

# INSTRUCTIONS FOR AN AGISTOR'S LIEN

**These standard instructions are for informational purposes only and do not constitute legal advice about your case. If you choose to represent yourself, you are bound by the same rules and procedures as an attorney.**

## GENERAL INFORMATION

- An Agistor's lien is a lien filed by a person engaged in the business of feeding, herding, pasturing, keeping, ranching or boarding or for medical care of livestock.
- An Agistor's lien is effective for the entire period during which the livestock is held by the Agistor. If the livestock is sold, exchanged, or otherwise disposed of by someone other than the Agistor or Agistor's agent, the lien continues and attaches to the proceeds of the sale, exchange or disposition.
- The lien amount is limited to the value of \$15,000 in County Court.
- If the amount exceeds \$15,000 you must file in District Court.
- Before documents can be filed in the Court, the Agistor's Lien must be filed with the Secretary of State at [www.sos.state.co.us](http://www.sos.state.co.us) OR the County Clerk and Recorder in the county where the livestock are located.
- The Lien must be filed for at least 30 days before foreclosure. After 30 days a foreclosure action may be filed in the County OR District Court, depending on the amount of the lien.
- For additional information, please review Colorado Revised Statutes §§38-20-201-210.
- If you have a disability and need a reasonable accommodation to access the courts, please contact your local ADA Coordinator. Contact information can be obtained from the following website: [http://www.courts.state.co.us/Administration/HR/ADA/Coordinator\\_List.cfm](http://www.courts.state.co.us/Administration/HR/ADA/Coordinator_List.cfm)

## COMMON TERMS

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Complaint:               | Document officially commencing the Agistor's Lien with the Court.   |
| <input checked="" type="checkbox"/> Plaintiff(s):            | The person(s) or business filing the Complaint.   |
| <input checked="" type="checkbox"/> Defendant(s):            | The person(s) or business that the Complaint is filed against.  |
| <input checked="" type="checkbox"/> Service of Process:      | The official means by which a Defendant is notified that a lawsuit has been filed against him/her and provided a copy of the Complaint and a description of the person's rights and obligations as a party to the case.   |
| <input checked="" type="checkbox"/> Agistor:                 | Any rancher, farmer, feeder, herder of cattle, livery stable keeper, veterinarian, or other person, to whom livestock are entrusted by the owner for feeding, herding, pasturing, keeping, ranching, or boarding, or providing medical care.  |
| <input checked="" type="checkbox"/> Lienor:                  | Person filing a lien.   |
| <input checked="" type="checkbox"/> Abandoned:               | Having forsaken entirely or neglected or refused to pay for feeding, herding, pasturing, keeping, ranching, boarding, or medical care for any livestock help by an Agistor, its owner, or an owner's agent.   |
| <input checked="" type="checkbox"/> Board:                   | State Board of Stock Inspection Commissioners created in §35-41-101, C.R.S.   |
| <input checked="" type="checkbox"/> Livestock:               | Includes horses, mules, asses, cattle, sheep, hogs, and alternative livestock as defined in §35-41.5-102(1), C.R.S.   |
| <input checked="" type="checkbox"/> Continuing Payment:      | Charges that are due and owing to an Agistor and do not have a definite termination date.   |
| <input checked="" type="checkbox"/> Public Livestock Market: | Any facility operated for the profit as a public livestock market, consisting of enclosures in which livestock is received, held, or assembled for either public or private sale. The owners of the public livestock market shall be compensated for the use of the premises and the services performed in handling the livestock in connection with the sale see §35-55-101(2), C.R.S. |

**If you do not understand this information, please contact an attorney**

## FEES

The filing fee in County Court is currently \$97.00. The filing fee in District Court is currently \$224.00. If you are unable to pay, you must complete the Motion to File without Payment and Supporting Financial Affidavit (JDF 205) and submit it to the Court. Once you submit the completed JDF 205 form and a blank Order (JDF 206), the Court will determine according to the statute if you need to pay the filing fee. JDF 205 and JDF 206 can be found on the state website under the “Forms” tab by selecting [Miscellaneous](#).

