

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."

\*\* \*\* \*\* \*