

# **UNLAWFUL DETAINER PACKET**

## **Civil Law**

What you will find in this packet:

- **Interpreter Request (MC-300e&s)**
- **Parties Filing Unlawful Detainer Actions (CV-660a)**
- **Civil Case Cover Sheet (CM-010)**
- **Summons-Unlawful Detainer-Eviction (SUM-130)**
- **Complaint-Unlawful Detainer (UD-100)**
- **Proof of Service of Summons (POS-010)**
- **Request for Entry of Default (CIV-100)**
- **Declaration for Default Judgment by Court (UD-116)**
- **Request/Counter-Request to Set Case for Trial-Unlawful Detainer (UD-150)**
- **Stipulation for Entry of Judgment (Unlawful Detainer) (UD-115)**
- **Judgment-Unlawful Detainer (UD-110)**
- **Judgment-Unlawful Detainer Attachment (UD-110S)**
- **Prejudgment Claim of Right to Possession (CP-10.5)**
- **Writ of Execution (EJ-130)**
- **Writ of Possession of Real Property (CV-660b)**
- **Request for Dismissal (CIV-110)**

***You Can Get Court Forms FREE at: [www.cc-courts.org/forms](http://www.cc-courts.org/forms)***

# Superior Court of California, County of Contra Costa

## Interpreter Request

If you need an interpreter, please complete the form below and submit it to any Filing Window or courtroom.

Case Number: \_\_\_\_\_

### Case Type:

- |   |   |
|---|---|
| <input type="checkbox"/> Criminal                                 | <input type="checkbox"/> Small Claims – (\$10,000 or less)  |
| <input type="checkbox"/> Traffic                                  | <input type="checkbox"/> Civil - <input type="checkbox"/> \$25,000 <input type="checkbox"/> over \$25,000 |
| <input type="checkbox"/> Civil Harassment                         | <input type="checkbox"/> Civil – Other _____  |
| <input type="checkbox"/> Conservatorship                          | <input type="checkbox"/> Family Law   |
| <input type="checkbox"/> Proceedings to terminate parental rights | <input type="checkbox"/> Unlawful Detainer  |
| <input type="checkbox"/> Dependent Adult Abuse                    | <input type="checkbox"/> Guardianship   |
| <input type="checkbox"/> Juvenile                                 | <input type="checkbox"/> Elder Abuse  |

Party Requesting Interpreter: \_\_\_\_\_

Is interpreter for a witness?  Yes  No

Phone Number(s) where party can be reached: \_\_\_\_\_

Date of Hearing: \_\_\_\_\_ Time of Hearing: \_\_\_\_\_

Department: \_\_\_\_\_ Location:  Martinez  Pittsburg  Richmond  Walnut Creek

Language Needed:  Spanish  Mandarin  Cantonese  Vietnamese

Other: \_\_\_\_\_

To avoid the risk that your hearing will have to be postponed, please submit this form a minimum of one week in advance.

Current information about this program is available at our website:

[www.cc-courts.org/interpreter](http://www.cc-courts.org/interpreter)

# Superior Court of California, County of Contra Costa

## Solicitud Para Intérprete

Si necesita un intérprete, favor completar este formulario y presentarlo en cualquier ventanilla para archivar documentos o con la secretaria del tribunal.

Número de Caso: \_\_\_\_\_

### Tipo de Caso:

- |  |  |
|--|--|
| <input type="checkbox"/> Criminal                                      | <input type="checkbox"/> Demanda Civil – (\$10,000 o menos)  |
| <input type="checkbox"/> Tráfico                                       | <input type="checkbox"/> Demanda Civil -<br><input type="checkbox"/> \$25,000 <input type="checkbox"/> más de \$25,000 |
| <input type="checkbox"/> Acoso Civil                                   | <input type="checkbox"/> Civil – otro tipo _____   |
| <input type="checkbox"/> Conservador                                   | <input type="checkbox"/> Casos de Familia  |
| <input type="checkbox"/> Casos para Terminar Derechos de Madre o Padre | <input type="checkbox"/> Juicio de Desalojo  |
| <input type="checkbox"/> Abuso de Adultos Incapacitados                | <input type="checkbox"/> Tutela  |
| <input type="checkbox"/> Tribunal de Menores                           | <input type="checkbox"/> Abuso de Personas Mayores   |

Persona que Necesita Intérprete: \_\_\_\_\_

Marque aquí si esta persona es un testigo

Número Telefónico: \_\_\_\_\_

Fecha de la Audiencia Judicial: \_\_\_\_\_ Hora: \_\_\_\_\_

Departamento: \_\_\_\_\_ Ciudad:  Martinez  Pittsburg  Richmond  Walnut Creek

Idioma Solicitado:  Español  Mandarín  Cantonés  Vietnamita

Otro Idioma: \_\_\_\_\_

Para evitar la posibilidad que su audiencia sea aplazada, favor the presentar este formulario al menos una semana antes de la fecha de su audiencia.