Other fees that a party to the case may encounter are as follows:

- Answer Fee – County Court                      \$92.00
  - Answer Fee – District Court                      \$158.00
  - Certification Fee                                      \$20.00
  - Copy of Documents                                      .75 per page
  - Service Fees    Varies (Not payable through or to the Court.)
- Ex: Serving the Show Cause Order on the owner of the livestock.

## FORMS

To access a form online go to [www.courts.state.co.us](http://www.courts.state.co.us) and click on “Forms” tab. The packet/forms are available in PDF or WORD by selecting “County Civil – Agistor’s Lien” or “District Civil – Agistor’s Lien”. You may complete a form online and print it or you may print it and type or print legibly in black ink. **Read these instructions carefully to determine what forms you may need.**

- JDF 132      Agistor’s Lien or UCC Financing Statement [www.iaca.org/downloads/forms/ucc1.pdf](http://www.iaca.org/downloads/forms/ucc1.pdf)
- JDF 133      Complaint for Foreclosure of Agistor’s Lien
- JDF 134      Order to Show Cause re: Sale of Livestock
- JDF 135      Order re: Judgment on Agistor’s Lien
- JDF 136      Notice of Demand - Agistor’s Lien

## STEPS TO FILING YOUR CASE

### Step 1: Complete appropriate forms.

Please refer to the list of required forms above to determine which forms must be submitted when filing your case based on your individual circumstances. The caption illustrated below needs to be completed on all forms filed with the court. Check with your local district for additional filing requirements. **Keep a copy of each form for your own records and make a copy to provide to the other party.**

<input type="checkbox"/> County Court <input type="checkbox"/> District Court _____ County, Colorado Court Address: _____ Plaintiff(s): <b>(print your name here)</b> v. Defendant(s): <b>(print name here)</b>	<b>▲ COURT USE ONLY ▲</b>
Attorney or Party Without Attorney (Name and Address): <b>(Print your name and address here if you are representing yourself.)</b> Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____	Case Number: _____  Division                      Courtroom
<b>NAME OF FORM</b>	

- Agistor's Lien (JDF 132).**
  - Fill out the form completely and be specific with your answers.
  - You are required to file the lien with the Colorado Secretary of State ([www.sos.state.co.us](http://www.sos.state.co.us)) located at 1700 Broadway, Denver, CO 80290 **OR** the Clerk and Recorder's Office in the county where the livestock are located. The filing of this lien constitutes notice of what the lien says and the legal effect of the lien.
  
- Complaint for Foreclosure of Agistor's Lien (JDF 133).**
  - If payment is not made after 30 days from the filing of the lien identifying charges due, the Complaint can be filed with the County or District Court depending on the amount of the claim as identified in section 4 of the Complaint.
  - Complete all sections on the form.
  - The Complaint must be filed in the County where the:
    - Contract was entered into; **or**
    - Owner resided at the time the foreclosure action commenced; **or**
    - Livestock are located
  - A Notice of Demand (JDF 136) must be provided to the owner or the owner's agent by certified mail at their last-known address. This Notice must be provided to the owner at least 15 days before any sale. Attach the return receipt to the Complaint. If the address is not known, notice by publication can be provided pursuant to §38-20-206(1)(a), C.R.S.
  
- Order to Show Cause re: Sale of Livestock (JDF 134).**
  - Complete the caption only on this form. The Court will complete the applicable sections of this form after the Complaint has been reviewed by the Court.
  - If a judgment has been received on the lien, the lienholder may proceed to sell the livestock to satisfy the lien.
  - The hearing date will be scheduled not more than ten working days after the date of the issuance of the Order to Show Cause.
  
- Order and Judgment re: Agistor's Lien (JDF 135).**
  - Complete the caption only on this form.
  - The Court will complete the applicable sections of this form following the hearing.

**Step 2: Mail Complaint to the State Board.**

- Before you file the Complaint with the Court you must send a copy of the Complaint (JDF 133) to the State Board of Livestock Inspection at 305 Interlocken Parkway Broomfield CO 80021.
- For additional information, please review the Department of Agriculture website at <http://www.colorado.gov/ag> and then select Divisions to access Brand Inspection Division.

