

## **INDUSTRY WRAPUPS**

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### **Finance**

## **Single sentence makes big difference in foreclosure cases**

**Tom Locke**

Thanks to Denver lawyer Doug Koltavy, the state judicial system and banks that foreclose on property through a "replevin" procedure are saving a bundle. Koltavy pushed for a one-sentence rule change in Colorado's rules of civil procedure that the Colorado Supreme Court made effective Jan. 1.

Under the old rule, a hearing date had to be set within seven to 10 days of filing the replevin, which led to an order for the sheriff to repossess the car or other property. But the defendant had to be served with a subpoena five business days before the hearing, which left little opening for the person to be served. The same time schedules applied if a new hearing was scheduled, and often foreclosure hearings were rescheduled several times.

Under the new rule, the plaintiff, often a bank, can waive the seven- to 10-day rule and set a hearing date out 20 days or more, allowing more time to serve the defendant. In the past, some defendants would dodge service enough that plaintiffs actually would give up because the legal fees exceeded the value of the car being repossessed.

"The courts love the new rule," said Koltavy, and so do banks.

The process began with a letter to the chair of the Civil Rules Committee for the state judiciary in January 2003.

What did he learn?

"Don't be afraid and try and correct something that seems wrong," Koltavy said. "I'm just a solo practitioner. You really can go in and make a difference."

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