



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

www.occourts.org

**UNLAWFUL DETAINER TRIAL PACKET
RESPONSE FILED; STEPS TO TAKE FOR TRIAL AND
COURT JUDGMENT**

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



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <hr/> <p style="text-align: center;">TELEPHONE NO.: FAX No. (Optional):</p> <p>E-MAIL ADDRESS (Optional):</p> <p>ATTORNEY FOR (Name):</p>	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF: DEFENDANT:	
<input type="checkbox"/> REQUEST <input type="checkbox"/> COUNTER-REQUEST TO SET CASE FOR TRIAL—UNLAWFUL DETAINER <input type="checkbox"/> Plaintiff <input type="checkbox"/> 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.)

<ol style="list-style-type: none"> a. Assistant's name: b. Street address, city, and zip code: 	<ol style="list-style-type: none"> c. Telephone no.: d. County of registration: e. Registration no.: f. Expires on (date):
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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 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 style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> DEFENDANT:	CASE NUMBER:
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PROOF OF SERVICE BY MAIL

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

1. I am over the age of 18 and **not a party to this case**. I am a resident of or employed in the county where the mailing took place.
2. My residence or business address is (*specify*):

3. I served the *Request/Counter-Request to Set Case for Trial—Unlawful Detainer* (form UD-150) by enclosing a copy in an envelope addressed to each person whose name and address are shown below AND
 - a. **depositing** the sealed envelope in the United States mail on the date and at the place shown in item 3c with the postage fully prepaid.
 - b. **placing** the envelope for collection and mailing on the date and at the place shown in item 3c following ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.
 - c. (1) Date mailed:

 (2) Place mailed (*city and state*):

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

Date:



(TYPE OR PRINT NAME)

(SIGNATURE OF PERSON WHO MAILED FORM UD-150)

NAME AND ADDRESS OF EACH PERSON TO WHOM NOTICE WAS MAILED

Name

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

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

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

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, 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)

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

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

 Continued on *Attachment 2b* (form MC-025).

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

 - d. A statement of decision (Code Civ. Proc., § 632) was not was requested.

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

3. Parties. Judgment is

a. for plaintiff (*name each*):

and against defendant (*name each*):

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

b. for defendant (*name each*):

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

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

6. Amount and terms of judgment

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

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

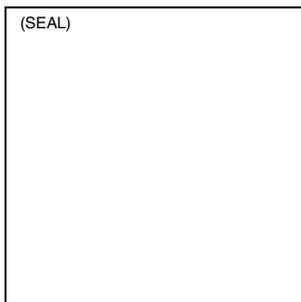
7. **Conditional judgment.** Plaintiff has breached the agreement to provide habitable premises to defendant as stated in *Judgment—Unlawful Detainer Attachment* (form UD-110S), which is attached.

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

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).

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF 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:
<p style="text-align: center;">APPLICATION FOR WRIT OF POSSESSION UNLAWFUL DETAINER</p>	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)



**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) _____		
