

## ADVISEMENT OF RIGHTS TO APPEAL

Any owner of an animal that has been ordered by the Aurora Municipal Court to be surrendered pursuant to Aurora City Code 14-4(g), has the right to appeal the decision to the Arapahoe County District Court. If the owner intends to appeal the Court order to surrender the animal, the owner must notify the Aurora Municipal Court at the time the order is entered or within seven (7) calendar days. The City of Aurora, Animal Services Division, will act upon the Court's order to surrender the animal in seven (7) calendar days from the date of the order unless an appeal notice has been filed with the Aurora Municipal Court and a bond posted pursuant to the requirements below. However, the animal owner will not be responsible for any fees or costs commencing from the time of the Court's surrender order through the expiration of the automatic seven (7) calendar day stay period. Failure to act within the seven (7) calendar days could result in the animal being adopted, transferred or humanely euthanized.

For the purposes of appeal, the owner is not required to hire an attorney. However, because of the complexity of the legal issues and appellate process, it is recommended that the owner contact an attorney.

At the conclusion of the automatic seven (7) day stay period, if the owner of an animal that is ordered surrendered pursuant to Aurora City Code 14-4(g) desires a further stay of execution of the surrender order pending appeal, the owner shall, as a condition of any further stay of execution, post with the Clerk of the Municipal Court an initial appeal bond in the amount of \$100, for the first 30 days of the appeal. At the expiration of the 30-day period, to continue to stay the surrender order, the owner must return to the Court and request that the Judge set, and the owner shall post with the Clerk of the Municipal Court an amount sufficient to pay the costs, fees and expenses as specified below:

- (1) Costs and expenses from and including the date of impoundment through and including the date of the Court's surrender order.
- (2) Boarding fees from the expiration of the automatic seven (7) day stay but only after the 37<sup>th</sup> day if the initial \$100 appeal bond has been filed.
- (3) Reasonable and necessary costs and other expenses, undertaken for the welfare of the animal not covered by subsections (1) and (2) above, incurred from and including the expiration of the automatic seven (7) day stay but only after the 37<sup>th</sup> day if the initial \$100 appeal bond has been filed.

The fees specified above shall be posted with the clerk of the municipal court in advance, and in successive 30-day increments thereafter during the pendency of the appeal. If any required deposit is not made, the stay of execution shall expire and the order for surrender of the animal shall be executed. If a final order is entered authorizing the surrender of the animal, the costs, fees and expenses posted as required in sections (1) and (2) above shall be forfeited and paid to the animal shelter. If, after final appeal, it is determined that the animal should not be surrendered and that the order for surrender was entered in error, the fees posted as a condition of the stay of execution as set forth in section (2) above shall be refunded to the appellant and the animal shall be released to the owner. However, in such event, the costs and expenses posted as required in section (1) above shall be ordered forfeited to the court and paid to the animal shelter. In addition to those costs, fees and expenses covered by sections (1) and (2) listed above, costs and expenses covered by section (3) of this section shall be remitted to the animal shelter within 15 days of the billing thereof. The date of the bill shall be the day the bill is mailed to the owner's last known address. In lieu of a cash deposit, the appellant may execute a bond to the city as provided in this subsection. One or more sureties may be required, or the defendant may furnish cash security, or, in the discretion of the court, no security or surety need be required.

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Defendant

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Date

WHITE-court

YELLOW-defendant

PINK-city attorney