

# 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)**
- **Verification by Landlord Regarding Rental Assistance (UD-120)**
- **Application and Order to Serve Summons by Posting – Unlawful Detainer (CV-667)**
- **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)**
- **Eviction Case (Unlawful Detainer) Stipulation (UD-155)**
- **Stipulation for Entry of Judgment (Unlawful Detainer) (UD-115)**
- **Judgment-Unlawful Detainer (UD-110)**
- **Judgment-Unlawful Detainer Attachment (UD-110H)**
- **Judgment-Unlawful Detainer Partial Eviction Attachment (UD-110P)**
- **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)**
- **Self-Help Center Information**

**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 – (\$12,500 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 secretaría del tribunal.

Número de Caso: \_\_\_\_\_

**Tipo de Caso:**

<input type="checkbox"/> Criminal	<input type="checkbox"/> Demanda Civil – (\$12,500 o menos)
<input type="checkbox"/> Tráfico	<input type="checkbox"/> Demanda Civil -
<input type="checkbox"/> Acoso Civil	<input type="checkbox"/> \$25,000 <input type="checkbox"/> más de \$25,000
<input type="checkbox"/> Conservador	<input type="checkbox"/> Civil – otro tipo _____
<input type="checkbox"/> Casos para Terminar Derechos de Madre o Padre	<input type="checkbox"/> Casos de Familia
<input type="checkbox"/> Abuso de Adultos Incapacitados	<input type="checkbox"/> Juicio de Desalojo
<input type="checkbox"/> Tribunal de Menores	<input type="checkbox"/> Tutela
	<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 de 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

**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  
Interpreter Request  
Parties Filing Unlawful Detainer Actions  
Civil Case Cover Sheet  
Summons-Unlawful Detainer-Eviction  
Plaintiff's Mandatory Cover Sheet and Supplemental Allegations  
Complaint-Unlawful Detainer  
Verification by Landlord Regarding Rental Assistance  
Application and Order to Serve Summons by Posting – Unlawful Detainer  
Proof of Service of Summons  
Request for Entry of Default  
Declaration for Default Judgment by Court  
Request/Counter-Request to Set Case for Trial-Unlawful Detainer  
Eviction Case (Unlawful Detainer) Stipulation  
Stipulation for Entry of Judgment (Unlawful Detainer)  
Judgment-Unlawful Detainer  
Judgment-Unlawful Detainer Attachment  
Judgment-Unlawful Detainer Partial Eviction Attachment  
Prejudgment Claim of Right to Possession  
Writ of Execution  
Writ of Possession of Real Property  
Request for Dismissal  
Self-Help Center Information

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: FIRM NAME: STREET ADDRESS: CITY: TELEPHONE NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	STATE BAR NUMBER: STATE: ZIP CODE: FAX NO.:	FOR COURT USE ONLY
<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> <input type="checkbox"/> <b>Unlimited</b> (Amount demanded exceeds \$35,000) <input type="checkbox"/> <b>Limited</b> (Amount demanded is \$35,000 or less)	<b>Complex Case Designation</b> <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:

<b>Auto Tort</b> <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46)	<b>Contract</b> <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)	<b>Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400–3.404)</b> <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"/> Comprehensive groundwater adjudication (47) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)
<b>Asbestos</b> <input type="checkbox"/> Asbestos (04)	<b>Real Property</b> <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26)	<b>Enforcement of Judgment</b> <input type="checkbox"/> Enforcement of judgment (20)
<b>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</b> <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23)	<b>Unlawful Detainer</b> <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38)	<b>Miscellaneous Civil Complaint</b> <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42)
<b>Non-PI/PD/WD (Other) Tort</b> <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)	<b>Judicial Review</b> <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)	<b>Miscellaneous Civil Petition</b> <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
<b>Employment</b> <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	<b>Employment Development Department (EDD)</b> <input type="checkbox"/> EDD decision review (48)	

2. Is this case complex under rule 3.400 of the California Rules of Court?  Yes  No

If the case is complex, mark the factors requiring exceptional judicial management:

- a.  Large number of separately represented parties
- b.  Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
- c.  Substantial amount of documentary evidence
- d.  Large number of witnesses
- e.  Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
- f.  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. Is this case a class action suit?  Yes  No

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 of the California Rules of Court 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 pages 1 and 2. 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 of the California Rules of Court is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$35,000, 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.

**SEE PAGE 3 FOR INFORMATION PURPOSES ONLY.**



## 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*)

**Asbestos**

Asbestos (04)  
Asbestos Property Damage  
Asbestos Personal Injury/Wrongful Death  
**Other PI/PD/WD (Personal Injury/  
Property Damage/Wrongful Death) Tort**  
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)  
Collections 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

**Employment Development Department (EDD)**

EDD Decision Review (48) (*if the case  
involves an Employment Development  
Department decision, check this item  
instead of Wrongful Termination or Other  
Employment*)

**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)  
Comprehensive Groundwater Adjudication  
(47)  
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*)  
Mechanic's 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—EVICTION**  
**(CITACIÓN JUDICIAL—DESALOJO)**

