

MADERA COUNTY SUPERIOR COURT STATE OF CALIFORNIA

UNLAWFUL DETAINER PACKET

An Unlawful Detainer is only **one** of the legal actions for a landlord to evict a tenant(s) from residential property. These instructions are for landlords without attorneys. This packet is **NOT** for commercial tenants, Section 8, or floating homes. If you are not a self-represented landlord of residential property, you should not use this packet and should consult with a private attorney.

You can only use this packet if you are the owner of a residential property that is leased/rented to another person(s). This packet is designed for a landlord to evict the tenants in an uncontested unlawful detainer. If you expect your tenants to contest this action, you should seek legal advice from a private attorney.

This packet contains information regarding the different types of notices, the various forms, and a general overview of the process of an uncontested unlawful detainer action. The self-represented landlord should be cautious because if the procedure is not followed, the landlord can be subject to liability and/or have the case dismissed.

It is always best to consult with a private attorney if you have any legal questions.

**The attached forms should be typed or completed in
blue or black ink, neatly and clearly.**

For more information you can go online @ <https://www.courts.ca.gov/selfhelp-eviction.htm>.

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MADERA SUPERIOR COURT UNLAWFUL DETAINER

Definition of Unlawful Detainer

An Unlawful Detainer is only **one** of the legal actions for a landlord to evict a tenant(s) from rental property. These instructions are for landlords without attorneys and are **not** for **commercial tenants or Section 8**. If you are attempting to evict a commercial tenant or Section 8 residential tenant, please seek advice from an Attorney.

The following information is for uncontested unlawful detainers. Uncontested means that your Tenant does not file an Answer (or other responsive document) to the court action. Contested means the Tenant files an Answer (or other responsive document) to the court case.

Unlawful Detainer actions can be complicated, and the requirements are strict. If the procedure is not correctly followed, the landlord may be sued and/or the court may dismiss the action.

Who Can Sue

The landlord, successor, or property management company (if there is a written agreement with the owner to sign the lease) may file an Unlawful Detainer action. If the Landlord is a corporation, the corporation may not represent itself and must hire an attorney.

How To Get Started

Before a landlord can bring a court action to evict the tenant(s), the landlord **must** have the tenant(s) properly served with **notice**. Below are the different types of notices. Notice forms must be written and state the complete address of the property.

If the notice gives the tenant an option of complying with a condition (such as paying rent or vacating the premises), the notice must contain the name, telephone number, address, name of the person authorized to receive payment, hours available to receive payment, and method of payment. Notices are available at large stationary stores or can be prepared by an attorney.

3-day Notice to Perform Covenant or Quit: Serve this notice if tenant is violating the agreement. The tenant must correct the problem within three days or move. Example: the agreement states no pets, and tenant now has a dog. The situation must be remedied in the stated three days. If on the fourth day the tenant doesn't correct the problem, you may file your unlawful detainer action to evict the tenant.

3-day Notice to Quit: Serve this notice if landlord wants tenant to move and there is nothing the tenant can correct to remain on the property, Landlord would use this notice if tenant has sublet the property in violation of the agreement, or if tenant is doing something illegal on the property. If the tenant is doing something dangerous or illegal, you should consult an attorney for advice.

3-day Notice to Pay Rent or Quit: Serve this notice if tenant is not paying rent. Use this notice if you don't necessarily want your tenant to move but want tenant to pay rent.

30-day Notice of Termination of Tenancy: Serve this notice when the Landlord wants to evict the tenant for any reason. Landlord does not need to state a reason why the tenant must move. **NOTE:** If there is a lease for a fixed term, please seek legal advice because the landlord may be liable for damages.

60-day Notice to Termination of Tenancy: Serve this notice if the tenant has been in possession of the property for longer than one year and the Landlord wants to evict the tenant for any reason. **NOTE:** If there is a lease for a fixed term or the tenant has been in possession in excess of one year, please seek legal advice because the landlord may be liable for damages.

How to Have Tenant(s) Served with Notice

The above notices are served on each tenant. A sheriff, registered process server, or any person who is at least 18 years of age, and not a party to the action may complete Service. If the action is contested, a proof of service will not be relied upon at trial to prove the notice to quit was served in accordance with the requirements of law. The **testimony of the person who served is required**, unless service was made by a sheriff, marshal, or registered process server.

Personal Service: Each tenant is served by having someone personally hand the notice to each tenant(s). The person serving the notice must complete a Proof of Service.

