



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

www.occourts.org

**UNLAWFUL DETAINER DEFAULT JUDGMENT FOR
POSSESSION AND MONETARY RECOVERY**

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



DEFAULT JUDGMENT CHECKLIST CLERK DEFAULT JUDGMENT – CIVIL

Use this checklist to complete your default judgment prior to filing it with the court. The Default Judgment Checklist is intended to provide a guideline to properly file your Proof of Service, Request for Entry of Default and Clerk Default Judgment.

A clerk may enter a default judgment in a written obligation (e.g., contract or promissory note) action only if the amount due is set forth in the contract or may be determined from the terms of the agreement. The action must state the amount due in the written agreement or must be easily determined without taking evidence. Examples of case types that are typical of a Clerk Default Judgment include: open book accounts (credit cards), bad checks, accounts stated based on statements, and promissory notes for money owed, and collection cases.

A clerk default judgment may be obtained when the defendant fails to file a response to the summons and complaint within the time specified on the summons. Even if the defendant fails to file a response, you will not obtain a default judgment if the named defendant has not been properly served, the party names do not match the names on the complaint or on any subsequent amendments to the complaint, or there are other technical defects such as omitting a signature.

This information is intended as a guide to assist you in processing your default judgment.

1. **Proof of Service.** Use Judicial Council form POS-010. A sheriff or process server may use a similar form that complies with California Rules of Court, rule 2.150.
 - A separate Proof of Service of Summons must be used for each defendant served.
 - The name of the party served is the same as the defendant or cross-defendant named in complaint or in any subsequent amendment.
 - Indicate the name and title of the person authorized to accept service on behalf of a business/entity.
 - If substituted service method was used on a natural person, a Declaration of Due Diligence must be attached to the Proof of Service.
 - If service is done by Notice and Acknowledgment of Receipt – Civil (POS-015), file the Proof of Service of Summons (POS-010) along with the signed Notice and Acknowledgment of Receipt – Civil.

2. **Request for Entry of Default.** Use Judicial Council form CIV-100. This form specifies which sections are required to be completed to obtain default only, or to obtain default and apply for a default judgment. The default cannot be entered if any of the following exists:
 - The time for the defendant to respond, as specified in the summons, has not expired.
 - An answer, demurrer, notice of motion to strike any part of the pleading, notice of motion to transfer, notice of motion to dismiss, notice of motion to quash service of summons or to stay or dismiss the action, or notice of filing a writ of mandate. (Code of Civil Procedure section 585(a)–(c))
 - The POS-010 does not indicate the defendant was properly served.

If any of the following exists, the default of defendant may not be entered:

 - The names of the defendant(s), including “aka’s”, are not the same as the names on the complaint or any amendment.
 - Proof of service of Statement of Damages (Judicial Council form CIV-050) has not been filed when the complaint is for Personal Injury or Wrongful Death action.
 - Proof of service of statement of damages has not been filed when the complaint is requesting punitive damages. Do not use Judicial Council for CIV-050 for this type of statement. (Code of Civil Procedure section 425.115).

3. Clerk Default Judgment. Use Judicial Council form JUD-100.

*Note: If a statement of damages was required, you must proceed with a Court Default Judgment.

Any damages, prejudgment interest, attorney fees, costs or other monetary amounts, if requested, must be stated 1) in the prayer of the complaint, and 2) must be specified on the Request for Entry of Default form (page 1, section 2). The clerk will not calculate the amounts for you.

- Use Judicial Council form CIV-110 – Request for Dismissal, to dismiss any named or doe defendants **not** stated on the judgment.

Costs claimed on the judgment:

- If the case could have been filed in Small Claims Court , you may apply to the court to have costs allowed as part of the judgment.
- If the case could **not** have been filed in Small Claims Court (e.g., assigned claim), submit a declaration stating that the demand letter was mailed to the defendant, notifying them that they are liable for court costs (Code of Civil Procedure section 1033). You must apply to the court to have costs allowed as part of the judgment.

Interest claimed on the judgment:

- Interest is allowed at the legal rate unless the contract allows for a higher rate. This must also be specified in the prayer of the complaint. If the amount exceeds the legal rate, the original contract must be filed with the court.

Attorney Fees claimed on the judgment:

- Attorney fees claimed must comply with any schedule provided for by local court rules.
- If attorney fees are allowed by a specific statute, such as Civil Code section 1717, et seq., this must be specified in a separate declaration or specified in the prayer of the complaint.
- If attorney fees are based on a written agreement, this must be stated in the prayer of the complaint. The original contract must be filed with the court.