SUM-130

**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):**

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

**NOTICE!** You have been sued. The court may decide against you without your being heard unless you respond within 10 days. You have 10 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 15 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 Self-Help Guide to the California Courts ([selfhelp.courts.ca.gov](http://selfhelp.courts.ca.gov)), 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](http://www.lawhelpca.org)), the Self-Help Guide to the California Courts ([selfhelp.courts.ca.gov](http://selfhelp.courts.ca.gov)), 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 10 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 10 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 15 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 la Guía de Ayuda de las Cortes de California ([selfhelp.courts.ca.gov/es](http://selfhelp.courts.ca.gov/es)), 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/es](http://www.lawhelpca.org/es)), en la Guía de Ayuda de las Cortes de California ([selfhelp.courts.ca.gov/es](http://selfhelp.courts.ca.gov/es)), 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  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):

e.  by personal delivery on (date):

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
<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:
<b>Jurisdiction (check all that apply):</b> <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 (check all that apply): <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, apartment number, 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:
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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 item 6 (check 7a or 7b)

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) <input type="checkbox"/> 3-day notice to pay rent or quit	(6) <input type="checkbox"/> 3-day notice to perform covenants or quit (not applicable if item 7b checked)
(2) <input type="checkbox"/> 30-day notice to quit	(7) <input type="checkbox"/> 3-day notice to quit under Civil Code, § 1946.2(c). Prior required notice to perform covenants served (date):
(3) <input type="checkbox"/> 60-day notice to quit	(8) <input type="checkbox"/> Other (specify):
(4) <input type="checkbox"/> 3-day notice to quit	
(5) <input type="checkbox"/> 30-day notice to vacate under the federal CARES Act (15 U.S.C. § 9058(c))	

PLAINTIFF: DEFENDANT:	CASE NUMBER:
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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 section 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 section 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 section 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 section 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.  **Statements regarding rental assistance** (*Required in all actions based on nonpayment of rent or any other financial obligation. Plaintiff must complete items 11a–d and, if later seeking a default judgment, will also need to file Verification Regarding Rental Assistance—Unlawful Detainer (form UD-120).*)

a. Plaintiff  has received  has not received rental assistance or other financial compensation from any other source corresponding to the amount demanded in the notice underlying the complaint.  
 b. Plaintiff  has received  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.  
 c. Plaintiff  has  does not have any pending applications for rental assistance or other financial compensation from any other source corresponding to the amount demanded in the notice underlying the complaint.  
 d. Plaintiff  has  does not have any pending applications for rental assistance or other financial compensation from any other source for rent accruing *after* the date on the notice underlying the complaint.

12.  Plaintiff demands possession from each defendant because of expiration of a fixed-term lease.

13.  At the time the 3-day notice to pay rent or quit was served, the amount of **rent due** was \$ \_\_\_\_\_

14.  The fair rental value of the premises is \$ \_\_\_\_\_ per day.

15.  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.*)



PLAINTIFF: DEFENDANT:	CASE NUMBER:
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16.  A written agreement between the parties provides for attorney fees.

17.  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.

18.  Other allegations are stated in Attachment 17.

19. Plaintiff accepts the jurisdictional limit, if any, of the court.

**20. PLAINTIFF REQUESTS**

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

21.  Pages attached (specify number of pages):

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

22. (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):

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)

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
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
PLAINTIFF: DEFENDANT:		
<b>VERIFICATION BY LANDLORD REGARDING RENTAL ASSISTANCE—UNLAWFUL DETAINER</b>		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 and Address):		FOR COURT USE ONLY
TELEPHONE NO.: ATTORNEY FOR (Name):		FAX NO.:
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF CONTRA COSTA</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
PETITIONER/PLAINTIFF:  RESPONDENT/DEFENDANT:		
<b>APPLICATION AND ORDER TO SERVE SUMMONS BY POSTING – UNLAWFUL DETAINER</b>		CASE NUMBER:

1. I am the  plaintiff  plaintiff's attorney  other (specify): \_\_\_\_\_
2. I apply for an order pursuant to Code Civ. Proc. § 415.45 to permit service by posting of the summons and complaint on defendant(s). *Specify name(s):* \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
3. The complaint seeks possession of property located at: \_\_\_\_\_  
\_\_\_\_\_. The property is  residential  commercial.
4. The notice to quit, or pay rent or quit, was served by:  personal service  substituted service  posting and mailing  Other (specify): \_\_\_\_\_
5. Attempts to serve in a manner specified in Section 415.10 et seq. of the Code of Civil Procedure were made (other than posting and publication). The attempts were made as follows:

DATE	TIME	REASON SERVICE COULD NOT BE MADE/REMARKS
------	------	--

Declaration(s) of process server stating attempts to locate and serve the defendant(s) is attached and incorporated into this application by reference.

6. Service  has  has not been attempted during regular business hours at the place(s) of employment of the defendant(s). If not, state reason:  The place(s) of employment of the defendant(s) is not known.  
 Other (specify): \_\_\_\_\_

SHORT TITLE	CASE NUMBER
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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**

## **FINDINGS AND ORDER**

## THE COURT FINDS:

1. The defendant(s) named in the application cannot with reasonable diligence be served in any manner specified in Code of Civil Procedure, Article 3.
2. (a) A cause of action exists against the defendant(s) named in the application; **and/or** (b) defendant(s) named in the application has or claims an interest in real property in California that is subject to the jurisdiction of the court; **and/or** (c) the relief demanded in the complaint consists wholly or partially in excluding the defendant(s) from any interest in the property.