Información actualizada acerca de este servicio se encuentra en nuestra página web:  
[www.cc-courts.org/interpreter](http://www.cc-courts.org/interpreter)

# Superior Court of California, County of Contra Costa

**CONCORD**  
2970 WILLOW PASS RD.  
CONCORD, CA 94519

**MARTINEZ**  
725 COURT STREET  
P.O. BOX 911  
MARTINEZ, CA 94553

**PITTSBURG**  
1000 CENTER DRIVE  
PITTSBURG, CA 94565

**RICHMOND**  
100 37<sup>th</sup> STREET  
RICHMOND, CA 94805

**WALNUT CREEK**  
640 YGNACIO VALLEY RD.  
WALNUT CREEK, CA 94596

To: Parties Filing Unlawful Detainer Actions  
From: Civil Division

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Attached are the forms needed for filing and proceeding to judgment in most Unlawful Detainer actions.

**THE COURT IS NOT ALLOWED TO ASSIST YOU IN COMPLETION OF THESE FORMS.**

If you need assistance, books are available at most bookstores on how to evict tenants and on line at [www.ezlegalfile.org](http://www.ezlegalfile.org). You may also consult an attorney or eviction service companies listed in the yellow pages of the phone book.

**YOU WILL RECEIVE ONLY ONE OF EACH OF THE FOLLOWING FORMS. USE THEM AS MASTERS AND MAKE COPIES BEFORE FILLING THEM OUT.**

Civil Case Cover Sheet  
Summons - Unlawful Detainer  
Complaint - Unlawful Detainer  
Proof of Service of Summons  
Request for Entry of Default  
Declaration for Default Judgment by Court  
Request to Set Case for Trial – Unlawful Detainer  
Stipulation for Entry of Judgment – Unlawful Detainer  
Judgment – Unlawful Detainer  
Judgment – Unlawful Detainer Attachment  
Pre-Judgment Claim of Right to Possession  
Writ of Execution  
Instructions to Sheriff for Eviction  
Request for Dismissal

To file a claim, you must pay a filing fee (see current fee schedule available on our website at [www.cc-courts.org](http://www.cc-courts.org)) and submit to the court an original and one copy of the Summons and Complaint and Civil Case Cover Sheet. (You can make additional copies after the court has returned the copies to you.)

## DEFAULTS - WITHOUT APPEARANCE

If the defendant(s) does not file an answer, you may request a default by submitting the following forms and documents. You must complete all documents and submit to the clerk.

1. A separate proof of service for each defendant.
2. Request for Entry of Default
3. Judgment
4. Writ of Execution (Original and 4 copies)
5. Check or money order payable to the Superior Court (see current fee schedule)
6. Self-addressed stamped envelope for return mailing if documents are to be returned by mail.

If a money judgment is requested at this time, you may remit a declaration under CCP 585(d) or ask to be calendared for a hearing.

If an Answer is filed by a defendant(s), you must file a Request to Set Case for Trial.

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## NOTICE WITH RESPECT TO PROSECUTING OR DEFENDING A CIVIL ACTION WITHOUT REPRESENTATION BY AN ATTORNEY

You have the legal right to prosecute or defend a civil action in this court by yourself without retaining the services of an attorney at law. Before making such a decision, you are requested to read and consider the following:

Its proceedings in the Superior Court are governed by the technical rules of procedure, some of which are set forth in the California Code of Civil Procedure, Civil Code, Evidence Code, California Rules of Court and Local Rules of Court.

These statutes and rules require that all documents, including complaints, answers and demurrers filed in this court must meet certain prescribed formalities. Likewise, all motions for judgment on the pleadings or for summary judgment must be preceded by timely written notices properly served on all parties in statutory form, supported by written points and authorities.

You must be prepared to present all the evidence to prove your case at your hearing or trial. Your testimony and that of all other witnesses offered at a trial or other hearing must be legally admissible and will be subject to legal objections and motions to strike by the adverse party.

The fact that you are not an attorney does not free you from complying with all these and other legal requirements. **IT IS NOT PROPER OR PERMISSIBLE FOR ANY CLERK OR DEPUTY CLERK OF THIS COURT TO GIVE LEGAL ADVICE OR PREPARE ANY PLEADINGS, AND THE JUDGE WILL NOT ASSIST YOU IN THE HANDLING OF YOUR CASE.**

If you have already appeared in propria persona in this action, you may now, or at any time hereafter, be represented by an attorney at law with respect to any or all future proceedings. A substitution of attorney should be filed.

