



**SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
SELF-HELP CENTER**

www.occourts.org

OPENING AN UNLAWFUL DETAINER CASE

All documents must be typed or printed neatly.

Please use black ink.

Self-Help Center Locations:

Lamoreaux Justice Center

1st Floor

341 The City Drive

Orange, CA



Central Justice Center

Room G-100

700 Civic Center Drive

Santa Ana, CA



Superior Court

Service Center

27573 Puerta Real

Mission Viejo, CA

Harbor Justice Center

Room 150

4601 Jamboree Rd

Newport Beach, CA

North Justice Center

Room 360

1275 N. Berkeley Ave.

Fullerton, CA



FORMS

All of the mentioned forms, except the Notice to Tenant, are available from the clerk or on the Court's Web-site at: www.occourts.org.

Most commonly used forms:

CM-010	Civil Case Cover Sheet
UD-100	Complaint – Unlawful Detainer
SUM-130	Summons – Unlawful Detainer
POS-010	Proof of Service of Summons
CIV-100	Request for Entry of Default
UD-116	Declaration for Default Judgment by Court (UD-CCP 585(d))
UD-110	Judgment – Unlawful Detainer
UD-150	Request/Counter Request to Set Case for Trial-Unlawful Detainer.
L-1051	Application for Writ of Possession– Unlawful Detainer
EJ-130	Writ of Execution/Possession

INTERPRETERS

The court does not furnish interpreters for Civil matters. Parties must provide their own interpreter if one is needed in court.

QUESTIONS

If you have any legal questions, you must contact an attorney or do your own research. The Orange County Law Library is available to the public.

If you have a question regarding the status of your case, you may look online at www.occourts.org or contact the Justice Center where the case is filed.

If you are representing yourself in an Unlawful Detainer action, you are exempt from the mandatory electronic filing rules (Code of Civil Procedure § 10106, Orange County Superior Court Rule 352). You may file in person at the proper venue. If you prefer, you may electronically file your forms at www.occourt.org.

All filings must be completed properly and accurately. Any documents needing correction will be returned. This may delay your judgment and/or writ. If you are filing an exemption please provide a

self-addressed, stamped envelope for the return of your documents.

VENUE

You must file in the proper venue. You may ask the clerk for a Court Designation List/Filing Court Locator, or check the Court's Web-site at: www.occourts.org.

COURT FEES

Make checks payable to Clerk of the Court.

Pursuant to the Government Code, the Superior Court must charge for the various documents filed and issued. A current fee schedule is available at the Clerk's Office or at www.occourts.org.

SHERIFF FEES

Make checks payable to Orange County Sheriff.

Check with Sheriff for current fee for the posting of Writ of Possession.

OTHER INFORMATION

ORANGE COUNTY PUBLIC LAW LIBRARY (714)834-3397
515 N. Flower, Santa Ana
Building 32 (in the Civic Center Plaza)
WWW.OCPLL.ORG

FAIR HOUSING (800) 698-FAIR or (714)569-0823
The Fair Housing Council is available to answer landlord-tenant questions, investigate discrimination allegations, and they have a counselor available.

ORANGE COUNTY BAR LAWYER REFERRAL AND INFORMATION (949) 440-6747

O.C. APARTMENT ASSOCIATION (714) 638-5550

LEGAL AID SOCIETY OF ORANGE COUNTY (714)571-5200
www.legal-aid.com (800)834-5001
Legal Aid is available to answer landlord-tenant questions through its Hotline, provide community education at the weekly Landlord-Tenant Clinic, assist in preparation of pleadings, and provide representation in certain cases to senior citizens and very low income tenants.



This pamphlet is for general information only and is not a substitute for legal advice.

Form No. L-1163 (Rev. Dec. 2016)

Unlawful Detainer Information

DAVID H. YAMASAKI
CLERK OF THE COURT



**SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE**
www.occourts.org

Central Justice Center
700 Civic Center Drive West
Santa Ana, CA 92701 (657)
622-6878

**Harbor Justice Center
Newport Beach Facility**
4601 Jamboree Rd.
Newport Beach, CA 92660
(657) 622-5400

North Justice Center
1275 N. Berkeley Ave.
Fullerton, CA 92832
(657) 622-5600

This information is intended as a procedural guide only. You may wish to seek an attorney's advice. Any errors in following the strict procedural requirements may result in having to start over again and may delay you in obtaining the eviction. If the tenant files an answer, you may have to represent yourself in a court or jury trial.