## THE COURT ORDERS:

The defendant(s) named in the application may be served by posting a copy of the summons and complaint on the premises in a manner most likely to give actual notice to the defendant(s), and by immediately mailing, by certified mail, a copy of the summons and complaint to the defendant(s) at his/her last known address.

Date:

Judge/Commissioner of the Superior Court

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

*(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:	CASE NUMBER:
DEFENDANT/RESPONDENT:	

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.:	FOR COURT USE ONLY	
NAME:			
FIRM NAME:			
STREET ADDRESS:			
CITY:	STATE:	ZIP CODE:	
TELEPHONE NO.:	FAX NO.:		
E-MAIL ADDRESS:			
ATTORNEY FOR (name):			
<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> (Application)	<input type="checkbox"/> <b>Entry of Default</b>	<input type="checkbox"/> <b>Clerk's Judgment</b>	CASE NUMBER:
<b>Not for use in actions under the Fair Debt Buying Practices Act (Civ. Code, § 1788.50 et seq.).</b> (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. <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 _____

Plaintiff/Petitioner:	CASE NUMBER:
Defendant/Respondent:	

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:
- b. Street address, city, and zip code:
- c. Telephone no.:
- 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: 

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(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:	CASE NUMBER:
Defendant/Respondent:	

**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, state bar number, and address):		FOR COURT USE ONLY
TELEPHONE NO.: E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): <b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
PLAINTIFF (Name):  DEFENDANT (Name):		
<b>DECLARATION FOR DEFAULT JUDGMENT BY COURT</b> <b>(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):
    - (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):	CASE NUMBER:
DEFENDANT (Name):	

6. Notice to quit.

- a.  Defendant was served with a
  - (1)  3-day notice to pay rent or quit
  - (2)  3-day notice to perform covenants or quit
  - (3)  Other (specify): \_\_\_\_\_
  - (4)  3-day notice to quit
  - (5)  30-day notice to quit
  - (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:
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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> ):	\$
<b>(6) 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 (Name, State Bar number, and address):

FOR COURT USE ONLY

TELEPHONE NO.:

FAX No. (Optional):

E-MAIL ADDRESS (Optional):

ATTORNEY FOR (Name):

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF**

STREET ADDRESS:

MAILING ADDRESS:

CITY AND ZIP CODE:

BRANCH NAME:

PLAINTIFF:

DEFENDANT:

 REQUEST     COUNTER-REQUEST**TO SET CASE FOR TRIAL—UNLAWFUL DETAINER** Plaintiff     Defendant

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)

**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/>	CASE NUMBER: <hr/>
DEFENDANT: <hr/>	

### 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.

Clerk stamps date here when form is filed.

**Instructions**

- This form is for use only in an **eviction (unlawful detainer) case**.
- This form may be used if the parties agree to resolve the case before trial.
- Agreeing to resolve the case before trial is voluntary. If the parties do not reach an agreement, the case will go to trial and a judge or jury will hear from both sides and decide if the tenant has to move out and pay money (if plaintiff asked for money in the complaint).
- If a party agrees to terms to resolve the case and then does not do everything agreed to, an eviction and lockout may take place, entry of judgment may occur, or a trial may be necessary.

Fill in court name and street address:

**Superior Court of California, County of**

Court fills in case number when form is filed.

**Case Number:****1 The plaintiff (the person or entity asking the court to order defendant to move out) is:**

a. Name: \_\_\_\_\_

b. Lawyer (*complete if plaintiff has one for this case*): \_\_\_\_\_

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

State Bar No.: \_\_\_\_\_ Firm Name: \_\_\_\_\_

c. Address (*if plaintiff has a lawyer, use the lawyer's information*): \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_ Zip: \_\_\_\_\_

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

*Check here if there is more than one plaintiff and attach one sheet of paper or form MC-025 and write "UD-155, Item 1" at the top.*

**2 The defendant (the tenant being sued for a court order to move out) is:**

a. Name: \_\_\_\_\_

b. Lawyer (*if defendant has one for this case*): \_\_\_\_\_

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

State Bar No.: \_\_\_\_\_ Firm Name: \_\_\_\_\_

c. Address (*if defendant has a lawyer, use the lawyer's information*): \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_ Zip: \_\_\_\_\_

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

*Check here if there is more than one defendant and attach one sheet of paper or form MC-025 and write "UD-155, Item 2" at the top.*

**3 The property is located at:**

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

Apt./Unit No.: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_ Zip: \_\_\_\_\_

**4 Type of Stipulation**

- A **Stipulation and Order** tells the court about the parties' agreement and makes it part of the court record (no judgment will be entered at this time). A Stipulation and Order can include, but is not required to, a **Conditional Judgment**, which tells the court how to resolve the case if a party does not do everything agreed to in the Stipulation. Once signed by the court, the Stipulation becomes a legally binding order that must be obeyed or else the other party can go back to court and ask for the Stipulation to be enforced.
- A **Stipulated Judgment** is similar except that it ends the case once the court signs the Stipulation. If the Stipulated Judgment is approved, the court will enter a judgment against the defendant immediately. This will have the same effect as though the defendant lost the eviction case at a trial. Plaintiff will be able to ask the sheriff for a lockout. The eviction judgment against the defendant may become public.

