

Instructions For Unlawful Detainer

WHEN TO USE THIS PACKET

Unlawful Detainer is only **one** of the legal actions for a landlord to evict a tenant(s) from residential property. These instructions are for landlords without attorneys. This packet is **not** for commercial tenants, Section 8, or floating homes. If you are not a self-represented landlord of residential property, you should not use this packet and should consult with a private attorney.

You can only use this packet if you are the owner of residential property that is leased/rented to another person(s). This packet is designed for a landlord to evict the tenants in an **uncontested** unlawful detainer. If you expect your tenant to contest this action, you should seek legal advice from a private attorney.

This packet contains information regarding the different types of notices, the various forms, and a general overview of the process of an uncontested Unlawful Detainer action. The self-represented landlord should be cautious because if the procedure is not followed, **the landlord can be subject to liability and/or have the case dismissed.**

Consult with a private attorney before you proceed with this packet.

UNLAWFUL DETAINER

Definition Of Unlawful Detainer

An Unlawful Detainer is only **one** of the legal actions for a landlord to evict a tenant(s) from rental property. These instructions are for landlords without attorneys and are **not** for **commercial tenants or Section 8**. If you are attempting to evict a commercial tenant or Section 8 residential tenant, please seek advice from an attorney (see “referrals” below).

The following information is for uncontested unlawful detainers. Uncontested means that your Tenant does not file an Answer (or other responsive document) to the court action. Contested means the Tenant files an Answer (or other responsive document) to the court case.

Unlawful Detainer actions can be complicated and the requirements are strict. If the procedure is not correctly followed, the landlord may be sued and/or the court may dismiss the action. The Fresno Superior Court Self-Help Center recommends seeking legal advice from an attorney.

Who Can Sue

The landlord, successor, or property management company (if there is a written agreement with the owner to sign the lease) may file an Unlawful Detainer action. If the landlord is a corporation, the corporation may not represent itself and must hire an attorney.

How To Get Started

Before a landlord can bring a court action to evict the tenant(s), the landlord **must** have the tenant(s) properly served with **notice**. Below are the different types of notices. Notice forms must be written and state the complete address of the property.

If the notice gives the tenant an option of complying with a condition (such as paying rent or vacating the premises), the notice must contain the name, telephone number, address, name of the person authorized to receive payment, hours available to receive payment, and method of payment. Notices are available at large stationary stores, or can be prepared by an attorney.

3-day Notice to Perform Covenant or Quit: Serve this notice if tenant is violating the agreement. The tenant must correct the problem within three days or move. Example: the agreement states no pets, and tenant now has a dog. The situation must be remedied in the stated three days. If on the fourth day the tenant doesn't correct the problem, you may file your unlawful detainer action to evict the tenant.

3-day Notice to Quit: Serve this notice if landlord wants tenant to move and there is nothing the tenant can correct to remain on the property. Landlord would use this notice if tenant has sublet the property in violation of the agreement, or if tenant is doing something illegal on the property. If the tenant is doing something dangerous or illegal, you should consult an attorney for advice.

3-day Notice to Pay Rent or Quit: Serve this notice if tenant is not paying rent. Use this notice if you don't necessarily want your tenant to move, but want tenant to pay rent.

30-day Notice of Termination of Tenancy: Serve this notice when the Landlord wants to evict the tenant for any reason. Landlord does not need to state a reason why the tenant must move.

NOTE: If there is a lease for a fixed term, please seek legal advice because the landlord may be liable for damages.

60-day Notice to Termination of Tenancy: Serve this notice if the tenant has been in possession of the property for longer than one year and the Landlord wants to evict the tenant for any reason.

NOTE : If there is a lease for a fixed term or the tenant has been in possession in excess of one year, please seek legal advice because the landlord may be liable for damages.

UNLAWFUL DETAINER

How To Have Tenant(s) Served With Notice

The above notices are served on each tenant. A sheriff, registered process server, or any person who is at least 18 years of age, and not a party to the action may complete Service. If the action is contested, a proof of service will not be relied upon at trial to prove the notice to quit was served in accordance with the requirements of law. The **testimony of the person who served is required**, unless service was made by a sheriff, marshal, or registered process server.

Personal Service: Each tenant is served by having someone personally hand the notice to each tenant(s). The person serving the notice must complete a Proof of Service.

Substituted Service: If the tenant(s) cannot be found, the server must make **at least** three attempts to serve the tenant(s). Two of those attempts may be on the same day at different times. If the server is still unable to locate the tenant(s), the server can give the documents to anyone at the residence who is over the age of 18. The server will need the name of that person served for the Proof of Service. The server must then mail a copy of the notice to the tenant(s) at the property address.

Posting and Mailing: If the server is unable to find the tenant(s) or anyone else at the property and doesn't know where the tenant(s) work, then the server can post the notice on the door of the residence and mail the notice to the property address. There must have been **at least three** documented attempts to personally serve the tenant(s) before serving the notice in this manner.

NOTE: If you are attempting to serve the Summons and Complaint by posting and mailing, you must get a court order allowing you to do so. This does not apply to the Notice, only the Summons and Complaint (see below).

Where To File

If the tenant does not resolve the issue (depending upon the type of notice) after the time stated in the notice has expired, landlord can file an Unlawful Detainer action with the proper court, which is determined by the zip code of the location of the property.

What To File

Prepare the Summons, Complaint (attach a copy of the notice, proof of service of the notice, and a copy of the lease agreement), and the Civil Case Cover Sheet with copies. The amount of copies required will depend on the amount of tenants. For example, if you had two tenants, you would need the original and three copies. The court will keep the original and return the copies to you. One set of copies is for your records. The other copies are for the tenants (each tenant must be served). You must also provide stamped envelopes to the court (one envelope addressed to "All Occupants" and one additional envelope for each named defendant) addressed to the property address. For example, if there are two tenants residing at the property, you must submit three envelopes.

Once the summons and complaint are filed with the court, this matter must be resolved within 45 days (unless the court orders something different) or the court may dismiss your action.

Next, the Summons, Complaint, and a blank Answer **must be served on each tenant** in a manner mentioned above. If you believe there may be other people residing in the residence that are not named in the complaint, you must serve a Prejudgment Claim of Right to Possession. Serving a Prejudgment Claim of

UNLAWFUL DETAINER

Right to Possession will extend the time you have to wait before proceeding. Please seek legal advice regarding service/procedure when using this notice.

You must have the tenant(s) served with the Summons and Complaint within fifteen (15) days from the date the unlawful detainer was filed. A proof of service must be filed with the court (unless the tenant(s) file an Answer). If a Prejudgment claim of Right of Possession was also served (or posted), you **must** have a proof of service for the Prejudgment claim of Right of Possession.

NOTE: If the whereabouts of the tenant are unknown after the filing of the Summons and Complaint and the landlord wants to serve the Summons and Complaint by posting, the landlord must obtain a court order prior to posting and by mailing of the Summons and Complaint, not the notice. If service was performed by posting, the application for “service by posting” must be filed. The Service by posting is a separate packet that may be purchased from the Self-Help Center.

What Is Next In The Uncontested Case

If the tenant(s) were personally served, the tenant(s) have at least five days to file their Answer to the unlawful detainer. A Landlord cannot file a Request for Entry of Default until at least five days after the date of service (10 days from the date of mailing **if** a Prejudgment Claim of Right to Possession was also served). The day of service, the weekend and holidays are not counted. If the fifth (or 10th) day falls on Saturday or Sunday or a holiday, the landlord must wait until the 2nd business day to file the Request for Entry of Default.

If the tenant was served by substituted service or posting and mailing, landlord must give the tenant 10 additional days (plus the time stated in the notice) to respond. You should seek legal advice.

Next, prepare your Request to Enter Default, Declaration for Default, Judgment, and Writ of Possession.

Once the Writ is issued, you must take the Writ and a letter of instruction to the Sheriff's Department. The sheriff will serve the Writ and the tenant(s) are then given five days before the sheriff will evict the tenant(s). The landlord must be present to change the locks at that time.

What is Next In A Contested Hearing

If the tenant(s) file an answer or a Prejudgment Claim of Right to Possession, the case will be “at issue” and the parties will have to either agree to new terms or file a Request/Counter Request To Set Case For Trial (form UD-150). The hearing will be held where each party will testify as to the circumstances. The judge will make a decision and a judgment will need to be prepared. Seek legal advice (see below).

Referral

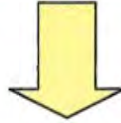
The Fresno Superior Court Self-Help Center **strongly** urges you to seek legal advice from an attorney. Please note this office does not represent you or your interests in any matter. If you would like legal advice or to be represented in this or any other matter, please contact a private attorney. The Attorney Referral and Information Service of the Fresno County Bar Association can help refer you to a private attorney who will discuss your case for one half an hour for a fee of \$30.00. Their telephone number is (559) 264-0137.

UNLAWFUL DETAINER

**UNLAWFUL DETAINER
(INSTRUCTIONS FOR THE PLAINTIFF)**

7 STEPS:

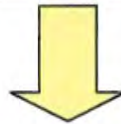
STEP 1. SERVING NOTICE TO THE TENANT(S).



STEP 2. COMPLETING THE UNLAWFUL DETAINER PAPERWORK.



STEP 3. FILING THE FORMS.



STEP 4. SERVING THE DOCUMENTS.



STEP 5. FILING THE PROOF OF SERVICE.



STEP 6. IF THE TENANT(S) FAIL TO RESPOND.



STEP 7. RIGHT TO A COURT TRIAL.

UNLAWFUL DETAINER

(INSTRUCTIONS FOR THE PLAINTIFF - CONTINUED)

1. SERVING NOTICE TO THE TENANT(S)

Before the landlord can bring court action to evict the tenant(s), the tenant(s) must have been properly (officially) served with a *3-day Notice*, *30-day Notice*, or *60-day Notice to Terminate Tenancy* and failed to obey the notice. Forms are available at any large stationery store or can be prepared by an attorney:

- 3-day Notice (There are different types and landlords are strongly urged to read the attached documents and **seek legal advice**).
- 30-day Notice to Terminate Tenancy (Landlords are strongly urged to read the attached documents and **seek legal advice**—especially if the lease is for a fixed term).
- 60-day Notice to Termination of Tenancy (Landlords are strongly urged to read the attached documents and **seek legal advice**—especially if the lease is in excess of one year).

2. COMPLETING THE UNLAWFUL DETAINER PAPERWORK

STANDARD FORMS THAT MAY BE REQUIRED

- Form CM-010, **Civil Case Cover Sheet** (1 page)
- Form UD-100 **Complaint – Unlawful Detainer** (3 pages)
- Form SUM-130, **Summons – Unlawful Detainer - Eviction** (2 pages)
- OPTIONAL:** Form CP10.5, **Prejudgment Claim of Right to Possession** (2 pages)
- Form UD-105, **Answer – Unlawful Detainer** (2 pages) **Leave this form blank** – it will be served on the tenant(s).
- Form POS-010, **Proof of Service of Summons**
- Form CIV-100, **Request for Entry of Default** (2 pages)
- Form UD-116, **Declaration For Default Judgment by Court** (3 pages)
- Form UD-110, **Judgment** (2 pages)
- Form EJ-130, **Writ of Execution** (2 pages)

The forms can be typed or completed in
black ink, neatly and clearly.

UNLAWFUL DETAINER (INSTRUCTIONS FOR THE PLAINTIFF - CONTINUED)

3. FILING THE FORMS

MAKE COPIES OF THESE FORMS:

The court will keep the original. Make enough copies to keep one and to serve each of the defendants. For example, if there are three defendants named, you would need (1) original and (4) copies of the following:

- Form CM-010 **Civil Case Cover Sheet** (1 page)
- Form UD-100, **Complaint – Unlawful Detainer** (3 pages)
- Form SUM-130, **Summons – Unlawful Detainer** (2 pages)
- OPTIONAL:** Form CP10.5, **Prejudgment Claim of Right to Possession** (2 pages) Leave this form blank – it will be served on the defendants
- Form UD-105, **Answer – Unlawful Detainer** (2 pages) Leave this form blank – it will be served on the defendants.

SUBMIT FORMS & FILING FEES TO THE CLERK:

- Submit to the Clerk the original and the correct number of copies, (1) for you, and (1) for each defendant named and one stamped envelope for each named defendants (plus one addressed to “All Occupants”).**
- Submit a filing fee or a Fee Waiver (seperate packet) if you qualify. Please check with the clerk for the proper amount of the filing fee.**
- The clerk will stamp all the documents “Filed.”**
- The Clerk will keep the original of these forms and will return the copies to you.**

Keep one copy for your files. Have the other copies served on the defendants. (See Step 4 on the next page.)

4. SERVING THE DOCUMENTS

SERVE THESE FORMS TO THE DEFENDANT:

Serve each Defendant with a stamped “Filed” copy of each of the following forms:

- Form CM-010, **Civil Case Cover Sheet** (1 page)
- Form UD-100, **Complaint – Unlawful Detainer** (3 pages)
- Form SUM-130, **Summons – Unlawful Detainer** (2 pages)
- Form UD-105, **Answer – Unlawful Detainer** (2 pages) **Leave this form blank** – it is to be served on the defendant.
- OPTIONAL:** Form CP10.5, **Prejudgment Claim of Right to Possession** (2 pages)

Note: these documents must be served by someone other than you, who is over 18, and is not a party to the action (e.g., neighbor, process server, sheriff, etc.

HAVE THE PROCESS SERVER COMPLETE THE “PROOF OF SERVICE” FORM:

The person who serves the documents must complete and sign the **Proof of Service** form listing every document that was served (including the blank forms), the time and place the documents were served to each Defendant.

A sheriff, registered process server, or any person who is at least 18 years of age, and not a party to the action may complete Service. If the action is contested, a proof of service will not be relied upon at trial to prove the notice to quit was served in accordance with the requirements of law. The **testimony of the person who served is required**, unless service was made by a sheriff, marshal, or registered process server.

- Form POS-010, **Proof of Personal Service** (2 pages),

UNLAWFUL DETAINER (INSTRUCTIONS FOR THE PLAINTIFF - CONTINUED)

5. FILING THE PROOF OF SERVICE

File the completed Proof of Service with the Court. (Form POS-010.)

6. IF THE TENANT(S) FAIL TO RESPOND

The named tenant(s) has five (5) days after being served with the **Summons and Complaint** to vacate (leave) the property or file an **Answer** with the court. Unknown tenant(s) have ten (10) days to vacate or file an **Answer** if you served a **Prejudgment Claim of Right to Possession**. The tenant has ten days from mailing date, plus five days to respond, if substitute service is used.

If the tenant(s) fails to respond, the plaintiff may request a default judgment. Normally, filing the remaining forms in this packet does this:

- Form CIV-100, **Request for Entry of Default**
- Form UD-116, **Declaration For Default Judgment by Court** (3 pages)
- Form UD-110, **Judgment** (2 pages)
- Form POS-010, **Proof of Service** (2 pages)
- Form EJ-130, **Writ of Execution** (2 pages)

The court may enter a Clerk's Judgment if requested by the plaintiff within the appropriate amount of time. The Clerk will then issue a default judgment.

Upon the plaintiffs' request, the court will issue a writ (there is a small issuance fee). The plaintiff takes the writ to the Sheriff's Department. The Sheriff's Department will then post a *Notice to Vacate* on the property. There is an additional fee required by the Sheriff for this service.

If the tenant fails to move by the lockout date, the plaintiff may take possession of the property and must change the locks.

7. RIGHT TO A COURT TRIAL

Both parties have the right to a court trial, although there will be no trial if a timely written response to the unlawful detainer complaint is not filed. To request a court trial, the requesting party must file a *Request/Counter Request To Set Case For Trial*:

- Form UD-150, **Request/Counter Request To Set Case For Trial** (2 pages, includes Proof of Service)

The clerk will file and assign a court date within 15-20 days, and will mail a notice to all parties. If one party files a *Request/Counter Request To Set Case For Trial* and does not request a jury trial, the other party has five (5) days from the mailing date of the *Request/Counter Request To Set Case For Trial* to file a *Request/Counter Request To Set Case For Trial* (same form, UD-150) requesting a jury trial.

The party requesting a jury trial will be responsible for the initial cost for jury fees, which must be posted with the court five (5) days before the trial date.

If the tenant(s) fail to respond, the plaintiff may file a *Request for Default and Entry of Judgment*. The court may enter a default judgment and issue a writ. (See #6.)

NOTE: Unlawful Detainer actions can be complicated and the requirements are strict. If the procedure is not correctly followed, the landlord may be sued and/or the court may dismiss the action. Landlords are strongly urged to seek legal advice from an attorney. If you would like legal advice or to be represented in this or any other matter, please contact a private attorney. The Attorney Referral and Information Service of the Fresno County Bar Association can help refer you to a private attorney who will discuss your case for one half an hour for a fee of \$30.00. Their telephone number is (559) 264-0137.

CM-010

| | | |
|---|--|---|
| ATTORNEY CONTACT INFORMATION (If filing by attorney, include name, address, telephone, and fax number) NAME AND PHONE NO. _____ FAX NO. _____ ADDRESS AND MAILING ADDRESS _____ STREET ADDRESS _____ MAILING ADDRESS _____ CITY AND ZIP CODE _____ STATE/ZIP CODE _____ | | FILING COURT AND COUNTY FILING COURT OF CALIFORNIA, COUNTY OF _____ STREET ADDRESS _____ MAILING ADDRESS _____ CITY AND ZIP CODE _____ STATE/ZIP CODE _____ |
| CASE NAME _____ | | CIVIL CASE COVER SHEET <input type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less) |
| Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 1011) | | Date to appear: _____ at _____ court _____ |

All five (5) items below must be completed (see instructions on page 2)

| | | |
|--|---|--|
| 1. Check one box below for the case type that best describes this case | | |
| Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured/underinsured (8) Other PIP/OWD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Automobile (24) <input type="checkbox"/> Product liability (29) <input type="checkbox"/> Medical negligence (48) <input type="checkbox"/> Deep PIP/OWD (27) Non-PIP/OWD (Other) Tort <input type="checkbox"/> Business tort (but not business product) (35) <input type="checkbox"/> Care givers (36) <input type="checkbox"/> Healthcare (14) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Infectious property (17) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PIP/OWD tort (26) Employment <input type="checkbox"/> Wrongful termination (38) <input type="checkbox"/> Other employment (11) | Contract <input type="checkbox"/> Breach of contract/breach (30) <input type="checkbox"/> Contract (20) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (21) Real Property <input type="checkbox"/> Eminent domain/condemnation (42) <input type="checkbox"/> Wrongful eviction (23) <input type="checkbox"/> Other tort (property) (23) Unlawful Detainer <input type="checkbox"/> Commercial (13) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (39) Judicial Review <input type="checkbox"/> Appeal Schedule (33) <input type="checkbox"/> Petition for writ of habeas corpus (14) <input type="checkbox"/> Writ of Habeas (37) <input type="checkbox"/> Other writ (34) (38) | Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 1009-1012) <input type="checkbox"/> Antitrust (34) (35) (36) <input type="checkbox"/> Consumer protection (10) <input type="checkbox"/> Money (31) <input type="checkbox"/> Securities (34) (35) <input type="checkbox"/> Environmental (34) (35) <input type="checkbox"/> Intellectual property (34) (35) <input type="checkbox"/> Other (34) (35) (36) (37) Enforcement of Judgment <input type="checkbox"/> After benefit of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> Habeas (37) <input type="checkbox"/> Other writ (34) (35) (36) (37) Miscellaneous Civil Petition <input type="checkbox"/> Petition for writ of habeas corpus (14) <input type="checkbox"/> Other writ (34) (35) (36) (37) |

6. This case: is is not a complex under rule 1009 of the California Rules of Court. If the case is complex, mark the boxes requiring exceptional judicial management.

a. Large number of separately represented parties. d. Large number of witnesses.

b. Extensive motion practice causing ethical or cost issues that will be time-consuming to resolve. e. Coordination with related actions pending in one or more courts in other counties, states or countries, or in a federal court.

c. Substantial amount of documentary evidence. f. Substantial post-judgment judicial supervision.