Substituted Service: If the tenant(s) cannot be found, the server must make **at least** three attempts to serve the tenant(s). Two of those attempts may be on the same day at different times. If the server is still unable to locate the tenant(s), the server can give the documents to anyone at the residence who is over the age of 18. The server will need the name of that person served for the Proof of Service. The server must then mail a copy of the notice to the tenant(s) at the property address.

Posting and Mailing: If the server is unable to find the tenant(s) or anyone else at the property and doesn't know where the tenant(s) work, then the server can post the notice on the door of the residence and mail the notice to the property address. There must have been **at least** three documented attempts to personally serve the tenant(s) before serving the notice in this manner.

NOTE: If you are attempting to serve the Summons and Complaint by posting and mailing, you must get a court order allowing you to do so. This does not apply to the Notice, only the Summons and Complaint (see below).

Where to File

If the tenant does not resolve the issue (depending upon the type of notice) after the time stated in the notice has expired, landlord can file an Unlawful Detainer action with the proper court, which is determined by the zip code of the location of the property.

What to File

Prepare the Summons, Complaint (attach a copy of the notice, proof of service of the notice, and a copy of the lease agreement), and the Civil Case Cover Sheet with copies. The amount of copies required will depend on the amount of tenants. For example, if you had two tenants, you would need the original and three copies. The court will keep the original and return the copies to you. One set of copies is for your records. The other copies are for the tenants (each tenant must be served). You must also provide stamped envelopes to the

court (one envelope addressed to “All Occupants” and one additional envelope for each named defendant) addressed to the property address. For example, if there are two tenants residing at the property, you must submit three envelopes.

Once the summons and complaint are filed with the court, this matter must be resolved within 45 days (unless the court orders something different) or the court may dismiss your action.

Next, the Summons, Complaint, and a blank Answer **must be served on each tenant** in a manner mentioned above. If you believe there may be other people residing in the residence that are not named in the complaint, you must serve a Prejudgment Claim of Right to Possession. Serving a Prejudgment Claim of Right to Possession will extend the time you have to wait before proceeding. Please seek legal advice regarding service/procedure when using this notice.

You must have the tenant(s) served with the Summons and Complaint within fifteen (15) days from the date the unlawful detainer was filed. A Proof of Service must be filed with the court (unless the tenant(s) file an Answer). If a Prejudgment Claim of Right of Possession was also served (or posted), you **must** have a proof of service for the Prejudgment Claim of Right of Possession.

NOTE: If the whereabouts of the tenant are unknown after the filing of the Summons and Complaint and the landlord wants to serve the Summons and Complaint by posting, the landlord must obtain a court order prior to posting and by mailing of the Summons and Complaint, not the notice. If service was performed by posting, the application for “service by posting” must be filed.

What is Next in the Uncontested Case

If the tenant(s) were personally served, the tenant(s) have at least five days to file their Answer to the unlawful detainer. A Landlord cannot file a Request for Entry of Default until at least five days after the date of service (10 days from the date of mailing if a Prejudgment Claim of Right to Possession was also served). The day of service and holidays are not counted. If the fifth (or 10th) day falls on Saturday or Sunday or a holiday, the landlord must wait until the 2nd business day to file the Request for Entry of Default.

If the tenant was served by substituted service or posting and mailing, the landlord must give the tenant 10 additional days (plus the time stated in the notice) to respond. You should seek legal advice.

Next, prepare your Request to Enter Default, Declaration for Default, Judgment, and Writ of Possession.

Once the Writ is issued, you must take the Writ and a letter of instruction to the Sheriff’s Department. The Sheriff will serve the Writ and the Tenant(s) are then given five days before the sheriff will evict the tenant(s). The landlord must be present to change the locks at that time.

What is Next In a Contested Hearing

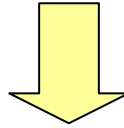
If the tenant(s) file an answer or a Prejudgment Claim of Right to Possession, the case will be “at issue” and the parties will have to either agree to new terms or file a Request/Counter Request to Set Case for Trial (form UD-150). The hearing will be held where each party will testify as to the circumstances. The judge will make a decision and a judgment will need to be prepared. Seek legal advice.

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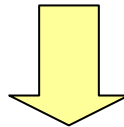
**UNLAWFUL DETAINER
(INSTRUCTIONS FOR THE PLAINTIFF)**

7 STEPS:

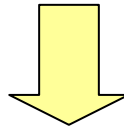
STEP 1. SERVING NOTICE TO THE TENANT(S).



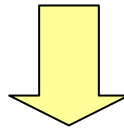
STEP 2. COMPLETING THE UNLAWFUL DETAINER PAPERWORK.



