|  |  |
| --- | --- |
| **County Court, Denver County, Colorado****1437 Bannock Street, Room 135****Denver, Colorado 80202, 720-865-7840**Plaintiff(s): v.Defendant(s):  | ▲COURT USE ONLY▲ |
| Attorney or Party Without Attorney (Name and Address): Phone Number: E-mail:FAX Number: Atty. Reg. #: | Case Number:Div. **Civil** Courtroom |
| AFFIDAVIT TO SUPPORT CLAIM FOR A BREACH OF THE WARRANTY OF HABITABILITY PURSUANT §38-12-507(1)(c) C.R.S. |

The Defendant(s) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ answers(s) the Complaint stating that the Landlord has breached the warranty of habitability. In addition, to the answer filed, I/we file this Affidavit stating the following:

The rental agreement, which is the subject of this action, was entered into or extended or renewed on or after September 1, 2008.

**Total Past Rent Due, as stated in the Complaint:** $ \_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Total expenses incurred as a result of the property being uninhabitable:** $ \_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Difference (Total Past Rent Due – minus total expenses incurred)** $ \_\_\_\_\_\_\_\_\_\_\_\_\_\_

**NOTE:** If the total rent due is greater than the total expenses incurred as a result of the property being uninhabitable, you are required to deposit funds in the Court Registry for the amount stated above. This money must be deposited via certified funds with the Court at the same time you are filing your answer. This money will be held in the Court Registry and refunded or applied as ordered by the Court at the conclusion of the case.

**VERIFICATION AND ACKNOWLEDGEMENT**

I \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(name) swear/affirm under oath, and under penalty of perjury, that I have read the foregoing *AFFIDAVIT TO SUPPORT CLAIM FOR A BREACH OF THE WARRANTY OF HABITABILITY PURSUANT TO §38-12-507(1)(c), C.R.S*., and that the statements set forth therein are true and correct to the best of my knowledge and belief.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Defendant’s Signature Date Defendant’s Signature Date

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Defendant’s Attorney Signature, if any Date Defendant’s Attorney Signature, if any Date

Subscribed and affirmed, or sworn to before me Subscribed and affirmed, or sworn to before me in the County of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, in the County of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,

State of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, this \_\_\_\_\_\_\_ State of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, this \_\_\_\_\_\_\_

day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20 \_\_\_\_\_. day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20 \_\_\_\_\_.

My Commission Expires: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ My Commission Expires: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Notary Public/Clerk Notary Public/Clerk

**CERTIFICATE OF SERVICE**

I certify that on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (date) a true and accurate copy of this *AFFIDAVIT TO SUPPORT CLAIM FOR A BREACH OF THE WARRANTY OF HABITABILITY PURSUANT TO §38-12-507(1)(c), C.R.S*., was served on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_the other party(s) or attorney(s) by:

Hand Delivery E-filed Faxed to this number \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ or by placing it in the United States mail, postage pre-paid, and addressed to the following:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Signature