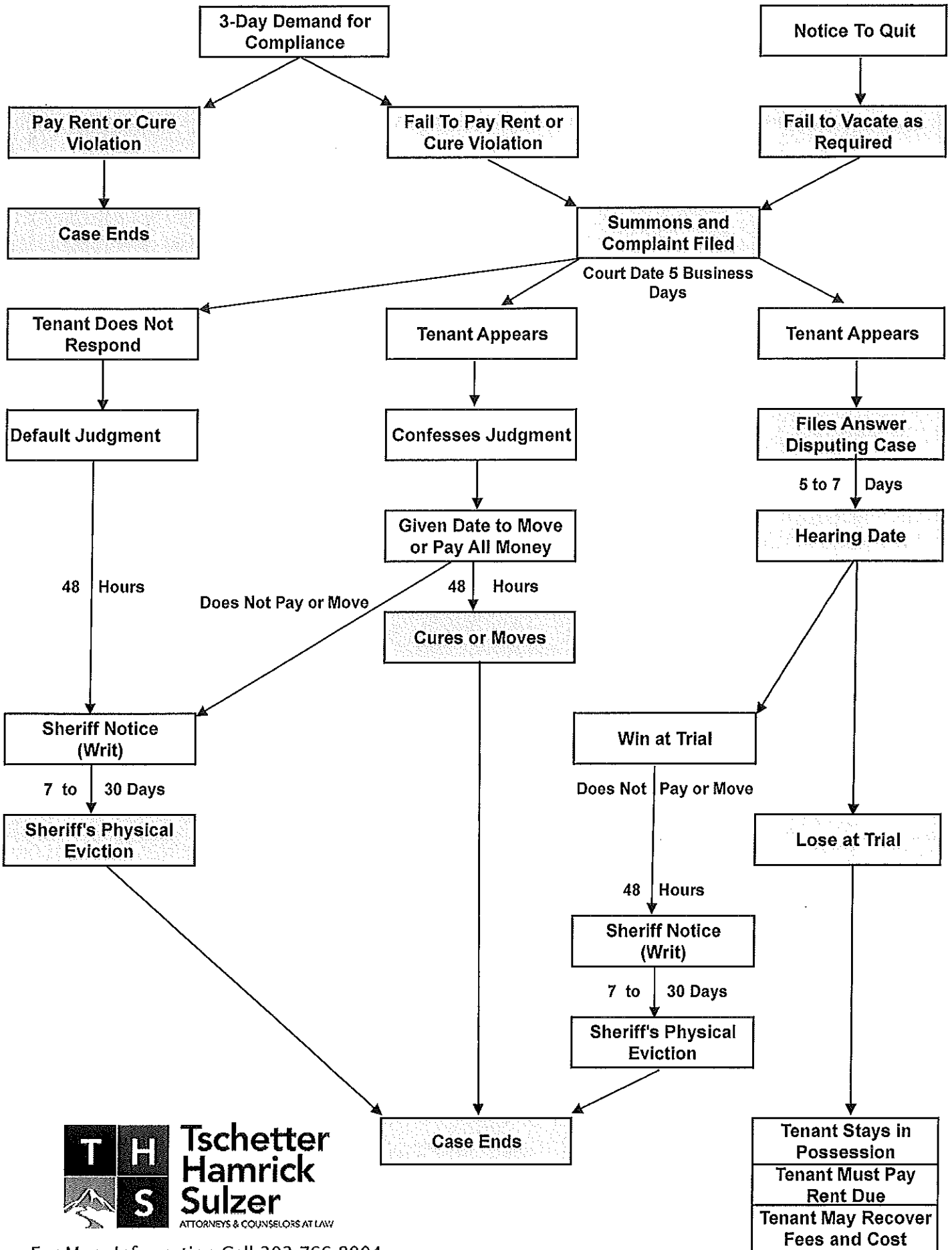


EVICTION PROCESS FLOW



For More Information Call 303.766.8004



Tschetter Hamrick Sulzer

ATTORNEYS & COUNSELORS AT LAW

3600 South Yosemite Street, Suite 828
Denver, CO 80237

EVICTION PROCEDURES

After you have posted the demand on the Tenant it will normally expire in three days at midnight. You cannot count the day you posted the notice. The following procedures apply after you have faxed the demand to us. Always include a cover sheet with instructions in case we cannot reach you for verification.

