

THE EVICTION PROCESS



Mesa County Sheriff's Office
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This brochure is intended only as a general guide regarding tenant evictions and the role of the Mesa County Sheriff's Office.

Please note that all Mesa County Sheriff's Office employees are prohibited by law from giving legal advice.

Colorado Revised Statute 30-10-520

All statutes-Title 38 Article 12 and Title 13 Article 40 as well as forms are available at:

www.courts.state.co.us

For any legal advice you should consult an eviction attorney.

Step One: Notice

Most eviction proceedings are due to a tenant failing to make rent payments, although other circumstances may apply.

When the landlord decides to proceed with an eviction action, he/she must complete a written notice to the tenant such as a **Demand for Compliance, Right to Possession, or Notice to Quit**.

This notice must set forth the grounds for the landlord's demand for possession of the property, the date/time that the tenancy will terminate, the name(s) of all tenants or occupants needing to vacate and must be signed by the landlord or his agent/attorney.

The amount of time between the time of service and the termination varies based on the type and length of tenancy or reason for termination.

The notice may be served on the tenant, other occupant, or a relative over the age of 18 living at the residence.

If no one is present, the Notice may be posted in a conspicuous place (i.e. front door).

It is recommended that wording such as "**et. al.**" or "**and all other occupants**" be included on all paperwork, in addition to known tenants or persons known to live there.

Step Two: Summons in Forcible Entry and Unlawful Detainer (FED)

If the tenants do not move out by the date specified in the written notice, the landlord must file an action at Mesa County Court requesting recovery of the premises.

Past-due rent and other specific claims may also be included as part of the complaint.

The court clerk will issue a summons to be served on the tenant(s).

The summons will command their appearance in court.

Personal service or service by posting shall be made no more than 14 days from its issuance and no less than 7 days before the day for appearance.

The summons is served on the tenants. **A proper legal service must be made on each tenant.** If there are multiple tenants, the court will not have jurisdiction over tenants that are not served.

The documents may be served by the Sheriff's Office, a private process server, or **a person over the age of 18 and not a party to the action.**

Service must be made at least 7 days prior to the court date (including weekends and holidays).

If personal service cannot be made "after having made all diligent effort", the process may be posted.

You must also mail a copy of the summons to the tenant no later than the next day following your filing date.

If the landlord is also trying for a money judgment, personal service must be obtained.

Step Three: Court Hearing

If the court finds in favor of the landlord, a judgment will be entered for possession of the premises.

The tenant may file an answer contesting the claim.

If personal service was made, the court may also award a money judgment. If the service was by posting, the money judgment may be obtained later through a separate action (i.e. small claims court), or a continuance to try to obtain personal service.

If the court rules in favor of the tenant, they may be entitled to a judgment for their costs.

Step Four: Writ of Restitution

If the landlord is awarded the judgment and no appeal is filed, the court will issue the Writ of Restitution after 48 hours.

If the tenants move out on their own during this period, the landlord does not have to obtain the Writ of Restitution.

When the Writ of Restitution (valid for 49 days) has been obtained, it must be brought to the Mesa County Sheriff's Office to schedule an eviction.

Only the Sheriff's Office can execute a Writ of Restitution.

A date/time will be scheduled for the execution of the Writ.

The Deputy has the authority to reschedule.

Prior to the eviction day a courtesy notice will be posted at the premises informing that they must vacate **IMMEDIATELY**.

We do not give the date/time of the eviction to the tenant for everyone's safety.

On the day of the eviction the Deputy will meet the landlord at the premises. The landlord must provide sufficient physical labor (**all must be over the age of 18 and able bodied**) and supplies to remove all belongings from the residence in approximately one hour.

The Deputy does not assist in the moving of property.

The property will be placed on the edge of the property (unless otherwise agreed upon by the landlord/tenant and approved by the supervising Deputy).

The statute states the property must remain for a "reasonable amount of time", however it is up to the Landlord to make that determination.

Locks can be changed **AFTER** all belongings have been removed from the premises.

Abandoned pets will be turned over to Animal Control.

All vehicles, operable or inoperable, are required to be moved from the property by the landlord.

Moving any tenant property prior to the Deputy arriving can result in the eviction being cancelled.

Fees for Service:

Written Notice/Demand:

\$35 + mileage

Summons & Unlawful Detainer (FED):

\$35 per Served party + mileage

Writ of Restitution:

\$193.50 - Zone 1

\$219.00 - Zone 2

If a crime has been committed by a tenant, or if rental property is intentionally being damaged, report it to your local law enforcement agency. If you have a life-threatening situation, call 911.

If you are completing an eviction of a mobile home please contact the Mesa County Civil Process Unit for specific instructions.

For questions about the eviction court process, call –

Mesa County Combined Courts
(970)257-3640

To obtain the required forms, contact

Mesa County Combined Courts Clerks Office
125 North Spruce Street
Grand Junction, CO

or

www.courts.state.co.us