**Step 3: You are ready to file your Documents with the Court.**

- Provide the Court with the documents completed as described in Step 1 above.
- Pay the filing fee of \$97.00 or \$224.00, as appropriate.
- If the Complaint has not been signed in the presence of a Notary Public, you will sign the Complaint before the Clerk at this time.
- The Court will review the Complaint and if satisfactory will issue an Order to Show Cause why the livestock should not be sold.

#### **Step 4: You are ready to have the Defendant(s) served.**

You are responsible for paying the service fees. Personal service must be made by someone who is 18 years or older and not a party to the action. **Service must be completed at least five business days before the Show Cause Hearing date.** Complete the following process based on the type of service selected:

##### **Personal Service:**

- Select either the Sheriff's Department, a private process server, or someone you know who is 18 years or older and not a party to the action and who knows the rules of service to serve each Defendant. There is a service fee that is payable to the Sheriff's Department or Private Process Server. The fee for service is usually awarded as part of your court costs if the court rules in your favor.
- You can locate private process servers in the yellow pages under Process Servers.
- Provide the person who will complete service a set of the following forms for each Defendant:
  - Complaint for Foreclosure of Agistor's Lien (JDF 133), Order to Show Cause re: Sale of Livestock (JDF 134). In addition, attach the exhibits identified in the Complaint.
- Provide the process server with an Affidavit of Service (JDF 98) for each Defendant.
- The process server will return the original Order to Show Cause to you with the Affidavit of Service completed.
- Each Defendant must be served at least five business days before the hearing date specified in the Order to Show Cause re: Sale of Livestock (JDF 134).

#### **Step 5: Service is complete.**

Return the original Order to Show Cause re: Sale of Livestock (JDF 134) with proof of service using the Affidavit of Service (JDF 98) to the Clerk on or before the hearing date.

#### **Step 6: Show Cause Hearing.**

- Appear on your court date. If you fail to appear, your case may be dismissed.
- Be prepared for your hearing
- Once the Court issues the Order re: Judgment on Agistor's Lien (JDF 135) and judgment is in favor of the Plaintiff, the sale of the livestock may be completed to satisfy the amount of the lien. The sale shall take place not more than 45 days after the entry of judgment at the nearest Public Livestock Market in Colorado.

#### **Step 7: Sale of Livestock Pursuant to §38-20-206, C.R.S.**

- You must notify the owner of the livestock at least 15 days before the sale.
  - The Notice of Demand shall include the time and place of the sale and a description of the livestock to be sold.
  - The Notice of Demand has been provided to the owner or the owner's agent by certified mail at their last-known address.
  - If the address is not known, the Notice of Demand shall be by publication in one newspaper in the county where you live or you can post in three public places and deliver a copy to the owner or owner's agent. (§38-20-206(1)(a), C.R.S.)
- The Public Livestock Market shall pay you from the sale proceeds the reasonable cost of the foreclosure (filing fees, etc.), the notice, sale and the reasonable and necessary charges you incurred for preserving, maintaining, feeding, boarding, pasturing, caring, and keeping the livestock up to the date of the sale.
- The reasonable cost of keeping the livestock up to the date of the sale shall not exceed \$5.00 per head per day.
- Any remaining proceeds and any unsold livestock shall be forwarded to the Court for distribution to the owner or the owner's agent.
- If the owner or owner's agent are not known and cannot be found, the sale proceeds shall be returned to the Brand Board.
- The Public Livestock Market shall file a bill of sale with the Court that entered the Order re: Judgment. The bill of sale shall include the amount for each animal that was sold and the name of each purchaser.