Select the type of stipulation you are agreeing to (check a or b):

a.  Stipulation and Order (no entry of judgment at this time) (Check one.)  
 without Conditional Judgment (Skip ⑪.)       with Conditional Judgment (Complete ⑪.)

b.  Stipulated Judgment

**5 Purpose of the Stipulation (Check one.)**

a.  Defendant will stay in the property with conditions stated in this Stipulation.

b.  Defendant will stay in the property if defendant does everything that the parties agree is necessary to avoid an eviction judgment. (Check one.)  
(1)  Everything in this Stipulation is necessary to avoid an eviction judgment.  
(2)  Only some terms in this Stipulation may result in an eviction judgment. (Complete item 8i.)

c.  Defendant will move out of (vacate) the property with conditions stated in this Stipulation.

d.  Other (describe any other purpose of the Stipulation): \_\_\_\_\_

Check here if you need more space. Attach one sheet of paper or form MC-025 and write "UD-155, Item 5" at the top.

**6 Defendant agrees to do the following (Check all that defendant agrees to.)**

a.  To pay:

Past Due Rent	Damages	Attorney Fees	Court Costs	Total
\$	\$	\$	\$	\$

(Damages may include an amount based on daily rental value if plaintiff asked for money in the complaint.)

(1)  This amount is all that defendant owes plaintiff as of the date of this Stipulation.  
(2)  Defendant has fully paid plaintiff this amount.

b.  To follow a payment plan, making payments as follows:

Amount Due	Date Payment Due	Amount Due	Date Payment Due

## 6 b. (continued)

Amount Due	Date Payment Due	Amount Due	Date Payment Due

*Check here if you need more space for a payment schedule. Use additional pages as necessary.*

- (1)  Payments will be made in addition to regularly due rent payments.
- (2)  All future payments will be applied first to rent due and then to the amounts due under the payment plan.
- (3)  Payments will be made in cash, certified funds, cashier's check, or money order until (*state date of final payment*): \_\_\_\_\_.
- (4)  Payments will be made payable to and delivered to (*state name of person or entity and delivery terms*):  
\_\_\_\_\_

c.  To move out of (vacate) the property no later than 11:59 p.m. on (*date*): \_\_\_\_\_

d.  To incorporate and comply with the General Terms agreed to in 10. (Additional terms relating to what both parties are agreeing to do are located in 10.)

e.  Other (*describe any other things agreed to by defendant*): \_\_\_\_\_

*Check here if you need more space. Attach one sheet of paper or form MC-025 and write "UD-155, Item 6" at the top.*

## 7 If defendant does not do everything that the parties agree is necessary to avoid an eviction judgment (Check all that the parties agree to.)

a.  Defendant agrees that plaintiff can tell the court how defendant has not complied with the Stipulation and ask the court to quickly make the judgment in the eviction case.

Notice and Hearing: Plaintiff may ask the court for a hearing on a quicker schedule with less advance notice to defendant than is usually given—possibly even notice on the same day as the hearing—by submitting an **ex parte application** supported by a **declaration** under penalty of perjury signed by a person with personal knowledge of the facts of defendant's noncompliance and a **declaration** establishing notice to defendant of the ex parte application. (See Cal. Rules of Court, rule 3.1200 et seq.) Depending on the ex parte application and the circumstances, the court may set a hearing on a quicker schedule. **Courts have different hearing and filing times.**

b.  Opportunity to Fix (Cure) Violations: Plaintiff must first provide defendant with reasonable notice of any violations of this Stipulation and an opportunity to fix (cure) them. The notice will be sent to defendant at (*state delivery terms*): \_\_\_\_\_. Defendant will have (*state number of hours or days*) \_\_\_\_\_ to fix any violations of this Stipulation after notice from plaintiff.

## 8 Plaintiff agrees to do the following (Check all that plaintiff agrees to.)

- a.  To dismiss permanently (with prejudice) the eviction case that is currently pending within \_\_\_\_\_ business days after defendant has done everything agreed to in 6.
- b.  To request an immediate court order to enforce eviction (writ of possession) for the property identified in 3 but to wait to act (stay actual execution of such writ) until (*date*): \_\_\_\_\_
- c.  To waive all rent, late fees, and damages that were requested in the case.
- d.  To make the payment plan interest/penalty free, and not to charge any fees or interest on the total amount agreed to in 6.