If you are evicting a lodger from the home you own and reside in, this may not be the procedure for you. You should seek legal advice as there may be a quicker and less costly method of eviction.

FILING STEPS

There are several steps. Each step must be completed and the appropriate time must elapse before continuing.

NOTICE TO TENANT

- Several types of notices are available at office supply stores. You must choose the appropriate one for your situation.
- Notice must be properly served to the tenant prior to initiating a case with the Court.
- A proof of service then must be completed after the notice is served.
- A copy of the Notice to Pay or Quit and proof of service must be attached to the complaint.

SUMMONS AND COMPLAINT

1. If you are representing yourself you may file your Unlawful Detainer Summons, Unlawful Detainer Complaint, and a Civil Case Cover Sheet in person at the court of proper venue. Or if you prefer, you may file your documents electronically. Filing information and service providers can be found at www.occours.org.
2. Pay current filing fee at the time of filing.
3. You are now the plaintiff and the party you sued becomes the defendant.

If you file electronically, you will receive a copy of your complaint and issued summons that includes a case number from your Electronic Filing Service Provider. The clerk may mail a notice for an Order to Show Cause Hearing re: Dismissal to you at a later date if you do not pursue your case.

SERVICE

A copy of the Summons and Unlawful Detainer Complaint must be served on each defendant. The person doing the service must complete and file a separate Proof of Service for each defendant served. Service may be done by the sheriff, a legal process server, or someone 18 years of age or older who is not a party to the action. Check the California Code of Civil Procedure for more information regarding service of the summons.

DEFAULT JUDGMENT

Immediate Possession of Property

If the defendant fails to properly respond within the time allotted on the summons plus any additional time required depending on the method of service used, then the clerk will enter a default upon your filing of a properly executed "Request for Entry of Default." To obtain a default judgment you must file the following forms: Proof of Service, Request for Entry of Default, Judgment–Unlawful Detainer, and Application for Writ of Possession, and a Writ of Possession along with the fee to issue a Writ.

DEFAULT JUDGMENT

For Possession of Property and Money

This type of default judgment can be for the total rent owed to you *after* you have obtained possession of the property or you may choose to have a judgment for possession *and* rent owed. This type of judgment can be done by declaration or by appearing before a judge at a "Prove-up" hearing. Find Default Prove-Up calendaring information at www.occourt.org. There is no fee.

The forms required for a Court Default Judgment for rent *after* obtaining possession are: Declaration in Lieu of Testimony (or a prove-up hearing) and Judgment.

The forms required for Court Judgment for Possession *and* rent, simultaneously, are all of the above, plus: Proof of Service for each defendant, Request for Entry of Default, Application for Writ of Possession, and the Writ of Possession, plus the fee to issue the Writ.

TRIAL AND JUDGMENT

Once the defendant has filed a written answer, either party may request a trial date by filing a Request/Counter-Request to Set Case for Trial. A trial date is set by the clerk on the earliest date available within the statutory time; usually within 20 days of filing the request. When requesting a trial date, either party may request a jury trial. Jury fees must then be posted with the court at least five (5) days prior to the trial date.

At the trial, one of several things could happen. If both parties are present, the case *will* be tried so be ready! If only the plaintiff is present and wishes to proceed, the case may be tried as an uncontested trial, and it may proceed to judgment based on the proof you have offered. If, on the other hand, the defendant is the only party to appear, he or she may ask to have the case dismissed.

If the court orders judgment for you and requests that you, the plaintiff, are to prepare the judgment, you may use the form, Judgment After Trial. Submit your judgment along with an Application for Writ of Possession, and the Writ of Possession, plus the fee to issue a Writ.

SHERIFF INSTRUCTIONS

The Writ of Possession is a court order that directs the Sheriff to evict the tenant after you have obtained judgment. Your form instructions for the Sheriff along with the required fee will need to be submitted to the Sheriff's Department along with the issued writ of possession. Check with the Sheriff for current fees.

The Sheriff may be contacted at the following telephone numbers. The correct Sheriff for service is the one in the venue area of where the property is located.