You are not entitled to a court appointed attorney in a civil action. If, because of your financial condition, you are unable to obtain a private attorney, you may be eligible for assistance from the Bay Area Legal Aid, 1017 Macdonald Avenue, Richmond, CA 94802, Phone (510) 233-9954 or visit their website at [www.baylegal.org](http://www.baylegal.org). If you are not eligible, you may wish to at least consult an attorney regarding your case. If you do not have an attorney, you may call the Lawyer Referral Service at (925) 825-5700.

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

<p><b>Auto Tort</b></p> <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) <p><b>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</b></p> <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) <p><b>Non-PI/PD/WD (Other) Tort</b></p> <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) <p><b>Employment</b></p> <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	<p><b>Contract</b></p> <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) <p><b>Real Property</b></p> <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) <p><b>Unlawful Detainer</b></p> <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) <p><b>Judicial Review</b></p> <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)	<p><b>Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400–3.403)</b></p> <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) <p><b>Enforcement of Judgment</b></p> <input type="checkbox"/> Enforcement of judgment (20) <p><b>Miscellaneous Civil Complaint</b></p> <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint ( <i>not specified above</i> ) (42) <p><b>Miscellaneous Civil Petition</b></p> <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition ( <i>not specified above</i> ) (43)
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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

**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

**SUMMONS  
(CITACION JUDICIAL)**

**UNLAWFUL DETAINER—EVICTION**

**(RETENCIÓN ILÍCITA DE UN INMUEBLE—DESALOJO)**

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

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

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

You have 5 CALENDAR DAYS 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. (To calculate the five days, count Saturday and Sunday, but do not count other court holidays. If the last day falls on a Saturday, Sunday, or a court holiday then you have the next court day to file a written response.) 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.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. 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 Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association. **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.

Tiene 5 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. (Para calcular los cinco días, cuente los sábados y los domingos pero no los otros días feriados de la corte. Si el último día cae en sábado o domingo, o en un día en que la corte esté cerrada, tiene hasta el próximo día de corte para presentar una respuesta por escrito). Una carta o una llamada telefónica no lo protegen. 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](http://www.sucorte.ca.gov)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. 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. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte 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.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida 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 desechar el caso.

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

CASE NUMBER:  
(Número del 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):

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 6 on the next page.)

Date: \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy  
(Fecha) (Secretario) (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, (POS-010)).

[SEAL]

4. **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:  CCP 416.10 (corporation)  CCP 416.60 (minor)
- CCP 416.20 (defunct corporation)  CCP 416.70 (conservatee)
- CCP 416.40 (association or partnership)  CCP 416.90 (authorized person)
- CCP 415.46 (occupant)  other (specify):

5.  by personal delivery on (date):



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

6. **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):

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):  TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____</b> STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
PLAINTIFF: _____ DEFENDANT: _____ <input type="checkbox"/> DOES 1 TO _____	

<b>COMPLAINT — UNLAWFUL DETAINER*</b> <input type="checkbox"/> COMPLAINT <input type="checkbox"/> AMENDED COMPLAINT (Amendment Number): _____	CASE NUMBER: _____
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**Jurisdiction (check all that apply):**

**ACTION IS A LIMITED CIVIL CASE**  
 Amount demanded  does not exceed \$10,000  
 exceeds \$10,000 but does not exceed \$25,000

**ACTION IS AN UNLIMITED CIVIL CASE (amount demanded exceeds \$25,000)**

**ACTION IS RECLASSIFIED by this amended complaint or cross-complaint (check all that apply):**  
 from unlawful detainer to general unlimited civil (possession not in issue)       from limited to unlimited  
 from unlawful detainer to general limited civil (possession not in issue)       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. Defendant named above is in possession of the premises located at (street address, apt. no., city, zip code, and county):

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.

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):

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

PLAINTIFF (Name): DEFENDANT (Name):	CASE NUMBER:
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6. 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.  a. Defendant (name each):

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

- |   |  |
|---|--|
| (1) <input type="checkbox"/> 3-day notice to pay rent or quit | (4) <input type="checkbox"/> 3-day notice to perform covenants or quit |
| (2) <input type="checkbox"/> 30-day notice to quit            | (5) <input type="checkbox"/> 3-day notice to quit                      |
| (3) <input type="checkbox"/> 60-day notice to quit            | (6) <input type="checkbox"/> Other (specify):                          |

- b. (1) On (date): \_\_\_\_\_ the period stated in the notice 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.)

f.  One or more defendants were served (1) with a different notice, (2) on a different date, or (3) in a different manner, as stated in Attachment 8c. (Check item 8c and attach a statement providing the information required by items 7a–e and 8 for each defendant.)