8 e.  To make the following repairs (*describe all repairs to the property*): \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

(1)  The repairs will be completed by (*date*): \_\_\_\_\_  
 (2)  Plaintiff agrees to temporarily relocate defendant at plaintiff's expense while the repairs are made.

f.  To credit all future payments first to rent due and then to the amounts due under the stipulated judgment/order entered by the court in this eviction case.

g.  To pay \$ \_\_\_\_\_ in certified funds, in exchange for moving out as agreed to in item 6c. Payment will be made payable to \_\_\_\_\_, and delivered to \_\_\_\_\_ on or by \_\_\_\_\_. If plaintiff fails to make payment as agreed, then the defendant's move out (vacate) date will be extended by \_\_\_\_\_ days for each day that the payment is late.

h.  To pay defendant's attorney fees in the amount of \$ \_\_\_\_\_.

i.  Not to request a court order to enforce eviction (writ of possession) for failure to comply with the following terms from ⑥ and ⑩ (*state all items by number and letter*): \_\_\_\_\_

j.  To incorporate and comply with the General Terms agreed to in ⑩. (Additional terms relating to what both parties are agreeing to do are located in ⑩.)

k.  Other (*describe any other things agreed to by plaintiff*): \_\_\_\_\_

*Check here if you need more space. Attach one sheet of paper or form MC-025 and write "UD-155, Item 8" at the top.*

9 **If plaintiff does not do everything agreed to** (*Check if the parties agree to this process*.)

Plaintiff agrees that defendant can tell the court how plaintiff has not complied with the Stipulation and ask the court to quickly act.

Notice and Hearing: Defendant may ask the court for a hearing on a quicker schedule with less advance notice to plaintiff than is usually given—possibly even notice on the same day as the hearing—by submitting **an ex parte application** supported by **a declaration** under penalty of perjury signed by a person with personal knowledge of the facts of plaintiff's noncompliance and **a declaration** establishing notice to plaintiff of the ex parte application. (See Cal. Rules of Court, rule 3.1200 et seq.) Depending on the ex parte application and the circumstances, the court may set a hearing on a quicker schedule. **Courts have different hearing and filing times.**

10 **General Terms** (*Check all that the parties agree to.*)

a.  There is a grace period of \_\_\_\_\_ days to do anything agreed to in this Stipulation that has a specific due date. No violation of the Stipulation happens if the thing agreed to is done within the grace period.

b.  Defendant states that all adults who live in the property are named as defendants in this eviction case. No other adult lives in the property or has a right to live there.

c.  Defendant states that all tenants have already moved out of the property. Plaintiff may lawfully take possession of the property effective immediately.

10 d.  Defendant agrees to leave the property free of garbage, debris, and all personal belongings. Any personal items left in the property after (date): \_\_\_\_\_ are deemed abandoned. This means the plaintiff will have the right to dispose of any abandoned personal items. Personal items left in the property will not be considered a violation of this Stipulation.

e.  The security deposit will be handled according to California law in the following manner (check all that apply):

- (1)  Plaintiff is awarded the security deposit of \$ \_\_\_\_\_ to cover rent due in the amount of \$ \_\_\_\_\_ for the period of (state period of time): \_\_\_\_\_.  
Defendant gives up any claim to return of the security deposit and any interest.
- (2)  Plaintiff may apply the security deposit toward the judgment in this eviction case.
- (3)  Plaintiff will return the security deposit to defendant by (date): \_\_\_\_\_
- (4)  Plaintiff will mail an itemized statement along with any unused portion of the security deposit to the defendant within 21 days after the defendant moves out of (vacates) the property. (See Civ. Code, § 1950.5.)

f.  The court will retain jurisdiction over the parties (continue to be able to make orders) to enforce this settlement if one party does not do what they say they will do until everything agreed to in this Stipulation has been done. A party will not have to file a new case to tell the court about any noncompliance.

g.  The parties agree to waive all attorney fees and costs associated with this eviction case.

h.  This agreement resolves the issue of possession only. The parties agree all other claims between them may be addressed by a new complaint filed in the appropriate division of the court. (Check this item if the parties are agreeing to resolve only the issue of whether the tenant will stay or leave the property. All other issues in the case are being reserved.)

i.  Plaintiff agrees to provide a neutral, or better, rental reference of defendant to any person who asks for a reference of defendant relating to housing.

j.  Plaintiff agrees they have not reported and will not report this action to any credit reporting agencies.

k.  The parties request that the court bar access to the court record. (See Code Civ. Proc., § 1161.2(a)(2).)

l.  Other (describe any other terms agreed to by the parties): \_\_\_\_\_

Check here if you need more space. Attach one sheet of paper or form MC-025 and write "UD-155, Item 10" at the top.

11  **Conditional Judgment** (Skip if the parties do not want the court to enter a conditional judgment.)

A **Conditional Judgment** means the parties agree that plaintiff has a right to ask for eviction (for example, because of defendant's failure to pay rent) but plaintiff will ask the court to enter judgment (for eviction and lockout and possibly for money) **only if** defendant does not meet the special conditions of this Stipulation. Defendant will stay in the property if all conditions are met that the parties agree are necessary to avoid an eviction judgment. Plaintiff will dismiss permanently (with prejudice) the eviction case that is currently pending within \_\_\_\_\_ business days after defendant has done everything agreed to in this Stipulation.

a.  If defendant delivers the sum of \$ \_\_\_\_\_ to plaintiff/plaintiff's lawyer by (time): \_\_\_\_\_ on (date): \_\_\_\_\_ at (state delivery terms): \_\_\_\_\_, then defendant will retain possession of the property and plaintiff will dismiss the action with prejudice. If defendant does not deliver the agreed-upon sum of money then plaintiff may seek (check all that apply):

- (1)  Eviction (writ of possession/defendant will be locked out/plaintiff will have control of the property).