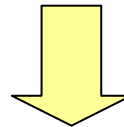
STEP 3. FILING THE FORMS.



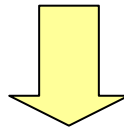
STEP 4. SERVING THE DOCUMENTS.



STEP 5. FILING THE PROOF OF SERVICE.



STEP 6. IF THE TENANT(S) FAIL TO RESPOND.



STEP 7. RIGHT TO A COURT TRIAL.

UNLAWFUL DETAINER

(INSTRUCTIONS FOR THE PLAINTIFF - CONTINUED)

1. SERVING NOTICE TO THE TENANT(S)

Before the landlord can bring court action to evict the tenant(s), the tenant(s) must have been properly (officially) served with a *3-day Notice*, *30-day Notice*, or *60-day Notice to Terminate Tenancy* and failed to obey the notice. Forms are available at any large stationery store or can be prepared by an attorney:

- 3-day Notice (There are different types and landlords are strongly urged to read the attached documents and **seek legal advice**).
- 30-day Notice to Terminate Tenancy (Landlords are strongly urged to read the attached documents and **seek legal advice**—especially if the lease is for a fixed term).
- 60-day Notice to Termination of Tenancy (Landlords are strongly urged to read the attached documents and **seek legal advice**—especially if the lease is in excess of one year).

2. COMPLETING THE UNLAWFUL DETAINER PAPERWORK

STANDARD FORMS THAT MAY BE REQUIRED

- Form CM-010, **Civil Case Cover Sheet** (1 page)
- Form UD-100 **Complaint – Unlawful Detainer** (3 pages)
- Form SUM-130, **Summons – Unlawful Detainer - Eviction** (2 pages)
- OPTIONAL:** Form CP10.5, **Prejudgment Claim of Right to Possession** (2 pages)
- Form UD-105, **Answer – Unlawful Detainer** (2 pages) **Leave this form blank** – it will be served on the tenant(s).
- Form POS-010, **Proof of Service of Summons**
- Form CIV-100, **Request for Entry of Default** (2 pages)
- Form UD-116, **Declaration For Default Judgment by Court** (3 pages)
- Form UD-110, **Judgment** (2 pages)
- Form EJ-130, **Writ of Execution** (2 pages)

The forms can be typed or completed in **black ink**, neatly and clearly.

UNLAWFUL DETAINER

(INSTRUCTIONS FOR THE PLAINTIFF - CONTINUED)

3. FILING THE FORMS

MAKE COPIES OF THESE FORMS:

The court will keep the original. Make enough copies to keep one and to serve each of the defendants. For example, if there are three defendants named, you would need (1) original and (4) copies of the following:

- Form CM-010 **Civil Case Cover Sheet** (1 page)
- Form UD-100, **Complaint – Unlawful Detainer** (3 pages)
- Form SUM-130, **Summons – Unlawful Detainer** (2 pages)
- OPTIONAL:** Form CP10.5, **Prejudgment Claim of Right to Possession** (2 pages) Leave this form blank – it will be served on the defendants
- Form UD-105, **Answer – Unlawful Detainer** (2 pages) Leave this form blank – it will be served on the defendants.

SUBMIT FORMS & FILING FEES TO THE CLERK:

- Submit to the Clerk the original and the correct number of copies, (1) for you, and (1) for each defendant named and one stamped envelope for each named defendants (plus one addressed to “All Occupants”).**
- Submit a filing fee or a Fee Waiver (seperate packet) if you qualify. Please check with the clerk for the proper amount of the filing fee.**
- The clerk will stamp all the documents “Filed.”**
- The Clerk will keep the original of these forms and will return the copies to you.**

Keep one copy for your files. Have the other copies served on the defendants. (See Step 4 on the next page.)

4. SERVING THE DOCUMENTS

SERVE THESE FORMS TO THE DEFENDANT:

Serve each Defendant with a stamped “Filed” copy of each of the following forms:

- Form CM-010, **Civil Case Cover Sheet** (1 page)
- Form UD-100, **Complaint – Unlawful Detainer** (3 pages)
- Form SUM-130, **Summons – Unlawful Detainer** (2 pages)
- Form UD-105, **Answer – Unlawful Detainer** (2 pages) **Leave this form blank** – it is to be served on the defendant.
- OPTIONAL:** Form CP10.5, **Prejudgment Claim of Right to Possession** (2 pages)

Note: these documents must be served by someone other than you, who is over 18, and is not a party to the action (e.g., neighbor, process server, sheriff, etc.