1. You will receive a confirmation phone call that the demand has been received by our office and is being processed. We will give you a court date at that time. The normal deadlines for filing cases is 10:00am.
2. The Summons, Complaint, Demand, and Answer Forms are processed and filed with the appropriate County Court.
3. SST Process Service receives the documents and serves them according to County Court rules. Personal Service is not required. If the tenant is not contacted the documents will be posted on the tenant's door. In addition, Court rules require that we mail a copy to the tenants. The documents are served 5-7 days prior to the appearance date.
4. On the day of court an Attorney from the firm will appear on your behalf. You do not need to attend court on this date. One of two things normally happen on this date, 1) the tenant appears and confesses judgment, and a stipulation is entered to settle the case. The tenant believes he is given a few extra days to vacate the property. In actuality the tenant is in most circumstances out of the property long before we could get physical move out date from the County Sheriffs. 2) The tenant does not appear. A Default Judgment for Possession is entered by the court (this happens most of the time). In some instances the tenant will settle the case with your approval and remain your tenant. You are never required to make a deal and settle a case in this manner it is your option. The last thing that might happen is that the tenant files an answer with the court disputing your eviction. They are required to pay a fee and the Court will assign a hearing date. The trial usually is 7 – 10 days out. You will be required to attend the trial and provide your evidence supporting the eviction. The Eviction staff will contact you and give you instructions on what will be needed if a trial is scheduled.
5. Post Judgment Work: Once a judgment is obtained against your tenant, we will call you, usually on the same day, giving you the court results. At that time you will need to decide if you want to proceed with the Writ of Restitution (this document gives notice to the tenant and Sheriff that a physical move out is authorized by the Court). The Court automatically issues a 48 hour stay before any Writ will be issued (the only exception is Boulder who issues them on the date of the Return). If you decide to proceed with the Writ it will then be served and taken to the County Sheriff on the 3rd day. There are additional fees for a Writ taken to the Sheriff. Each County is different check the fee schedule for the Sheriff in your County. If you send a Writ to the sheriff you will incur a fee no matter what. Part of the fees may be refunded if you cancel a physical move 24 hours prior to the actual date. If you request that we hold on the Writ, it will be issued and held at our office until you advise us on how to proceed. All issued Writs expire 30 days from date they were issued.



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6. Once the Writ has been delivered to the Sheriff a staff member will contact you and advise you of the procedures that the Sheriff follows to return possession of the property to you. These procedures vary from county to county. In some counties the sheriff will call you to schedule the move date and other counties require that you call them. All of the Sheriff Departments require that you do not provide the physical move out date and times to the tenants (Sheriff Departments consider this a Officer safety hazard). The eviction will be canceled if you do. Most of the Sheriff Departments will post a notice stating that a physical eviction is scheduled and that all parties should vacate the property immediately.
7. On the date of the physical eviction you must be fully prepared to complete the move in one hour. You are required to provide all of the manpower, bags and boxes to place the belongings on the front lawn next to the nearest public right of way (for example the number of people for a three bedroom home is 10-12). The Sheriff will not assist you in any way at all. If the Sheriff arrives and you are not prepared he will force you to reschedule. The reschedule date could be weeks away and additional fees will be charged. Once the tenant's property is on the lawn it must remain there for 24 hours before it can be disposed. You also need to have a locksmith there to enter the premises and change locks.
8. When the eviction is complete you have the option of trying to collect the balance of money owed to you. There are two different scenarios, first you can go to small claims court and sue the tenant directly for the outstanding balance. In this case you would be responsible for the case preparation, service of the documents, and collecting of the money awarded to by the court process. Second, you can give all of the information regarding the tenant including the lease, rent ledgers, legal bills, and other cleaning and renting cost to a collection agency. The agency will then attempt to collect the money for you to include suing the tenant in some cases. The agency will typically charge you a percentage of the money collected as a fee for their services. The good part is that the agency will do all the work for you. If you need a reference please contact our office.