7. Type of remedies sought (check all that apply):

a. monetary b. nonmonetary, declaratory or injunctive relief c. punitive

8. Number of causes of action (specify): _____

9. This case: is is not a class action suit.

Date: _____

NOTICE

• Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate, Family, or Welfare and Institutions Code) (Cal. Rules of Court, rule 201.8). Failure to file may result in sanctions.

• File this cover sheet in addition to any cover sheet required by local court rule.

• If this case is complex under rule 1009 of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.

• Unless this is a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

Form Approved for Mandatory Use
 Judicial Branch of California
 Judicial Branch, June 1, 2004
 CIVIL CASE COVER SHEET
 Civil Case Cover Sheet 2013 (Rev. 4/12)
 Trademarks of Judicial Branch of California
 www.courtinfo.ca.gov

How to fill out CIVIL CASE COVER SHEET

CM-010

DIRECTIONS

- ▶ Find the number on the sample form.
Example: 1
- ▶ Go to the same number below to find out how to fill out the form.
- ▶ Type or print in black ink.
- ▶ Leave the case number box blank. The clerk will give you a case number.

- 1 Write your name and address. Write your phone number, and fax number if you have one.
- 2 If not filled in for you, write "Fresno" after COUNTY OF. Write the address of the court location where you are filing your papers.
- 3 The case name is the plaintiff's last name vs. defendant's last name. If there is more than one plaintiff or defendant, use the name of the primary or main person in the case. Examples:
Correct: Smith vs. Johnson *Wrong: Smith, Jones and Lewis vs. Johnson and Carlson*
- 4 Check "Limited."
- 5 Check "Residential" under the category "Unlawful Detainer."
- 6 Your case should not be complex. Check the second box. Do not check boxes a. through f.
- 7
 - Check a. (monetary) if you are seeking money (such as back rent).
 - Check b. (nonmonetary) if you want other help (such as an eviction).
 - You may check a. and b., but do not check c. (punitive).
- 8 Write "1" (one) where asked to specify number of actions.
- 9 Your case is not a class action suit. Check the second box.
- 10 Fill in the date, type or print your name on the dotted line, and sign your name on the right.

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers

If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the Civil Case Cover Sheet (revised on page 1). This information will be used to compile statistics about the types and numbers of cases filed. You must check **all five items** on this sheet. In item 1, you must check **one box** for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best describes the **primary** cause of action. To assist you in completing this sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. You do not need to submit a cover sheet with amended papers. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 201.10(b) and 22.7 of the California Rules of Court.

To Parties in Complex Cases

In complex cases only, parties must also use the Civil Case Cover Sheet to designate whether the case is complex. If a plaintiff believes the case is complex under rule 10(b) of the California Rules of Court, the mail to be selected by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a pleading in the plaintiff's designation, a counter designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

- | | | |
|--|---|---|
| <p>Auto Tort Auto (27); Personal Injury/Property Damage/Wrongful Death Uninsured Motorist (46) (if the case involves an uninsured motorist claim subject to arbitration, check the AR instead of Auto)</p> | <p>Contract Breach of Contract/Warranty (90) Breach of Rental Lease Contract (not unilateral detainer or wrongful eviction) Contract/Warranty Breach: Seller (Plaintiff) (not fraud or misrepresentation) Negligent Breach of Contract/Warranty Other Breach of Contract/Warranty Collections (e.g., money owed, open book accounts) (91) Collection Case (Defendant Plaintiff) Other Post-contract Disputations Case Insurance Coverage (not provisionally completed) (88) Auto Subrogation Other Coverage Other Contract (37) Contractual Fraud Other Contract Dispute</p> | <p>Provisionally Complex Civil Litigation (Cal. Rules of Court Rule 10C-10.2) Anti-trust (not Regulation) (25) Construction Defect (10) Claims involving class, tort (40) Securities Litigation (28) Toxic Tort/Environmental (36) Insurance Coverage Claims (arising from provisionally complete case type listed above) (41)</p> |
| <p>Other PIPD/WD (Personal Injury/Property Damage/Wrongful Death) Tort Adultery (45) Abusive Property Damage Abusive Personal Injury/Wrongful Death Product Liability (not asbestos or occupational injury) (47) Medical Malpractice (48) Medical Negligence Physicians & Surgeons Other Professional Health Care Malpractice Other PIPD/WD (23) Premises Liability (e.g., slip and fall) Intentional Injury Injury/PI/D/W (e.g., assault, vandalism) Intentional Infliction of Emotional Distress Negligent Infliction of Emotional Distress Other PIPD/WD</p> | <p>Real Property Eminent Domain/Inverse Condemnation (18) Wrongful Eviction (26) Other Real Property (e.g., quiet title) (26) Writ of Possession of Real Property Mortgage Foreclosure Quiet Title Other Real Property (not eminent domain, condemnation, or foreclosure)</p> | <p>Enforcement of Judgment Enforcement of Judgment (20) Abstract of Judgment (Out of County) Contempt of Judgment (non domestic relations) Seller Note Judgment Administrative Agency Award (not appeal cases) Petition/Certification of Entry of Judgment on Unpaid Tax Other Enforcement of Judgment Case</p> |
| <p>Non-PIP/WD (Other) Tort Business Tort/Unfair Business Practice (67) Civil Rights (e.g., discrimination, false arrest) (not civil harassment) (68) Detention (e.g., strikes, riots) (13) Fraud (16) Intellectual Property (19) Professional Negligence (35) Legal Malpractice Other Professional Malpractice (not medical or dental) Other Non-PIP/WD Tort (33)</p> | <p>Unlawful Detainer Commercial (31) Residential (32) (Dispute (38) if the case involves dispute; check the Tort, otherwise report as Commercial or Residential)</p> | <p>Miscellaneous Civil Complaint NICO (27) Other Complaint (not specified above) (45) Default Judgment Only (non harassment) Mechanics Lien Other Contention Complaint Case (non arbitration-complaint) Other Civil Complaint (non tort/non paragraph)</p> |
| <p>Employment Wrongful Termination (30) Other Employment (15)</p> | <p>Judicial Review Assault/Falsehood (95) Petition for Arbitration Award (11) Writ of Mandate (92) Writ Administrative Mandamus Writ Mandamus on Limited Court Case Matter Writ - Other Limited Court Case Review Other Judicial Review (94) House of Health Official Order Writ of Appeal Labor Commissioner Appeals</p> | <p>Miscellaneous Civil Petition Partnership and Corporate Governance (71) Other Petition (not specified above) (5) Civil Enforcement Wages to Ex-Servicemember/Dependent Adult Abuse Election Contest Petition for Name Change Petition for Relief from Late Claim Other Civil Petition</p> |

How to fill out
CIVIL CASE COVER SHEET

CM-010
-Page 2-

This is an instruction page on how to complete the Cover Sheet. There is nothing for you to fill out on this page.

How to fill out

COMPLAINT – UNLAWFUL DETAINER Form UD-100

DIRECTIONS

- ▶ Find the number on the sample form.
Example: ①
- ▶ Go to the same number below to find out how to fill out the form.
- ▶ Type or print in black ink.
- ▶ Leave the box for the case number blank. The clerk will give you a case number.

1. PLAINTIFF (please print):
2. DEFENDANT (please print):
3. JURISDICTION (please check one):
4. ACTION OF A LIMITED CIVIL CASE (does not exceed \$10,000) OR ACTION OF AN UNLIMITED CIVIL CASE (amount demanded exceeds \$10,000)
5. COMPLAINT (check one):
6. PLAINTIFF'S NAME(S):
7. PLAINTIFF'S ADDRESS:
8. DEFENDANT'S NAME(S):
9. DEFENDANT'S ADDRESS:
10. DATE OF AGREEMENT:

- ① Write your name and address. You may also write your phone, fax and email address, but this is your choice.
- ② If not filled in for you, write "Fresno" after COUNTY OF. Write the address of the court location where you are filing your papers.
- ③ Write your name as the Plaintiff, and the names of the other plaintiffs if any. After Defendant, write the name(s) of all adults living in the residence (house, apartment). If there are adults living in the residence whose names you do not know, check "DOES 1 TO ____" and fill in the number of additional defendants.
- ④ Check "complaint."
- ⑤ Under Jurisdiction, check the first box (action is a limited civil case). Check "does not exceed \$10,000" OR "exceeds \$10,000, but does not exceed \$25,000," whichever applies.
- ⑥ Write the names of all the plaintiffs. Write the names of all defendants.
- ⑦ For 2.a, check the box that best describes the plaintiff(s).
- ⑧ Fill in the complete address of the premises (property). Note: it is very important to include the zip code.
- ⑨ Check the first box if you are the owner of the property.
- ⑩ Fill in the date (where circled) the agreement was made with the defendant(s). Write the names of all defendants. Check all boxes that apply and provide information as requested. Check box 6b, and check, the appropriate box describing who the plaintiff is.

COMPLAINT – Unlawful Detainer Form UD-100

- page three -

DIRECTIONS

- ▶ Find the number on the sample form.
Example: 15
- ▶ Go to the same number below to find out how to fill out the form.
- ▶ Type or print in black ink.
- ▶ Leave the case number box blank. The clerk will give you a case number.

- 15 Write only your name after Plaintiff, and write the name of the primary or main Defendant.
- 16 Check 9 if you want the defendants to move out **because a lease ended**.
- 17 Check 10 if the defendant was served with a 3-day notice. Write in the amount of rent that was due at that time.
- 18 Check box 11 and write the price per day of the residence.
- 19 Read 12 and check the box **if** you agree with this statement **and** attach specific facts supporting a claim up to \$600. Label the attachment “Attachment 12.”
- 20 **DO NOT** check 13, since by doing this packet yourself, you probably do not have an attorney.
- 21 Read 14 and check the box if you agree with this statement.
- 22 Check 15, if it applies, and attach your allegations as “Attachment 15.”
- 23 For 17, check c and fill in past due rent amount. For d, since you are representing yourself, this will probably not apply. Check e if you want the court to end the written agreement because of the defendant’s actions.
 - Check f, if claiming fair market rental (from *item 11*). Fill in a date. If you checked box 12, check box g. If seeking other orders from the court, check h. and write details.
- 24 Check box 18, if you include attachments with the complaint. Fill in number of pages attached.
- 25 If someone helped you fill out this form and was not paid, check the first box. Check this box even if no one helped you. If someone helped you fill out the form and was paid check the second box and fill out the rest of this section **ONLY** if you received help for pay. Write this person’s name, address and phone number.
 - After d., write the county where the assistant is registered (example: Fresno). Write their registration number (e.) and the date (f.) their registration expires (ends).
- 26 Write the date and print your name on the left. Sign your name on the right.
- 27 Write the date and print your name on the left. Sign your name on the right.

SUM-130
FOR COURT USE ONLY
(NO USE THIS SIDE OF THE FORM)

**SUMMONS
(CITACION JUDICIAL)
UNLAWFUL DETAINER—EVICTION
(RE TENCIÓN ILÍCITA DE UN INMUEBLE—DESAJO)**

**NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO)**

**YOU ARE BEING SUED BY PLAINTIFF:
(UO ESTÁ DEMANDANDO EL DEMANDANTE)**

NOTICE: You have been sued. The court may decide against you unless you bring a suit unless you respond within 5 days. You have 5 DAYS, not counting Saturdays and Sundays and other judicial holidays, after this summons and legal papers are served on you to file a written response at the court and have a copy served on the plaintiff.

A letter to inform you and the plaintiff you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center. (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning to the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services website. (www.legalaid.ca.gov). The California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

FREE WAIVER: If you cannot pay this filing fee, visit the clerk for a fee waiver form. **NOTE:** The court may also require you to pay court fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's fee must be paid before the court will continue the case.

EXENCIÓN DE CUOTAS: Si no puede pagar la cuota de presentación, pida al secretario de la corte que le de un formulario de exención de pago de costas. **AVISO:** Por ley, la corte tiene derecho a recular las costas y los costos asociados con un convenio sobre cualquier cantidad de \$10,000 o más recibida mediante un acuerdo o una conciliación de arbitraje en un caso de derecho civil. Tenga que pagar el gravamen de la corte antes de que la corte pueda reanudar el caso.

1. The name and address of the court is (El nombre y dirección de la corte es)

2. The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is (El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es)

Page 1 of 2
SUMMONS—UNLAWFUL DETAINER—EVICTION (Form 130) (Rev. 04/12) (CA) (09/12)

How to fill out
**SUMMONS-
UNLAWFUL DETAINER
SUM-130**
- page one-
DIRECTIONS

- Find the number on the sample form.
Example: 1
- Go to the same number below to find out how to fill out the form.
- Type or print in black ink.
- Leave the case number box blank. The clerk will give you a case number and add this to your copies.

1. Write the name of the person(s) you are suing (Defendant).
2. You are the Plaintiff. Write your name here.
3. There is nothing to fill out. This is information for the Defendant, but you should read it also.
4. The name and address of the court is: Superior Court of California – County of Fresno, 1130 O Street, Fresno CA 93724-0002
5. Write your name, address and phone number.

SUM-130

| | |
|------------------|--|
| PLAINTIFF (Name) | |
| DEFENDANT (Name) | |

3. (Must be answered in all states) An unlawful detainer assistant (Bus. & Prof. Code, §§ 6400-6415) did not did for compensation give advice or assistance with this form. (If plaintiff has received help or advice for pay from an unlawful detainer assistant, complete item 8 on the next page.)

4. Unlawful detainer assistant (completion of plaintiff's fees received and help or advice for pay from an unlawful detainer assistant)

a. Assistant's name

b. Telephone no.

c. Street address, city, and zip

d. County of registration

e. Registration no.

f. Registration expires on (date)

Date (Month) _____ Clerk, by _____ (Signature)

(For proof of service of this summons, use Proof of Service of Summons form (POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons form (POS-010).)

5. NOTICE TO THE PERSON SERVED: You are served

a. as an individual defendant

b. as the person named on the summons (Without name of spouse)

c. as an occupant

d. on behalf of capacity

under CCP 415.10 (corporation) CCP 415.60 (partner)

CCP 415.30 (detainee suspension) CCP 415.70 (homeowner)

CCP 415.40 (partnership or partnership) CCP 415.80 (unmarried partner)

CCP 415.45 (occupant) other capacity)

e. by personal delivery (SAB)

How to fill out

SUMMONS- UNLAWFUL DETAINER SUM-130 - page two - DIRECTIONS

- Find the number on the sample form.
Example: 1
- Go to the same number below to find out how to fill out the form.
- Type or print in black ink.
- Leave the case number box blank. The clerk will give you a case number and add this to your copies.

6. Write your name after Plaintiff. Write the name of the Defendant(s).
7.
 - If you filled out this form, or if someone helped you fill out this form and was not paid, check the first box.
 - If someone helped you filled out the form and was paid, check the second box.
8. Fill out the rest of this section ONLY if you received help for pay.
 - a) Write the name of the person you paid to help you.
 - b) Write their telephone number.
 - c) Write their address.
 - d) Write the county where the assistant is registered (example: Fresno).
 - e) Write their registration number.
 - f) The date their registration expires.
9. Do nothing. The court clerk signs and dates the form here.
10. Mark box (c) "as an occupant".

How to fill out

**PREJUDGMENT CLAIM OF
RIGHT TO POSSESSION –
UNLAWFUL DETAINER
Form CP10.5**

DIRECTIONS

- ▶ Leave this page blank—Unknown Defendants (if any) fill out this form.

NOTICE: EVERYONE WHO LIVES IN THE RENTAL UNIT MAY BE IMPACTED BY COURT ORDER. READ THIS FORM IF YOU ARE HERE AND YOUR NAME IS NOT ON THE ATTACHED SUMMONS AND COMPLAINT.

1. If you live here and you do not live here and would like to live here, you must file this form with the court within 10 days of the date of service of this form. If you do not file this form, you may be evicted without further hearing.
2. You do not have to pay any money to the court to file this form.
3. You do not have to pay any money to the court to file this form.

| | |
|--|------------------------------|
| PLAINTIFF'S NAME AND ADDRESS (If you are the owner, list the name and address of the owner.) | DEFENDANT'S NAME AND ADDRESS |
| PREJUDGMENT CLAIM OF RIGHT TO POSSESSION | |
| NAME OF COURT: COUNTY OF ALBUQUERQUE CITY OF ALBUQUERQUE MUNICIPAL PLAINTIFF DEFENDANT | |
| PREJUDGMENT CLAIM OF RIGHT TO POSSESSION | |

Complete Sections only if ALL of these statements are true:
1. You are NOT named in the accompanying Summons and Complaint.
2. This document is provided to you before the date the unlawful detainer judgment is entered.
3. You do not occupy the premises.

(To be completed by the court and filed with the court.)
Name that this form is served to (tenant and/or other occupant) and number of the court of possession is over?

DEFENDANT'S VERIFICATION UNDER PENALTY OF PERJURY:

1. My name is (insert name).
2. I reside at (insert address) and this is my principal residence.
3. The address of "the premises" subject to this claim is (insert address).
4. On (insert date) [] I was notified of the fact that I had been served with this document and I was notified to occupy possession of the premises. (The date is (insert) being cited in the accompanying Summons and Complaint.)
5. I occupied the premises on the date the complaint was filed (the date is (insert)) or I have not done so because the premises are not vacant.
6. I am at least 18 years of age at the date the complaint was filed (the date is (insert)).
7. I claim a right to possession of the premises because I occupied the premises on the date the complaint was filed (the date is (insert)).
8. I am not named in the Summons and Complaint.
9. I am not named in the Summons and Complaint. I am the additional defendant to this rental claim (insert name) which is being filed against the court of possession. I am the additional defendant to this rental claim (insert name) which is being filed against the court of possession. I am the additional defendant to this rental claim (insert name) which is being filed against the court of possession.

(Court use only)
PREJUDGMENT CLAIM OF RIGHT TO POSSESSION

FILED IN THE COUNTY OF ALBUQUERQUE, NEW MEXICO
DATE: _____

Leave this form blank. This form may be served on **unknown** tenants as part of the entire packet if there are tenants other than the named defendant(s) and you would like to have them evicted, also.

A Prejudgment Claim of Right To Possession may be served with a summons and complaint. A judgment that includes eviction of all other occupant(s) (prejudgment claim of right to possession) will prevent the other occupant(s) from filing a Post Judgment Claim of Right to Possession. If the landlord believes there are others living in the residence, the landlord may want to serve a prejudgment claim of right to possession. If this document is served, it will delay the entry of judgment by default because the "other occupant(s)" have 10 days in to file this document AND an Answer from the date of mailing. A default may still be filed against the named party.

Only a marshal, sheriff, or registered process server may serve a Prejudgment Claim of Right to Possession on all persons at the residence at the time of service. It must also be posted in a conspicuous place (such as a door) AND mailed to the residence. It must be addressed to "All Occupants."

If after ten days from the date of mailing there is no filing of this form AND an Answer with the court by unnamed occupants, the plaintiff requests a default judgment against all other unnamed occupants.

| | | |
|--|---------------------------|--------------------------------------|
| <small>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address)</small> | <small>RETURN TO:</small> | <small>JUDICIAL DISTRICT NO.</small> |
| <small>ATTORNEY'S OFFICE (Address)</small> | | |
| <small>NAME OF COURT</small> | | |
| <small>DIRECT ADDRESS</small> | | |
| <small>MAILING ADDRESS</small> | | |
| <small>CITY AND ZIP CODE</small> | | |
| <small>PLAINTIFF:</small> | | |
| <small>DEFENDANT:</small> | | |
| ANSWER—Unlawful Detainer | | <small>CASE NUMBER</small> |

1. Defendant (names):
answers the complaint as follows:

2. Check **ONLY ONE** of the next two boxes:

a. Defendant generally denies each statement of the complaint. (Do not check this box if the complaint demands more than \$1,000.)

b. Defendant admits that all of the statements of the complaint are true EXCEPT

(1) Defendant claims the following statements of the complaint are false (use paragraph numbers from the complaint or explain):

Continued on Attachment 2b(1)

(2) Defendant has no information or belief that the following statements of the complaint are true, so defendant denies them (use paragraph numbers from the complaint or explain):

Continued on Attachment 2b(2)

3. AFFIRMATIVE DEFENSES (NOTE: For each box checked, you must state brief facts to support it in the space provided at the top of page two (item 3).)

a. (nonpayment of rent only) Plaintiff has breached the warranty to provide habitable premises.

b. (nonpayment of rent only) Defendant made needed repairs and properly deducted the cost from the rent, and plaintiff did not give proper credit.

c. (nonpayment of rent only) On (date) _____, before the notice to pay or quit expired, defendant offered the rent due but plaintiff would not accept it.

d. Plaintiff waived, changed, or canceled the notice to quit.

e. Plaintiff served defendant with the notice to quit or filed the complaint to retaliate against defendant.

f. By serving defendant with the notice to quit or filing the complaint, plaintiff is arbitrarily discriminating against the defendant in violation of the Constitution or laws of the United States or California.

g. Plaintiff's demand for possession violates the local rent control or eviction control ordinance of (city or county), title of ordinance, and date of passage.