Written Agreement:

- Submit the original contract **or** a copy of the contract with a declaration why the original contract cannot be submitted. This must be filed when requesting attorney fees in accordance to the agreement or when requesting interest that is more than the legal limit. You can help expedite your judgment by highlighting the agreement for attorney fees and any interest claimed that exceeds the legal amount. In most instances, the legal amount is 10%.

Fee Waiver has been granted for prevailing party:

- The judgment must include all fees that were waived by the court. Any costs collected must be paid to the court.

4. Basics to check or include before submitting your document to the court.

- Is each document and declaration dated and signed?
- If you are not eFiling or filing by FAX, each document submitted must be an original unless you have applied to the court to accept a copy in lieu of the original.
- Did you include a self-addressed, stamped envelope of sufficient size and with sufficient postage for the clerk to return your file stamped copies to you?

**Default Judgment – General Civil Complaints (non-Unlawful Detainer Actions)
General Information**

<p>Clerk Default Judgment A Clerk Default Judgment may be obtained in an action arising from a contract for the recovery of money or damages where the relief sought is fixed. The judgment may be entered immediately following the entry of default. CCP 585(a)</p>	<p>Samples of Types of Cases that may be Suitable for Clerk Default Judgment Open-book accounts as defined in CCP 337(a) Promissory notes Recovery of money or damages only Breach of Contract Collection cases</p>
<p>Court Default Judgment When the Clerk does not have the authority to enter a default judgment, a Court Default Judgment is required.</p>	<p>Samples of Types of Cases not suitable for a Clerk Default Judgment Amount of relief sought is not fixed or determinable from the contract terms; Case did not arise from a contract or judgment; The summons was served by publication; At least one of the defendants is not in default and has not been dismissed.</p>

Answers to Common Questions

<p>What is required to be filed to have a default entered? Proof of Service of Summons (for each party to be defaulted); Request to Enter Default (Judicial Council form CIV-100)</p>	<p>What is required to be filed with my judgment form to obtain a Clerk Default Judgment? Proof of Service of Summons (if not already filed); Request to Enter Default (if not already filed); Declaration pursuant to Code of Civ. Proc. § 1033 (if judgment amount is less than the jurisdiction of Small Claims Court); Original agreement or declaration to accept copy in lieu of original (if applicable).</p>
<p>The court has set a Case Management Conference. If I submit a default judgment, will the hearing still be held? The hearing will be held unless your default judgment is processed and entered by the clerk prior to the hearing date. Filing your documents accurately and in a reasonable time prior to the hearing date will help ensure your case is removed from the court calendar.</p>	<p>When is the original agreement required for judgment? When interest exceeds the legal rate When attorney fees are based on written agreement</p>

Useful Resources

<p>Useful resources include forms and California Rules of Court found at www.courts.ca.gov.</p> <ul style="list-style-type: none"> • Case management timelines can impact the filing of your documents. These can be found in California Rules of Court, rule 3.110. This does not apply to Collection cases under rule 3.740(a), unlawful detainer actions, and other proceedings for which different service requirements are prescribed by law. • Cal Code of Civil Procedure, sections 425.11; 415.115; 417.10 et seq.; 579; 585-587; 1033 • Cal Rules of Court, rule 3.1800 – Dismissal of defendants • Cal Rules of Court, rule 3.1806 – Cancellation of original contract by clerk • Civil Code 1717.5 – Open book, attorney fees • Local rules of the court where your case is filed

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:	
REQUEST FOR (Application) <input type="checkbox"/> Entry of Default <input type="checkbox"/> Clerk's Judgment <input type="checkbox"/> Court Judgment	CASE NUMBER:

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.**

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

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

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

Date: _____ ▶ _____
(TYPE OR PRINT NAME) (SIGNATURE OF PLAINTIFF OR ATTORNEY FOR PLAINTIFF)

FOR COURT USE ONLY	(1) <input type="checkbox"/> Default entered as requested on (<i>date</i>): (2) <input type="checkbox"/> Default NOT entered as requested (<i>state reason</i>):	Clerk, by _____, Deputy
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PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER:
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4. **Legal document assistant or unlawful detainer assistant (Bus. & Prof. Code, § 6400 et seq.).** A legal document assistant or unlawful detainer assistant did did **not** for compensation give advice or assistance with this form. *(If declarant has received any help or advice for pay from a legal document assistant or unlawful detainer assistant, state):*