If you have any additional questions please contact our eviction staff at 303-766-8004 or Colorado Springs 719.550.8004.



MEMORANDUM REGARDING SHERIFF'S REQUIREMENTS FOR PHYSICAL EVICTIONS

THESE PROCEDURES VARY FROM COUNTY TO COUNTY. THIS MEMO IS TO BE USED AS A BASIC GUIDELINE. PLEASE VERIFY ANY SPECIFIC ISSUES WITH THE SHERIFF'S OFFICE WHO WILL BE EXECUTING THE ORDER.

AN EVICTION (PHYSICAL REMOVAL) OF A TENANT SUPERVISED BY THE SHERIFF TAKES A , CONSIDERABLE AMOUNT OF TIME, AND HAS SPECIFIC REQUIREMENTS. IN ORDER TO FAMILIARIZE YOURSELF WITH AND COMPLY WITH THESE REQUIREMENTS, YOU SHOULD REVIEW THIS MEMO. FAILURE TO COMPLY WITH THESE REQUIREMENTS CAN RESULT IN DELAYS AND OTHER PROBLEMS.

1. You must wait for the Civil Deputy's arrival before entering the dwelling to start the eviction. The deputy is the one executing the order and all persons present, regardless of status, are required to follow his/her direction. Failure of the Plaintiff, or workers, to do so may cause cancellation of the eviction. Interference by anyone may result in arrest. **ENTERING THE PROPERTY BEFORE THE SHERIFF DESTROYS THE VALUE OF THE EVICTION PROCESS, i.e. having the eviction carried out pursuant to a court order by the Sheriff. If you enter prior to the Sheriff, the Sheriff has no way to know whether you entered five minutes ago or 5 days ago.**
2. Due to Officer Safety concerns, under no circumstances shall the date and or time of the eviction be communicated to the tenant. The Deputy most likely will cancel the eviction if the Sheriff's manpower or equipment requirements are not meant, both initially or, if necessary, after the process has begun.
3. You have one (1) hour to complete the eviction (only exception; a 4 or 5-bedroom house may require two (2) hours). General guideline is four (4) laborers for a one bedroom dwelling, eight (8) laborers for a two bedroom dwelling, and ten (10) or more laborers for a three (3) bedroom dwelling. Verify this requirement with the Sheriff, they can change from property to property depending on the condition of the dwelling.
4. All personal property must be placed on the driveway, parking area, or lawn- **NEVER** on the sidewalk or street. The Sheriff will direct you as to where to place the property. You must have sufficient equipment, trash bags and boxes for all personal property. Everything, including the trash, must be removed and handled with reasonable care. For waterbeds, you will need a waterbed pump. (this process takes approximately forty-five (45) minutes).
5. Inventory of the property is not required and you are not responsible for the personal property after removal from the premises. There is a twenty-four (24) hour waiting period before disposing of tenant's unclaimed property. The property owner/agent is responsible for the immediate clean up of any of the tenant's property that falls onto the public property or a neighbor's private property during the 24-hour waiting period prior to the disposal of the tenant's unclaimed property.
6. When scheduling an eviction, please make us aware of any potential dangers and any known drug or gang activity. It is essential that the property be checked twenty-four (24) to forty-eight (48) hours prior to the eviction date.
7. Please make arrangements to have an expert present (locksmith) to open/unlock doors if necessary, and to change locks after the eviction is complete. If there are any concerns contact the Sheriff's office before the scheduled move so they can advise you on how to prepare so that your eviction will not be canceled.

County Sheriff's phone number's are:

Adams Sheriff	303.655.3272
Arapahoe Sheriff	720.874.3851
Boulder Sheriff	303.441.3608
Broomfield Police	303.438.6400
Denver Sheriff	720.865.9556
Douglas Sheriff	303.660.7527
Jefferson Sheriff	303.271.6580
Larimer Sheriff	970.498.5150
Weld Sheriff	970.356.4015
El Paso Sheriff	719.520.7144