HAVE THE PROCESS SERVER COMPLETE THE “PROOF OF SERVICE” FORM:

The person who serves the documents must complete and sign the **Proof of Service** form listing every document that was served (including the blank forms), the time and place the documents were served to each Defendant.

A sheriff, registered process server, or any person who is at least 18 years of age, and not a party to the action may complete Service. If the action is contested, a proof of service will not be relied upon at trial to prove the notice to quit was served in accordance with the requirements of law. The **testimony of the person who served is required**, unless service was made by a sheriff, marshal, or registered process server.

- Form POS-010, **Proof of Personal Service** (2 pages),

UNLAWFUL DETAINER

(INSTRUCTIONS FOR THE PLAINTIFF - CONTINUED)

5. FILING THE PROOF OF SERVICE

File the completed Proof of Service with the Court. (Form POS-010.)

6. IF THE TENANT(S) FAIL TO RESPOND

The named tenant(s) has five (5) days after being served with the **Summons and Complaint** to vacate (leave) the property or file an **Answer** with the court. Unknown tenant(s) have ten (10) days to vacate or file an Answer if you served a **Prejudgment Claim of Right to Possession**. The tenant has ten days from mailing date, plus five days to respond, if substitute service is used.

If the tenant(s) fails to respond, the plaintiff may request a default judgment. Normally, filing the remaining forms in this packet does this:

- Form CIV-100, **Request for Entry of Default**
- Form UD-116, **Declaration For Default Judgment by Court** (3 pages)
- Form UD-110, **Judgment** (2 pages)
- Form POS-010, **Proof of Service** (2 pages)
- Form EJ-130, **Writ of Execution** (2 pages)

The court may enter a Clerk's Judgment if requested by the plaintiff within the appropriate amount of time. The Clerk will then issue a default judgment.

Upon the plaintiffs' request, the court will issue a writ (there is a small issuance fee). The plaintiff takes the writ to the Sheriff's Department. The Sheriff's Department will then post a *Notice to Vacate* on the property. There is an additional fee required by the Sheriff for this service.

If the tenant fails to move by the lockout date, the plaintiff may take possession of the property and must change the locks.

7. RIGHT TO A COURT TRIAL

Both parties have the right to a court trial, although there will be no trial if a timely written response to the unlawful detainer complaint is not filed. To request a court trial, the requesting party must file a *Request/Counter Request To Set Case For Trial*:

- Form UD-150, **Request/Counter Request To Set Case For Trial** (2 pages, includes Proof of Service)

The clerk will file and assign a court date within 15-20 days, and will mail a notice to all parties. If one party files a *Request/Counter Request To Set Case For Trial* and does not request a jury trial, the other party has five (5) days from the mailing date of the *Request/Counter Request To Set Case For Trial* to file a *Request/Counter Request To Set Case For Trial* (same form, UD-150) requesting a jury trial.

The party requesting a jury trial will be responsible for the initial cost for jury fees, which must be posted with the court five (5) days before the trial date.

If the tenant(s) fail to respond, the plaintiff may file a *Request for Default and Entry of Judgment*. The court may enter a default judgment and issue a writ. (See #6.)

NOTE: Unlawful Detainer actions can be complicated and the requirements are strict. If the procedure is not correctly followed, the landlord may be sued and/or the court may dismiss the action. Landlords are strongly urged to seek legal advice from an attorney. If you would like legal advice or to be represented in this or any other matter, please contact a private attorney. The Attorney Referral and Information Service of the Fresno County Bar Association can help refer you to a private attorney who will discuss your case for one half an hour for a fee of \$35.00. Their telephone number is (559) 264-0137.

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): <div style="border: 1px solid black; padding: 2px; width: fit-content; margin-bottom: 5px;">1</div> TELEPHONE NO.: _____ FAX NO.: _____ ATTORNEY FOR (Name): _____		FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____ STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____		
CASE NAME: _____ <div style="border: 1px solid black; padding: 2px; width: fit-content; margin-bottom: 5px;">2</div>		
CIVIL CASE COVER SHEET <input type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)	Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 1811)	CASE NUMBER: JUDGE: DEPT.:

All five (5) items below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:		
Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PIP/D/W/D (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PIP/D/W/D (23) Non-PIP/D/W/D (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Copyrights (08) <input type="checkbox"/> Detamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PIP/D/W/D tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/reverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <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)	Professionally Complex Civil Litigation (Cal. Rules of Court, rules 1800-1812) <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 professionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)