8. a.  The notice in item 7a was served on the defendant named in item 7a 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 7f is stated in Attachment 8c.

d.  Proof of service of the notice in item 7a is attached and labeled Exhibit 3.

PLAINTIFF (Name): DEFENDANT (Name):	CASE NUMBER:
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- 9.  Plaintiff demands possession from each defendant because of expiration of a fixed-term lease.
- 10.  At the time the 3-day notice to pay rent or quit was served, the amount of **rent due** was \$
- 11.  The fair rental value of the premises is \$ \_\_\_\_\_ per day.
- 12.  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 12.)*
- 13.  A written agreement between the parties provides for attorney fees.
- 14.  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.

- 15.  Other allegations are stated in Attachment 15.
- 16. Plaintiff accepts the jurisdictional limit, if any, of the court.

**17. PLAINTIFF REQUESTS**

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>a. possession of the premises.</li> <li>b. costs incurred in this proceeding:</li> <li>c. <input type="checkbox"/> past-due rent of \$</li> <li>d. <input type="checkbox"/> reasonable attorney fees.</li> <li>e. <input type="checkbox"/> forfeiture of the agreement.</li> </ul> | <ul style="list-style-type: none"> <li>f. <input type="checkbox"/> damages at the rate stated in item 11 from <i>(date)</i>: _____ for each day that defendants remain in possession through entry of judgment.</li> <li>g. <input type="checkbox"/> statutory damages up to \$600 for the conduct alleged in item 12.</li> <li>h. <input type="checkbox"/> other <i>(specify)</i>:</li> </ul> |
|---|--|

- 18.  Number of pages attached *(specify)*: \_\_\_\_\_

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

- 19. *(Complete in all cases.)* An unlawful detainer assistant  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, state:)*
  - a. Assistant's name:
  - b. Street address, city, and zip code:
  - c. Telephone No.:
  - d. County of registration:
  - e. Registration No.:
  - f. Expires on *(date)*:

Date:

(TYPE OR PRINT NAME)		(SIGNATURE OF PLAINTIFF OR ATTORNEY)
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**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 )
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ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, State Bar number, and address):</i>   TELEPHONE NO.: _____ FAX NO. <i>(Optional):</i> _____ E-MAIL ADDRESS <i>(Optional):</i> _____ ATTORNEY FOR <i>(Name):</i> _____	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF/PETITIONER:  DEFENDANT/RESPONDENT:	CASE NUMBER:
<b>PROOF OF SERVICE OF SUMMONS</b>	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:
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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)
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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):	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
Plaintiff/Petitioner: Defendant/Respondent:	
<b>REQUEST FOR</b> <input type="checkbox"/> <b>Entry of Default</b> <input type="checkbox"/> <b>Clerk's Judgment</b> <b>(Application)</b> <input type="checkbox"/> <b>Court Judgment</b>	CASE NUMBER:
<b>Not for use in actions under the Fair Debt Buying Practices Act (Civ. Code, § 1788.50 et seq.) (see CIV-105)</b>	

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):

	<u>Amount</u>	<u>Credits acknowledged</u>	<u>Balance</u>
a. Demand of complaint .....	\$	\$	\$
b. Statement of damages*			
(1) Special .....	\$	\$	\$
(2) General .....	\$	\$	\$
c. Interest .....	\$	\$	\$
d. Costs (see reverse) .....	\$	\$	\$
e. Attorney fees .....	\$	\$	\$
f. <b>TOTALS</b> .....	\$	\$	\$

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)

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

Plaintiff/Petitioner: Defendant/Respondent:	CASE NUMBER:
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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 ( <i>specify</i> ):	\$
d.	\$
e. <b>TOTAL</b> .....	\$ _____

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 is true and correct.  
 Date: \_\_\_\_\_

\_\_\_\_\_ \_\_\_\_\_  
 (TYPE OR PRINT NAME) (SIGNATURE OF DECLARANT)

8. **Declaration of nonmilitary status** (*required for a judgment*). No defendant named in item 1c of the application is in the military service as that term is defined by either the Servicemembers Civil Relief Act, 50 U.S.C. App. § 3911(2), or California Military and Veterans Code section 400(b).

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)



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

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:
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6. Notice to quit.