(Also, briefly state the facts showing violation of the ordinance in item 3.)

h. Plaintiff accepted rent from defendant to cover a period of time after the date the notice to quit expired.

i. Other affirmative defenses are stated in item 3.

(Continued on reverse)

Form Approved by the
Judicial Council of California
SSJ 1402 (Rev. January 1, 1982)

ANSWER—Unlawful Detainer

WEST GROUP
Official Publisher

Cult. Code, § 1140; et seq.;
Code of Civil Procedure, § 102.13

How to fill out

ANSWER – Unlawful Detainer UD-105

DIRECTIONS

- ▶ Leave this page blank – Defendant fills out this form.

Leave this form (both pages) blank. This form is served on defendant(s). The defendant(s) **may** choose to complete and file this form within five days of service. It must be served blank.

How to fill out

PROOF OF SERVICE OF SUMMONS (POS-010)

DIRECTIONS

- ▶ Find the number on the sample form. *Example:* 1
- ▶ Go to the same number below to find out how to fill out the form.
- ▶ Type or print in black ink
- ▶ Fill out one proof of service form for each defendant.

The form is titled "PROOF OF SERVICE OF SUMMONS (POS-010)". It is divided into several sections. At the top left, there is a box for the filer's name, address, phone, and fax number, with a circled '1' next to it. Below this is the court information, including the name of the court (e.g., Superior Court of California, County of Fresno) and its address, with a circled '2' next to it. The next section is for the case information, including the Plaintiff's name (circled '3') and the Defendant's name (circled '4'). Below this is a section for the filer's name and address (circled '5'). The main body of the form contains a list of legal papers served, with checkboxes for each: summons, complaint, Alternative Dispute Resolution (ADR) package, Civil Case Cover Sheet (marked as completed only), cross-complaint, and other (with a space for specification, circled '6'). There is a section for the party served (circled '6'), with checkboxes for 'party in item 3a' and 'other' (with a space for name and relationship, circled '6'). Below this is the address where the party was served (circled '7'). The next section is for the method of service (circled '8'), with checkboxes for 'by personal service' (with sub-options for 'personally delivered' and 'substituted service'), and 'by substituted service' (with sub-options for 'at (time) at (place)' and 'at the residence of (name and title or relationship to person indicated in item 3b)'). There is a section for the location of service (circled '9'), with checkboxes for 'business', 'home', 'physical address', 'mail', and 'other'. At the bottom, there is a section for the filer's name and address (circled '5') and a section for the filer's signature and date (circled '9').

- 1 Write your name, address, phone, and fax number (if you have one).
- 2 If not filled in for you, write "Fresno" after COUNTY OF. Write the address of the court location where you are filing your papers.
- 3 Fill in the names of the Plaintiff and Defendant. (The Plaintiff is the person that starts a case against another person, the Defendant.)
- 4 Your case number needs to be on the form **DO NOT FILL OUT THE REST OF THIS PAGE: the process server fills out the rest of this form.**
- 5 **Process Server:** You must be at least 18 years old and not involved with this case. Check boxes for each legal paper delivered. If you served papers other than the four listed, check the "other" box and write the names of the documents.
- 6 Write the name of the Defendant as the party served. For b. check the first box if you delivered the legal papers to the Defendant. Check the second box if you delivered them to another person. Write the name of this person, and explain their relationship to the Defendant (husband or wife, adult family member, roommate).
- 7 Write the address where you delivered the legal papers.
- 8 Check **by personal service** if you delivered the papers to the Defendant or their authorized agent for service. Include the date and time. Check **by substituted service** if you left the papers with someone other than the Defendant. Include date and time. Write the name of the person, their title or relationship to the Defendant.
- 9 Check the box that says where you delivered the legal papers:
 - **Business** (1), Defendant's **home** (2), or other place (**address not known** and NOT a U.S. post office box). NOTE: The person receiving the legal papers must be at least 18 years of age.
 - If you served the documents by substitute service, you must check (4) and ALSO mail copies of the papers to the Defendant at the address of the residence. Include date and city of mailing.
 - If you served a defendant by substituted service, check the box that says you are attaching a **declaration of diligence** and attach one.

| | |
|--|--|
| PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT: | CASE NUMBER: <div style="border: 1px solid black; border-radius: 50%; width: 30px; height: 30px; margin: 0 auto; display: flex; align-items: center; justify-content: center;">10</div> |
|--|--|

11 by mail and acknowledgment of receipt of service, I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid.

(1) on (date) (2) from (city):
 (3) with two copies of the Notice and Acknowledgment of Receipt (form 902(a)(4)) and a postage-paid return envelope addressed to me. (Attach completed Notice and Acknowledgment of Receipt (form 902(a)(4)).) (Code Civ. Proc., § 415.30.)
 (4) to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)

by other means (specify means of service and authorizing code section)

12 Additional page describing service is attached.

6 The "Notice to the Person Served" (on the summons) was completed as follows:

a. as an individual defendant. **13**
 b. as the person sued under the fictitious name of (specify):
 c. On behalf of (specify):
 under the following Code of Civil Procedure section:

| | |
|---|---|
| <input type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 416.65 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.80 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.48 (coagent) |
| | <input type="checkbox"/> other |

7. Person who served papers **14**

a. Name:
 b. Address:
 c. Telephone number:
 d. The fee for service was: \$
 e. (fee):

(1) not a registered California process server
 (2) exempt from registration under Business and Professions Code section 22350(b)
 (3) registered California process server:

(i) Employee or independent contractor
 (ii) Registration No.:
 (iii) County:

15 I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: _____

_____ **16**
(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL) (signature)

POS-010 (Rev. August 1, 2014) PROOF OF SERVICE OF SUMMONS Page 1 of 2

PROOF OF SERVICE OF SUMMONS (POS-010)

- page two -

DIRECTIONS:

- ▶ Find a number on the sample form
Example: 10
- ▶ Go to the same number below to find out how to fill out the form
- ▶ Type or print in black ink
- ▶ Fill out one proof of service form for each defendant.

- 10** Fill in the names of the Plaintiff and Defendant. Your case number needs to be on the form. **DO NOT FILL OUT THE REST OF THIS PAGE.** *The process server fills out the rest of the form.*
- 11** *Process Server:* This section continues from the previous page.
 - Check c., if you served the legal papers using first class mail and postage prepaid. Include date and city of mailing (example: Fresno). You must also check either box 3 or box 4, whichever applies.
 - Check box 3 and include two copies of "Notice and Acknowledgment of Receipt" and a postage-paid envelope addressed to YOU. Be sure to attach the completed "Notice and Acknowledgment" form
 - Check box 4, IF you mailed the legal papers to an address outside of California with "return receipt requested." You must also attach the signed return receipt or other evidence showing that the defendant actually received the letter (this is done by restricting delivery to the defendant only).
- 12** Check d, if you served the legal papers some other way. Write the method in the space provided and include the legal code that gives you permission to do this. Check box and attach an additional page if you need more space.
- 13** Check all boxes that apply concerning the "Notice to the Person Served." Write names where asked. Check box a) if a person, b) if a person sued under fictitious name, or c) if for another person. If d) check the code number.
- 14** *Process server:* You must write your name, address, and telephone number. If you were paid for delivering the legal papers, write that amount in d. For e, check all boxes that apply and fill in information where asked.
- 15** Check first box if you are NOT a California sheriff or marshal. Check second box if you are a sheriff or marshal in California.
- 16** Date the form. Type or print your name on the left. Sign your name on the right.

| | | |
|---|------------|-------------|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar Number and Address) | | |
| TELEPHONE NO. E-MAIL ADDRESS (Optional) ATTORNEY FOR (Name) | WORK PHONE | |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF | | |
| STREET ADDRESS MAILING ADDRESS CITY AND ZIP CODE BRANCH NAME | | |
| PLAINTIFF/PETITIONER | | CASE NUMBER |
| DEFENDANT/RESPONDENT | | |
| REQUEST FOR (Application) <input type="checkbox"/> Entry of Default <input type="checkbox"/> Clerk's Judgment <input type="checkbox"/> Court Judgment | | |

1 TO THE CLERK OR the complaint or cross-complaint filed

a on (date)

b by (name)

c Enter default of defendant (names)d I request a court judgment under Code of Civil Procedure sections 585(b), 585(c), 989, etc., against defendant (names)

6 (Restitution required. Apply to the clerk for a hearing date, unless the court will enter a judgment on an affidavit under Code Civ. Proc., § 3105.5f.)

a Enter clerk's judgment

(1) for restitution of the premises only and issue a writ of execution on the judgment. Code of Civil Procedure section 1174(c) does not apply. (Code Civ. Proc., § 1169.) Include in the judgment all tenants, subtenants, named claimants, and other occupants of the premises. The Prejudgment Claim of Right to Possession was served in compliance with Code of Civil Procedure section 415.46.(2) under Code of Civil Procedure section 585(a). (Complete the declaration under Code Civ. Proc., § 585.5 on the reverse (item 5).)(3) for default previously entered on (date)

2 Judgment to be entered

a Demand of complaint

b Statement of damages*

(1) Special

(2) General

c Interest

d Costs (see reverse)

e Attorney fees

f TOTALS

g Daily damages were demanded in complaint at the rate of \$

(* Personal injury or wrongful death actions, Code Civ. Proc., § 425.11)

3 (Check if filed in an unlawful detainer case) Legal document assistant or unlawful detainer assistant information is on the reverse (complete item 4)

Date

TYPE OR PRINT NAME

(1) Default entered as requested on (date)(2) Default NOT entered as requested (state reason)

FOR COURT USE ONLY

Clerk, by _____, Deputy

Page 1 of 2

Form Adopted by Mandatory 1998 Judicial Council of California 02/26/98 Rev. February 15, 2008

REQUEST FOR ENTRY OF DEFAULT (Application to Enter Default)

Code of Civil Procedure §§ 585-617, 1169 www.courtinfo.ca.gov American LegalNet, Inc. www.USCourtForms.com

How to fill out

REQUEST FOR ENTRY OF DEFAULT (Application to Enter Default) CIV-100

DIRECTIONS

- Find the number on the sample form.

Example: 1

- Go to the same number below to find out how to fill out the form.

- Type or print in black ink.

- Write the case number where circled above.

- Write your name and address. Also write your phone number, and fax number if you have one.
- If not filled in for you, write "Fresno" after COUNTY OF. Write the address of the court location where you filed your papers.
- Write only your name after Plaintiff, and write the name of the primary or main Defendant.
- Check "Entry of Default" to get an eviction. In most cases if you check this box, also check "Clerk's Judgment."
 - OR** check "Court Judgment" if you want the defendant to pay back rent.
- Fill in the date the Complaint was filed
 - Fill in your name
 - Check box c if you checked Entry of Default above for an eviction. List the names of all the defendants.
- Check box d if you checked Court Judgment above.
 - Check box e if you checked Entry of Default above. Also check box (1) "for restitution of the premises" and check the box below that states: "Include in the judgment all tenants" ONLY if you have served a "prejudgment claim of right to possession."
- If you checked Clerk's Judgment above, leave this section blank. If you checked Court Judgment, fill out this section, but DO NOT fill out lines b or e.
 - Under Amount, fill in back rent owed. Subtract Credits acknowledged (if any) to get the Balance.
 - If interest has accrued, fill out this line.
 - This amount is the same as the total amount listed in Memorandum of Costs (7e) on page two of this Request for Entry of Default. Then add up all lines to get the total (f).
 - If you requested daily damages in the Complaint, complete this section.
- Check box 3. Put in the date you signed the form. Type or print your name on the left. Sign your name on the right.
- DO NOT WRITE IN THIS SECTION.

PLAINTIFF/PROSEUTOR (10) DEFENDANT/RESPONDENTE (10)

8 Legal document assistant or unlawful detainer assistant (Bus. & Prof. Code, § 8400 et seq.). A legal document assistant or unlawful detainer assistant did did not for compensation give advice or assistance with this form. (If defendant has received any help or advice for pay from a legal document assistant or unlawful detainer assistant, state.)

a. Assistant's name c. Telephone no.
b. Street address, city, and zip code d. County of registration
e. Registration no.
f. Expires on (date)

5 Declaration under Code of Civil Procedure Section 585.5 (required for entry of default under Code Civ. Proc., § 585(a)). The judge:

a. is is not on a contract of installment sale for goods or services subject to Civ. Code, § 1801 et seq. (Unruh Act)
b. is is not on a conditional sales contract subject to Civ. Code, § 2981 et seq. (Reiss Law/Minor Vehicle Sales and Finance Act)
c. is is not an obligor for goods, services, loans, or advances of credit subject to Code Civ. Proc., § 395(b)

6 Declaration of mailing (Code Civ. Proc., § 587). A copy of this Request for Entry of Default was:

a. not mailed to the following defendants, whose addresses are unknown to plaintiff or plaintiff's attorney (names):
b. mailed first-class, postage prepaid, in a sealed envelope addressed to each defendant's attorney of record or, if none to each defendant's last known address as follows: (1) Mailed on (date) (2) To (specify dates and addresses shown on file envelopes)

I declare under penalty of perjury under the laws of the State of California that the foregoing items 4, 5, and 6 are true and correct.
Date (14) SIGNATURE OF PLAINTIFF

7 Memorandum of costs (required if money judgment requested). Costs and disbursements are as follows (Code Civ. Proc., § 1033.5):

| | | |
|--------------------------|----|------|
| a. Clerk's filing fees | \$ | |
| b. Process server's fees | \$ | |
| c. Other (specify) | \$ | (15) |
| d. | \$ | |
| e. TOTAL | \$ | |

f. Costs and disbursements are waived.
g. I am the attorney, agent, or party who claims these costs. To the best of my knowledge and belief the memorandum of costs is correct and these costs were necessarily incurred in this case.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
Date (16) SIGNATURE OF DEFENDANT

8 Declaration of nonmilitary status (required for a judgment). No defendant named in this case is in the military service so as to be entitled to the benefits of the Servicemembers Civil Relief Act (50 U.S.C. App. § 501 et seq.).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
Date (18) SIGNATURE OF PLAINTIFF

REQUEST FOR ENTRY OF DEFAULT

REQUEST FOR ENTRY OF DEFAULT (Application to Enter Default) CIV-100

- page two -

DIRECTIONS

- ▶ Find the number on the sample form. Example: (15)
- ▶ Go to the same number below to find out how to fill out the form.
- ▶ Type or print in black ink.
- ▶ Write the case number where circled above.

- (10) Write your name (Plaintiff) vs. the name of the primary or main Defendant. Example: *Smith vs. Johnson*
- (11)
 - If someone helped you fill out this form and was not paid, check the first box. Check this box even if no one helped you.
 - If someone helped you fill out the form and was paid check the second box.
 - Fill out the rest of this section ONLY if you received help for pay. Write this person's name, address and phone number. After d, write the county where the assistant is registered (example: Fresno). Write their registration number (e) and the date (f) their registration expires (ends).
- (12) Check box 5. For a, b and c, "is not" is usually checked for all unlawful detainer cases.
- (13) Do not check box a. Check box b instead, and then list all persons to whom you mailed a copy of this form under (2). List the actual day you mailed the copies under (1).
- (14) Date the form. Type or print your name on the left. Sign your name on the right.
- (15) The court will not pay for your legal costs, but may award them in your judgment. You cannot get money awarded to you at the time of a Clerk's Judgment. Complete lines a through f as needed.
- (16) Date the form. Type or print your name on the left. Sign your name on the right.
- (17) Check box 8, if **none of the defendants in this case are in the military**. If any of the tenants are in the military, you cannot enter a default without certain requirements being met. Seek advice from an attorney.
- (18) Date the form. Type or print your name on the left. Sign your name on the right.

| | |
|--|---|
| PLAINTIFF (Name) _____ DEFENDANT (Name) _____ | <div style="border: 1px solid black; width: 40px; height: 40px; margin: 0 auto; display: flex; align-items: center; justify-content: center; font-weight: bold; font-size: 24px;">10</div> <div style="border: 1px solid black; width: 40px; height: 40px; margin: 0 auto; display: flex; align-items: center; justify-content: center; font-weight: bold; font-size: 24px;">11</div> |
|--|---|

6. NOTICE TO GUILTY

The defendant was served with:

| | |
|--|---|
| <p><input type="checkbox"/> 1-day notice to pay rent or quit</p> <p><input type="checkbox"/> 3-day notice to pay rent or quit</p> <p><input type="checkbox"/> 5-day notice to pay rent or quit</p> <p><input type="checkbox"/> 10-day notice to quit</p> <p><input type="checkbox"/> 30-day notice to quit</p> <p><input type="checkbox"/> 60-day notice to quit</p> | <p><input type="checkbox"/> 3-day notice to quit</p> <p><input type="checkbox"/> 5-day notice to quit</p> <p><input type="checkbox"/> 10-day notice to quit</p> <p><input type="checkbox"/> 30-day notice to quit</p> <p><input type="checkbox"/> 60-day notice to quit</p> |
|--|---|

7. SERVICE OF NOTICE

The notice was served on defendant(s) (write name):

(1) _____

(2) _____

(3) _____

8. PROOF OF SERVICE

The original or copy of the proof of service of the notice is attached to, specify:

the original complaint

the declaration, declaration and affidavit, or affidavit and proof of service of notice (attach to a separate proof of service complaint)

9. NOTICE EXPIRES ON (DATE) _____

10. THE AMOUNT OF MONEY OWED

Rent per month, \$ (include number and cents) _____ per day, calculated at _____

Rent per month, \$ (include number and cents) _____

Other reason, specify _____

11. PROPERTY OF THE DEFENDANT

I received the property on _____

I continue to occupy the property on _____

12. MONEY DAMAGES (check box if you are requesting money damages)

I am requesting money damages. I am requesting _____

I am not requesting money damages.

13. DAMAGES REQUESTED THROUGH COURT PROCEDURE

Number of days the damages accrued (include number and cents) _____

Interest on the amount of money damages requested (include number and cents) _____

14. ATTORNEY'S FEE AND COSTS

I am requesting attorney fees and costs. I am requesting _____

I am not requesting attorney fees and costs.

15. COURT COSTS

I am requesting court costs, including the filing fee, of \$ _____

I am not requesting court costs.

DECLARATION FOR DEFAULT JUDGMENT BY COURT
Unlawful Detainer—Code Civ. Proc., § 5602(a)

DECLARATION FOR DEFAULT JUDGMENT BY COURT – Unlawful Detainer Form UD-116

- page two -

DIRECTIONS

- ▶ Find the number on the sample form.
Example: 10
- ▶ Go to the same number below to find out how to fill out the form.
- ▶ Type or print in black ink.
- ▶ **NOTE: ONLY USE THIS FORM FOR COURT JUDGMENTS FOR MONEY DAMAGES**

- 10 Write only your name after Plaintiff, and write the name of the primary or main Defendant.
- 11 Write the case number
- 12 Mark box 6 and mark the box that describes the type of notice that was served on the defendant(s).
- 13 For number 7, write the names of all defendants. For boxes (1-3) mark the box describing each defendant was served. Make sure to write the date that each defendant was served.
- 14 For box 8, mark the appropriate box describing to which form you attached the Proof of Service of the notice.
- 15 For box 9, write the date the Notice expired.
- 16 For box 10, if you requested money on your complaint, complete this section by marking the box that indicates how you calculated the money owed. Note: the amount shown here must not exceed the amount requested on the complaint.
- 17 Mark box a if the defendant has vacated the property and the date defendant left the property. If the defendant continues to reside at the property, mark box b and write today's date.
- 18 If you are requesting money damages, check box 12 and write the answers at the end of a through d.
- 19 Do not mark this box because if you have an attorney, you should not be using this packet.
- 20 If you are requesting court costs, including the filing fee you paid for this action, write that amount after the dollar sign.