Central and North: (714) 569-3700

Harbor- Newport Beach: (949) 476-4820

Court Designation List

The Presiding Judge has designated cases to be heard and tried according to the following matrix below. In order to expedite the processing of your case documents please file them at the assigned justice center. (Local Rule 365)

Limited Civil, Unlimited Civil cases will heard/tried at the Center Justice Center (CJC). Complex Civil cases will be heard/tried at the Complex Center (CXC).

Probate, Mental Health and Elder Abuse and Dependent Adult Abuse Restraining Orders cases will be heard/tried at the Central Justice Center (CJC).

Small Claims, Unlawful Detainer (i.e., landlord-tenant) and Civil Harassment matters will be heard/tried as designated according to the city in which the action arose or where a defendant resides. If the defendant is a business, use the city where the business is located. If the action concerns real property, use the city where the real property is located. (See matrix below)

Juvenile Delinquency, Dependency, Family Law, Domestic Violence will be heard/tried at the Lamoreaux Justice Center (LJC).

Criminal cases will be filed according to the matrix below. Unless otherwise designated by the Court, misdemeanor cases will be tried as designated below. Felony trials will be assigned based on availability of open trial courtrooms at any of the justice centers.

Traffic cases will be filed and trials heard according to the matrix below. Traffic case payments or other inquiries may be handled at any of the justice centers with a Criminal/Traffic Clerk's Office.

City	Unlimited Civil	Limited Civil	Probate	Mental Health	Small Claims Unlawful Detainer Civil Harassment	Family	Juvenile**	Traffic**	Criminal
Aliso Viejo	CJC	CJC	CJC	CJC	HJC	LJC	LJC	HJC	HJC
Anaheim	CJC	CJC	CJC	CJC	NJC	LJC	LJC	NJC	NJC
Brea	CJC	CJC	CJC	CJC	NJC	LJC	LJC	NJC	NJC
Buena Park	CJC	CJC	CJC	CJC	NJC	LJC	LJC	NJC	NJC
Costa Mesa	CJC	CJC	CJC	CJC	HJC	LJC	LJC	WJC	WJC
Cypress	CJC	CJC	CJC	CJC	NJC	LJC	LJC	WJC	WJC
Dana Point	CJC	CJC	CJC	CJC	HJC	LJC	LJC	HJC	HJC
Fountain Valley	CJC	CJC	CJC	CJC	CJC	LJC	LJC	WJC	WJC
Fullerton	CJC	CJC	CJC	CJC	NJC	LJC	LJC	NJC	NJC
Garden Grove	CJC	CJC	CJC	CJC	CJC	LJC	LJC	WJC	WJC
Huntington Beach	CJC	CJC	CJC	CJC	CJC	LJC	LJC	WJC	WJC
Irvine	CJC	CJC	CJC	CJC	HJC	LJC	LJC	HJC	HJC
La Habra	CJC	CJC	CJC	CJC	NJC	LJC	LJC	NJC	NJC
La Palma	CJC	CJC	CJC	CJC	NJC	LJC	LJC	NJC	NJC
Laguna Beach	CJC	CJC	CJC	CJC	HJC	LJC	LJC	HJC	HJC
Laguna Hills	CJC	CJC	CJC	CJC	HJC	LJC	LJC	HJC	HJC
Laguna Niguel	CJC	CJC	CJC	CJC	HJC	LJC	LJC	HJC	HJC
Laguna Woods	CJC	CJC	CJC	CJC	HJC	LJC	LJC	HJC	HJC
Lake Forest	CJC	CJC	CJC	CJC	HJC	LJC	LJC	HJC	HJC
Los Alamitos	CJC	CJC	CJC	CJC	NJC	LJC	LJC	WJC	WJC
Mission Viejo	CJC	CJC	CJC	CJC	HJC	LJC	LJC	HJC	HJC
Newport Beach	CJC	CJC	CJC	CJC	HJC	LJC	LJC	HJC	HJC
Orange	CJC	CJC	CJC	CJC	CJC	LJC	LJC	CJC	CJC
Placentia	CJC	CJC	CJC	CJC	NJC	LJC	LJC	NJC	NJC
Rancho Santa Margarita	CJC	CJC	CJC	CJC	HJC	LJC	LJC	HJC	HJC
San Clemente	CJC	CJC	CJC	CJC	HJC	LJC	LJC	HJC	HJC
San Juan Capistrano	CJC	CJC	CJC	CJC	HJC	LJC	LJC	HJC	HJC
Santa Ana	CJC	CJC	CJC	CJC	CJC	LJC	LJC	CJC	CJC
Seal Beach	CJC	CJC	CJC	CJC	CJC	LJC	LJC	WJC	WJC
Stanton	CJC	CJC	CJC	CJC	NJC	LJC	LJC	WJC	WJC
Tustin	CJC	CJC	CJC	CJC	CJC	LJC	LJC	CJC	CJC
Villa Park	CJC	CJC	CJC	CJC	CJC	LJC	LJC	CJC	CJC
Westminster	CJC	CJC	CJC	CJC	CJC	LJC	LJC	WJC	WJC
Yorba Linda	CJC	CJC	CJC	CJC	NJC	LJC	LJC	NJC	NJC