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

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

This action

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

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

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

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

(TYPE OR PRINT NAME)	(SIGNATURE OF DECLARANT)
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7. **Memorandum of costs** (required if money judgment requested). Costs and disbursements are as follows (Code Civ. Proc., § 1033.5):

- | | |
|------------------------------------|----------|
| a. Clerk's filing fees | \$ |
| b. Process server's fees | \$ |
| c. Other (<i>specify</i>): | \$ |
| d. | \$ |
| e. 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 is true and correct.
 Date: _____

(TYPE OR PRINT NAME)	(SIGNATURE OF DECLARANT)
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8. **Declaration of nonmilitary status** (required for a judgment). No defendant named in item 1c of the application is in the military service so as to be entitled to the benefits of the Servicemembers Civil Relief Act (50 U.S.C. App. § 501 et seq.).

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

(TYPE OR PRINT NAME)	(SIGNATURE OF DECLARANT)
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ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name & Address</i>): Telephone No.: _____ Fax No. (Optional): _____ E-Mail Address (Optional): _____ ATTORNEY FOR (<i>Name</i>): _____ Bar No: _____	<i>FOR COURT USE ONLY</i>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE JUSTICE CENTER: <input type="checkbox"/> Central - 700 Civic Center Dr. West, Santa Ana, CA 92704-4045 <input type="checkbox"/> Civil Complex Center - 751 W. Santa Ana Blvd., Santa Ana, CA 92701-4512 <input type="checkbox"/> Harbor - Newport Beach - 4601 Jamboree Rd., Newport Beach, CA 92660-2595 <input type="checkbox"/> Lamoreaux - 341 The City Drive South, Orange, CA 92868-3205 <input type="checkbox"/> North - 1275 N. Berkeley Ave., Fullerton, CA 92832-1206	
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER:
MEMORANDUM FOR SETTING FOR HEARING (UNCONTESTED MATTER) <input type="checkbox"/> RESETTING	Case assigned to: Judge: Department: Date complaint filed: Hearing/trial date:

The clerk is requested to set/reset the above-entitled proceeding for hearing.

Nature of Proceeding:

- | | | | |
|---|---|---|------------------------------------|
| <input type="checkbox"/> Adoption | <input type="checkbox"/> Dissolution | <input type="checkbox"/> Legal Separation | <input type="checkbox"/> Prove-Up |
| <input type="checkbox"/> Minor's Compromise | <input type="checkbox"/> Bifurcated Hearing | <input type="checkbox"/> Nullity | <input type="checkbox"/> Paternity |
| <input type="checkbox"/> General Civil | <input type="checkbox"/> Other: | | |

I represent to the Court that this proceeding is ready for hearing; and I know of no reason why this matter should not be heard as soon as the Court's calendar will permit.

Estimated time for hearing:

Hearing date(s) preferred:

Date: _____

(TYPE OR PRINT NAME)

(SIGNATURE OF APPLICANT OR ATTORNEY)

For Court Use Only
The above case has been set on the calendar in Department _____ on _____ at _____ A.M. /P.M. at the <input type="checkbox"/> Central <input type="checkbox"/> Civil Complex Center <input type="checkbox"/> Harbor-Newport Beach <input type="checkbox"/> Lamoreaux <input type="checkbox"/> North Attorney/Attorney's Agent/Party notified on _____ DAVID H. YAMASAKI, Clerk of the Court By: _____ Deputy Clerk

NOTICE TO ATTORNEYS AND SELF-REPRESENTED LITIGANTS*
Rule 384 of the Local Rules - Superior Court of California, County of Orange is quoted for your information and compliance: Rule 384 Default Judgments "All Requests for Entry of Default, declarations for entry of default judgment, supporting evidence, and judgments must be submitted together as a single packet. Each exhibit must be separated by a hard 8 1/2 x 11 sheet with hard paper or plastic tabs extending below the bottom of the page, bearing the exhibit designation. Any provision for attorney fees must be highlighted within the written contract with a light-colored highlighter pen. Parties should file such default packets in the Clerk's Office within five court days prior to any scheduled hearing date." *Does not apply to Family Law cases

SUBMIT FORM IN DUPLICATE

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 <i>(Name):</i> DEFENDANT <i>(Name):</i>	
DECLARATION FOR DEFAULT JUDGMENT BY COURT (Unlawful Detainer—Code Civil Proc., § 585(d))	CASE NUMBER:

1. My name is *(specify)*:
 - a. I am the plaintiff in this action.
 - b. I am
 - (1) an owner of the property
 - (2) a manager of the property
 - (3) an agent of the owner
 - (4) other *(specify)*:

2. The property concerning this action is located at *(street address, apartment number, city, and county)*:

3. Personal knowledge. I personally know the facts stated in this declaration and, if sworn as a witness, could testify competently thereto. I am personally familiar with the rental or lease agreement, defendant's payment record, the condition of the property, and defendant's conduct.