PLAINTIFF (Name) _____ DEFENDANT (Name) _____

21

22

23 I request a judgment on either of parties for a money judgment in either:

| | |
|---|----|
| (1) <input type="checkbox"/> PREPAID RENT, with amt | \$ |
| (2) <input type="checkbox"/> UNPAID RENT, with amt | \$ |
| (3) <input type="checkbox"/> ATTORNEY FEE, with amt | \$ |
| (4) <input type="checkbox"/> COSTS, with amt | \$ |
| (5) <input type="checkbox"/> OTHER, specify | \$ |
| (6) TOTAL MONEY JUDGMENT | \$ |

ADDITIONAL AMOUNT TO BE PAID BY DEFENDANT (Specify) _____

24 POSSESSION OF THE PREMISES AND FORFEITURE OF THE LEASE OR CANCELLATION OF THE RENTAL AGREEMENT FORFEITURE OF THE LEASE

I declare under penalty of perjury under the oath of the state of Colorado that the foregoing is true and correct.

25 Date _____

PLAINTIFF'S NAME _____ DEFENDANT'S NAME _____

Summary of Exhibits

26 Exhibit A: Original rental agreement
 Exhibit B: Copy of rental agreement with declaration and order to return the copy
 Exhibit C: Copy of notice of change in rent
 Exhibit D: Original agreement for change of rent
 Exhibit E: Copy of agreement for change of rent with declaration and order to return copy
 Exhibit F: Original or copy of the notice to quit under which the default was made with declaration and order to return the copy
 Exhibit G: Original or copy of order to return or notice to quit in default of which the order to return was made with declaration and order to return the copy
 Other exhibits (specify number and describe)

DECLARATION FOR DEFAULT JUDGMENT BY COURT
 Unlawful Detainer—Code Civ. Proc., § 13-61(1)

DECLARATION FOR DEFAULT JUDGMENT BY COURT –Unlawful Detainer Form UD-116

- page three -

DIRECTIONS

- ▶ Find the number on the sample form.
Example: 21
- ▶ Go to the same number below to find out how to fill out the form.
- ▶ Type or print in black ink.
- ▶ **NOTE: ONLY USE THIS FORM FOR COURT JUDGMENTS FOR MONEY DAMAGES**

- 21 Write only your name after Plaintiff, and write the name of the primary or main Defendant.
- 22 Write the case number.
- 23 If you are not the landlord and you are filing this on behalf of the landlord and you are requesting a money judgment mark box 15. If you are requesting a money judgment, mark box a, and complete the appropriate boxes and dollar amounts.
- 24 For box b, check this box only if a clerk's judgment for possession was not entered previously in this case. Mark box c if you would like the court to cancel the rental agreement or if you want the court to order forfeiture of the lease.
- 25 Write the date and print your name on the left. Sign your name on the right.
- 26 If you have attached documents to this form, you must mark the appropriate boxes informing the court that you have done so and what each attachment (exhibit) is.

How to fill out

JUDGMENT UNLAWFUL DETAINER Form UD-110

DIRECTIONS

- ▶ Find the number on the sample form.
Example: ①
- ▶ Go to the same number below to find out how to fill out the form.
- ▶ Type or print in black ink.

UD-110

PLAINTIFF'S NAME AND ADDRESS (including phone, fax and email address)

DEFENDANT'S NAME AND ADDRESS (including phone, fax and email address)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____

PLAINTIFF

DEFENDANT

JUDGMENT—UNLAWFUL DETAINER

BY CLERK BY COURT BY DEFAULT POSSESSION ONLY MONEY JUDGMENT

BY DEFAULT POSSESSION ONLY

BY CLERK BY COURT

JUDGMENT

BY DEFENDANT

a. Defendant was properly served with a copy of the summons and complaint.

b. Defendant failed to appear at the hearing on the complaint or failed to appear with the proper answer.

c. Defendant's answer was filed by the clerk with plaintiff's approval.

d. Clerk's judgment (code on FDC-110). Not possible on any of the grounds described on page 2 (set 4).

e. Court's judgment (code on FDC-110). The court considered:

(1) Plaintiff's summons and complaint.

(2) Plaintiff's discovery motion (code on FDC-110).

(3) Defendant's motion (code on FDC-110).

4. A PAST DUE RENT. THE JURY HAS NOT BEEN CONSIDERED IN THIS CASE.

a. THE CASE HAS BEEN DECIDED BY THE COURT.

b. Appellate of:

Plaintiff (code on FDC-110) Plaintiff's attorney (code on FDC-110)

Defendant (code on FDC-110) Defendant's attorney (code on FDC-110)

c. Defendant's motion (code on FDC-110) Plaintiff's motion (code on FDC-110)

d. Defendant's motion (code on FDC-110) Plaintiff's motion (code on FDC-110)

JUDGMENT—UNLAWFUL DETAINER

- ① Write your name and address. You may also write your phone, fax and email address, but this is your choice.
- ② If not filled in for you, write "Fresno" after COUNTY OF. Write the address of the court location where you are filing your papers.
- ③ Write your name as the Plaintiff, and the names of the other plaintiffs if any. After Defendant, write the name(s) of all adults living in the residence (house, apartment). If there are adults living in the residence whose names you do not know, write "And DOES 1 TO ____" and fill in the number of additional defendants.
- ④ Write the case number.
- ⑤ Check the box "By Clerk" if you are seeking a judgment for **possession only** of the residence (house, apartment). Check the box "By Court" if you are seeking a money judgment. A money Judgment is obtained for past-due rent, holdover damages, costs and other fees incurred by you. You cannot obtain a Judgment for attorney's fees if an attorney does not represent you. If an attorney represents you in this case, you should not be using this packet.
- ⑥ Check box "By Default." Check box "Possession Only" if you are only seeking a judgment for possession of the residence (house, apartment). If you obtain a Judgment for possession of the residence only, you have 4 months to request a money Judgment by Default.
- ⑦ Check box 1 next to the words "BY DEFAULT".
- ⑧ If you checked box "By Clerk" at item 5 above for possession only, check box d. If you checked box "By Court" for a money judgment, check box e and box (2).
- ⑨ Leave the remainder of this page blank because this packet is designed for an uncontested action. If you had a hearing, you should consult with an attorney prior to completing this form.

PLAINTIFF: _____ DEFENDANT: _____

JUDGMENT IS ENTERED AS FOLLOWS BY: THE COURT THE CLERK

1. Petitioner: _____

2. as party/claimant(s)
and signed contract/lease/rental agreement

3. Defendant(s) as party/claimant(s)
and signed contract/lease/rental agreement

4. Plaintiff Defendant: is seeking possession of premises located at: _____, apartment, apt., and/or unit # _____, city, county, and zip code _____

5. Judgment applies to all occupants of the premises including tenant, subtenant(s) and other persons if any (check one):
 ALL OCCUPANTS, TENANTS, AND OTHERS
 OTHER

6. Amount and basis of judgment

6a. Defendant failed to pay as agreed that is payment on the contract

| | |
|---|----------|
| (1) <input type="checkbox"/> Principal | \$ _____ |
| (2) <input type="checkbox"/> Accrued interest | \$ _____ |
| (3) <input type="checkbox"/> Attorney fees | \$ _____ |
| (4) <input type="checkbox"/> Costs | \$ _____ |
| (5) <input type="checkbox"/> Other (Specify): _____ | \$ _____ |
| (6) TOTAL JUDGMENT | \$ _____ |

6b. Plaintiff is seeking to recover costs/charges/fees in this case

6c. Defendant failed to pay as agreed that is payment on the contract

6d. Plaintiff is seeking to recover costs/charges/fees in this case

7. The rental agreement is canceled The lease is forfeited

8. Contested judgment. Plaintiff has objected to the agreement or portion thereof previously to judgment as stated in Judgment—Unlawful Detainer (Form UD-110), which is attached.

9. Other (Specify): _____
 Defendant(s) as party/claimant(s)

DATE: _____

CITY, COUNTY, AND ZIP CODE: _____

DATE: _____

CITY, COUNTY, AND ZIP CODE: _____

CLERK'S CERTIFICATE (Optional)
 I certify that this is a true copy of the original judgment as entered in the court.

DATE: _____

CITY, COUNTY, AND ZIP CODE: _____

JUDGMENT—UNLAWFUL DETAINER

JUDGMENT UNLAWFUL DETAINER Form UD-110

- page two -

DIRECTIONS

- ▶ Find the number on the sample form.
Example: 10
- ▶ Go to the same number below to find out how to fill out the form.
- ▶ Type or print in black ink.

- 10 Write only your name after Plaintiff, and write the name of the primary or main Defendant.
- 11 Write the case number.
- 12 Mark the box next to "The Court" if you are asking for a money judgment. Mark the box next to "The Clerk" if you are filing a judgment for possession only.
- 13 Mark box 3a and write the name of each petitioner. Below that, write the name of each defendant.
- 14 Mark box 4 next to "Plaintiff" and write the address of the residence you are seeking to repossess. Make sure to include the street address, apartment number, city, county, and the zip code.
- 15 If you know there are other tenants who are unknown to you and you served a Prejudgment Claim of Right to Possession when you served the Summons and Complaint, mark this box. Remember, this packet is designed for the uncontested action. If your action was contested, you should consult with an attorney.
- 16 For box 6a, if you requested money on your complaint and you are requesting a **money judgment**, complete this section by marking the box that indicates how you calculated the money owed and by writing the dollar amounts. Write the total amount in the bottom of the box. Leave box 6b blank.
- 17 If you are requesting the court to cancel the rental agreement, mark this box. If you are requesting the court to forfeit the lease, mark that box.
- 18 LEAVE THE REST OF THIS FORM BLANK.

How to fill out

WRIT OF EXECUTION EJ-130

DIRECTIONS

- ▶ Find the number on the sample form.
Example: ①
- ▶ Go to the same number below to find out how to fill out the form.
- ▶ Type or print in black ink.

The form is titled "WRIT OF EXECUTION" and "EJ-130". It is divided into several sections. At the top left, there is a box for the filer's name and address, with a circled "1" next to it. Below this is a box for the county, with a circled "2" next to it. The next section is for the plaintiff and defendant names, with a circled "3" next to it. Below that is a section for the type of writ, with checkboxes for "EXECUTION (Money Judgment)", "POSSESSION OF Real Property", and "SALE", and a circled "4" next to it. To the right of this section is a box for the case number, with a circled "5" next to it. Below the writ type section is a section for judgment debtors, with a circled "6" next to it. This section includes a table for judgment amounts, with a circled "8" next to it. Below the judgment amounts section is a section for the date the judgment was entered, with a circled "9" next to it. To the right of this section is a section for levying officer information, with a circled "10" next to it. At the bottom of the form, there is a section for the levying officer's name and address, and a notice to the person served.

- ① Write your name and address. Write your phone to the right.
- ② If not filled in for you, write "Fresno" after COUNTY OF. The address is: 1130 O Street, Fresno CA 93724-0002. The Branch Name is: Central Division.
- ③ Write your name after Plaintiff. Write the name of the primary or main Defendant.
- ④ Check "possession of" and "real property." "Execution (Money Judgment)" can also be checked if a money judgment was awarded.
- ⑤ Write the case number here.
- ⑥ Write "Fresno" after County of (where circled).
- ⑦ Write your name and check "judgment creditor." (Plaintiff is the judgment creditor.)
- ⑧ Write the names of each defendant and their last known address. (Defendant is the judgment debtor.) If more than two defendants, check "additional judgment debtors on reverse."
- ⑨ Enter the day judgment was entered if known (if the case went to a court trial the date would be known). If you turn in this form along with a Request for Entry of Default, leave the date blank and the clerk will fill in the date.
- ⑩ Skip to the right column and check box 9. If a Court Judgment was obtained, money amounts may be filled in. If this writ is to take possession of property, do not fill in money amounts.

DO NOT fill out the rest of this form. Go to page two of the Writ of Execution.

EJ-130

PLAINTIFF: **11** _____
 DEFENDANT: _____

12 Additional judgment debtor (name and last known address): _____

22 Notice of sale has been requested by name and address: _____

23 Joint debtor was declared bound by the judgment (CCP 906-908)
 a. on date: _____ b. on date: _____
 c. name and address of joint debtor: _____ d. name and address of joint debtor: _____

24 Writ of Possession or Writ of Sale judgment was entered for the following:
 a. Possession of real property. The complaint was filed on date: **13** _____
 (Check (1) or (2))
 (1) The Prejudgment Claim of Right to Possession was served in compliance with CCP 415.45. The judgment includes all tenants, subtenants, named claimants, and other occupants of the premises.
 (2) The Prejudgment Claim of Right to Possession was NOT served in compliance with CCP 415.45.
 (a) \$ _____ was the daily rental value on the date the complaint was filed.
 (b) The court will hear objections to enforcement of the judgment under CCP 1174.2 on the following date (specify): _____
 b. Seizure of personal property. If delivery cannot be had, then for the value (specify in \$) specified in the judgment or supplemental order:
 1. Sale of personal property.
 2. Sale of real property.
 3. Conversion of property. **14**

NOTICE TO PERSON SERVED
 WRIT OF EXECUTION OR SALE. Your rights and duties are indicated on the accompanying Notice of Levy (Form EJ-100).
 WRIT OF POSSESSION OF PERSONAL PROPERTY. If the levying officer is not able to take custody of the property, the levying officer will make a demand upon you for the property. If custody is not obtained following demand, the judgment may be enforced as a money judgment for the value of the property specified in the judgment or in a supplemental order.
 WRIT OF POSSESSION OF REAL PROPERTY. If the premises are not vacated within five days after the date of service on the occupant or, if service is by posting, within five days after service on you, the levying officer will remove the occupants from the real property and place the judgment creditor in possession of the property. Except for a mobile home, personal property remaining on the premises will be sold or otherwise disposed of in accordance with CCP 1174 unless you or the owner of the property pays the judgment creditor the reasonable cost of storage and takes possession of the personal property not later than 15 days after the date the judgment creditor takes possession of the premises.
 A Claim of Right to Possession form accompanying this writ (unless the summons was entered in compliance with CCP 415.45).

WRIT OF EXECUTION

WRIT OF EXECUTION EJ-130

- page two -

DIRECTIONS

- ▶ Find the number on the sample form.
Example: **11**
- ▶ Go to the same number below to find out how to fill out the form.
- ▶ Type or print in black ink.
- ▶ Fill in the case number where circled above.

- 11** Write your name (Plaintiff) vs. the primary or main Defendant's name. Example: *Smith vs. Johnson*
- 12** This is the same item 4 continued from the first page. If you checked the box, "additional judgment debtors on reverse," check this box and write additional names and addresses here. Space is provided for two defendants (judgment debtors).

DO NOT fill out 7 and 8.

- 13**
 - Check box 24, and check a. Fill in the date you filed the Complaint.
 - Read (1) and (2). Decide which best describes your situation then check (1) or (2), but not both.
 - If you choose (1), a "proof of service on a prejudgment claim of right to possession" must be filed with the court.
 - If you check (2) fill in the daily rental value (a) and the court date (b) if known.
- 14** Describe the property by writing the complete address. Include the zip code and street references such as North (N), South (S), East (E) or West (W). Also include the apartment or unit number if any.

Example of complete address: Not complete:

1234 S. Main Street #10
Fresno, CA 93700

1234 Main
Fresno, CA

Blank Forms

(To be completed)

| | |
|--|--------------------|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): NAME: ADDRESS: CITY, STATE, ZIP: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (NAME): | FOR COURT USE ONLY |
| SUPERIOR COURT OF CALIFORNIA • COUNTY OF FRESNO Civil Department, Central Division 1130 "O" Street Fresno, California 93721-2220 | |
| PLAINTIFF: DEFENDANT: | |
| UNLAWFUL DETAINER SUPPLEMENTAL COVER SHEET | CASE NUMBER: |

Plaintiff must file this supplemental cover sheet in addition to the *Civil Case Cover Sheet* (Judicial Council form CM-010), and the Fresno County Superior Court *Civil Case Cover Sheet Addendum* (local form SC-2069).

1. This action seeks possession of real property that is:
 - a. Residential
 - b. Commercial

2. (Complete only if paragraph 1(a) is checked). This action is based, in whole or in part, on an alleged default in payment of rent or other charges.
 - a. Yes
 - b. No

Date: _____

Type or Print Name

/s/ _____
Signature

| | |
|---|--|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO _____ FAX NO _____ ATTORNEY FOR (Name) _____ | FOR COURT USE ONLY |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____ STREET ADDRESS _____ MAILING ADDRESS _____ CITY AND ZIP CODE _____ BRANCH NAME _____ | |
| CASE NAME: _____ | |
| CIVIL CASE COVER SHEET <input type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less) | Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402) |
| | CASE NUMBER: _____ JUDGE _____ DEPT: _____ |

Items 1-6 below must be completed (see instructions on page 2).