- a.  Defendant was served with a
- |  |  |
|--|--|
| (1) <input type="checkbox"/> 3-day notice to pay rent or quit          | (4) <input type="checkbox"/> 3-day notice to quit  |
| (2) <input type="checkbox"/> 3-day notice to perform covenants or quit | (5) <input type="checkbox"/> 30-day notice to quit |
| (3) <input type="checkbox"/> Other (specify):                          | (6) <input type="checkbox"/> 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) <input type="checkbox"/> personally on (date):  |
| (2) <input type="checkbox"/> by substituted service, including a copy mailed to the defendant, on (date): |
| (3) <input type="checkbox"/> 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): <hr/> DEFENDANT (Name):	CASE NUMBER:
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15.  Declarant requests a judgment on behalf of plaintiff for:  
 a.  A money judgment as follows:

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

\*  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 <i>(Name, State Bar number, and address):</i>  <hr/> <p style="text-align: center;">TELEPHONE NO.: <span style="float: right;">FAX No. <i>(Optional):</i></span></p> <p>E-MAIL ADDRESS <i>(Optional):</i></p> <p>ATTORNEY FOR <i>(Name):</i></p>	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b>  STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF:  DEFENDANT:	
<input type="checkbox"/> <b>REQUEST</b> <input type="checkbox"/> <b>COUNTER-REQUEST</b>  <b>TO SET CASE FOR TRIAL—UNLAWFUL DETAINER</b>  <input type="checkbox"/> <b>Plaintiff</b> <input type="checkbox"/> <b>Defendant</b>	CASE NUMBER:

1.  **Plaintiff's request.** I represent to the court that all parties have been served with process and have appeared or have had a default or dismissal entered against them. I request that this case be set for trial.
2. **Trial preference.** The premises concerning this case are located at *(street address, apartment number, city, zip code, and county):*
  - a.  To the best of my knowledge, the right to possession of the premises is still in issue. This case is entitled to legal preference under Code of Civil Procedure section 1179a.
  - b.  To the best of my knowledge, the right to possession of the premises is no longer in issue. No defendant or other person is in possession of the premises.
3. **Jury or nonjury trial.** I request  a jury trial  a nonjury trial.
4. **Estimated length of trial.** I estimate that the trial will take *(check one):*
  - a.  days *(specify number):*
  - b.  hours *(specify if estimated trial is less than one day):*
5. **Trial date.** I am not available on the following dates *(specify dates and reasons for unavailability):*

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

6. *(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.)*
  - a. Assistant's name:
  - b. Street address, city, and zip code:
  - c. Telephone no.:
  - d. County of registration:
  - e. Registration no.:
  - f. Expires on *(date):*

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 PARTY OR ATTORNEY FOR PARTY)
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**NOTICE**

- An unlawful detainer case must be set for trial on a date not later than **20 days after the first request** to set the case for trial is made (Code Civ. Proc., § 1170.5(a)).
- If a jury is requested, \$150 must be deposited with the court 5 days before trial (Code Civ. Proc., § 631).
- Court reporter and interpreter services vary. Check with the court for availability of services and fees charged.
- If you cannot pay the court fees and costs, you may apply for a fee waiver. Ask the court clerk for a fee waiver form.

PLAINTIFF: <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> DEFENDANT:	CASE NUMBER:
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**PROOF OF SERVICE BY MAIL**

**Instructions:** After having the parties served by mail with the Request/Counter-Request to Set Case for Trial—Unlawful Detainer, (form UD-150), have the person who mailed the form UD-150 complete this Proof of Service by Mail. An **unsigned** copy of the Proof of Service by Mail should be completed and served with form UD-150. Give the Request/Counter-Request to Set Case for Trial—Unlawful Detainer (form UD-150) and the completed Proof of Service by Mail to the clerk for filing. If you are representing yourself, someone else must mail these papers and sign the Proof of Service by Mail.

1. I am over the age of 18 and **not a party to this case**. I am a resident of or employed in the county where the mailing took place.
2. My residence or business address is (specify):
  
3. I served the *Request/Counter-Request to Set Case for Trial—Unlawful Detainer* (form UD-150) by enclosing a copy in an envelope addressed to each person whose name and address are shown below AND
  - a.  **depositing** the sealed envelope in the United States mail on the date and at the place shown in item 3c with the postage fully prepaid.
  - b.  **placing** the envelope for collection and mailing on the date and at the place shown in item 3c following ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.
  - c. (1) Date mailed:  
  
 (2) Place mailed (city and state):

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 PERSON WHO MAILED FORM UD-150)

**NAME AND ADDRESS OF EACH PERSON TO WHOM NOTICE WAS MAILED**

Name Address (number, street, city, and zip code)

4.		
5.		
6.		
7.		
8.		
9.		