2. This case is is not complex under rule 1800 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

a. Large number of separately represented parties d. Large number of witnesses

b. Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve e. Coordination with related actions pending in one or more courts in other counties, states or countries, or in a federal court

c. Substantial amount of documentary evidence f. Substantial post-judgment judicial supervision

3. Type of 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.

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, Family, or Welfare and Institutions Code). (Cal. Rules of Court, rule 201.8.) 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 1800 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 complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

Form Adopted for Mandatory Use
 Judicial Council of California
 CM-010 (Rev. July 1, 2002)

CIVIL CASE COVER SHEET

Cal. Rules of Court, rules 201.8, 1800-1812,
 Standards of Judicial Administration, § 19
 www.courtinfo.ca.gov

How to fill out CIVIL CASE COVER SHEET

CM-010

DIRECTIONS

- ▶ Find the number on the sample form.
Example: 1
- ▶ Go to the same number below to find out how to fill out the form.
- ▶ Type or print in black ink.
- ▶ Leave the case number box blank. The clerk will give you a case number.

- 1 Write your name and address. Write your phone number, and fax number if you have one.
- 2 If not filled in for you, write "Madera" after COUNTY OF. Write the address of the court location where you are filing your papers.
- 3 The case name is the plaintiff's last name vs. defendant's last name. If there is more than one plaintiff or defendant, use the name of the primary or main person in the case. Examples:

Correct: Smith vs. Johnson

Wrong: Smith, Jones and Lewis vs. Johnson and Carlson
- 4 Check "Limited."
- 5 Check "Residential" under the category "Unlawful Detainer."
- 6 Your case should not be complex. Check the second box. Do not check boxes a. through f.
- 7
 - Check a. (monetary) if you are seeking money (such as back rent).
 - Check b. (nonmonetary) if you want other help (such as an eviction).
 - You may check a. and b., but do not check c. (punitive).
- 8 Write "1" (one) where asked to specify number of actions.
- 9 Your case is not a class action suit. Check the second box.
- 10 Fill in the date, type or print your name on the dotted line, and sign your name on the right.

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 check **all five** items 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. You do not need to submit a cover sheet with amended papers. 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 201.8(c) and 227 of the California Rules of Court.

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 1800 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 PIPD/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 PIPD/WD (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/PI/D/W (e.g., assault, vandalism)
Intentional Infliction of Emotional Distress
Negligent Infliction of Emotional Distress
Other PIPD/WD

Non-PIP/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-PIP/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 Rule 1800-1812)

Antitrust/Trade Regulation (03)
Construction Defect (10)
Claims Involving Mass Tort (40)
Securities Litigation (28)
Toxic Tort/Environmental (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 Tax
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

How to fill out

**CIVIL CASE
COVER SHEET**

CM-010

-Page 2-

This is an instruction page on how to complete the Cover Sheet. There is nothing for you to fill out on this page.

How to fill out

COMPLAINT – UNLAWFUL DETAINER Form UD-100

DIRECTIONS

- ▶ Find the number on the sample form.

Example: ①

- ▶ Go to the same number below to find out how to fill out the form.

- ▶ Type or print in black ink.

- ▶ Leave the box for the case number blank. The clerk will give you a case number.

The image shows a sample of the 'COMPLAINT – UNLAWFUL DETAINER' form (Form UD-100). The form is divided into several sections. Callouts 1 through 10 are placed on the form to indicate where to fill out information:

- 1: Plaintiff's name and address.
- 2: Court location (County of Madera).
- 3: Plaintiff's name and address.
- 4: Complaint type (Unlawful Detainer).
- 5: Jurisdiction (Action is a limited civil case).
- 6: Plaintiff's name and address.
- 7: Plaintiff's status (e.g., individual over 18 years).
- 8: Defendant's address.
- 9: Plaintiff's status (e.g., owner).
- 10: Date of agreement.

- ① Write your name and address. You may also write your phone, fax and email address, but this is your choice.
- ② If not filled in for you, write “Madera” after COUNTY OF. Write the address of the court location where you are filing your papers.
- ③ Write your name as the Plaintiff, and the names of the other plaintiffs if any. After Defendant, write the name(s) of all adults living in the residence (house, apartment). If there are adults living in the residence whose names you do not know, check “DOES 1 TO ____” and fill in the number of additional defendants.
- ④ Check “complaint.”
- ⑤ Under Jurisdiction, check the first box (action is a limited civil case). Check “does not exceed \$10,000” OR “exceeds \$10,000, but does not exceed \$25,000,” whichever applies.
- ⑥ Write the names of all the plaintiffs. Write the names of all defendants.
- ⑦ For 2.a, check the box that best describes the plaintiff(s).
- ⑧ Fill in the complete address of the premises (property). Note: it is very important to include the zip code.
- ⑨ Check the first box if you are the owner of the property.
- ⑩ Fill in the date (where circled) the agreement was made with the defendant(s). Write the names of all defendants. Check all boxes that apply and provide information as requested. Check box 6b, and check, the appropriate box describing who the plaintiff is.