**11** a. (2)  Cancellation of the rental agreement/forfeiture of the lease.

(3)  Defendant will have an eviction judgment entered against them and owe money to plaintiff for (*check only one*):

(a)  The sums stated in **6**.

(b)  The sums stated in **6** and \$ \_\_\_\_\_ in attorney fees, and \$ \_\_\_\_\_ in court costs.

(c)  The original sums alleged in the complaint including back rent of \$ \_\_\_\_\_, holdover damages of \$ \_\_\_\_\_, attorney fees of \$ \_\_\_\_\_, costs of \$ \_\_\_\_\_, and any additional attorney fees and costs related to enforcing the conditional judgment.

b.  However, if plaintiff receives payment in full before judgment is entered, plaintiff will not seek entry of judgment against defendant.

c.  Notice and Hearing: Plaintiff may ask the court for a hearing on a quicker schedule with less advance notice to defendant than is usually given—possibly even notice on the same day as the hearing—by submitting **an ex parte application** supported by a **declaration** under penalty of perjury signed by a person with personal knowledge of the facts of defendant's noncompliance and a **declaration** establishing notice to defendant of the ex parte application. (See Cal. Rules of Court, rule 3.1200 et seq.) Depending on the ex parte application and the circumstances, the court may set a hearing on a quicker schedule or even act on the ex parte application without another court hearing under the terms of the Stipulation and Conditional Judgment. **Courts have different hearing and filing times.**

d.  Incorporate General Terms agreed to in **10**. (Additional terms relating to what both parties are agreeing to do are located in **10**.)

**I have read the entire Stipulation and I understand and agree that there are no promises, representations, or terms other than what is contained within this written Stipulation. I understand this Stipulation fully and ask that this Stipulation be incorporated by the court as its order.**

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

\_\_\_\_\_  
Type or print name

► \_\_\_\_\_  
*Signature of Plaintiff or Plaintiff's Lawyer*

\_\_\_\_\_  
Type or print name

► \_\_\_\_\_  
*Signature of Defendant or Defendant's Lawyer*

Names and signatures of additional parties follow last attachment.

Judge will fill out section below.

**Order**

- a.  It is so ordered.
- b.  Based on the stipulation of the parties, and under Code of Civil Procedure section 1161.2(a)(2), the court bars access to the court file and all court records, electronic or otherwise, of this case by any person except the parties, counsel of record, and the court until further order of the court.
- c.  Under Code of Civil Procedure section 664.6, the court will retain jurisdiction over the parties (continue to be able to make orders) to enforce this settlement if one party does not do what they say they will do until everything agreed to in this Stipulation has been done. A party will not have to file a new case to tell the court about any noncompliance.
- d.  The parties agree and accept the terms of the Stipulation, which is approved by the court. The case is calendared for dismissal or entry of judgment on (date): \_\_\_\_\_ at (time): \_\_\_\_\_ in Department: \_\_\_\_\_
- e.  Judgment is entered.
- f.  Other (specify any additional terms or modifications): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

*Signature of Judicial Officer*

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
<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) payable plus interest at the legal rate. days late, the entire amount in item 2i will become immediately due and
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 Habitable Premises Attachment* (form UD-110H), 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 (name, state bar number, and address):		FOR COURT USE ONLY
TELEPHONE NO.: EMAIL ADDRESS: ATTORNEY FOR (name): <b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME: <b>PLAINTIFF:</b> <b>DEFENDANT:</b>		
<b>JUDGMENT—UNLAWFUL DETAINER</b> <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**

- Defendant was properly served with a copy of the summons and complaint.
- Defendant failed to answer the complaint or appear and defend the action within the time allowed by law.
- Defendant's default was entered by the clerk upon plaintiff's application.
- Clerk's Judgment** (Code Civ. Proc., § 1169). For possession only of the premises described on page 2 (item 4).
- Court Judgment** (Code Civ. Proc., § 585(b)). The court considered
  - plaintiff's testimony and other evidence.
  - 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.

- The case was tried on (*date and time*):

before (*name of judicial officer*):

- 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).

- Defendant did not appear at trial. Defendant was properly served with notice of trial.

- 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. 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> ):	\$
<b>(6) TOTAL JUDGMENT</b>	\$

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

(SEAL)

**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:	CASE NUMBER:
DEFENDANT:	

### JUDGMENT—UNLAWFUL DETAINER HABITABLE PREMISES ATTACHMENT

1. **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 (specify percentage) or (specify amount)		Reduced monthly rent due
(1)		%	\$	\$
(2)		%	\$	\$
(3)		%	\$	\$
(4)		%	\$	\$
(5)		%	\$	\$
<input type="checkbox"/> Continued on Attachment 1a (form MC-025).				
Total rent due in the 3-day notice is now (specify):				\$

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 1a, less any attorney fees and costs in item 1b): \$ by p.m. on (date): at (address):

d.  Judgment will be entered for defendant when defendant has complied with item 1c 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 1a is the corrected amount under the 3-day notice.

(2)  Plaintiff must repair the defects described in item 1a. 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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PLAINTIFF: DEFENDANT:	CASE NUMBER:
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1. e.  Plaintiff is the prevailing party if defendant fails to comply with items 1c and 1d.