1. Check **one** box below for the case type that best describes this case:

| | | |
|--|--|--|
| Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15) | Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39) | Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (<i>not specified above</i>) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (<i>not specified above</i>) (43) |
|--|--|--|

2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve c. <input type="checkbox"/> Substantial amount of documentary evidence | d. <input type="checkbox"/> Large number of witnesses e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
|--|--|

3. Remedies sought (*check all that apply*): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive

4. Number of causes of action (*specify*): _____

5. This case is is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (*You may use form CM-015.*)

Date: _____

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on **all** other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the primary cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages; (2) punitive damages; (3) recovery of real property; (4) recovery of personal property; or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collection case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collection case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joint der in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

Auto (22)—Personal Injury/Property Damage/Wrongful Death

Uninsured Motorist (48) (if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)

Other P/DP/MD (Personal Injury/Property Damage/Wrongful Death)

Contract

Breach of Contract/Warranty (06)

Breach of Rental/Lease

Contract (not unlawful detainer or wrongful eviction)

Contract/Warranty Breach—Seller

Plaintiff (not fraud or negligence)

Negligent Breach of Contract

Warranty

Other Breach of Contract/Warranty

Collections (e.g., money owed, open book accounts) (09)

Collection Case—Seller Plaintiff

Other Promissory Note/Collections Case

Insurance Coverage (not provisionally)

Complex (18)

Auto Subrogation

Other Coverage

Other Contract (37)

Contractual Fraud

Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)

Wrongful Eviction (33)

Other Real Property (e.g., quiet title) (26)

Writ of Possession of Real Property

Mortgage Foreclosure

Quiet Title

Other Real Property (not eminent domain, landlord/tenant, or foreclosure)

Unlawful Detainer

Commercial (31)

Residential (32)

Drugs (38) (if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)

Judicial Review

Asset Forfeiture (05)

Petition Re: Arbitration Award (11)

Writ of Mandate (02)

Writ—Administrative Mandamus

Writ—Mandamus on Limited Court Case Matter

Writ—Other Limited Court Case Review

Other Judicial Review (39)

Notice of Appeal—Labor Commissioner Appeals

Non-P/DP/MD (Other) Tort

Business Tort/Unfair Business Practice (07)

Civil Rights (e.g., discrimination, false arrest) (not civil harassment) (08)

Defamation (e.g., slander, libel) (13)

Fraud (16)

Intellectual Property (19)

Professional Negligence (25)

Legal Malpractice

Other Professional Malpractice (not medical or legal)

Other Non-P/DP/MD Tort (35)

Wrongful Termination (36)

Other Employment (15)

Other P/DP/MD

Other P/DP/MD

Emotional Distress

Negligent Infliction of Emotional Distress

Intentional Infliction of Emotional Distress (e.g., assault, vandalism)

Intentional Bodily Injury/P/DP/MD and fall

Premises Liability (e.g., slip and fall)

Other P/DP/MD (23)

Malpractice

Other Professional Health Care

Physicians & Surgeons

Medical Malpractice—Medical Malpractice (45)

Medical Malpractice (45)

toxic/environmental (24)

Product Liability (not asbestos or Wrongful Death)

Wrongful Death

Asbestos Personal Injury/Property Damage

Asbestos (04)

Miscellaneous Civil Complaint

Enforcement of Judgment

Enforcement of Judgment (Out of County)

Enforcement of Judgment (non-domestic relations)

Administrative Agency Award

Administrative Agency Award (not unpaid taxes)

Petition/Certification of Entry of Judgment on Unpaid Taxes

Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RICO (27)

Other Complaint (not specified above) (42)

Declaratory Relief Only (non-injunctive Relief Only)

Mechanics Lien

Other Commercial Complaint

Case (non-tort/non-complex)

Other Civil Complaint

Miscellaneous Civil Complaint

Partnership and Corporate Governance (21)

Other Felton (not specified above) (43)

Civil Harassment

Workplace Violence

Elder/Dependent Adult Abuse

Election Contest

Petition for Name Change

Petition for Relief From Late Claim

Other Civil Felton

| | |
|--|---------------------------|
| ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO: FAX NO: EMAIL ADDRESS: ATTORNEY FOR (name) | FOR COURT USE ONLY |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME: | |
| PLAINTIFF: DEFENDANT: | |
| PLAINTIFF'S MANDATORY COVER SHEET AND SUPPLEMENTAL ALLEGATIONS—UNLAWFUL DETAINER | CASE NUMBER: |
| <p><i>All plaintiffs in unlawful detainer proceedings must file and serve this form. Filing this form complies with the requirement in Code of Civil Procedure section 1179.01.5(c).</i></p> <ul style="list-style-type: none"> • <i>Serve this form and any attachments to it with the summons.</i> • <i>If a summons has already been served without this form, then serve it by mail or any other means of service authorized by law.</i> • <i>If defendant has answered prior to service of this form, there is no requirement for defendant to respond to the supplemental allegations before trial.</i> <p><i>To obtain a judgment in an unlawful detainer action for nonpayment of rent on a residential property, a plaintiff must verify that no rental assistance or other financial compensation has been received for the amount demanded in the notice or accruing afterward, and that no application is pending for such assistance. To obtain a default judgment, plaintiff must use Verification by Landlord Regarding Rental Assistance—Unlawful Detainer (form UD-120) to make this verification and provide other information required by statute.</i></p> | |

1. PLAINTIFF (name each):

alleges causes of action in the complaint filed in this action against DEFENDANT (name each):

2. **Statutory cover sheet allegations** (Code Civ. Proc., § 1179.01.5(c))

a. This action seeks possession of real property that is (check all that apply) residential commercial.
(If "residential" is checked, complete all remaining items that apply to this action. If only "commercial" is checked, no further items need to be completed except the signature and verification on page 2.)

b. This action is based, in whole or in part, on an alleged default in payment of rent or other charges. Yes No

3. **Statements regarding rental assistance** (Required in all actions based on nonpayment of rent or any other financial obligation. Plaintiff must answer all the questions in this item and, if later seeking a default judgment, will also need to file Verification Regarding Rental Assistance—Unlawful Detainer (form UD-120).)

a. Has plaintiff received rental assistance or other financial compensation from any other source corresponding to the amount demanded in the notice underlying the complaint? Yes No

b. Has plaintiff received rental assistance or other financial compensation from any other source for rent accruing after the date of the notice underlying the complaint? Yes No

c. Does plaintiff have any pending application for rental assistance or other financial compensation from any other source corresponding to the amount demanded in the notice underlying the complaint? Yes No

d. Does plaintiff have any pending application for rental assistance or other financial compensation from any other source for rent accruing after the date on the notice underlying the complaint? Yes No

| | |
|--------------------------|-------------|
| PLAINTIFF: DEFENDANT: | CASE NUMBER |
|--------------------------|-------------|

4. **Other allegations** Plaintiff makes the following additional allegations: *(State any additional allegations below, with each allegation lettered in order, starting with (a), (b), (c), etc. If there is not enough space below, check the box below and use form MC-025, title it Attachment 4, and letter each allegation in order.)* Other allegations are on form MC-025.

5. Number of pages attached *(specify)*:

Date:

(TYPE OR PRINT NAME)



(SIGNATURE OF PLAINTIFF OR ATTORNEY)

VERIFICATION

(Use a different verification form if the verification is by an attorney or for a corporation or partnership.)

I am the plaintiff in this proceeding and have read this complaint. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME)



(SIGNATURE)

| | | |
|--|--|---|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) | | FOR COURT USE ONLY |
| TELEPHONE NO.: | FAX NO.: | |
| EMAIL ADDRESS | | |
| ATTORNEY FOR (Name): | | |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF | | |
| STREET ADDRESS: | | CASE NUMBER |
| MAILING ADDRESS: | | |
| CITY AND ZIP CODE: | | |
| BRANCH NAME: | | |
| CASE NAME: | | |
| CIVIL CASE COVER SHEET <input type="checkbox"/> Unlimited (Amount demanded exceeds \$35,000) | <input type="checkbox"/> Limited (Amount demanded is \$35,000 or less) | Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402) |
| Items 1–6 below must be completed (see instructions on page 2). | | JUDGE: DEPT. |

1. Check **one** box below for the case type that best describes this case:

| | | |
|--|--|--|
| Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15) | Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39) | Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400–3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43) |
|--|--|--|

2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

| | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |

3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive

4. Number of causes of action (specify):

5. This case is is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: _____

(TYPE OR PRINT NAME) _____ (SIGNATURE OF PARTY OR ATTORNEY FOR PARTY) _____

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

CM-010

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the Civil Case Cover Sheet contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the Civil Case Cover Sheet to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

- Auto (22)—Personal Injury/Property Damage/Wrongful Death
- Uninsured Motorist (46) *(if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)*

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

- Asbestos (04)
- Asbestos Property Damage
- Asbestos Personal Injury/Wrongful Death
- Product Liability *(not asbestos or toxic/environmental)* (24)
- Medical Malpractice (45)
- Medical Malpractice—Physicians & Surgeons
- Other Professional Health Care Malpractice
- Other PI/PD/WD (23)
- Premises Liability (e.g., slip and fall)
- Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
- Intentional Infliction of Emotional Distress
- Negligent Infliction of Emotional Distress
- Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

- Business Tort/Unfair Business Practice (07)
- Civil Rights (e.g., discrimination, false arrest) *(not civil harassment)* (08)
- Defamation (e.g., slander, libel) (13)
- Fraud (16)
- Intellectual Property (19)
- Professional Negligence (25)
- Legal Malpractice
- Other Professional Malpractice *(not medical or legal)*
- Other Non-PI/PD/WD Tort (35)

Employment

- Wrongful Termination (36)
- Other Employment (15)

Contract

- Breach of Contract/Warranty (06)
- Breach of Rental/Lease
- Contract *(not unlawful detainer or wrongful eviction)*
- Contract/Warranty Breach—Seller Plaintiff *(not fraud or negligence)*
- Negligent Breach of Contract/Warranty
- Other Breach of Contract/Warranty
- Collections (e.g., money owed, open book accounts) (09)
- Collection Case—Seller Plaintiff
- Other Promissory Note/Collections Case
- Insurance Coverage *(not provisionally complex)* (18)
- Auto Subrogation
- Other Coverage
- Other Contract (37)
- Contractual Fraud
- Other Contract Dispute

Real Property

- Eminent Domain/Inverse Condemnation (14)
- Wrongful Eviction (33)
- Other Real Property (e.g., quiet title) (26)
- Writ of Possession of Real Property
- Mortgage Foreclosure
- Quiet Title
- Other Real Property *(not eminent domain, landlord/tenant, or foreclosure)*

Unlawful Detainer

- Commercial (31)
- Residential (32)
- Drugs (38) *(if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)*

Judicial Review

- Asset Forfeiture (05)
- Petition Re: Arbitration Award (11)
- Writ of Mandate (02)
- Writ—Administrative Mandamus
- Writ—Mandamus on Limited Court Case Matter
- Writ—Other Limited Court Case Review
- Other Judicial Review (39)
- Review of Health Officer Order
- Notice of Appeal—Labor Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

- Antitrust/Trade Regulation (03)
- Construction Defect (10)
- Claims Involving Mass Tort (40)
- Securities Litigation (28)
- Environmental/Toxic Tort (30)
- Insurance Coverage Claims *(arising from provisionally complex case type listed above)* (41)

Enforcement of Judgment

- Enforcement of Judgment (20)
- Abstract of Judgment (Out of County)
- Confession of Judgment *(non-domestic relations)*
- Sister State Judgment
- Administrative Agency Award *(not unpaid taxes)*
- Petition/Certification of Entry of Judgment on Unpaid Taxes
- Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

- RICO (27)
- Other Complaint *(not specified above)* (42)
- Declaratory Relief Only
- Injunctive Relief Only *(non-harassment)*
- Mechanics Lien
- Other Commercial Complaint Case *(non-tort/non-complex)*
- Other Civil Complaint *(non-tort/non-complex)*

Miscellaneous Civil Petition

- Partnership and Corporate Governance (21)
- Other Petition *(not specified above)* (43)
- Civil Harassment
- Workplace Violence
- Elder/Dependent Adult Abuse
- Election Contest
- Petition for Name Change
- Petition for Relief From Late Claim
- Other Civil Petition

| | | |
|---|---|---------------------------|
| ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME STREET ADDRESS: CITY: TELEPHONE NO. EMAIL ADDRESS: ATTORNEY FOR (<i>name</i>) | STATE BAR NUMBER STATE ZIP CODE: FAX NO. | FOR COURT USE ONLY |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS CITY AND ZIP CODE BRANCH NAME: | | |
| PLAINTIFF: DEFENDANT: <input type="checkbox"/> DOES 1 TO | | |
| COMPLAINT—UNLAWFUL DETAINER* <input type="checkbox"/> COMPLAINT <input type="checkbox"/> AMENDED COMPLAINT (Amendment Number): | | CASE NUMBER: |
| Jurisdiction (check all that apply): <input type="checkbox"/> ACTION IS A LIMITED CIVIL CASE (amount demanded does not exceed \$35,000) Amount demanded <input type="checkbox"/> does not exceed \$10,000 <input type="checkbox"/> exceeds \$10,000 <input type="checkbox"/> ACTION IS AN UNLIMITED CIVIL CASE (amount demanded exceeds \$35,000) <input type="checkbox"/> ACTION IS RECLASSIFIED by this amended complaint or cross-complaint (<i>check all that apply</i>): <input type="checkbox"/> from unlawful detainer to general unlimited civil (possession not in issue). <input type="checkbox"/> from limited to unlimited. <input type="checkbox"/> from unlawful detainer to general limited civil (possession not in issue). <input type="checkbox"/> from unlimited to limited. | | |

1. PLAINTIFF (*name each*):

alleges causes of action against DEFENDANT (name each):

2. a. Plaintiff is (1) an individual over the age of 18 years. (4) a partnership.
 (2) a public agency. (5) a corporation.
 (3) other (*specify*):
- b. Plaintiff has complied with the fictitious business name laws and is doing business under the fictitious name of (*specify*):
3. a. *The venue is the court named above because defendant named above is in possession of the premises located at (street address, apt. no., city, zip code, and county):*
- b. The premises in 3a are (*check one*)
 (1) within the city limits of (*name of city*):
 (2) within the unincorporated area of (*name of county*):
- c. The premises in 3a were constructed in (*approximate year*):
4. Plaintiff's interest in the premises is as owner other (*specify*):
5. The true names and capacities of defendants sued as Does are unknown to plaintiff

* NOTE: Do not use this form for evictions after sale (Code Civ. Proc., § 1161a).

| | |
|--------------------------|--------------|
| PLAINTIFF: DEFENDANT: | CASE NUMBER: |
|--------------------------|--------------|

6. a. On or about *(date)*:
defendant (name each):
- (1) agreed to rent the premises as a month-to-month tenancy other tenancy *(specify)*:
(2) agreed to pay rent of \$ _____ payable monthly other *(specify frequency)*:
(3) agreed to pay rent on the first of the month other day *(specify)*:
- b. This written oral agreement was made with
(1) plaintiff. (3) plaintiff's predecessor in interest.
(2) plaintiff's agent. (4) Other *(specify)*:
- c. The defendants not named in item 6a are
(1) subtenants.
(2) assignees.
(3) Other *(specify)*:
- d. The agreement was later changed as follows *(specify)*:
- e. A copy of the written agreement, including any addenda or attachments that form the basis of this complaint, is attached and labeled Exhibit 1. *(Required for residential property, unless item 6f is checked. See Code Civ. Proc., § 1166.)*
- f. *(For residential property)* A copy of the written agreement is **not** attached because *(specify reason)*:
(1) the written agreement is not in the possession of the landlord or the landlord's employees or agents.
(2) this action is solely for nonpayment of rent *(Code Civ. Proc., § 1161(2))*.
7. The tenancy described in 6 *(complete (a) or (b))*
a. is **not** subject to the Tenant Protection Act of 2019 *(Civil Code, § 1946.2)*. The specific subpart supporting why tenancy is exempt is *(specify)*:
b. is subject to the Tenant Protection Act of 2019.
8. *(Complete only if item 7b is checked. Check all applicable boxes.)*
a. The tenancy was terminated for at-fault just cause *(Civil Code, § 1946.2(b)(1))*.
b. The tenancy was terminated for no-fault just cause *(Civil Code, § 1946.2(b)(2))* and the plaintiff *(check one)*
(1) waived the payment of rent for the final month of the tenancy, before the rent came due, under section 1946.2(d)(2), in the amount of \$ _____
(2) provided a direct payment of one month's rent under section 1946.2(d)(3), equaling \$ _____ to *(name each defendant and amount given to each)*:
- c. Because defendant failed to vacate, plaintiff is seeking to recover the total amount in 8b as damages in this action.
9. a. Defendant *(name each)*:

was served the following notice on the same date and in the same manner:

- (1) 3-day notice to pay rent or quit (5) 3-day notice to perform covenants or quit
(2) 30-day notice to quit *(not applicable if item 7b checked)*
(3) 60-day notice to quit (6) 3-day notice to quit under Civil Code, § 1946.2(c)
(4) 3-day notice to quit Prior required notice to perform covenants served *(date)*:
(7) Other *(specify)*:

| | |
|--------------------------|--------------|
| PLAINTIFF: DEFENDANT: | CASE NUMBER: |
|--------------------------|--------------|

9. b. (1) On *(date)*: _____ the period stated in the notice checked in 9a expired at the end of the day.
 (2) Defendants failed to comply with the requirements of the notice by that date.
- c. All facts stated in the notice are true.
- d. The notice included an election of forfeiture.
- e. A copy of the notice is attached and labeled Exhibit 2. *(Required for residential property. See Code Civ. Proc., § 1166. When Civil Code, § 1946.2(c), applies and two notices are required, provide copies of both.)*
- f. One or more defendants were served (1) with the prior required notice under Civil Code, § 1946.2(c), (2) with a different notice, (3) on a different date, or (4) in a different manner, as stated in Attachment 10c. *(Check item 10c and attach a statement providing the information required by items 9a–e and 10 for each defendant and notice.)*
10. a. The notice in item 9a was served on the defendant named in item 9a as follows:
- (1) By personally handing a copy to defendant on *(date)*: _____
- (2) By leaving a copy with *(name or description)*: _____
 a person of suitable age and discretion, on *(date)*: _____ at defendant's
 residence business AND mailing a copy to defendant at defendant's place of residence
 on *(date)*: _____ because defendant cannot be found at defendant's residence or usual place of business.
- (3) By posting a copy on the premises on *(date)*: _____
 AND giving a copy to a person found residing at the premises AND mailing a copy to defendant at the premises
 on *(date)*: _____
- (a) because defendant's residence and usual place of business cannot be ascertained OR
- (b) because no person of suitable age or discretion can be found there.
- (4) *(Not for 3-day notice; see Civil Code, § 1946, before using)* By sending a copy by certified or registered mail
 addressed to defendant on *(date)*: _____
- (5) *(Not for residential tenancies; see Civil Code, § 1953, before using)* In the manner specified in a written
 commercial lease between the parties
- b. *(Name)*: _____
 was served on behalf of all defendants who signed a joint written rental agreement.
- c. Information about service of notice on the defendants alleged in item 9f is stated in Attachment 10c.
- d. Proof of service of the notice in item 9a is attached and labeled Exhibit 3.
11. Plaintiff demands possession from each defendant because of expiration of a fixed-term lease.
12. At the time the 3-day notice to pay rent or quit was served, the amount of **rent due** was \$ _____
13. The fair rental value of the premises is \$ _____ per day.
14. Defendant's continued possession is malicious, and plaintiff is entitled to statutory damages under Code of Civil Procedure
 section 1174(b). *(State specific facts supporting a claim up to \$600 in Attachment 14.)*
15. A written agreement between the parties provides for attorney fees.
16. Defendant's tenancy is subject to the local rent control or eviction control ordinance of *(city or county, title of ordinance, and
 date of passage)*: _____

Plaintiff has met all applicable requirements of the ordinances.

17. Other allegations are stated in Attachment 17.
18. Plaintiff accepts the jurisdictional limit, if any, of the court.

| | |
|--------------------------|--------------|
| PLAINTIFF: DEFENDANT: | CASE NUMBER: |
|--------------------------|--------------|

19. PLAINTIFF REQUESTS

- | | |
|--|--|
| <p>a. possession of the premises.</p> <p>b. costs incurred in this proceeding.</p> <p>c. <input type="checkbox"/> past-due rent of \$</p> <p>d. <input type="checkbox"/> reasonable attorney fees.</p> <p>e. <input type="checkbox"/> forfeiture of the agreement.</p> | <p>f. <input type="checkbox"/> damages in the amount of waived rent or relocation assistance as stated in item 8: \$</p> <p>g. <input type="checkbox"/> damages at the rate stated in item 13 from <i>date:</i> for each day that defendants remain in possession through entry of judgment.</p> <p>h. <input type="checkbox"/> statutory damages up to \$600 for the conduct alleged in item 14.</p> <p>i. <input type="checkbox"/> other (<i>specify</i>):</p> |
|--|--|

20. Number of pages attached (*specify*):

UNLAWFUL DETAINER ASSISTANT (Bus. & Prof. Code, §§ 6400–6415)

21. (*Complete in all cases.*) An unlawful detainer assistant did **not** did for compensation give advice or assistance with this form. (*If declarant has received **any** help or advice for pay from an unlawful detainer assistant, complete a–f.*)

- | | |
|---|--|
| <p>a. Assistant's name:</p> <p>b. Street address, city, and zip code:</p> | <p>c. Telephone no.:</p> <p>d. County of registration:</p> <p>e. Registration no.:</p> <p>f. Expires on (<i>date</i>):</p> |
|---|--|

Date:

(TYPE OR PRINT NAME)



(SIGNATURE OF PLAINTIFF OR ATTORNEY)

VERIFICATION

(Use a different verification form if the verification is by an attorney or for a corporation or partnership.)

I am the plaintiff in this proceeding and have read this complaint. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME)



(SIGNATURE OF PLAINTIFF)

SUMMONS—EVICTIION
(CITACIÓN JUDICIAL—DESALOJO)

SUM-130

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

UNLAWFUL DETAINER / FORCIBLE DETAINER / FORCIBLE ENTRY
(RETENCIÓN ILÍCITA DE UN INMUEBLE / RETENCIÓN FORZOSA / ENTRADA FORZOSA)

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 5 days. You have 5 DAYS, not counting Saturdays and Sundays and other judicial holidays, after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. If this summons was served through the Secretary of State's Safe at Home address confidentiality program, you have 10 days from the date of service, not counting Saturdays and Sundays and other judicial holidays, to respond.

A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courts.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services website (www.lawhelpca.org), the California Courts Online Self-Help Center (www.courts.ca.gov/selfhelp), or by contacting your local court or county bar association.