List of names and addresses continued on a separate attachment or form MC-025, titled Attachment to Proof of Service by Mail.

ATTORNEY OR PARTY WITHOUT ATTORNEY ( <i>Name and state bar number, and address</i> ):  <hr style="width: 20px; margin-left: 0;"/>  TELEPHONE NO.: _____ FAX NO. ( <i>Optional</i> ): _____ E-MAIL ADDRESS ( <i>Optional</i> ): _____ ATTORNEY FOR ( <i>Name</i> ): _____	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF:  DEFENDANT:	
<b>STIPULATION FOR ENTRY OF JUDGMENT (Unlawful Detainer)</b>	CASE NUMBER:

1. IT IS STIPULATED by plaintiff (*name each*): \_\_\_\_\_ and  
 defendant (*name each*): \_\_\_\_\_

2.  Plaintiff  Defendant (*specify name*): \_\_\_\_\_ is awarded

- a.  possession of the premises located at (*street address, apartment number, city, and county*): \_\_\_\_\_
- b.  cancellation of the rental agreement.  forfeiture of the lease.
- c.  past due rent \$ \_\_\_\_\_
- d.  total holdover damages \$ \_\_\_\_\_
- e.  attorney fees \$ \_\_\_\_\_
- f.  costs \$ \_\_\_\_\_
- g.  deposit of \$ \_\_\_\_\_  See item 3.
- h.  other (*specify*): \_\_\_\_\_
- i. Total \$ \_\_\_\_\_ to be paid by  (*date*): \_\_\_\_\_  installment payments (see item 5)

3.  Deposit. If not awarded under item 2g, then plaintiff must
- a.  return deposit of \$ \_\_\_\_\_ to defendant by (*date*): \_\_\_\_\_
- b.  give an itemized deposit statement to defendant within three weeks after defendant vacates the premises (Civ. Code, § 1950.5).
- c.  mail the  deposit  itemized statement to the defendant at (*mailing address*): \_\_\_\_\_

4.  A writ of possession will issue immediately, but there will be no lockout before (*date*): \_\_\_\_\_

5.  AGREEMENT FOR INSTALLMENT PAYMENTS
- a. Defendant agrees to pay \$ \_\_\_\_\_ on the (*specify day*) \_\_\_\_\_ day of each month beginning on (*specify date*) \_\_\_\_\_ until paid in full.
- b. If any payment is more than (*specify*) \_\_\_\_\_ days late, the entire amount in item 2i will become immediately due and payable plus interest at the legal rate.

6. a.  Judgment will be entered now.
- b.  Judgment will be entered only upon default of payment of the amount in item 2i or the payment arrangement in item 5a. The case is calendared for dismissal on (*date and time*) \_\_\_\_\_ in \_\_\_\_\_ department (*specify*) \_\_\_\_\_ unless plaintiff or defendant otherwise notifies the court.
- c.  Judgment will be entered as stated in *Judgment—Unlawful Detainer Attachment* (form UD-110S), which is attached.
- d.  Judgment will be entered as stated in item 7.

PLAINTIFF:  DEFENDANT:	CASE NUMBER:
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7.  Plaintiff and defendant further stipulate as follows (*specify*):

8. a. **The parties named in item 1 understand that they have the right to (1) have an attorney present and (2) receive notice of and have a court hearing about any default in the terms of this stipulation.**

b. Date:

(TYPE OR PRINT NAME)	▶	(SIGNATURE OF PLAINTIFF OR ATTORNEY)
(TYPE OR PRINT NAME)	▶	(SIGNATURE OF PLAINTIFF OR ATTORNEY)

Continued on *Attachment 8b* (form MC-025).

c. Date:

(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)

Continued on *Attachment 8c* (form MC-025).

9. IT IS SO ORDERED.

Date:

\_\_\_\_\_  
JUDICIAL OFFICER

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, state bar number, and address):</i>  TELEPHONE NO.: _____ FAX NO. <i>(Optional):</i> _____ E-MAIL ADDRESS <i>(Optional):</i> _____ ATTORNEY FOR <i>(Name):</i> _____	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF:  DEFENDANT:	
<div style="text-align: center;"><b>JUDGMENT—UNLAWFUL DETAINER</b></div> <input type="checkbox"/> <b>By Clerk</b> <input type="checkbox"/> <b>By Default</b> <input type="checkbox"/> <b>After Court Trial</b> <input type="checkbox"/> <b>By Court</b> <input type="checkbox"/> <b>Possession Only</b> <input type="checkbox"/> <b>Defendant Did Not Appear at Trial</b>	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:
 