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

PLAINTIFF: DEFENDANT:	CASE NUMBER:
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## JUDGMENT—UNLAWFUL DETAINER PARTIAL EVICTION ATTACHMENT

1. **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.

**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.

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

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:	CASE NUMBER:
Defendant:	

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: FIRM NAME: STREET ADDRESS: CITY: TELEPHONE NO.: EMAIL ADDRESS: ATTORNEY FOR (name): <input type="checkbox"/> ATTORNEY FOR <input type="checkbox"/> ORIGINAL JUDGMENT CREDITOR <input type="checkbox"/> ASSIGNEE OF RECORD	STATE BAR NO.: STATE: ZIP CODE: FAX NO.:	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:	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"/> 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):** 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)** \$

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:	CASE NUMBER:
Defendant/Respondent:	

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

<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

22. The judgment is for (check one):

- a.  wages owed.
- b.  child support or spousal support.
- c.  personal debt, as defined in Code of Civil Procedure section 683.110(d). (If this box is checked, the judgment creditor must complete Declaration of Address Verification (form WG-015/EJ-135) before asking the sheriff to serve this form on the judgment debtor.)
- d.  other (describe): \_\_\_\_\_

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

<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>

24.  Joint debtor was declared bound by the judgment (Code Civ. Proc., §§ 989–994)

- a.  on (date): \_\_\_\_\_
- b. name, type of legal entity if not a natural person, and last known address of joint debtor: \_\_\_\_\_
- c.  on (date): \_\_\_\_\_
- d. name, type of legal entity if not a natural person, and last known address of joint debtor: \_\_\_\_\_

<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>

- e.  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* (form CP10.5) was served in compliance with Code of Civil Procedure section 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 Code of Civil Procedure section 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 Code Civ. Proc., §§ 415.46 & 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 Code of Civil Procedure section 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 Code of Civil Procedure section 1174.3 on the following dates (specify): \_\_\_\_\_

Plaintiff/Petitioner: Defendant/Respondent:	CASE NUMBER:
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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 Code of Civil Procedure section 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.

JUDGMENTS FOR PERSONAL DEBT. If you are the judgment debtor identified in item 4 on this form, and if item 22 on this form says the judgment is for personal debt, the judgment creditor is required to verify your address before asking the levying officer to serve this *Writ of Execution*. The judgment creditor must give the levying officer a completed copy of *Declaration of Address Verification* (form WG-015/EJ-135) and must file completed form WG-015/EJ-135 with the court within 10 business days of giving a copy of the form to the levying officer. If the judgment creditor doesn't take these steps, you can ask the court to stay any wage garnishment order, bank account levy, or other levy related to this *Writ of Execution*. You can use *Application for Stay of Levy or Garnishment* (form WG-017/EJ-137) to ask the court to stay the levy or garnishment until the address verification has been completed.

## **Writ of Possession for Real Property (Eviction)**

Instructions to the Sheriff of Contra Costa County  
Civil Unit 1026 Escobar Street, 2<sup>nd</sup> Floor, Suite 2A, Martinez CA 94553  
Email: cococivil@so.cccounty.us Phone: 925-655-4555

Court Case # \_\_\_\_\_ Complaint Filing Date: \_\_\_\_\_

Plaintiff: \_\_\_\_\_ Defendant: \_\_\_\_\_

1. Is this eviction the result of a foreclosure sale on a rental housing unit? CCP 415.46(e)(2)  No  Yes

2. Where is the eviction taking place? Full Address: \_\_\_\_\_

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

Who are we evicting? \_\_\_\_\_

Is there a building or gate code?  Yes, the code is: \_\_\_\_\_  No

Is a key required?  Yes, the keys are attached  No

3. Who will be meeting the deputies on the day of eviction/restoration?

Name: \_\_\_\_\_ Contact # (\_\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

Mailing address: \_\_\_\_\_ City: \_\_\_\_\_ Zip: \_\_\_\_\_

4. Receipt and all official correspondence from the Sheriff's Office should be sent to:

Name: \_\_\_\_\_ Contact # (\_\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

Mailing address: \_\_\_\_\_ City: \_\_\_\_\_ Zip: \_\_\_\_\_

Name of Attorney (If applicable) \_\_\_\_\_

5. Do you know of any illegal activity that may be taking place at this address?  No  Yes, describe below:  
\_\_\_\_\_  
\_\_\_\_\_

6. Do you know of any prior police contact at this address?  No  Yes, describe below:  
\_\_\_\_\_  
\_\_\_\_\_

7. Please provide additional information on issues that may pose a threat to a safe eviction process

Firearms or other weapons	
Threats made	
Surveillance cameras	
Previous suicide attempts	
Vicious animals	
Alarms	
Other hazards to deputies	

8. Please provide the following for each defendant (additional sheets available):

**Defendant #1**

Full Name	
Date of Birth	
Gender	
Race:	
Driver's License #	
Home Phone	
Cell Phone	

**Defendant #2**

Full Name	
Date of Birth	
Gender	
Race:	
Driver's License #	
Home Phone	
Cell Phone	

**Defendant #3**

Full Name	
Date of Birth	
Gender	
Race:	
Driver's License #	
Home Phone	
Cell Phone	

9. Please check any that apply:

Elderly                     Yes  No

Medical Problems             Yes  No

Disabled                     Yes  No

Mental Illness                     Yes  No

Children under 14             Yes  No

Foreclosure                     Yes  No

Sheriff of Contra Costa County, please restore the above listed property to its rightful owner.