FEE WAIVER: If you cannot pay the filing fee, ask the clerk for a fee waiver form. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

¡AVISO! Usted ha sido demandado. Si no responde dentro de 5 días, el tribunal puede emitir un fallo en su contra sin una audiencia. Una vez que le entreguen esta citación y papeles legales, solo tiene 5 DÍAS, sin contar sábado y domingo y otros días feriados del tribunal, para presentar una respuesta por escrito en este tribunal y hacer que se entregue una copia al demandante. Si la presente citación le ha sido entregado a través del programa de dirección confidencial del Secretario del Estado Seguro en Casa, tiene 10 días después de la fecha de entrega, sin contar sábado y domingo y otros días feriados del tribunal, para responder.

Una carta o una llamada telefónica no lo protege. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no presenta su respuesta a tiempo, puede perder el caso por falta de comparecencia y se le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpca.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados local.

EXENCIÓN DE CUOTAS: Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos con un gravamen sobre cualquier monto de \$10,000 ó más recibido mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desestimar el caso.

1. The name and address of the court is:
(El nombre y dirección de la corte es):

CASE NUMBER (número de caso):

2. The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is: (El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

| | |
|-------------------|-------------|
| PLAINTIFF (Name): | CASE NUMBER |
| DEFENDANT (Name): | |

3. (Must be answered in all cases) An unlawful detainer assistant (Bus. & Prof. Code, §§ 6400–6415) did not did for compensation give advice or assistance with this form. (If plaintiff has received any help or advice for pay from an unlawful detainer assistant, complete item 4 below.)

4. Unlawful detainer assistant (complete if plaintiff has received any help or advice for pay from an unlawful detainer assistant):

- a. Assistant's name:
- b. Telephone no.:
- c. Street address, city, and zip:

- d. County of registration:
- e. Registration no.:
- f. Registration expires on (date):

| | | |
|------------------|---------------------------|---------------------|
| Date: (Fecha) | Clerk, by (Secretario) | Deputy (Adjunto) |
|------------------|---------------------------|---------------------|

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
 (Para prueba de entrega de esta citación use el formulario Proof of Service of Summons (form POS-010).)

[SEAL]

5. **NOTICE TO THE PERSON SERVED:** You are served
- a. as an individual defendant.
 - b. as the person sued under the fictitious name of (specify):
 - c. as an occupant.
 - d. on behalf of (specify):

| | |
|---|--|
| under <input type="checkbox"/> CCP 416.10 (corporation). | <input type="checkbox"/> CCP 416.60 (minor). |
| <input type="checkbox"/> CCP 416.20 (defunct corporation). | <input type="checkbox"/> CCP 416.70 (conservatee). |
| <input type="checkbox"/> CCP 416.40 (association or partnership). | <input type="checkbox"/> CCP 416.90 (authorized person). |
| <input type="checkbox"/> CCP 415.46 (occupant). | <input type="checkbox"/> other (specify): |
 - e. by personal delivery on (date):

NOTICE: EVERYONE WHO LIVES IN THIS RENTAL UNIT MAY BE EVICTED BY COURT ORDER. READ THIS FORM IF YOU LIVE HERE AND IF YOUR NAME IS NOT ON THE ATTACHED SUMMONS AND COMPLAINT.

1. If you live here and you do not complete and submit this form, you may be evicted without further hearing by the court along with the persons named in the Summons and Complaint.
2. You must file this form within 10 days of the date of service listed in the box on the right hand side of this form.
 - **Exception:** If you are a tenant being evicted after your landlord lost the property to foreclosure, the 10-day deadline does not apply to you and you may file this form at any time before judgment is entered.
3. If you file this form, your claim will be determined in the eviction action against the persons named in the complaint.
4. If you do not file this form, you may be evicted without further hearing.
5. If you are a tenant being evicted due to foreclosure, you have additional rights and should seek legal advice immediately.

| | |
|--|---|
| CLAIMANT OR CLAIMANT'S ATTORNEY (Name and Address): TELEPHONE NO.: | FOR COURT USE ONLY |
| ATTORNEY FOR (Name): | |
| NAME OF COURT: STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME: | |
| Plaintiff: Defendant: | |
| PREJUDGMENT CLAIM OF RIGHT TO POSSESSION | CASE NUMBER: |
| Complete this form only if ALL of these statements are true: 1. You are NOT named in the accompanying Summons and Complaint. 2. You occupied the subject premises on or before the date the unlawful detainer (eviction) complaint was filed. (The date is in the accompanying Summons and Complaint.) 3. You still occupy the subject premises. | (To be completed by the process server) DATE OF SERVICE: (Date that form is served or delivered, posted, and mailed by the officer or process server) |

I DECLARE THE FOLLOWING UNDER PENALTY OF PERJURY:

1. My name is (specify):
2. I reside at (street address, unit no., city and ZIP code):

3. The address of "the premises" subject to this claim is (address):

4. On (insert date): _____, the landlord or the landlord's authorized agent filed a complaint to recover possession of the premises. (This date is in the accompanying Summons and Complaint.)
5. I occupied the premises on the date the complaint was filed (the date in item 4). I have continued to occupy the premises ever since.
6. I was at least 18 years of age on the date the complaint was filed (the date in item 4).
7. I claim a right to possession of the premises because I occupied the premises on the date the complaint was filed (the date in item 4).
8. I was not named in the Summons and Complaint.
9. I understand that if I make this claim of possession, I will be added as a defendant to the unlawful detainer (eviction) action.
10. (Filing fee) I understand that I must go to the court and pay a filing fee of \$ _____ or file with the court an "Application for Waiver of Court Fees and Costs." I understand that if I don't pay the filing fee or file the form for waiver of court fees, I will not be entitled to make a claim of right to possession.

(Continued on reverse)

| | |
|--------------------------|--------------|
| Plaintiff: Defendant: | CASE NUMBER: |
|--------------------------|--------------|

- 11. If my landlord lost this property to foreclosure, I understand that I can file this form at any time before judgment is entered, and that I have additional rights and should seek legal advice.
- 12. I understand that I will have *five days* (excluding court holidays) to file a response to the Summons and Complaint after I file this Prejudgment Claim of Right to Possession form.

NOTICE: If you fail to file this claim, you may be evicted without further hearing.

13. **Rental agreement.** I have (*check all that apply to you*):
- a. an oral or written rental agreement with the landlord.
 - b. an oral or written rental agreement with a person other than the landlord.
 - c. an oral or written rental agreement with the former owner who lost the property to foreclosure.
 - d. other (*explain*):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

WARNING: Perjury is a felony punishable by imprisonment in the state prison.

Date:

_____ ▶ _____
(TYPE OR PRINT NAME) (SIGNATURE OF CLAIMANT)

NOTICE: If you file this claim to possession, the unlawful detainer action against you will be determined at trial. At trial, you may be found liable for rent, costs, and, in some cases, treble damages.

— NOTICE TO OCCUPANTS —

YOU MUST ACT AT ONCE if all the following are true:

- 1. You are **NOT** named in the accompanying **Summons and Complaint**.
- 2. You occupied the premises on or before the date the unlawful detainer (eviction) complaint was filed.
- 3. You still occupy the premises.

You can complete and SUBMIT THIS CLAIM FORM WITHIN 10 DAYS from the date of service (on the form) at the court where the unlawful detainer (eviction) complaint was filed. If you are a tenant and your landlord lost the property you occupy through foreclosure, this 10-day deadline does not apply to you. You may file this form at any time before judgment is entered. You should seek legal advice immediately.

If you do not complete and submit this form (and pay a filing fee or file a fee waiver form if you cannot pay the fee), **YOU WILL BE EVICTED.**

After this form is properly filed, you will be added as a defendant in the unlawful detainer (eviction) action and your right to occupy the premises will be decided by the court. *If you do not file this claim, you may be evicted without a hearing.*

| | |
|--|---------------------------|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO _____ FAX NO. (Optional) _____ E-MAIL ADDRESS (Optional) _____ ATTORNEY FOR (Name) _____ | FOR COURT USE ONLY |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____ STREET ADDRESS _____ MAILING ADDRESS: _____ CITY AND ZIP CODE _____ BRANCH NAME: _____ | |
| PLAINTIFF/PETITIONER: _____ DEFENDANT/RESPONDENT: _____ | CASE NUMBER _____ |
| PROOF OF SERVICE OF SUMMONS | Ref No or File No: _____ |

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
 - a. summons
 - b. complaint
 - c. Alternative Dispute Resolution (ADR) package
 - d. Civil Case Cover Sheet *(served in complex cases only)*
 - e. cross-complaint
 - f. other *(specify documents):* _____
3. a. Party served *(specify name of party as shown on documents served):* _____

 b. Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) *(specify name and relationship to the party named in item 3a):* _____
4. Address where the party was served: _____
5. I served the party *(check proper box)*
 - a. **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on *(date):* _____ (2) at *(time):* _____
 - b. **by substituted service.** On *(date):* _____ at *(time):* _____ I left the documents listed in item 2 with or in the presence of *(name and title or relationship to person indicated in item 3):* _____
 - (1) **(business)** a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) **(home)** a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) **(physical address unknown)** a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on *(date):* _____ from *(city):* _____ or a declaration of mailing is attached.
 - (5) I attach a **declaration of diligence** stating actions taken first to attempt personal service.

| | |
|--|--------------|
| PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT: | CASE NUMBER: |
|--|--------------|

5. c. **by mail and acknowledgment of receipt of service.** I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on *(date)*: _____ (2) from *(city)*: _____
- (3) with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (*Attach completed Notice and Acknowledgement of Receipt.*) (Code Civ. Proc., § 415.30.)
- (4) to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. **by other means** (*specify means of service and authorizing code section*):

Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:
- a. as an individual defendant.
- b. as the person sued under the fictitious name of (*specify*): _____
- c. as occupant.
- d. On behalf of (*specify*): _____
 under the following Code of Civil Procedure section:
- | | |
|---|---|
| <input type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: _____ |

7. **Person who served papers**

- a. Name: _____
- b. Address: _____
- c. Telephone number: _____
- d. **The fee** for service was: \$ _____
- e. I am:
- (1) not a registered California process server.
- (2) exempt from registration under Business and Professions Code section 22350(b).
- (3) a registered California process server:
- (i) owner employee independent contractor.
- (ii) Registration No.: _____
- (iii) County: _____

8. **I declare** under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

9. **I am a California sheriff or marshal and** I certify that the foregoing is true and correct.

Date: _____

 (NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)

▶ _____
 (SIGNATURE)

| | |
|---|---------------------------|
| ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO: FAX NO: E-MAIL ADDRESS: ATTORNEY FOR (name): | FOR COURT USE ONLY |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME: | |
| Plaintiff/Petitioner: Defendant/Respondent: | |
| REQUEST FOR <input type="checkbox"/> Entry of Default <input type="checkbox"/> Clerk's Judgment (Application) <input type="checkbox"/> Court Judgment | CASE NUMBER |
| Not for use in actions under the Fair Debt Buying Practices Act (Civ. Code, § 1788.50 et seq.); (see form CIV-105) | |

1. TO THE CLERK: On the complaint or cross-complaint filed
 - a. on (date):
 - b. by (name):
 - c. Enter default of defendant (names):
 - d. I request a court judgment under Code of Civil Procedure sections 585(b), 585(c), 989, etc., against defendant (names):

 (Testimony required. Apply to the clerk for a hearing date, unless the court will enter a judgment on an affidavit under Code Civ. Proc., § 585(d).)
 - e. Enter clerk's judgment
 - (1) for restitution of the premises only and issue a writ of execution on the judgment. Code of Civil Procedure section 1174(c) does not apply. (Code Civ. Proc., § 1169.)
 Include in the judgment all tenants, subtenants, named claimants, and other occupants of the premises. The *Prejudgment Claim of Right to Possession* was served in compliance with Code of Civil Procedure section 415.46.
 - (2) under Code of Civil Procedure section 585(a). (Complete the declaration under Code Civ. Proc., § 585.5 on the reverse (item 5).)
 - (3) for default previously entered on (date):

| 2. Judgment to be entered. | Amount | Credits acknowledged | Balance |
|------------------------------|--------|----------------------|---------|
| a. Demand of complaint | \$ | \$ | \$ |
| b. Statement of damages* | | | |
| (1) Special | \$ | \$ | \$ |
| (2) General | \$ | \$ | \$ |
| c. Interest | \$ | \$ | \$ |
| d. Costs (see reverse) | \$ | \$ | \$ |
| e. Attorney fees | \$ | \$ | \$ |
| f. TOTALS | \$ | \$ | \$ |

g. **Daily damages** were demanded in complaint at the rate of: \$ _____ per day beginning (date): _____
 (* Personal injury or wrongful death actions; Code Civ. Proc., § 425.11.)

3. (Check if filed in an unlawful detainer case.) **Legal document assistant or unlawful detainer assistant** information is on the reverse (complete item 4).
 Date: _____

 (TYPE OR PRINT NAME)

 (SIGNATURE OF PLAINTIFF OR ATTORNEY FOR PLAINTIFF)

| | |
|---------------------------|--|
| FOR COURT USE ONLY | (1) <input type="checkbox"/> Default entered as requested on (date): (2) <input type="checkbox"/> Default NOT entered as requested (state reason): Clerk, by _____, Deputy |
|---------------------------|--|

| | |
|--|-------------|
| Plaintiff/Petitioner: Defendant/Respondent: | CASE NUMBER |
|--|-------------|

4. **Legal document assistant or unlawful detainer assistant (Bus. & Prof. Code, § 6400 et seq.).** A legal document assistant or unlawful detainer assistant did did **not** for compensation give advice or assistance with this form. If declarant has received **any** help or advice for pay from a legal document assistant or unlawful detainer assistant, state:

- | | |
|--|----------------------------|
| a. Assistant's name: | c. Telephone no.: |
| b. Street address, city, and zip code: | d. County of registration: |
| | e. Registration no.: |
| | f. Expires on (date): |

5. **Declaration under Code Civ. Proc., § 585.5** (for entry of default under Code Civ. Proc., § 585(a)). This action

- a. is is not on a contract or installment sale for goods or services subject to Civ. Code, § 1801 et seq. (Unruh Act).
- b. is is not on a conditional sales contract subject to Civ. Code, § 2981 et seq. (Rees-Levering Motor Vehicle Sales and Finance Act).
- c. is is not on an obligation for goods, services, loans, or extensions of credit subject to Code Civ. Proc., § 395(b).

6. **Declaration of mailing (Code Civ. Proc., § 587).** A copy of this *Request for Entry of Default* was

- a. **not mailed** to the following defendants, whose addresses are unknown to plaintiff or plaintiff's attorney (names):
- b. **mailed** first-class, postage prepaid, in a sealed envelope addressed to each defendant's attorney of record or, if none, to each defendant's last known address as follows:
 - (1) Mailed on (date):
 - (2) To (specify names and addresses shown on the envelopes):

I declare under penalty of perjury under the laws of the State of California that the foregoing items 4, 5, and 6 are true and correct.
 Date:

| | |
|----------------------|--------------------------|
| (TYPE OR PRINT NAME) | (SIGNATURE OF DECLARANT) |
|----------------------|--------------------------|

7. **Memorandum of costs** (required if money judgment requested). Costs and disbursements are as follows (Code Civ. Proc., § 1033.5):

- a. Clerk's filing fees \$
- b. Process server's fees \$
- c. Other (specify): \$
- d. \$
- e. **TOTAL** \$ _____
- f. Costs and disbursements are waived.

g. I am the attorney, agent, or party who claims these costs. To the best of my knowledge and belief this memorandum of costs is correct and these costs were necessarily incurred in this case.

I declare under penalty of perjury under the laws of the State of California that the foregoing item 7 is true and correct.
 Date:

| | |
|----------------------|--------------------------|
| (TYPE OR PRINT NAME) | (SIGNATURE OF DECLARANT) |
|----------------------|--------------------------|

| | |
|--|--------------|
| Plaintiff/Petitioner: Defendant/Respondent: | CASE NUMBER: |
|--|--------------|

8. **Declaration of nonmilitary status** (required for a judgment).

No defendant/respondent named in item 1c is in the military service of the United States as defined by either the Servicemembers Civil Relief Act (see 50 U.S.C. § 3911(2)) or California Military and Veterans Code sections 400 and 402(f).

I know that no defendant/respondent named in item 1c is in the U.S. military service because (check all that apply):

- a. the search results that I received from <https://scra.dmdc.osd.mil/> say the defendant/respondent is not in the U.S. military service.
- b. I am in regular communication with the defendant/respondent and know that they are not in the U.S. military service.
- c. I recently contacted the defendant/respondent, and they told me that they are not in the U.S. military service.
- d. I know that the defendant/respondent was discharged from U.S. military service on or about (date):
- e. the defendant/respondent is not eligible to serve in the U.S. military because they are:
 incarcerated a business entity
- f. other (specify):

Note

- U.S. military status can be checked online at <https://scra.dmdc.osd.mil/>.
- If the defendant/respondent is in the military service, or their military status is unknown, the defendant/respondent is entitled to certain rights and protections under federal and state law before a default judgment can be entered.
- For more information, see <https://selfhelp.courts.ca.gov/military-defaults>.

I declare under penalty of perjury under the laws of the State of California that the foregoing item 8 is true and correct.

Date:

(TYPE OR PRINT NAME)



(SIGNATURE OF DECLARANT)

| | | | |
|--|--|----------|--------------------|
| ATTORNEY OR PARTY WITHOUT ATTORNEY NAME FIRM NAME STREET ADDRESS CITY TELEPHONE NO. EMAIL ADDRESS ATTORNEY FOR (name) | STATE BAR NUMBER STATE FAX NO. | ZIP CODE | FOR COURT USE ONLY |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS MAILING ADDRESS CITY AND ZIP CODE BRANCH NAME | | | |
| PLAINTIFF: DEFENDANT: | | | |
| VERIFICATION BY LANDLORD REGARDING RENTAL ASSISTANCE—UNLAWFUL DETAINER | | | CASE NUMBER |

This form must be filed by the plaintiff with any request for default judgment in any unlawful detainer action seeking possession of residential property based on nonpayment of rent or any other financial obligation under a lease. It may also be used at other times as appropriate or when requested by a judicial officer.