CJC - Central Justice Center: 700 Civic Center Drive, Santa Ana 92701; CXC/Civil Complex Center: 751 W. Santa Ana Blvd., Santa Ana, CA 92701
HJC - Harbor Justice Center: 4601 Jamboree Road, Newport Beach, CA 92660; LJC - Lamoreaux Justice Center: 341 The City Drive, Orange, CA 92870;
NJC - North Justice Center: 1275 North Berkeley, Fullerton, CA 92838; WJC - West Justice Center: 8141 13th Street, Westminster, CA 92683

*Civil and Probate actions must be eFiled. <http://www.occourts.org/online-services/efiling/>.

** For filing Juvenile citations, Law Enforcement should refer to the Superior Court of Orange County Juvenile Violation Filing Guidelines.

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

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

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

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

2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (*check all that apply*): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive
4. Number of causes of action (*specify*):
5. This case is is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (*You may use form CM-015.*)

Date: _____

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

NOTICE

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

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

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

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

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

CASE TYPES AND EXAMPLES

Auto Tort

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

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

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

Non-PI/PD/WD (Other) Tort

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

Employment

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

Contract

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

Real Property

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

Unlawful Detainer

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

Judicial Review

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

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

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

Enforcement of Judgment

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

Miscellaneous Civil Complaint

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

Miscellaneous Civil Petition

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

**SUMMONS
(CITACION JUDICIAL)
UNLAWFUL DETAINER—EVICTION
(RETENCIÓN ILÍCITA DE UN INMUEBLE—DESALOJO)**

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

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

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

You have 5 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. (To calculate the five days, count Saturday and Sunday, but do not count other court holidays. If the last day falls on a Saturday, Sunday, or a court holiday then you have the next court day to file a written response.) A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

Tiene 5 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. (Para calcular los cinco días, cuente los sábados y los domingos pero no los otros días feriados de la corte. Si el último día cae en sábado o domingo, o en un día en que la corte esté cerrada, tiene hasta el próximo día de corte para presentar una respuesta por escrito). Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

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

CASE NUMBER:
(Número del caso):

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

3. (Must be answered in all cases) An **unlawful detainer assistant (Bus. & Prof. Code, §§ 6400–6415)** did **not** did for compensation give advice or assistance with this form. (If plaintiff has received **any** help or advice for pay from an unlawful detainer assistant, complete item 6 on the next page.)

Date: _____ Clerk, by _____, Deputy
(Fecha) (Secretario) (Adjunto)

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

[SEAL]

4. **NOTICE TO THE PERSON SERVED:** You are served

- a. as an individual defendant.
- b. as the person sued under the fictitious name of (specify):
- c. as an occupant
- d. on behalf of (specify):

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

5. by personal delivery on (date):

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

6. **Unlawful detainer assistant** (complete if plaintiff has received any help or advice for pay from an unlawful detainer assistant):
- a. Assistant's name:
 - b. Telephone no.:
 - c. Street address, city, and zip:

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

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

6. c. The defendants not named in item 6a are
- (1) subtenants.
 (2) assignees.
 (3) other (specify): _____
- d. The agreement was later changed as follows (specify): _____
- e. A copy of the written agreement, including any addenda or attachments that form the basis of this complaint, is attached and labeled Exhibit 1. (Required for residential property, unless item 6f is checked. See Code Civ. Proc., § 1166.)
- f. (For residential property) A copy of the written agreement is **not** attached because (specify reason):
- (1) the written agreement is not in the possession of the landlord or the landlord's employees or agents.
 (2) this action is solely for nonpayment of rent (Code Civ. Proc., § 1161(2)).

