DISTRICT COURT, LARIMER COUNTY, COLORADO

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ADMINISTRATIVE ORDER CONCERNING SENATE BILL 20-211 RE: "EXTRAORDINARY DEBT COLLECTION ACTIONS"

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ADMINISTRATIVE ORDER 2020-8

On June 29, 2020, Governor Jared Polis signed Senate Bill 20-211 concerning limitations on certain debt collection actions due to COVID-19. The purpose of this order is to provide guidance and authority to the 8th Judicial District for operations relating to Senate Bill 20-211 which establishes a prohibition on initiating or maintaining any new "extraordinary debt collection actions" except in accordance with the bill provisions until at least November 1, 2020 with authorization for an extension through February 1, 2021. The requirements of the bill do not apply to child support, maintenance, or business debt.

Under SB 20-211, prior to execution or service of a writ, the judgment creditor shall provide a written notice to the judgment debtor at least 10 days but not more than 60 days prior to the execution or service of a writ. Requirements for the notice, including language and font size, are detailed in the statute. The notice must be sent to a judgment debtor at the debtor's last known address by the judgment creditor. An additional copy of the notice must also be served with the writ of garnishment. At the time of filing a proposed writ, the judgment creditor should also file a certificate of mailing with the court showing that that the notice has

been served prior to issuance of a writ. The return of service on the writ should also indicate the notice was served again.

During this temporary prohibition on extraordinary collection actions, all writs or legal processes intended to effect an extraordinary collection action (such as an attachment, garnishment, levy or execution to collect or enforce a judgment on a debt) will be rejected unless accompanied by the documentation required above. Such writs or legal processes shall reflect current exemption thresholds as outlined in the statute.

The clerk's office and division staff shall reject any writ or legal process that does not comply with these, or already existing, requirements. Parties requesting additional review by the court shall file a writ or legal process in conjunction with a motion and proposed order.

This order shall remain in effect for as long as the limitations of SB20-211 remain in effect including any extension.

Dated this 31st of July, 2020.

Stephen E. Howard

Chief Judge, Eighth Judicial District

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