1. The landlord of the property at issue in this case is (name):
2. All of the following statements are true:
 - a. Landlord has not received rental assistance or other financial compensation from any other source corresponding to the amount demanded in the notice underlying the complaint in this action.
 - b. Landlord has not received rental assistance or other financial compensation from any other source for rent accruing after the date of the notice underlying the complaint in this action.
 - c. Landlord does not have any pending application for rental assistance or other financial compensation from any other source corresponding to the amount demanded in the notice underlying the complaint in this action.
 - d. Landlord does not have any pending application for rental assistance or other financial compensation from any other sources for rent accruing after the date of the notice underlying the complaint in this action.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

(TYPE OR PRINT NAME)



(SIGNATURE)

(TITLE—provide if signing on behalf of corporation or other business entity)

| | |
|--|---|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): TELEPHONE NO: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____ | FOR COURT USE ONLY CASE NUMBER: _____ |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____ STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____ | |
| PLAINTIFF (Name): _____ DEFENDANT (Name): _____ | |
| DECLARATION FOR DEFAULT JUDGMENT BY COURT (Unlawful Detainer—Code Civil Proc., § 585(d)) | |

1. My name is (specify):
 - a. I am the plaintiff in this action.
 - b. I am
 - (1) an owner of the property
 - (2) a manager of the property
 - (3) an agent of the owner
 - (4) other (specify): _____
2. The property concerning this action is located at (street address, apartment number, city, and county): _____
3. Personal knowledge. I personally know the facts stated in this declaration and, if sworn as a witness, could testify competently thereto. I am personally familiar with the rental or lease agreement, defendant's payment record, the condition of the property, and defendant's conduct.
4. Agreement was written oral as follows:
 - a. On or about (date): _____ defendant (name each): _____
 - (1) agreed to rent the property for a month-to-month tenancy other tenancy (specify): _____
 - (2) agreed to pay rent of \$ _____ payable monthly other (specify frequency): _____
with rent due on the first of the month other day (specify): _____
 - b. Original agreement is attached (specify): to the original complaint.
 to the *Application for Immediate Writ of Possession*. to this declaration, labeled Exhibit 4b.
 - c. Copy of agreement with a declaration and order to admit the copy is attached (specify):
 to the *Application for Immediate Writ of Possession*. to this declaration, labeled Exhibit 4c.
5. Agreement changed.
 - a. More than one change in rent amount (specify history of all rent changes and effective dates up to the last rent change) on Attachment 5a (form MC-025).
 - b. Change in rent amount (specify last rent change). The rent was changed from \$ _____ to \$ _____
which became effective on (date): _____ and was made
 - (1) by agreement of the parties and subsequent payment of such rent.
 - (2) by service on defendant of a notice of change in terms pursuant to Civil Code section 827 (check item 5d).
 - (3) pursuant to a written agreement of the parties for change in terms (check item 5e or 5f).
 - c. Change in rent due date. Rent was changed, payable in advance, due on (specify day): _____
 - d. A copy of the notice of change in terms is attached to this declaration, labeled Exhibit 5d.
 - e. Original agreement for change in terms is attached (specify): to the original complaint.
 to the *Application for Immediate Writ of Possession*. to this declaration, labeled Exhibit 5e.
 - f. Copy of agreement for change in terms with a declaration and order to admit the copy is attached (specify):
 to the *Application for Immediate Writ of Possession*. to this declaration, labeled Exhibit 5f.

| | |
|--|--------------|
| PLAINTIFF (Name): DEFENDANT (Name): | CASE NUMBER: |
|--|--------------|

6. Notice to quit.
- a. Defendant was served with a
- (1) 3-day notice to pay rent or quit (4) 3-day notice to quit
- (2) 3-day notice to perform covenants or quit (5) 30-day notice to quit
- (3) Other (specify): (6) 60-day notice to quit
- b. The 3-day notice to pay rent or quit demanded rent due in the amount of (specify): \$ _____ for the rental period beginning on (date) _____ and ending on (date) _____
- c. The total rent demanded in the 3-day notice under item 6b is different from the agreed rent in item 4a(2) (specify history of dates covered by the 3-day notice and any partial payments received to arrive at the balance) on Attachment 6c (form MC-025).
- d. The original or copy of the notice specified in item 6a is attached to (specify): the original complaint
 this declaration, labeled Exhibit 6d. (The original or a copy of the notice MUST be attached to this declaration if not attached to the original complaint.)
7. Service of notice.
- a. The notice was served on defendant (name each):
- (1) personally on (date):
- (2) by substituted service, including a copy mailed to the defendant, on (date):
- (3) by posting and mailing on (date mailed):
- b. A prejudgment claim of right to possession was served on the occupants pursuant to Code of Civil Procedure section 415.46.
8. Proof of service of notice. The original or copy of the proof of service of the notice in item 6a is attached to (specify):
- a. the original complaint.
- b. this declaration, labeled Exhibit 8b. (The original or copy of the proof of service MUST be attached to this declaration if not attached to the original complaint.)
9. Notice expired. On (date): _____ the notice in item 6 expired at the end of the day and defendant failed to comply with the requirements of the notice by that date. No money has been received and accepted after the notice expired.
10. The fair rental value of the property is \$ _____ per day, calculated as follows:
- a. (rent per month) x (0.03288) (12 months divided by 365 days)
- b. rent per month divided by 30
- c. other valuation (specify):
11. Possession. The defendant
- a. vacated the premises on (date):
- b. continues to occupy the property on (date of this declaration):
12. Holdover damages. Declarant has calculated the holdover damages as follows:
- a. Damages demanded in the complaint began on (date):
- b. Damages accrued through (date specified in item 11):
- c. Number of days that damages accrued (count days using the dates in items 12a and 12b):
- d. Total holdover damages ((daily rental value in item 10) x (number of days in item 12c)): \$ _____
13. Reasonable attorney fees are authorized in the lease or rental agreement pursuant to paragraph (specify): _____ and reasonable attorney fees for plaintiff's attorney (name): _____ are \$ _____
14. Court costs in this case, including the filing fee, are \$ _____

| | |
|--|--------------|
| PLAINTIFF (Name): DEFENDANT (Name): | CASE NUMBER: |
|--|--------------|

15. Declarant requests a judgment on behalf of plaintiff for:

a. A money judgment as follows:

| | |
|--|----|
| (1) <input type="checkbox"/> Past-due rent (item 6b) | \$ |
| (2) <input type="checkbox"/> Holdover damages (item 12d) | \$ |
| (3) <input type="checkbox"/> Attorney fees (item 13)* | \$ |
| (4) <input type="checkbox"/> Costs (item 14) | \$ |
| (5) <input type="checkbox"/> Other (specify): | \$ |
| (6) TOTAL JUDGMENT | \$ |

* Attorney fees are to be paid by (name) only.

b. Possession of the premises in item 2 (check only if a clerk's judgment for possession was **not** entered).

c. Cancellation of the rental agreement. Forfeiture of the lease.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

Summary of Exhibits

16. Exhibit 4b: Original rental agreement.

17. Exhibit 4c: Copy of rental agreement with declaration and order to admit the copy.

18. Exhibit 5d: Copy of notice of change in terms.

19. Exhibit 5e: Original agreement for change of terms.

20. Exhibit 5f: Copy of agreement for change in terms with declaration and order to admit copy.

21. Exhibit 6d: Original or copy of the notice to quit under item 6a (MUST be attached to this declaration if it is not attached to original complaint).

22. Exhibit 8b: Original or copy of proof of service of notice in item 6a (MUST be attached to this declaration if it is not attached to original complaint).

23. Other exhibits (specify number and describe):

| | | | |
|--|----------|------------------|--------------------|
| ATTORNEY OR PARTY WITHOUT ATTORNEY | | STATE BAR NUMBER | FOR COURT USE ONLY |
| NAME | | | |
| FIRM NAME: | | | |
| STREET ADDRESS | | | |
| CITY | STATE: | ZIP CODE: | |
| TELEPHONE NO.: | FAX NO.: | | |
| E-MAIL ADDRESS: | | | |
| ATTORNEY FOR <i>(name)</i> | | | |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF | | | |
| STREET ADDRESS: | | | |
| MAILING ADDRESS: | | | |
| CITY AND ZIP CODE: | | | |
| BRANCH NAME: | | | |
| PLAINTIFF: | | | |
| DEFENDANT: | | | |
| <p style="text-align: center;">JUDGMENT—UNLAWFUL DETAINER</p> <input type="checkbox"/> By Clerk <input type="checkbox"/> By Default <input type="checkbox"/> After Court Trial <input type="checkbox"/> By Court <input type="checkbox"/> Possession Only <input type="checkbox"/> Defendant Did Not Appear at Trial | | | CASE NUMBER |

JUDGMENT

1. **BY DEFAULT**
- a. Defendant was properly served with a copy of the summons and complaint.
- b. Defendant failed to answer the complaint or appear and defend the action within the time allowed by law.
- c. Defendant's default was entered by the clerk upon plaintiff's application.
- d. **Clerk's Judgment** (Code Civ. Proc., § 1169). For possession only of the premises described on page 2 (item 4).
- e. **Court Judgment** (Code Civ. Proc., § 585(b)). The court considered
- (1) plaintiff's testimony and other evidence.
- (2) plaintiff's or others' written declaration and evidence (Code Civ. Proc., § 585(d)).
2. **AFTER COURT TRIAL.** The jury was waived. The court considered the evidence.
- a. The case was tried on *(date and time)*;
before *(name of judicial officer)*:
- b. Appearances by
- plaintiff *(name each)*: plaintiff's attorney *(name each)*:
- (1)
- (2)
- Continued on *Attachment 2b* (form MC-025).
 defendant *(name each)*: defendant's attorney *(name each)*:
- (1)
- (2)
- Continued on *Attachment 2b* (form MC-025).
- c. Defendant did not appear at trial. Defendant was properly served with notice of trial.
- d. A statement of decision (Code Civ. Proc., § 632) was not was requested.

| | |
|--------------------------|-------------|
| PLAINTIFF: DEFENDANT: | CASE NUMBER |
|--------------------------|-------------|

JUDGMENT IS ENTERED AS FOLLOWS BY: THE COURT THE CLERK

3. Parties. Judgment is

a. for plaintiff (*name each*):

and against defendant (*name each*):

Continued on *Attachment 3a* (form MC-025)

b. for defendant (*name each*):

4. The party entitled to possession of the premises located at (*street address, apartment, city, and county*):

is

plaintiff named in item 3a
 defendant named in item 3b
 defendant listed on attached form UD-110P in item 8b1 (Code Civ. Proc. § 1174.27).

5. Judgment applies to all occupants of the premises including tenants, subtenants if any, and named claimants if any (Code Civ. Proc., §§ 715.010, 1169, and 1174.3).

6. Amount and terms of judgment

a. Defendant named in item 3a above must pay plaintiff on the complaint

b. Plaintiff is to receive nothing from defendant named in item 3b.

Defendant named in item 3b is to recover costs: \$
 and attorney fees: \$

| | |
|--|-----------|
| (1) <input type="checkbox"/> Past-due rent | \$ |
| (2) <input type="checkbox"/> Holdover damages | \$ |
| (3) <input type="checkbox"/> Attorney fees | \$ |
| (4) <input type="checkbox"/> Costs | \$ |
| (5) <input type="checkbox"/> Other (<i>specify</i>): | \$ |
| (6) TOTAL JUDGMENT | \$ |

c. The rental agreement is canceled. The lease is forfeited.

7. **Conditional judgment.** Plaintiff has breached the agreement to provide habitable premises to defendant as stated in *Judgment—Unlawful Detainer Habitable Premises Attachment* (form UD-110H), which is attached.

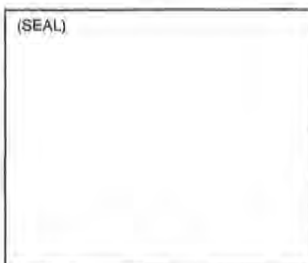
8. **Judgment for partial eviction.** A partial eviction is issued as stated in *Judgment—Unlawful Detainer Partial Eviction Attachment* (form UD-110P), which is attached.

9. Other (*specify*):

Continued on *Attachment 9* (form MC-025)

Date: _____
JUDICIAL OFFICER

Date: _____ Clerk, by _____, Deputy



CLERK'S CERTIFICATE (*Optional*)

I certify that this is a true copy of the original judgment on file in the court.

Date:

Clerk, by _____, Deputy

| | |
|--------------------------|-------------|
| PLAINTIFF: DEFENDANT: | CASE NUMBER |
|--------------------------|-------------|

JUDGMENT—UNLAWFUL DETAINER HABITABLE PREMISES ATTACHMENT

7. **Conditional judgment.** Plaintiff breached the covenant to provide habitable premises to defendant.
- a. Defendant must pay plaintiff a reduced rent because of the breach in the amount and for the period shown below. *(Specify each defect on a separate line, the month or months (or other period) that the defect existed, and the percentage or amount of the reduced rent as a result of the defect to arrive at the reasonable value of the premises for the period that the defect or defects existed.)*

| Month and year defect existed | Defect | Reasonable rental value is reduced by <i>(specify percentage) or (specify amount)</i> | Reduced monthly rent due |
|--|--------|--|--------------------------|
| (1) | | % \$ | \$ |
| (2) | | % \$ | \$ |
| (3) | | % \$ | \$ |
| (4) | | % \$ | \$ |
| (5) | | % \$ | \$ |
| <input type="checkbox"/> Continued on Attachment 7a (form MC-025). | | | |
| Total rent due in the 3-day notice is now <i>(specify)</i> : | | | \$ |

- b. Defendant is entitled to attorney fees *(specify)*: \$ _____ and costs *(specify)*: \$ _____
- c. Defendant is the prevailing party if defendant pays plaintiff *(specify total rent in item 7a, less any attorney fees and costs in item 7b)*: \$ _____ by _____ p.m. on *(date)*: _____ at *(address)*: _____
- d. Judgment will be entered for defendant when defendant has complied with item 7c shown
- by defendant's filing of a declaration under penalty of perjury (see form MC-030), with proof of service on the plaintiff, OR
- at a hearing that has been set in this court as follows:

| | | | |
|-------|-------|--------|-------|
| Date: | Time: | Dept.: | Room: |
|-------|-------|--------|-------|

- (1) Defendant must continue to pay rent after expiration of the 3-day notice if the defendant continues in possession of the premises in the amount of: \$ _____ per month. The total rent at item 7a is the corrected amount under the 3-day notice.
- (2) Plaintiff must repair the defects described in item 7a. The court retains jurisdiction over the case until those repairs are made. Rent remains reduced in the amount of *(specify monthly rent)*: \$ _____ until the repairs are made.
- (3) Rent will increase to *(specify monthly rent)*: \$ _____ the day after
- plaintiff files a declaration under penalty of perjury (see form MC-030), with proof of service on the defendant, stating that all the repairs have been made OR
- it is established that all the repairs have been made at a hearing set in this court as follows:

| | | | |
|-------|-------|--------|-------|
| Date: | Time: | Dept.: | Room: |
|-------|-------|--------|-------|

| | |
|--------------------------|--------------|
| PLAINTIFF: DEFENDANT: | CASE NUMBER: |
|--------------------------|--------------|

7. e. Plaintiff is the prevailing party if defendant fails to comply with items 7c and 7d.
- f. Judgment will be entered for plaintiff
- when plaintiff files a declaration under penalty of perjury (see form MC-030), with proof of service on the defendant, that the amount in item 7c has not been paid, OR
- at a hearing that has been set in the court as follows:

| | | | |
|-------|-------|--------|-------|
| Date: | Time: | Dept.: | Room: |
|-------|-------|--------|-------|

| | |
|---|----|
| (1) <input type="checkbox"/> Past-due rent (<i>item 7a</i>) | \$ |
| (2) <input type="checkbox"/> Holdover damages* | \$ |
| (3) <input type="checkbox"/> Attorney fees (<i>item 7b</i>) | \$ |
| (4) <input type="checkbox"/> Costs (<i>item 7b</i>) | \$ |
| (5) <input type="checkbox"/> Other (<i>specify</i>): | \$ |
| (6) TOTAL JUDGMENT | \$ |

*Use one of the following formulas: From expiration of the 3-day notice to

- today's date date the premises were vacated (*specify number of days*) times
- (*specify reduced monthly rent*: \$ times 0.03228 (12 months divided by 365 days).)
- (*specify reduced rent per month divided by 30*): \$
- = Total holdover damages

- g. Plaintiff is awarded possession of the premises located at (*street address, apartment, city, and county*):
- h. The rental agreement is canceled. The lease is forfeited.
8. **Other** (*specify*):

| | |
|--------------------------|--------------|
| PLAINTIFF: DEFENDANT: | CASE NUMBER: |
|--------------------------|--------------|

JUDGMENT—UNLAWFUL DETAINER PARTIAL EVICTION ATTACHMENT

8. **Partial eviction.** A partial eviction is issued.
- a. The court finds the following:
- (1) The proceeding involves a residential premises.
 - (2) The complaint includes a cause of action based on an act of abuse or violence against a tenant, a tenant's immediate family member, or a tenant's household member.
 - (3) Defendant (*name each*):
has invoked Code of Civil Procedure section 1161.3(d)(2) as an affirmative defense.
 - (4) There is documentation evidencing abuse or violence against defendant (*name each*):

or a member of their immediate family or household perpetrated by defendant (*name each*):

Based on the above findings, the court orders as follows:

- b. (1) Defendant (*name each*):
is not guilty of an unlawful detainer and is not liable to landlord for any amount related to the unlawful detainer.
- (2) To remain in the tenancy, the defendants must not permit or invite the perpetrator of abuse or violence to live in the dwelling unit.
- c. Defendant (*name each*):
is guilty of an unlawful detainer and is
- (1) ordered to be immediately removed and barred from the dwelling unit.
 - (2) liable for damages, including holdover damages, court costs, lease termination fees, or attorney's fees, as provided in item 6.
 - (3) permanently barred from entering any portion of the residential premises.
- d. The plaintiff is ordered to change the locks and to provide the remaining occupants with the new key.

| | |
|---|--|
| ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NO. NAME FIRM NAME STREET ADDRESS CITY STATE ZIP CODE TELEPHONE NO. FAX NO. EMAIL ADDRESS ATTORNEY FOR (name): <input type="checkbox"/> ATTORNEY FOR <input type="checkbox"/> ORIGINAL JUDGMENT CREDITOR <input type="checkbox"/> ASSIGNEE OF RECORD | FOR COURT USE ONLY |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS MAILING ADDRESS: CITY AND ZIP CODE BRANCH NAME: | |
| PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT: | CASE NUMBER |
| WRIT OF <input type="checkbox"/> EXECUTION (Money Judgment) <input type="checkbox"/> POSSESSION OF <input type="checkbox"/> Personal Property <input type="checkbox"/> SALE <input type="checkbox"/> Real Property | <input type="checkbox"/> Limited Civil Case (including Small Claims) <input type="checkbox"/> Unlimited Civil Case (including Family and Probate) |

1. **To the Sheriff or Marshal of the County of:**
 You are directed to enforce the judgment described below with daily interest and your costs as provided by law.
2. **To any registered process server:** You are authorized to serve this writ only in accordance with CCP 699.080 or CCP 715.040.
3. (Name):
 is the original judgment creditor assignee of record whose address is shown on this form above the court's name.

4. **Judgment debtor** (name, type of legal entity if not a natural person, and last known address):

Additional judgment debtors on next page

9. Writ of Possession/Writ of Sale information on next page.
 10. This writ is issued on a sister-state judgment.
- For items 11–17, see form MC-012 and form MC-013-INFO.**
- | | |
|---|----------|
| 11. Total judgment (as entered or renewed) | \$ _____ |
| 12. Costs after judgment (CCP 685.090) | \$ _____ |
| 13. Subtotal (add 11 and 12) | \$ _____ |
| 14. Credits to principal (after credit to interest) | \$ _____ |
| 15. Principal remaining due (subtract 14 from 13) | \$ _____ |
| 16. Accrued interest remaining due per CCP 685.050(b) (not on GC 6103.5 fees) | \$ _____ |
| 17. Fee for issuance of writ (per GC 70626(a)(l)) | \$ _____ |
| 18. Total amount due (add 15, 16, and 17) | \$ _____ |

5. **Judgment entered on (date):**
 (See type of judgment in item 22.)
6. Judgment renewed on (dates):
7. **Notice of sale** under this writ:
 - a. has not been requested.
 - b. has been requested (see next page).
8. Joint debtor information on next page.

19. **Levying officer:**
 - a. Add daily interest from date of writ (at the legal rate on 15) (not on GC 6103.5 fees) \$
 - b. Pay directly to court costs included in 11 and 17 (GC 6103.5, 68637; CCP 699.520(j)) \$
20. The amounts called for in items 11–19 are different for each debtor. These amounts are stated for each debtor on Attachment 20.

[SEAL]

Date: _____ Clerk, by _____, Deputy

NOTICE TO PERSON SERVED: SEE PAGE 3 FOR IMPORTANT INFORMATION.

| | |
|--|--------------|
| Plaintiff/Petitioner: Defendant/Respondent: | CASE NUMBER: |
|--|--------------|

21. Additional judgment debtor(s) (name, type of legal entity if not a natural person, and last known address):

| | | | |
|--|--|--|--|
| | | | |
| | | | |

22. The judgment is for (check one):

- a. wages owed.
- b. child support or spousal support.
- c. other.

23. Notice of sale has been requested by (name and address):

| | | | |
|--|--|--|--|
| | | | |
| | | | |

24. Joint debtor was declared bound by the judgment (CCP 989-994)

- | | |
|---|---|
| <ul style="list-style-type: none"> a. on (date): b. name, type of legal entity if not a natural person, and last known address of joint debtor: | <ul style="list-style-type: none"> a. on (date): b. name, type of legal entity if not a natural person, and last known address of joint debtor: |
|---|---|

| | | | |
|--|--|--|--|
| | | | |
| | | | |

c. Additional costs against certain joint debtors are itemized: below on Attachment 24c.