4. Agreement was written oral as follows:
 - a. On or about *(date)*: _____ defendant *(name each)*: _____
 - (1) agreed to rent the property for a month-to-month tenancy other tenancy *(specify)*:
 - (2) agreed to pay rent of \$ _____ payable monthly other *(specify frequency)*:
with rent due on the first of the month other day *(specify)*:
 - b. Original agreement is attached *(specify)*: to the original complaint.
 to the *Application for Immediate Writ of Possession*. to this declaration, labeled Exhibit 4b.
 - c. Copy of agreement with a declaration and order to admit the copy is attached *(specify)*:
 to the *Application for Immediate Writ of Possession*. to this declaration, labeled Exhibit 4c.

5. Agreement changed.
 - a. More than one change in rent amount *(specify history of all rent changes and effective dates up to the last rent change)* on Attachment 5a (form MC-025).
 - b. Change in rent amount *(specify last rent change)*. The rent was changed from \$ _____ to \$ _____, which became effective on *(date)*: _____ and was made
 - (1) by agreement of the parties and subsequent payment of such rent.
 - (2) by service on defendant of a notice of change in terms pursuant to Civil Code section 827 *(check item 5d)*.
 - (3) pursuant to a written agreement of the parties for change in terms *(check item 5e or 5f)*.
 - c. Change in rent due date. Rent was changed, payable in advance, due on *(specify day)*:
 - d. A copy of the notice of change in terms is attached to this declaration, labeled Exhibit 5d.
 - e. Original agreement for change in terms is attached *(specify)*: to the original complaint.
 to the *Application for Immediate Writ of Possession*. to this declaration, labeled Exhibit 5e.
 - f. Copy of agreement for change in terms with a declaration and order to admit the copy is attached *(specify)*:
 to the *Application for Immediate Writ of Possession*. to this declaration, labeled Exhibit 5f.

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

PLAINTIFF (Name): <hr/> DEFENDANT (Name):	CASE NUMBER:
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15. Declarant requests a judgment on behalf of plaintiff for:
 a. A money judgment as follows:

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

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

- b. Possession of the premises in item 2 (*check only if a clerk's judgment for possession was **not** entered*).
 c. Cancellation of the rental agreement. Forfeiture of the lease.

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

Date:

_____ } _____
 (TYPE OR PRINT NAME) (SIGNATURE OF DECLARANT)

Summary of Exhibits

16. Exhibit 4b: Original rental agreement.
17. Exhibit 4c: Copy of rental agreement with declaration and order to admit the copy.
18. Exhibit 5d: Copy of notice of change in terms.
19. Exhibit 5e: Original agreement for change of terms.
20. Exhibit 5f: Copy of agreement for change in terms with declaration and order to admit copy.
21. Exhibit 6d: Original or copy of the notice to quit under item 6a (*MUST be attached to this declaration if it is not attached to original complaint*).
22. Exhibit 8b: Original or copy of proof of service of notice in item 6a (*MUST be attached to this declaration if it is not attached to original complaint*).
23. Other exhibits (*specify number and describe*):

ATTORNEY OR PARTY WITHOUT ATTORNEY <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: DEFENDANT:	
<p style="text-align: center;">JUDGMENT—UNLAWFUL DETAINER</p> <input type="checkbox"/> By Clerk <input type="checkbox"/> By Default <input type="checkbox"/> After Court Trial <input type="checkbox"/> By Court <input type="checkbox"/> Possession Only <input type="checkbox"/> Defendant Did Not Appear at Trial	CASE NUMBER:

JUDGMENT

1. **BY DEFAULT**
- a. Defendant was properly served with a copy of the summons and complaint.
 - b. Defendant failed to answer the complaint or appear and defend the action within the time allowed by law.
 - c. Defendant's default was entered by the clerk upon plaintiff's application.
 - d. **Clerk's Judgment** (Code Civ. Proc., § 1169). For possession only of the premises described on page 2 (item 4).
 - e. **Court Judgment** (Code Civ. Proc., § 585(b)). The court considered
 - (1) plaintiff's testimony and other evidence.
 - (2) plaintiff's or others' written declaration and evidence (Code Civ. Proc., § 585(d)).
2. **AFTER COURT TRIAL.** The jury was waived. The court considered the evidence.
- a. The case was tried on *(date and time):*
 before (name of judicial officer):
 - b. Appearances by:

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

<input type="checkbox"/> Continued on <i>Attachment 2b</i> (form MC-025).	
<input type="checkbox"/> Defendant <i>(name each):</i>	<input type="checkbox"/> Defendant's attorney <i>(name each):</i>
	(1)
	(2)

 Continued on *Attachment 2b* (form MC-025).
 - c. Defendant did not appear at trial. Defendant was properly served with notice of trial.
 - d. A statement of decision (Code Civ. Proc., § 632) was not was requested.

PLAINTIFF: _____ DEFENDANT: _____	CASE NUMBER: _____
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JUDGMENT IS ENTERED AS FOLLOWS BY: **THE COURT** **THE CLERK**

3. Parties. Judgment is

a. for plaintiff (*name each*):

and against defendant (*name each*):

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

b. for defendant (*name each*):

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

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

6. Amount and terms of judgment

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

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

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

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

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

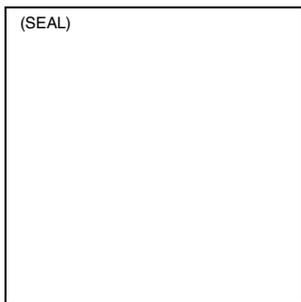
7. **Conditional judgment.** Plaintiff has breached the agreement to provide habitable premises to defendant as stated in *Judgment—Unlawful Detainer Attachment* (form UD-110S), which is attached.

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

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

Date: _____ _____
JUDICIAL OFFICER

Date: _____ Clerk, by _____, Deputy



CLERK'S CERTIFICATE (*Optional*)

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

Date: _____

Clerk, by _____, Deputy

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 ORANGE JUSTICE CENTER: Central – 700 Civic Center Dr. West, Santa Ana, CA 92701-4045 Harbor – 4601 Jamboree Rd., Newport Beach, CA 92660-2595 North – 1275 N. Berkeley Ave., P.O. Box 5000, Fullerton, CA 92838-0500 West – 8141 13 th St., Westminster, CA 92683-4593	
PLAINTIFF: _____ DEFENDANT: _____	CASE NUMBER: _____
APPLICATION FOR WRIT OF POSSESSION UNLAWFUL DETAINER	Unlimited civil actions only. Case assigned to: Judge: _____ Department: _____ Date complaint filed: _____ Hearing/trial date: _____

I am the _____ plaintiff _____ plaintiff's attorney in the above entitled action and hereby apply for a Writ of Possession under Sections 712.010 and 715.010 of the Code of Civil Procedure.

The daily rental value of the property at issue as of the date the complaint for unlawful detainer was filed is \$_____.

A Prejudgment Claim of Right to Possession has been served in compliance with Section 415.46 of the Code of Civil Procedure. The writ shall apply to all tenants, subtenants, named claimants, and other occupants of the premises.

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)

PLAINTIFF:	CASE NUMBER:
DEFENDANT:	

— Items continued from page 1—

21. **Additional judgment debtor** (name, type of legal entity stated in judgment if not a natural person, and last known address):
- _____
- _____
- _____
22. **Notice of sale** has been requested by (name and address):
- _____
- _____
- _____
23. **Joint debtor** was declared bound by the judgment (CCP 989–994)
- a. on (date): _____ a. on (date): _____
- b. name, type of legal entity stated in judgment if not a natural person, and last known address of joint debtor: _____ b. name, type of legal entity stated in judgment if not a natural person, and last known address of joint debtor: _____
- _____
- c. additional costs against certain joint debtors (itemize):
- _____
24. (Writ of Possession or Writ of Sale) **Judgment** was entered for the following:
- a. Possession of real property: The complaint was filed on (date): _____
- (Check (1) or (2)):**
- (1) The Prejudgment Claim of Right to Possession was served in compliance with CCP 415.46. The judgment includes all tenants, subtenants, named claimants, and other occupants of the premises.
- (2) The Prejudgment Claim of Right to Possession was NOT served in compliance with CCP 415.46.
- (a) \$ _____ was the daily rental value on the date the complaint was filed.
- (b) The court will hear objections to enforcement of the judgment under CCP 1174.3 on the following dates (specify): _____
- b. Possession of personal property.
- If delivery cannot be had, then for the value (itemize in 24e) specified in the judgment or supplemental order.
- c. Sale of personal property.
- d. Sale of real property.
- e. Description of property: _____

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 make a demand upon you for the property. If custody is not obtained following demand, the judgment may be enforced as a money judgment for the value of the property specified in the judgment or in a supplemental order.

