

HB1235_L.001

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

HB25-1235 be amended as follows:

1 Amend printed bill, page 5, line 7, after "(1.5)" insert "and (4)(d)".

2 Page 6, after line 1 insert:

3 "(d) THE COURT MAY, UPON ITS OWN MOTION OR THE MOTION OF
4 EITHER PARTY, STRIKE A JURY DEMAND AND SET THE ACTION FOR A TRIAL
5 BY THE COURT IF THE COURT DETERMINES THAT THE DEFENDANT'S
6 ANSWER ONLY ASSERTS EQUITABLE DEFENSES AND THERE IS NO DISPUTE
7 AS TO ANY MATERIAL FACT REGARDING THE PLAINTIFF'S CLAIM FOR
8 POSSESSION OF THE PREMISES OR DAMAGES. IF THE COURT STRIKES THE
9 JURY DEMAND AND SETS THE ACTION FOR A TRIAL BY THE COURT
10 PURSUANT TO THIS SUBSECTION (4)(d), THE PLAINTIFF HAS THE BURDEN OF
11 PROVING THE CLAIM BY A PREPONDERANCE OF THE EVIDENCE AND THE
12 COURT SHALL MAKE ALL FINDINGS OF FACT AND CONCLUSIONS OF LAW ON
13 THE RECORD."

** ** ** *