

JDF 76

Motion to/for Case Dismissal

1. Court: ☐ District ☒ County

Colorado County: Adams County, Colorado

Mailing Address: 1100 Judicial Center Drive, Brighton, Co 80601

2. Parties to the Case:

Plaintiff/Petitioner: Kristin Bailey

&

Defendant/Respondent: Mara Levin, Joseph Napolitan

This box is for court use only.

3. Filed by:

Name: Joseph Napolitan, Mara Levin

Mailing Address: 8190 Raleigh Pl

City: Westminster St: Co Zip: 80031

Phone: (616) 560-8451, (805) 490-0927

Email: napolitanjoe@gmail.com, maralevin620@gmail.com.

4. Case Details:

Number: 24S422Division: S1

Courtroom: 307

5. Other Parties Response

Skip this section in criminal cases.

I checked to see if the other parties agree with my request. They:

☐ Agree.☐ Disagree.☒ Did Not Respond.

☐ Other: _____.

6. My Request

I want the Court to:

Dismiss the claim against the landlords on the grounds that the tenant failed to provide a demand letter, and the landlords have already returned the entire security deposit to the tenant, who has also deposited the check

7. Discussion

The Court should grant my request, because:

The tenant failed to adhere to the procedural requirements necessary for pursuing legal action under Colorado law. According to C.R.S. 38-12-103, the tenant is required to send a Seven-day Demand Letter via certified mail before initiating legal proceedings. This requirement was not met, as our former tenant did not provide such a demand letter, failing to notify us of their intent to sue before doing so in accordance with state law. Moreover, we have returned the entire security deposit to our former tenant's specified address via certified mail. We have documentation confirming the tenant received, signed for, and cashed the deposit within the required time frame after our initial communication. This good faith action demonstrates our compliance with returning the security deposit, effectively resolving the matter on our part according to the law.

8. Certificate of Service

I certify that on *(enter date)* 12/4/2024, I gave a copy of this document to the other parties by: *(select at least one)*

- ☐ Colorado Courts E-Filing. *(Only available for lawyers.)*
- ☒ Email or Fax to: knb814@gmail.com.
- ☒ Regular Mail, addressed to: *(name, full address)* ☐ Hand Delivery, to: *(name, place)*
- 1) Kristin Bailey, 66 Garden Center Apt 210 Broomfield, CO 80020.
- 2) _____.
- 3) _____.

9. Sign & Date

Print Your Name: Joseph Napolitan, Mara Levin
Be sure to complete: Section 3 – Filed By on page 1.

Signature: _____ Date: _____