COMPLAINT – Unlawful Detainer Form UD-100

- page two -

DIRECTIONS

- ▶ Find the number on the sample form.
Example: 11
- ▶ Go to the same number below to find out how to fill out the form.
- ▶ Type or print in black ink.
- ▶ Leave the case number box blank. The clerk will give you a case number.

PLAINTIFF (Name): 11 DEFENDANT (Name):	CASE NUMBER:
--	--------------

8. a. The defendant(s) not named herein are:

(1) subtenants
 (2) assignees
 (3) other (specify):

8. d. The agreement was later changed as follows (specify):

9. A copy of the rental 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., § 1181.)

10. The rental agreement is not in the possession of the landlord or the landlord's employees or agents. This notice is being filed for assignment of rent (Code Civ. Proc., § 1181.2).

7. a. Defendant (name and address):

13

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

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

b. On (date): _____ the period stated in the notice expired at the end of the day.

(2) Defendant 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 a notice of business.

e. A copy of the notice is attached and labeled Exhibit 2. (Required for residential property. See Code Civ. Proc., § 1181.)

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 B. (Check one (1) or (2) and attach a statement providing the information required by items 7a and 8 for each defendant.)

8. a. The notice is sent. To be served on the defendant named in item 7a as follows:

(1) by personally handing a copy to defendant on (date) _____ at defendant's _____
 by leaving a copy with (name or description) _____ residence _____ business _____ AND mailing a copy to defendant at defendant's place of residence or usual place of business. _____ because defendant cannot be found at defendant's residence or usual place of business.
 (2) 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) _____ because defendant's residence and usual place of business cannot be established OR because no person of suitable age or discretion can be found there.
 (3) by mail for 3-day notice; see Code Civ. Proc., § 1181 before using by sending a copy by certified or registered mail addressed to defendant on (date) _____
 (4) by mail for residential tenancies; see Code Civ. Proc., § 1181 before using in the manner specified in written contractual 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 to deny it is attached and labeled Exhibit 3.

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

COMPLAINT—UNLAWFUL DETAINER

- 11 Write only your name after Plaintiff, and write the name of the primary or main Defendant.
- 12 Check box 6c if there are other tenant(s) (include “does”). If you know their status, mark the appropriate box. If you do not know the status of the other tenants (if there are any), mark “Other” and write “unknown.” If both parties have changed the agreement, mark box d and write what the changes were. For boxes e & f, mark the appropriate box. If the agreement was written, attach it and label it “Exhibit 1.” If you do not attach a copy, you must explain to the court why the document is not attached by marking box f and (1) or (2).
- 13 Write the names of each defendant. Then, check the box that describes the type of notice you sent to the defendant(s). Fill in the date that the notice ended. For boxes d, e, and f, check all that apply. Attach a copy of the notice and label it “Exhibit 2).
- 14 Check box 8a, then check (1) if the notice was handed to the defendant or (2) a copy was left with someone who lives or works with the defendant (and a copy was also mailed). Fill in date and information as requested. Check appropriate box if a copy was left at either the defendant’s home OR workplace and the date the notice was mailed.
 - Check (3) if a copy of the notice was posted at the defendant’s residence (example: taped to the door) AND was mailed to the defendant. Check (a) if you do not know where the defendant works, or (b) if no adult was at the residence.
 - Check (4) only if you sent a 3-day notice by certified or registered mail.
 - DO NOT check (5).
 - Check b and fill in a name ONLY if this applies.
 - Check c if it applies.
 - Check box d and attach a copy of the Proof of Service of the notice in item 7a and label it “Exhibit 3.”

COMPLAINT – Unlawful Detainer Form UD-100

- page three -

DIRECTIONS

- ▶ Find the number on the sample form.
Example: 15
- ▶ Go to the same number below to find out how to fill out the form.
- ▶ Type or print in black ink.
- ▶ Leave the case number box blank. The clerk will give you a case number.