STATE OF COLORADO

COUNTY OF \_\_\_\_\_

**AGISTOR'S LIEN PURSUANT TO §38-20-203, C.R.S.**

1. I, \_\_\_\_\_, swear/affirm under oath that the following statements are true and correct:

**2. Information about the Agistor:**

Name: \_\_\_\_\_ Email Address: \_\_\_\_\_

Street Address: \_\_\_\_\_

Mailing Address, if different: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_ Phone #: \_\_\_\_\_

**3. Information about the Owner/Owner's Agent of the Livestock:**

Name: \_\_\_\_\_ Email Address: \_\_\_\_\_

Street Address: \_\_\_\_\_

Mailing Address, if different: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_ Phone #: \_\_\_\_\_

4. This lien is claimed against the following livestock:

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

5. This lien is filed for the amount due for the feeding, herding, pasturing, keeping, ranching, boarding, or medical care provided for the livestock and the current amount of this lien is \$\_\_\_\_\_ and is continuing while said livestock is in Agistor's possession. This lien also covers all costs incurred in enforcing this lien, including attorney fees if applicable.

6. Terms of Contract:

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

This contract will continue to accrue liability as long as the said livestock remains in the possession of the Agistor.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Agistor



<input type="checkbox"/> County Court <input type="checkbox"/> District Court _____ County, Colorado Court Address: _____  Plaintiff(s): _____ v. Defendant(s): _____	▲ <b>COURT USE ONLY</b> ▲
Attorney or Party Without Attorney (Name and Address): _____  Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____	Case Number: _____  Division _____ Courtroom _____
<b>COMPLAINT FOR FORECLOSURE ON AGISTOR'S LIEN</b>	

I \_\_\_\_\_ (name of Plaintiff) file this action pursuant to §38-20-205, C.R.S. and state the following:

**1. Information about the Plaintiff:**

Name: \_\_\_\_\_ County of Residence: \_\_\_\_\_  
Street Address: \_\_\_\_\_  
Mailing Address, if different: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_ Home Phone #: \_\_\_\_\_  
Email Address: \_\_\_\_\_ Work Phone #: \_\_\_\_\_

**2. Information about the Defendant:**

Name: \_\_\_\_\_ County of Residence: \_\_\_\_\_  
Street Address: \_\_\_\_\_  
Mailing Address, if different: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_ Home Phone #: \_\_\_\_\_  
Email Address: \_\_\_\_\_ Work Phone #: \_\_\_\_\_

3. The Defendant is in the military service:  Yes  No  Unknown

4. The Plaintiff provided boarding and training service beginning on \_\_\_\_\_ (date). The Plaintiff performed the following services at the written or verbal request of the owner or owner's agent:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Written agreement attached and labeled as Exhibit A.

5. The Defendant has failed to pay the sum agreed upon for the Plaintiff's services and care of the livestock. The amount of the claim is \$ \_\_\_\_\_.  An itemized list of the fair market value of the charges that are due, and unpaid, including veterinary bills, under the lien are attached and labeled as Exhibit B.
6. A copy of this Complaint was sent to the State Board of Stock Inspection on \_\_\_\_\_ (date).
7. Description of the livestock are as follows: (Attach additional pages if necessary)

Description of Livestock	Age	Color	Sex	Markings/Scars	Brands	Earmarks

8. The value of the lien is \$ \_\_\_\_\_.
9. The registration number upon which the lien is claimed is \_\_\_\_\_ or  Unknown.
10. A Notice of Demand was provided to the Defendant by certified mail at his/her last-known address on \_\_\_\_\_ date).  Attach return receipt.

The Plaintiff prays for judgment in his/her favor and against the Defendant declaring that Plaintiff has a valid Agistor's Lien upon the livestock identified in this Complaint in the amount of \$ \_\_\_\_\_ plus continuing charges for care as provided in the Agreement between the parties for the period of time the livestock is in the possession of Plaintiff, together with all costs and attorney's fees, and for foreclosure of the lien, and such other and further relief as the Court deems just and proper.

### VERIFICATION AND ACKNOWLEDGMENT

I swear/affirm under oath that I have read the foregoing Complaint and that the statements set forth therein are true and correct to the best of my knowledge.

\_\_\_\_\_  
Signature of Plaintiff Date

The foregoing instrument was acknowledged before me in the County of \_\_\_\_\_, State of Colorado, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by the Plaintiff.