25. (Writ of Possession or Writ of Sale) **Judgment** was entered for the following:

- a. Possession of real property. The complaint was filed on (date):
(Check (1) or (2). Check (3) if applicable. Complete (4) if (2) or (3) have been checked.)
 - (1) The *Prejudgment Claim of Right to Possession* was served in compliance with CCP 415.46. The judgment includes all tenants, subtenants, named claimants, and other occupants of the premises.
 - (2) The *Prejudgment Claim of Right to Possession* was NOT served in compliance with CCP 415.46.
 - (3) The unlawful detainer resulted from a foreclosure sale of a rental housing unit. (An occupant not named in the judgment may file a *Claim of Right to Possession* at any time up to and including the time the levying officer returns to effect eviction, regardless of whether a *Prejudgment Claim of Right to Possession* was served.) (See CCP 415.46 and 1174.3(a)(2).)
 - (4) If the unlawful detainer resulted from a foreclosure (item 25a(3)), or if the *Prejudgment Claim of Right to Possession* was not served in compliance with CCP 415.46 (item 25a(2)), answer the following:
 - (a) The daily rental value on the date the complaint was filed was \$
 - (b) The court will hear objections to enforcement of the judgment under CCP 1174.3 on the following dates (specify):

Item 25 continued on next page

| | |
|--|-------------|
| Plaintiff/Petitioner: Defendant/Respondent: | CASE NUMBER |
|--|-------------|

25. b. Possession of personal property.
 If delivery cannot be had, then for the value (*itemize in 25e*) specified in the judgment or supplemental order.
- c. Sale of personal property.
- d. Sale of real property.
- e. The property is described below on Attachment 25e.

NOTICE TO PERSON SERVED

WRIT OF EXECUTION OR SALE. Your rights and duties are indicated on the accompanying *Notice of Levy* (form EJ-150).

WRIT OF POSSESSION OF PERSONAL PROPERTY. If the levying officer is not able to take custody of the property, the levying officer will demand that you turn over the property. If custody is not obtained following demand, the judgment may be enforced as a money judgment for the value of the property specified in the judgment or in a supplemental order.

WRIT OF POSSESSION OF REAL PROPERTY. If the premises are not vacated within five days after the date of service on the occupant or, if service is by posting, within five days after service on you, the levying officer will remove the occupants from the real property and place the judgment creditor in possession of the property. Except for a mobile home, personal property remaining on the premises will be sold or otherwise disposed of in accordance with CCP 1174 unless you or the owner of the property pays the judgment creditor the reasonable cost of storage and takes possession of the personal property not later than 15 days after the time the judgment creditor takes possession of the premises.

EXCEPTION IF RENTAL HOUSING UNIT WAS FORECLOSED. If the residential property that you are renting was sold in a foreclosure, you have additional time before you must vacate the premises. If you have a lease for a fixed term, such as for a year, you may remain in the property until the term is up. If you have a periodic lease or tenancy, such as from month-to-month, you may remain in the property for 90 days after receiving a notice to quit. A blank form *Claim of Right to Possession and Notice of Hearing* (form CP10) accompanies this writ. You may claim your right to remain on the property by filling it out and giving it to the sheriff or levying officer.

EXCEPTION IF YOU WERE NOT SERVED WITH A FORM CALLED PREJUDGMENT CLAIM OF RIGHT TO POSSESSION. If you were not named in the judgment for possession and you occupied the premises on the date on which the unlawful detainer case was filed, you may object to the enforcement of the judgment against you. You must complete the form *Claim of Right to Possession and Notice of Hearing* (form CP10) and give it to the sheriff or levying officer. A blank form accompanies this writ. You have this right whether or not the property you are renting was sold in a foreclosure.

| | | |
|---|---|---|
| ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME STREET ADDRESS: CITY STATE ZIP CODE: TELEPHONE NO.: FAX NO: E-MAIL ADDRESS ATTORNEY FOR (name): | STATE BAR NUMBER: STATE ZIP CODE: FAX NO: | FOR COURT USE ONLY CASE NUMBER: |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME: | | |
| PLAINTIFF: DEFENDANT: | | |
| COVER SHEET FOR DECLARATION OF COVID-19-RELATED FINANCIAL DISTRESS | | CASE NUMBER: |

Information for Defendant

A defendant tenant may use this form to file a declaration of COVID-19-related financial distress with the court if a plaintiff has filed an unlawful detainer action against the defendant and asserts that a defendant did not deliver a declaration within the required 15-day period after service of a notice demanding payment of rent or other financial obligations. (Code Civ. Proc., § 1179.03(h).)

For information about legal resources that may be available and to learn about other protections that may be available to you under federal or local law, go to lawhelpca.org or <https://landlordtenant.dre.ca.gov/>.

- The signed declaration (you may use form UD-104(A)) must be filed within 5 days after the summons and legal papers in the case are served on you, not counting Saturdays, Sundays, and other judicial holidays. This is the same time frame in which you must file an answer or other response to the complaint.
- If the declaration is filed within the time frame described above, the case against you may be dismissed. The court will set a hearing to determine if there was good cause for your not delivering the declaration to the plaintiff in the time required.
 - The court will provide a notice of the time and place of the hearing to all plaintiffs and defendants.
 - At the hearing, you may explain why you did not deliver this to the landlord in the time required.
 - If the court finds that your failure to provide the declaration was due to mistake, inadvertence, surprise, or excusable neglect, the court will dismiss the case against you.
- Written filings with the court must be provided in English. (Code Civ. Proc., §185 (a).)
 - If attaching a non-English-language declaration provided by the landlord, you should also attach an English-language version, either a copy that was given to you by the landlord or one from landlordtenant.dre.ca.gov/tenant/forms.html.
 - You can attach a translation of the declaration instead, if signed by the translator.

1. Defendant (name):
has attached a declaration of COVID-19-related financial distress to this form, signed by defendant.
2. Number of pages attached, including signed declaration (specify):

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF DEFENDANT OR ATTORNEY)

| | | |
|---|--|--------------------|
| ATTORNEY OR PARTY WITHOUT ATTORNEY NAME FIRM NAME STREET ADDRESS CITY TELEPHONE NO. E-MAIL ADDRESS ATTORNEY FOR (name) | STATE BAR NUMBER: STATE ZIP CODE: FAX NO. | FOR COURT USE ONLY |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME: | | |
| PLAINTIFF: DEFENDANT: | | |
| ATTACHMENT—DECLARATION OF COVID-19–RELATED FINANCIAL DISTRESS | | CASE NUMBER: |

Review the information on form UD-104 to learn more about when to file this form.

I am currently unable to pay my rent or other financial obligations under the lease in full because of one or more of the following:

1. Loss of income caused by the COVID-19 pandemic.
2. Increased out-of-pocket expenses directly related to performing essential work during the COVID-19 pandemic.
3. Increased expenses directly related to health impacts of the COVID-19 pandemic.
4. Childcare responsibilities or responsibilities to care for an elderly, disabled, or sick family member directly related to the COVID-19 pandemic that limit my ability to earn income.
5. Increased costs for childcare or attending to an elderly, disabled, or sick family member directly related to the COVID-19 pandemic.
6. Other circumstances related to the COVID-19 pandemic that have reduced my income or increased my expenses.

Any public assistance, including unemployment insurance, pandemic unemployment assistance, state disability insurance (SDI), or paid family leave, that I have received since the start of the COVID-19 pandemic does not fully make up for my loss of income and/or increased expenses.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

(TYPE OR PRINT NAME)



(SIGNATURE)

| | | |
|---|--|---|
| ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: TELEPHONE NO.: EMAIL ADDRESS: ATTORNEY FOR (name): | STATE BAR NUMBER: STATE: ZIP CODE: FAX NO.: | FOR COURT USE ONLY CASE NUMBER: |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME: | | |
| PLAINTIFF: DEFENDANT: | | |
| ANSWER—UNLAWFUL DETAINER | | |

1. Defendant (all defendants for whom this answer is filed must be named and must sign this answer unless their attorney signs):

answers the complaint as follows.

2. **DENIALS (Check ONLY ONE of the next two boxes.)**

- a. **General Denial** (Do not check this box if the complaint demands more than \$1,000.)
 Defendant generally denies each statement of the complaint and of *Mandatory Cover Sheet and Supplemental Allegations—Unlawful Detainer* (form UD-101).
- b. **Specific Denials** (Check this box and complete (1) and (2) below if complaint demands more than \$1,000.)
 Defendant admits that all the statements of the complaint and of *Mandatory Cover Sheet and Supplemental Allegations—Unlawful Detainer* (form UD-101) are true EXCEPT:

(1) **Denial of Allegations in Complaint (form UD-100 or other complaint for unlawful detainer)**

(a) Defendant claims the following statements of the complaint are false (state paragraph numbers from the complaint or explain below or, if more room needed, on form MC-025):

Explanation is on form MC-025, titled as Attachment 2b(1)(a).

(b) Defendant has no information or belief that the following statements of the complaint are true, so defendant denies them (state paragraph numbers from the complaint or explain below or, if more room needed, on form MC-025):

Explanation is on form MC-025, titled as Attachment 2b(1)(b).

(2) **Denial of Allegations in *Mandatory Cover Sheet and Supplemental Allegations—Unlawful Detainer* (form UD-101)**

(a) Defendant did not receive plaintiff's *Mandatory Cover Sheet and Supplemental Allegations* (form UD-101). (If not checked, complete (b) and (c), as appropriate.)

(b) Defendant claims the following statements on *Mandatory Cover Sheet and Supplemental Allegations—Unlawful Detainer* (form UD-101) are false (state paragraph numbers from form UD-101 or explain below or, if more room needed, on form MC-025): Explanation is on form MC-025, titled as Attachment 2b(2)(b).

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| PLAINTIFF: DEFENDANT: | CASE NUMBER: |
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2. b. (2) (c) Defendant has no information or belief that the following statements on *Mandatory Cover Sheet and Supplemental Allegations—Unlawful Detainer* (form UD-101) are true, so defendant denies them (*state paragraph numbers from form UD-101 or explain below or, if more room needed, on form MC-025*):
- Explanation is on form MC-025, titled as Attachment 2b(2)(c).
3. **DEFENSES AND OBJECTIONS** (NOTE: For each box checked, you must state brief facts to support it in item 3t (on page 3) or, if more room is needed, on form MC-025. You can learn more about defenses and objections at www.courts.ca.gov/selfhelp-eviction.htm.)
- a. (Nonpayment of rent only) Plaintiff has breached the warranty to provide habitable premises.
- b. (Nonpayment of rent only) Defendant made needed repairs and properly deducted the cost from the rent, and plaintiff did not give proper credit.
- c. (Nonpayment of rent only) On (date): _____ before the notice to pay or quit expired, defendant offered the rent due but plaintiff would not accept it.
- d. (Nonpayment of rent only) Plaintiff's demand for possession is based on nonpayment of rent due more than one year ago.
- e. Plaintiff waived, changed, or canceled the notice to quit.
- f. Plaintiff served defendant with the notice to quit or filed the complaint to retaliate against defendant.
- g. By serving defendant with the notice to quit or filing the complaint, plaintiff is arbitrarily discriminating against the defendant in violation of the Constitution or the laws of the United States or California.
- h. Plaintiff's demand for possession violates the local rent control or eviction control ordinance of (city or county, title of ordinance, and date of passage): _____
(Also, briefly state in item 3t the facts showing violation of the ordinance.)
- i. Plaintiff's demand for possession is subject to the Tenant Protection Act of 2019, Civil Code section 1946.2 or 1947.12, and is not in compliance with the act. (Check all that apply and briefly state in item 3t the facts that support each.)
- (1) Plaintiff failed to state a just cause for termination of tenancy in the written notice to terminate.
- (2) Plaintiff failed to provide an opportunity to cure any alleged violations of terms and conditions of the lease (other than payment of rent) as required under Civil Code section 1946.2(c).
- (3) Plaintiff failed to comply with the relocation assistance requirements of Civil Code section 1946.2(d).
- (4) Plaintiff has raised the rent more than the amount allowed under Civil Code section 1947.12, and the only unpaid rent is the unauthorized amount.
- (5) Plaintiff violated the Tenant Protection Act in another manner that defeats the complaint.
- j. Plaintiff accepted rent from defendant to cover a period of time after the date the notice to quit expired.
- k. Plaintiff seeks to evict defendant based on an act—against defendant, defendant's immediate family member, or a member of defendant's household—that constitutes domestic violence, sexual assault, stalking, human trafficking, abuse of an elder or a dependent adult, or a crime that caused bodily injury, involved a deadly weapon, or used force or threat of force. (This defense requires one of the following, which may be included with this form: (1) a **temporary restraining order, protective order, or police report** that is not more than 180 days old; (2) a **signed statement from a qualified third party** (e.g., a doctor, domestic violence or sexual assault counselor, human trafficking caseworker, psychologist, or a victim of violent crime advocate concerning the injuries or abuse resulting from these acts); or (3) another form of documentation or evidence that verifies that the abuse or violence occurred.)
- (1) The abuse or violence was committed by a person who does not live in the dwelling unit.
- (2) The abuse or violence was committed by a person who lives in the dwelling unit and defendant claims protection from eviction under Code of Civil Procedure section 1161.3(d)(2).
- l. Plaintiff seeks to evict defendant based on defendant or another person calling the police or emergency assistance (e.g., ambulance) by or on behalf of a victim of abuse, a victim of crime, or an individual in an emergency when defendant or the other person believed that assistance was necessary.
- m. Plaintiff's demand for possession of a residential property is based on nonpayment of rent or other financial obligations and (check all that apply)
- (1) plaintiff received or has a pending application for rental assistance from a governmental rental assistance program or some other source relating to the amount claimed in the notice to pay rent or quit. (Health & Saf. Code, §§ 50897.1(d)(2)(B) and 50897.3(e)(2).)

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| PLAINTIFF: DEFENDANT: | CASE NUMBER: |
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3. m. (2) plaintiff received or has a pending application for rental assistance from a governmental rental assistance program or some other source for rent accruing since the notice to pay rent or quit. (Health & Saf. Code, §§ 50897.1(d)(2)(B) and 50897.3(e)(2).)
- (3) plaintiff's demand for possession is based only on late fees for defendant's failure to provide landlord payment within 15 days of receiving governmental rental assistance. (Health & Saf. Code, § 50897.1(e)(2)(B).)
- n. Plaintiff violated the COVID-19 Tenant Relief Act (Code Civ. Proc., § 1179.01 et seq.) or a local COVID-19-related ordinance regarding evictions in some other way (*briefly state facts describing this in item 3t*).
- o. The property is covered by the federal CARES Act and the plaintiff did not provide 30 days' notice to vacate. (*Property covered by the CARES Act means property where the landlord*
- *is participating in a covered housing program as defined by the Violence Against Women Act;*
 - *is participating in the rural housing voucher program under section 542 of the Housing Act of 1949; or*
 - *has a federally backed mortgage loan or a federally backed multifamily mortgage loan.*
- p. Plaintiff improperly applied payments made by defendant in a tenancy that was in existence between March 1, 2020, and September 30, 2021 (Code Civ. Proc., § 1179.04.5), as follows (*check all that apply*):
- (1) Plaintiff applied a security deposit to rent, or other financial obligations due, without tenant's written agreement.
- (2) Plaintiff applied a monthly rental payment to rent or other financial obligations that were due between March 1, 2020, and September 30, 2021, other than to the prospective month's rent, without tenant's written agreement.
- q. Plaintiff refused to accept payment from a third party for rent due. (Civ. Code, § 1947.3; Gov. Code, § 12955.)
- r. Defendant has a disability and plaintiff refused to provide a reasonable accommodation that was requested. (Cal. Code Regs., tit. 2, § 12176(c).)
- s. Other defenses and objections are stated in item 3t.
- t. (*Provide facts for each item checked above, either below or, if more room needed, on form MC-025*):
- Description of facts or defenses are on form MC-025, titled as Attachment 3t.

4. OTHER STATEMENTS

- a. Defendant vacated the premises on (*date*).
- b. The fair rental value of the premises alleged in the complaint is excessive (*explain below or, if more room needed, on form MC-025*).
- Explanation is on form MC-025, titled as Attachment 4b.
- c. Other (*specify below or, if more room needed, on form MC-025*):
- Other statements are on form MC-025, titled as Attachment 4c.

5. DEFENDANT REQUESTS

- a. that plaintiff take nothing requested in the complaint.
- b. costs incurred in this proceeding.
- c. reasonable attorney fees.

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| PLAINTIFF: DEFENDANT: | CASE NUMBER |
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5. d. that plaintiff be ordered to (1) make repairs and correct the conditions that constitute a breach of the warranty to provide habitable premises and (2) reduce the monthly rent to a reasonable rental value until the conditions are corrected.
- e. Other (specify below or on form MC-025):
 All other requests are stated on form MC-025, titled as Attachment 5e.

6. Number of pages attached: _____

UNLAWFUL DETAINER ASSISTANT (Bus. & Prof. Code, §§ 6400–6415)

7. (Must be completed in all cases.) An unlawful detainer assistant did not did for compensation give advice or assistance with this form. If defendant has received any help or advice for pay from an unlawful detainer assistant, state
- a. assistant's name: _____ b. telephone number: _____
- c. street address, city, and zip code: _____
- d. county of registration: _____ e. registration number: _____ f. expiration date: _____

(Each defendant for whom this answer is filed must be named in item 1 and must sign this answer unless defendant's attorney signs.)

| | |
|----------------------------|--|
| _____ (TYPE OR PRINT NAME) | ▶ _____ (SIGNATURE OF DEFENDANT OR ATTORNEY) |
| _____ (TYPE OR PRINT NAME) | ▶ _____ (SIGNATURE OF DEFENDANT OR ATTORNEY) |
| _____ (TYPE OR PRINT NAME) | ▶ _____ (SIGNATURE OF DEFENDANT OR ATTORNEY) |

VERIFICATION

(Use a different verification form if the verification is by an attorney or for a corporation or partnership.)

I am the defendant in this proceeding and have read this answer. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

| | |
|----------------------------------|----------------------------------|
| Date: _____ (TYPE OR PRINT NAME) | ▶ _____ (SIGNATURE OF DEFENDANT) |
| Date: _____ (TYPE OR PRINT NAME) | ▶ _____ (SIGNATURE OF DEFENDANT) |
| Date: _____ (TYPE OR PRINT NAME) | ▶ _____ (SIGNATURE OF DEFENDANT) |

| | | |
|--|-------------------|---------------------------|
| ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO: EMAIL ADDRESS: ATTORNEY FOR (name): | STATE BAR NUMBER: | FOR COURT USE ONLY |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME: | | |
| PLAINTIFF: DEFENDANT: | | |
| APPLICATION TO PREVENT FORFEITURE DUE TO COVID-19 RENTAL DEBT | | CASE NUMBER: |

This form must be filed by the defendant in an unlawful detainer case to ask the court to stop the eviction process if the defendant has been approved for COVID-19-related emergency rental assistance. Defendant must be able to declare under penalty of perjury that all the statements in item 2 are true.

For the court to stop the eviction process, defendant may have to pay any amounts demanded in the complaint that the rental assistance does not cover. (Code Civ. Proc., § 1179.13(a)(3).) Note: this application does not take the place of an Answer to the complaint, which should be filed within five days of receiving the complaint. (You can use form UD-105.)

1. Defendant (name):
 asks the court to prevent or relieve forfeiture of the lease or rental agreement for property at issue in this unlawful detainer case under Code of Civil Procedure section 1179.13.
2. Both of the following statements are true:
 - a. This unlawful detainer case is based on a demand for payment of rent or other financial obligation that was due during one or both of the following time periods (*check any periods below when rent was due*):
 - (1) between March 1, 2020, and September 30, 2021.
 - (2) between October 1, 2021, and March 31, 2022, and the defendant's tenancy was initially established before October 1, 2021.
 - b. A government rental assistance program has approved an application for rental assistance for part or all of the rent or other financial obligations demanded.
3. (*Defendant must check a or b.*)
 - a. A copy of the final decision from a government rental assistance program approving the application for rental assistance for the property in this case is attached. (*The approval must show the property address and the amount of payment approved, and the time period the payment covers.*)
 - b. (*The following information must be provided if a copy of the approval is not available.*)
 - (1) The address for the property at issue in this case (*address*):
 - (2) The application number assigned to defendant's rental assistance application:
 - (3) The name of the government rental assistance program that granted the approval (*if known*):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

 (TYPE OR PRINT NAME)

 (SIGNATURE)