The form includes the following sections and callouts:

- 15:** Plaintiff (name) and Defendant (name) information.
- 16:** Check 9 if you want the defendants to move out because a lease ended.
- 17:** Check 10 if the defendant was served with a 3-day notice. Write in the amount of rent that was due at that time.
- 18:** Check box 11 and write the price per day of the residence.
- 19:** Read 12 and check the box if you agree with this statement and attach specific facts supporting a claim up to \$600. Label the attachment "Attachment 12."
- 20:** DO NOT check 13, since by doing this packet yourself, you probably do not have an attorney.
- 21:** Read 14 and check the box if you agree with this statement.
- 22:** Check 15, if it applies, and attach your allegations as "Attachment 15."
- 23:** For 17, check c and fill in past due rent amount. For d, since you are representing yourself, this will probably not apply. Check e if you want the court to end the written agreement because of the defendant's actions.
 - Check f. if claiming fair market rental (from item 11). Fill in a date. If you checked box 12, check box g. If seeking other orders from the court, check h. and write details.
- 24:** Check box 18, if you include attachments with the complaint. Fill in number of pages attached.
- 25:** If someone helped you fill out this form and was not paid, check the first box. Check this box even if no one helped you. If someone helped you fill out the form and was paid check the second box and fill out the rest of this section **ONLY** if you received help for pay. Write this person's name, address and phone number.
 - After d., write the county where the assistant is registered (example: Fresno). Write their registration number (e.) and the date (f.) their registration expires (ends).
- 26:** Write the date and print your name on the left. Sign your name on the right.
- 27:** Write the date and print your name on the left. Sign your name on the right.

- 15 Write only your name after Plaintiff, and write the name of the primary or main Defendant.
- 16 Check 9 if you want the defendants to move out **because a lease ended**.
- 17 Check 10 if the defendant was served with a 3-day notice. Write in the amount of rent that was due at that time.
- 18 Check box 11 and write the price per day of the residence.
- 19 Read 12 and check the box **if** you agree with this statement **and** attach specific facts supporting a claim up to \$600. Label the attachment "Attachment 12."
- 20 DO NOT check 13, since by doing this packet yourself, you probably do not have an attorney.
- 21 Read 14 and check the box if you agree with this statement.
- 22 Check 15, if it applies, and attach your allegations as "Attachment 15."
- 23 For 17, check c and fill in past due rent amount. For d, since you are representing yourself, this will probably not apply. Check e if you want the court to end the written agreement because of the defendant's actions.
 - Check f. if claiming fair market rental (from *item 11*). Fill in a date. If you checked box 12, check box g. If seeking other orders from the court, check h. and write details.
- 24 Check box 18, if you include attachments with the complaint. Fill in number of pages attached.
- 25 If someone helped you fill out this form and was not paid, check the first box. Check this box even if no one helped you. If someone helped you fill out the form and was paid check the second box and fill out the rest of this section **ONLY** if you received help for pay. Write this person's name, address and phone number.
 - After d., write the county where the assistant is registered (example: Fresno). Write their registration number (e.) and the date (f.) their registration expires (ends).
- 26 Write the date and print your name on the left. Sign your name on the right.
- 27 Write the date and print your name on the left. Sign your name on the right.

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SUM-130

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

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO): **1**

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE): **2**

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

You have 5 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. (To calculate the five days, count Saturday and Sunday, but do not count other court holidays. If the last day falls on a Saturday, Sunday, or a court holiday then you have the next court day to file a written response.) A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), 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.

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 este 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.courtinfo.ca.gov/selfhelp/espanol/), 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 de 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.courtinfo.ca.gov/selfhelp/espanol/) o poniéndose en contacto con la corte o el colegio de abogados locales.

1. The name and address of the court is:
(El nombre y dirección de la corte es): **4**

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): **5**

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)

(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).)

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): _____ Page 1 of 2

Form Adopted for Mandatory Use
Judicial Council of California
SUM-130 (Rev. January 1, 2004)

SUMMONS—UNLAWFUL DETAINER—EVICTION

Code of Civil Procedure, §§ 412.20, 415.456, 1187

How to fill out

SUMMONS – UNLAWFUL DETAINER SUM-130

DIRECTIONS

- ▶ Find the number on the sample form.
Example: 1
- ▶ Go to the same number below to find out how to fill out the form.
- ▶ Type or print in black ink.
- ▶ Leave the case number box blank. The clerk will give you a case number and add this to your copies.