Signature of attorney or party without attorney: \_\_\_\_\_

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

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
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
<b>PLAINTIFF/PETITIONER:</b> DEFENDANT/RESPONDENT:		
<b>REQUEST FOR DISMISSAL</b>		CASE NUMBER:

**A conformed copy will not be returned by the clerk unless a method of return is provided with the document.**

**This form may not be used for dismissal of a derivative action or a class action or of any party or cause of action in a class action. (Cal. Rules of Court, rules 3.760 and 3.770.)**

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

a. (1)  With prejudice (2)  Without prejudice (3)  Without prejudice and with the court retaining jurisdiction (Code Civ. Proc., § 664.6)

b. (1)  Complaint (2)  Petition  
 (3)  Cross-complaint filed on (date): by (name):  
 (4)  Cross-complaint filed on (date): by (name):  
 (5)  Entire action of all parties and all causes of action  
 (6)  Other (specify)\*:

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

The court  did  did not waive court fees and costs for a party in this case. (This information may be obtained from the clerk. If court fees and costs were waived, the declaration on the back of this form must be completed.)

Date:

(TYPE OR PRINT NAME OF  ATTORNEY  PARTY WITHOUT ATTORNEY)

\* 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

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

Date:

(TYPE OR PRINT NAME OF  ATTORNEY  PARTY WITHOUT ATTORNEY)

† If item 1a(3) is checked, all parties must sign.

If a cross-complaint—or Response—Marriage/Domestic Partnership (form FL-120) 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).

Check here and use form MC-025 or a separate page for additional signatures. Include date, printed name, and party information.

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

Page 1 of 2

PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER:
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**COURT'S RECOVERY OF WAIVED COURT FEES AND COSTS**

If a party whose court fees and costs were initially waived has recovered or will recover \$10,000 or more in value by way of settlement, compromise, arbitration award, mediation settlement, or other means, the court has a statutory lien on that recovery. The court may refuse to dismiss the case until the lien is satisfied. (Gov. Code, § 68637.)

**Declaration Concerning Waived Court Fees**

1. The court waived court fees and costs in this action for *(name)*:
2. The person named in item 1 is *(check one below)*
  - a.  not recovering anything of value by this action.
  - b.  recovering less than \$10,000 in value by this action.
  - c.  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 court 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)



# NEED EVICTION ASSISTANCE?

The Contra Costa County's Self-Help Center offers free eviction assistance to self-represented litigants.

If you need help, you can contact the Self-Help Center by emailing us at [selfhelpcivil@contracosta.courts.ca.gov](mailto:selfhelpcivil@contracosta.courts.ca.gov) or by leaving us a voicemail at (925) 608-2128.

When you send us an email or leave a message, you **MUST** include the following:

- your name,
- your zip code,
- the name of the other party,
- your case number (if you have one),
- a brief description of your issue, and
- your contact information (phone number and email address).

All Self-Help assistance is via email or telephone; we are not currently offering in-person assistance.

#### SCOPE OF SERVICES:

**You must not have an attorney** in order to use the services of the Self-Help Center. Staff in the Self-Help Center can provide legal assistance to help you represent yourself in your court case, but cannot give you legal advice. If you want legal or strategic advice, you should speak to a private attorney outside the court. **Self-Help Center staff members are not your attorneys.** Self-Help Center staff members do not go to court with you and they are not responsible for the outcome of your case.



# ¿Necesita ayuda con un desalojo?

El Centro de Autoayuda del Condado de Contra Costa ofrece asistencia gratuita para desalojos de litigantes que se representan a si mismos.

Si necesita ayuda puede comunicarse con el Centro de Autoayuda enviándonos un correo electrónico a:  
[selfhelpcivil@contracosta.courts.ca.gov](mailto:selfhelpcivil@contracosta.courts.ca.gov) o dejándonos un mensaje al (925) 608-2128.

Si nos envía un correo electrónico o deja un mensaje **DEBE** incluir lo siguiente:

- su nombre,
- su código postal,
- el nombre del otro partido,
- su número de caso (si lo tiene),
- una breve descripción de su problema, y
- su información de contacto (número de teléfono y correo electrónico).

Toda la asistencia de autoayuda es por correo electrónico o por teléfono, actualmente no ofrecemos asistencia en persona.

#### ALCANCE DE LOS SERVICIOS:

**No debe tener un abogado** para utilizar los servicios del Centro de autoayuda. El personal del Centro de autoayuda puede brindarle asistencia legal para ayudarlo a representarse a sí mismo en su caso judicial, pero no puede brindarle asesoramiento legal. Si desea asesoramiento legal o estratégico, debe hablar con un abogado privado fuera del tribunal. **Los miembros del personal del Centro de autoayuda no son sus abogados.** Los miembros del personal del centro de autoayuda no vayas a la corte contigo y no son responsables del resultado de su caso.