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

\_\_\_\_\_  
Notary Public/Deputy Clerk

\_\_\_\_\_  
Signature of Attorney Date

<input type="checkbox"/> District Court <input type="checkbox"/> County Court _____ County, Colorado Court Address: _____ <hr/> Plaintiff(s): v. Defendant(s):	<div style="text-align: center; border-top: 1px solid black; border-bottom: 1px solid black;"> <b>▲ COURT USE ONLY ▲</b> </div> Case Number: _____ Division: _____ Courtroom: _____
<b>ORDER TO SHOW CAUSE RE: SALE OF LIVESTOCK</b>	

**Notice to \_\_\_\_\_ Defendant:**

This matter being heard on the basis of the Plaintiff(s) Complaint for Foreclosure on Agistor's Lien, it is hereby Ordered, that the Defendant shall show cause why the livestock should not be sold pursuant to the procedures within §38-20-203, C.R.S. – §38-20-206, CR.S.

A hearing will be held at the following date, time and location:

**Date:** \_\_\_\_\_ **Time:** \_\_\_\_\_ **Courtroom or Division:** \_\_\_\_\_  
**Address:** \_\_\_\_\_

The hearing will take approximately \_\_\_\_\_  days  hours  minutes.

**Defendant is hereby advised that:**

1. You have the right to appear and present testimony at the hearing.
  
2. If you fail to appear at the hearing, a default judgment may be entered against you for the lien charges described in the Plaintiff's Complaint, plus costs, attorney's fees, and such other relief as the Court deems that Plaintiff is entitled too.

Date: \_\_\_\_\_

\_\_\_\_\_  
 Judge    Magistrate



<input type="checkbox"/> District Court <input type="checkbox"/> County Court _____ County, Colorado Court Address: _____ <hr/> Plaintiff(s): _____  v.  Defendant(s): _____	▲ <b>COURT USE ONLY</b> ▲ <hr/> Case Number:  Division _____ Courtroom _____
<b>ORDER RE: JUDGMENT ON AGISTOR'S LIEN</b>	

This matter comes before the Court on a Complaint filed pursuant to §38-20-205, C.R.S. Following review of the Complaint and Answer filed by Defendant, if applicable, or hearing on \_\_\_\_\_ (date), the Court hereby finds that the Defendant is in default.

**The Court Orders the following:**

- The Plaintiff is hereby granted a default judgment against Defendant.
  
- The Plaintiff may proceed to sell the livestock not more than 45 days from the date of this Order, pursuant to §38-20-206, C.R.S.
  
- The Plaintiff shall be awarded his/her attorney fees and costs of this matter against Defendant set forth in the Affidavit of Court Costs and Attorney Fees of \$\_\_\_\_\_.
  
- Other: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
 Judge    Magistrate

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**CERTIFICATE OF MAILING**

I certify that on \_\_\_\_\_ (date), I mailed, faxed, e-filed, or hand-delivered a copy of this Order to the following:

- Plaintiff/Plaintiff's Attorney
- Defendant/Defendant's Attorney

\_\_\_\_\_  
 Clerk



## NOTICE OF DEMAND - AGISTOR'S LIEN

To: \_\_\_\_\_ (Owner or Owner's Agent)

This Notice of Demand is filed pursuant to §38-20-205, C.R.S. - §38-20-206, C.R.S.

Description of Livestock:				
Location of Sale: _____				
City	County	State	Date of Sale	Time of Sale

Payment to the Agistor in the sum of \$ \_\_\_\_\_ is past due. The amount owed to the Agistor is from \_\_\_\_\_, 20 \_\_, to \_\_\_\_\_ 20\_\_ for the care of the livestock identified above.

Date: \_\_\_\_\_

\_\_\_\_\_  
Agistor

\_\_\_\_\_  
Agent or Attorney

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**Note:**

- ◆ This Notice of Demand can be provided to the owner or the owner's agent by certified mail at their last-known address.
  
- ◆ If the address is not known, this Notice of Demand can be provided by publication in one newspaper published in the county of the lienor's residence or posting in three public places within the county of the lienor's residence and delivering a copy to the owner or the owner's agents.
  
- ◆ If a copy is to be delivered to the owner's agent and such agent does not reside in the county of the lienor's residence, a copy of this Notice of Demand shall be published in a newspaper published in the county of the agent's residence, or, if no newspaper is published in such county, a copy shall be mailed to such agent's place or residence.