<input type="checkbox"/> Plaintiff <i>(name each):</i>	<input type="checkbox"/> Plaintiff's attorney <i>(name each):</i>
	(1)
	(2)

  
 Continued on *Attachment 2b* (form MC-025).  
 Defendant *(name each):*

<input type="checkbox"/> Defendant's attorney <i>(name each):</i>
(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:
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**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.  Plaintiff     Defendant    is entitled to possession of the premises located at (*street address, apartment, city, and county*):

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:

(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)	<b>TOTAL JUDGMENT</b>	\$	

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

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

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

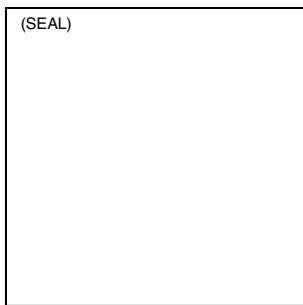
7.  **Conditional judgment.** Plaintiff has breached the agreement to provide habitable premises to defendant as stated in *Judgment—Unlawful Detainer Attachment* (form UD-110S), which is attached.

8.  **Other** (*specify*):

Continued on *Attachment 8* (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:
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**JUDGMENT—UNLAWFUL DETAINER 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 defect existed	Defect	Reasonable rental value is reduced by <i>(specify percentage)</i> or <i>(specify amount)</i>	Reduced monthly rent due
(1)		%    \$	\$
(2)		%    \$	\$
(3)		%    \$	\$
<input type="checkbox"/> Continued on <i>Attachment 7a</i> (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:
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- (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:
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- e.  Plaintiff is the prevailing party if defendant fails to comply with items 7c and 7d.

PLAINTIFF:  DEFENDANT:	CASE NUMBER:
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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:
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(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> ):	\$
<b>(6) TOTAL JUDGMENT</b>	<b>\$</b>

\*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*):

**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 ( <i>Name and Address</i> ): TELEPHONE NO.:  ATTORNEY FOR ( <i>Name</i> ):	<p style="text-align: center;"><b>FOR COURT USE ONLY</b></p>
<b>NAME OF COURT:</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
Plaintiff: Defendant:	
<b>PREJUDGMENT CLAIM OF RIGHT TO POSSESSION</b>	CASE NUMBER:
<b>Complete this form only if ALL of these statements are true:</b> <b>1. You are NOT named in the accompanying Summons and Complaint.</b> <b>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.)</b> <b>3. You still occupy the subject premises.</b>	<i>(To be completed by the process server)</i> DATE OF SERVICE: <i>(Date that form is served or delivered, posted, and mailed by the officer or process server)</i>

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:
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- 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: STATE BAR NO.: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name): <input type="checkbox"/> ORIGINAL JUDGMENT CREDITOR <input type="checkbox"/> ASSIGNEE OF RECORD	<i>FOR COURT USE ONLY</i>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
Plaintiff: Defendant:	CASE NUMBER:
<input type="checkbox"/> EXECUTION (Money Judgment) <b>WRIT OF</b> <input type="checkbox"/> POSSESSION OF <input type="checkbox"/> Personal Property <input type="checkbox"/> SALE <input type="checkbox"/> Real Property	<input type="checkbox"/> <b>Limited Civil Case</b> (including Small Claims) <input type="checkbox"/> <b>Unlimited Civil Case</b> (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.  See next page for information on real or personal property to be delivered under a writ of possession or sold under a writ of sale.

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    \$ \_\_\_\_\_
- 18. **Total** (add 15, 16, and 17)    \$ \_\_\_\_\_

5. **Judgment entered** on (date):

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(i)) . . . . . \$ \_\_\_\_\_

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]

Issued on (date): \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy

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

Plaintiff: Defendant:	CASE NUMBER:
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21.  Additional judgment debtor (name, type of legal entity if not a natural person, 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 989–994)

<p>a. on (date):</p> <p>b. name, type of legal entity if not a natural person, and last known address of joint debtor:</p> <p style="margin-left: 40px;"> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> </p>	<p>a. on (date):</p> <p>b. name, type of legal entity if not a natural person, and last known address of joint debtor:</p> <p style="margin-left: 40px;"> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> </p>
--	--

c.  Additional costs against certain joint debtors are itemized:  Below  On Attachment 23c

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):  
(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 24a(3)), or if the Prejudgment Claim of Right to Possession was not served in compliance with CCP 415.46 (item 24a(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):

b.  Possession of personal property.  
 If delivery cannot be had, then for the value (itemize in 24e) 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 24e

Plaintiff: Defendant:	CASE NUMBER:
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**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.