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

► A Claim of Right to Possession form accompanies this writ (unless the Summons was served in compliance with CCP 415.46).



**ORANGE COUNTY SHERIFF'S DEPARTMENT
EVICTON INSTRUCTIONS**



<p>JUDGMENT CREDITOR(S): _____ _____</p> <p>JUDGMENT DEBTOR(S)(if the judgment debtor is other than a natural person, the type of legal entity must be stated): _____ _____</p> <p>Total Amount of Judgment (If Any) \$ _____</p> <p>The Writ Accompanying These Instructions is:</p> <p><input type="checkbox"/> An Original Writ, or a Copy of the Original Writ Issued by the Court as an Electronic Writ, Not Already in Possession of the Levying Officer</p> <p><input type="checkbox"/> A Copy of the Original Writ Already in Possession of the Levying Officer</p>	<p>COURT CASE NO.: _____</p> <p>SHERIFF FILE NO.: _____</p> <p>Issue Date of Writ _____</p> <p>PREJUDGEMENT CLAIM OF RIGHT TO POSSESSION WAS SERVED WITH THE COMPLAINT YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>If the property address is not clearly displayed on the building or curb, the eviction will not take place, and additional fees will be charged.</p> <p>Property is a Dwelling YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p><input type="checkbox"/> Property is Real Property (Ex. House or Apt)</p> <p><input type="checkbox"/> Property is Personal Property (Ex. Mobile Home or Boat)</p>
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FAILURE TO COMPLETE ANY PART OF THE FORM BELOW MAY RESULT IN DELAY OF THE EVICTION TO ALLOW THE SHERIFF TO EVALUATE SAFETY ISSUES FOR ALL PARTIES

To the Orange County Sheriff: Serve Writ of Possession (Sec. 715.010-715.050 C.C.P.) and 5-day notice to vacate. Enforce Writ by removing defendant(s) from premises. Plaintiff to cover all Sheriff's fees, costs and expenses in advance.

Please contact the following person to schedule the eviction.

The contact person should be the actual person who will be meeting the deputy and not a third party.

NAME: _____ Plaintiff or agent must be on site when the eviction is completed.

DAYTIME PHONE NUMBER(S): _____ *****BUILDING OR GATE CODE***** _____

Location/Description of the premises as named in the Writ of Possession:

Address City Zip

Printed Name of Plaintiff or Plaintiff's Attorney Signature

Plaintiff/Plaintiff's Attorney Address City Zip Phone Number

SEE PAGE 2 OF THIS FORM FOR ADDITIONAL REQUIRED INFORMATION



**ORANGE COUNTY SHERIFF'S DEPARTMENT
EVICTON INSTRUCTIONS**



EVICTON SAFETY ISSUES

1. Do you know of any illegal activity that *may* be taking place at this address? Please explain _____

2. Do you know of any police contacts at this address? Please explain _____

3. Please provide additional information on any issues that may pose a threat to a safe eviction process. (i.e. **firearms or other weapons, surveillance cameras, previous suicide attempts, vicious animals, alarms, and any other hazards**) _____

DEFENDANT'S INFORMATION

FULL NAME: _____	FULL NAME: _____
DATE OF BIRTH: _____	DATE OF BIRTH: _____
GENDER: _____	GENDER: _____
RACE: _____	RACE: _____
CDL: _____	CDL: _____
SS#: _____	SS#: _____

Please check the appropriate boxes and explain below:

<input type="checkbox"/> ELDERLY	<input type="checkbox"/> FORECLOSURE	<input type="checkbox"/> HUD HOUSING	<input type="checkbox"/> ANIMALS
<input type="checkbox"/> DISABLED	<input type="checkbox"/> MEDICAL PROBLEMS	<input type="checkbox"/> MENTAL ILLNESS	<input type="checkbox"/> ASSAULTIVE
<input type="checkbox"/> LANGUAGE SPOKEN _____	<input type="checkbox"/> CHILDREN (ages) _____		
