-step process and each step along the way requires appropriate notice and service. If you are uncertain as to when and how you need to effect notice and service, you should contact an attorney or one of the resources listed at the bottom of the back of this sheet. In order to give you a basic idea of the steps involved in an eviction, the Police Department's Civil Unit has included a simplified chronological guideline below:

- Notice to Quit/Demand for Possession – This is the document that begins the eviction process. The particular circumstances for the eviction dictate when the Notice needs to be served.
- Summons & Complaint – If the tenant does not move out in accordance with the Notice to Quit /Demand for Possession, the landlord may then file a summons and complaint with the court. The court will set a hearing date for the Summons & Complaint and the landlord will need to appropriately serve the tenant. You must notify the Civil Unit, in writing, if you need the Summons & Complaint served by the Civil Unit.

If you are not certain of when and how the Summons & Complaint must be served, seek appropriate legal counsel or you may find yourself beginning the process all over again.

- Writ of Restitution – Once the hearing on the Summons & Complaint is held (and assuming the landlord prevails in court) then, after 48 hours passes, the court clerk can issue a Writ of Restitution allowing the eviction to proceed. As per C.R.S. 13-40-115, a Writ of Restitution expires 49 days after it is issued. Generally, the Writ may be served by any disinterested party, but it must always be executed by the Sheriff of the appropriate county.

To execute a Writ of Restitution, the Broomfield Police Department requires a minimum deposit of \$200 against actual expenses, which also covers the service of the Writ. Unless the Writ of Restitution is accompanied by a notarized Affidavit of Service, the Civil Unit will serve the Writ. You will be billed for actual expenses. The bill cannot be for more than \$200, unless the eviction takes longer two hours. If actual expenses are less than \$200, you will be refunded the balance of your deposit. Additional fees will be charged for serving the Notice to Quit, and/or the Summons & Complaint. Refer to the Service of Process Fee Schedule posted in the lobby for those costs. Please refer to page two concerning mobile home evictions.

The Broomfield Police Department allots you 2 hours to complete the eviction from start to finish. In order to legally complete the eviction, and for your safety, **DO NOT BEGIN THE EVICTION PRIOR TO THE ARRIVAL OF THE CIVIL UNIT**. You or your agent must be present during the entire course of the eviction. In order to remain within the allotted time, you or your agent must provide:

1. **MANPOWER:** A sufficient number of adults (excluding the property owner) to complete the eviction in the 2 hour period. **Under no circumstances will the Officer attending the eviction assist in the physical removal of property.**
2. **EQUIPMENT:** Dollies must be obtained for large heavy items such as refrigerators etc. These items can be obtained at most rental centers. If the tenant has a waterbed, it will be necessary for you to obtain one pump and hose for each waterbed on the premises.
3. **SUPPLIES/LOCKSMITH:** Boxes and heavy duty trash bags for small items (clothing, toys, kitchen utensils, etc.) are recommended. We also recommend that you arrange for a locksmith to be present at the start of the eviction to gain entry if necessary and to change the locks.

**\*\*\* PLEASE NOTE \*\*\***

When the Officer arrives on scene for your eviction, he/she will determine if you have the necessary manpower, equipment and supplies to complete the eviction within the 2-hour time frame. **If you do not have the necessary manpower, equipment and supplies, your eviction will be postponed and rescheduled.**

If an eviction is cancelled at least 24 hours prior to the scheduled time, actual expenses incurred to that point will be assessed against your deposit, and the balance refunded to you. For Evictions cancelled with less than 24 hours notice, you will be charged for one hour of the officer(s) time and all other expenses incurred to that point and you will receive a refund for the balance of your deposit.

No evictions will be performed on legal holidays, weekends, or on days that the City Manager deems a snow day.

**\*\*\* MOBILE HOMES - PLEASE NOTE \*\*\***

The Sheriff must serve both the Notice of Judgment and the Writ of Restitution if the eviction is on a mobile home. You must provide the Civil Unit with both documents. You must leave a blank on the Notice of Judgment for the Civil Unit to fill in the specific date and time that the Civil Unit will return to execute the eviction (see 38-12-208(1)(b), C.R.S.). The Notice of Judgment must be served by the Civil Unit at least 48 hours prior to the eviction (see 38-12-208(1) (b), C.R.S.). The Civil Unit will also post a warning to the occupants of the mobile home that eviction is imminent.

**\*\*\* LANDLORD-TENANT RESOURCES \*\*\***

COLORADO ATTORNEY GENERAL.....	(303) 866-4500
COMMUNITY HOUSING SERVICES (Landlord-Tenant disputes) .....	(303) 831-1935
DENVER BAR ASSOCIATION SENIOR ATTORNEYS IN RESIDENCE .....	(303) 860-1115
DENVER UNIVERSITY LAW CLINIC .....	(303) 871-6140
LAW LINE 9 (every Wednesday, 4:00 a.m. - 6:30 p.m.).....	(303) 698-0999
LEGAL SERVICES (Denver).....	(303) 837-1313
METROPOLITAN LEGAL SERVICES .....	(303) 830-8210

More information and sample forms can be found in the "Self Help Center" on the state court website at: <http://www.courts.state.co.us/>

Please call the Civil Unit at 303-438-6480 if you have any additional questions.