7. a. Defendant (name each):

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

- (1) 3-day notice to pay rent or quit (4) 3-day notice to perform covenants or quit
 (2) 30-day notice to quit (5) 3-day notice to quit
 (3) 60-day notice to quit (6) Other (specify): _____

- b. (1) On (date): _____ the period stated in the notice expired at the end of the day.
 (2) Defendants failed to comply with the requirements of the notice by that date.

c. All facts stated in the notice are true.

d. The notice included an election of forfeiture.

e. A copy of the notice is attached and labeled Exhibit 2. (Required for residential property. See Code Civ. Proc., § 1166.)

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

8. a. The notice in item 7a was served on the defendant named in item 7a as follows:

(1) by personally handing a copy to defendant on (date): _____

(2) by leaving a copy with (name or description): _____

_____ a person of suitable age and discretion, on (date): _____ at defendant's
 residence business AND mailing a copy to defendant at defendant's place of residence on
 (date): _____ because defendant cannot be found at defendant's residence or usual
 place of business.

(3) by posting a copy on the premises on (date): _____ AND giving a copy to a
 person found residing at the premises AND mailing a copy to defendant at the premises on
 (date): _____

(a) because defendant's residence and usual place of business cannot be ascertained OR

(b) because no person of suitable age or discretion can be found there.

(4) (Not for 3-day notice; see Civil Code, § 1946 before using) by sending a copy by certified or registered
 mail addressed to defendant on (date): _____

(5) (Not for residential tenancies; see Civil Code, § 1953 before using) in the manner specified in a written
 commercial lease between the parties.

b. (Name): _____

was served on behalf of all defendants who signed a joint written rental agreement.

c. Information about service of notice on the defendants alleged in item 7f is stated in Attachment 8c.

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

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

- 9. Plaintiff demands possession from each defendant because of expiration of a fixed-term lease.
- 10. At the time the 3-day notice to pay rent or quit was served, the amount of **rent due** was \$
- 11. The fair rental value of the premises is \$ _____ per day.
- 12. Defendant's continued possession is malicious, and plaintiff is entitled to statutory damages under Code of Civil Procedure section 1174(b). *(State specific facts supporting a claim up to \$600 in Attachment 12.)*
- 13. A written agreement between the parties provides for attorney fees.
- 14. Defendant's tenancy is subject to the local rent control or eviction control ordinance of *(city or county, title of ordinance, and date of passage)*:

Plaintiff has met all applicable requirements of the ordinances.

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

17. PLAINTIFF REQUESTS

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

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

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

- 19. *(Complete in all cases.)* An unlawful detainer assistant did **not** did for compensation give advice or assistance with this form. *(If plaintiff has received **any** help or advice for pay from an unlawful detainer assistant, state:)*

- | | |
|--|---|
| <ul style="list-style-type: none"> a. Assistant's name: b. Street address, city, and zip code: | <ul style="list-style-type: none"> c. Telephone No.: d. County of registration: e. Registration No.: f. Expires on <i>(date)</i>: |
|--|---|

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)
-------------------------------	---	------------------------------------

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

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

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

I DECLARE THE FOLLOWING UNDER PENALTY OF PERJURY:

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

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

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

(Continued on reverse)

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

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 <i>(Name, State Bar number, and address):</i> TELEPHONE NO.: _____ FAX NO. <i>(Optional)</i> : _____ E-MAIL ADDRESS <i>(Optional)</i> : _____ ATTORNEY FOR <i>(Name)</i> : _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER:
PROOF OF SERVICE OF SUMMONS	Ref. No. or File No.:

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

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

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

PLAINTIFF/PETITIONER: <hr style="border: none; border-top: 1px solid black; margin: 5px 0;"/> DEFENDANT/RESPONDENT:	CASE NUMBER:
--	--------------

5. c. **by mail and acknowledgment of receipt of service.** I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on *(date)*: _____ (2) from *(city)*: _____
- (3) with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (*Attach completed Notice and Acknowledgment 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)
---	---	-------------