**COUNTY OF CONTRA COSTA**  
**SHERIFF'S INSTRUCTIONS FOR EVICTION**  
**WRIT OF POSSESSION OF REAL PROPERTY**

\_\_\_\_\_ V. \_\_\_\_\_ CASE # \_\_\_\_\_

**TENANT(S):**

Names: \_\_\_\_\_

Address: \_\_\_\_\_

City & Zip: \_\_\_\_\_

**FOR RESTORATION OF PROPERTY [person(s) meeting Deputy(s)]:**

Name: \_\_\_\_\_

Telephone #: \_\_\_\_\_

**CORRESPONDENCE:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City & Zip \_\_\_\_\_

Telephone #: \_\_\_\_\_

**FOR NOTICE TO VACATE POSTING:**

**If the property is inaccessible (e.g. locked gate, coded gate...),  
accessibility must be provided either with a key or other means.**

**\*\*\*CAUTIONS\*\*\*WARNING\*\*\*SPECIAL INSTRUCTIONS\*\*\*FOR DEPUTY(S):**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	
<b>REQUEST FOR DISMISSAL</b> <input type="checkbox"/> Personal Injury, Property Damage, or Wrongful Death <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other <input type="checkbox"/> Family Law <input type="checkbox"/> Eminent Domain <input type="checkbox"/> Other (specify) : _____	CASE NUMBER: _____
<b>- A conformed copy will not be returned by the clerk unless a method of return is provided with the document. -</b>	

1. TO THE CLERK: Please **dismiss** this action as follows:

- a. (1)  With prejudice   (2)  Without prejudice
- b. (1)  Complaint       (2)  Petition
- (3)  Cross-complaint filed by (name): \_\_\_\_\_ on (date): \_\_\_\_\_
- (4)  Cross-complaint filed by (name): \_\_\_\_\_ on (date): \_\_\_\_\_
- (5)  Entire action of all parties and all causes of action
- (6)  Other (specify):\*

2. (Complete in all cases except family law cases.)

Court fees and costs were waived for a party in this case. (This information may be obtained from the clerk. If this box is checked, the declaration on the back of this form must be completed).

Date: \_\_\_\_\_

.....  
(TYPE OR PRINT NAME OF  ATTORNEY  PARTY WITHOUT ATTORNEY)

\_\_\_\_\_  
(SIGNATURE)

\*If dismissal requested is of specified parties only of specified causes of action only, or of specified cross-complaints only, so state and identify the parties, causes of action, or cross-complaints to be dismissed.

Attorney or party without attorney for:

- Plaintiff/Petitioner    Defendant/Respondent
- Cross-Complainant

3. TO THE CLERK: Consent to the above dismissal is hereby given.\*\*

Date: \_\_\_\_\_

.....  
(TYPE OR PRINT NAME OF  ATTORNEY  PARTY WITHOUT ATTORNEY)

\_\_\_\_\_  
(SIGNATURE)

\*\* If a cross-complaint – or Response (Family Law) seeking affirmative relief – is on file, the attorney for cross-complainant (respondent) must sign this consent if required by Code of Civil Procedure section 581 (i) or (j).

Attorney or party without attorney for:

- Plaintiff/Petitioner    Defendant/Respondent
- Cross-Complainant

(To be completed by clerk)

- 4.  Dismissal entered as requested on (date): \_\_\_\_\_
- 5.  Dismissal entered on (date): \_\_\_\_\_ as to only (name): \_\_\_\_\_
- 6.  Dismissal **not entered** as requested for the following reasons (specify): \_\_\_\_\_
- 7. a.  Attorney or party without attorney notified on (date): \_\_\_\_\_
- b.  Attorney or party without attorney not notified. Filing party failed to provide  
        a copy to be conformed    means to return conformed copy

Date: \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy

PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER:
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**Declaration Concerning Waived Court Fees**

The court has a statutory lien for waived fees and costs on any recovery of \$10,000 or more in value by settlement, compromise, arbitration award, mediation settlement, or other recovery. The court's lien must be paid before the court will dismiss the case.
--

1. The court waived fees and costs in this action for *(name)*:
2. The person in item 1 *(check one)*:
  - a.  is not recovering anything of value by this action.
  - b.  is recovering less than \$10,000 in value by this action.
  - c.  is recovering \$10,000 or more in value by this action. *(If item 2c is checked, item 3 must be completed.)*
3.  All court fees and costs that were waived in this action have been paid to the court *(check one)*:  Yes  No

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

Date: \_\_\_\_\_



\_\_\_\_\_  
(TYPE OR PRINT NAME OF  ATTORNEY  PARTY MAKING DECLARATION)

\_\_\_\_\_  
(SIGNATURE)