- 1** Write the name of the person(s) you are suing (Defendant).
- 2** You are the Plaintiff. Write your name here.
- 3** There is nothing to fill out. This is information for the Defendant, but you should read it also.
- 4** The name and address of the court is: Superior Court of California – County of Madera, 200 S. G Street, Madera, CA 93637
- 5** Write your name, address and phone number.
- 6**
 - If you filled out this form, or if someone helped you fill out this form and was not paid, check the first box.
 - If someone helped you fill out the form and was paid check the second box.
- 7** Do nothing. The court clerk signs and dates the form here.
- 8** Mark box (c) “as an occupant”.

How to fill out

SUM-130

Summons—Unlawful Detainer - page two -

DIRECTIONS

- ▶ Find the number on the sample form.
Example: 10
- ▶ Go to the same number below to find out how to fill out the form.
- ▶ Type or print in black ink.
- ▶ Fill out one proof of service form for each defendant.

SUM-130	
PLAINTIFF (Name):	CASE NUMBER:
DEFENDANT (Name): 9	

6. **Unlawful detainer assistant** (complete if plaintiff has received any help or advice for pay from an unlawful detainer assistant):

10 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):

Form No. SUM-130 (Rev. January 1, 2004) **SUMMONS—UNLAWFUL DETAINER—EVICTION** Page 2 of 2

- 9 Write your name after Plaintiff. Write the name of the Defendant(s).
- 10 Fill out the rest of this section ONLY if you received help for pay.
- (a) Write the name of the person you paid to help you.
 - (b) Write their telephone number.
 - (c) Write their address.
 - (d) Write the county where the assistant is registered (example: Fresno).
 - (e) Write their registration number.
 - (f) The date their registration expires (ends).

How to fill out

**PREJUDGMENT CLAIM OF
RIGHT TO POSSESSION –
UNLAWFUL DETAINER
Form CP10.5**

DIRECTIONS

- ▶ Leave this page blank—Unknown Defendants (if any) fill out this form.

NOTICE: ANYONE WHO LIVES IN THE 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 within 10 days of the date of service shown on this form, you will be evicted without further hearing by the court, along with the persons named in the Summons and Complaint.
2. If you do file this form, your claim will be determined in the eviction action against the persons named in the Complaint.
3. If you do not file this form, you may be evicted without further hearing.

PLAINTIFF (If you are the Plaintiff, please print name):	DEFENDANT (Name and address):
COUNTY OF SAN DIEGO	
NAME OF COURT:	
STREET ADDRESS:	
CITY AND STATE:	
ZIP CODE:	
COURT PHONE:	
COURT WEBSITE:	
COURT HOURS:	
COURT CASE NUMBER:	
PREJUDGMENT CLAIM OF RIGHT TO POSSESSION	
DATE OF SERVICE:	

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 premises on or before the date the unlawful detainer (eviction) Complaint was filed.
3. You still occupy the premises.

(To be completed by the process server)
DATE OF SERVICE:

(Date that this form is served or delivered, not posted) and mailed by the officer or process server.

I DECLARE THE FOLLOWING UNDER PENALTY OF PERJURY:

1. My name is (please):
2. I reside at (street address, unit no., city and ZIP code):
3. The address of the premises subject to this claim is (please):
4. On (please date) [redacted], the landlord or the landlord's authorized agent filed a complaint to recover possession of the premises. (The date is the court filing date on the accompanying Summons and Complaint.)
5. I occupied the premises on the date the complaint was filed (the date is date 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 is date 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 is date 4).
8. I was not named in the Summons and Complaint.
9. I understand that if I make this claim of right to possession, I will be added as a defendant to the unlawful detainer (eviction) action.
10. (Please check) I understand that I must go to the court and pay a filing fee of \$ [redacted] or file with the court the form "Application for Waiver of Court Fees and Costs." I understand that if I don't pay the filing fee or file with the court the form for waiver of court fees within 10 days from the date of service on this form (excluding court holidays), I will not be entitled to make a claim of right to possession.

Continued on reverse

CP10.5 (Rev. 1/18) PREJUDGMENT CLAIM OF RIGHT TO POSSESSION FORM CP10.5 (Rev. 1/18) **PROCESSED**

Leave this form blank. This form may be served on **unknown** tenants as part of the entire packet **if** there are tenants other than the named defendant(s) and you would like to have them evicted, also.

A Prejudgment Claim of Right To Possession may be served with a summons and complaint. A judgment that includes eviction of all other occupant(s) (prejudgment claim of right to possession) will prevent the other occupant(s) from filing a Post Judgment Claim of Right to Possession. If the landlord believes there are others living in the residence, the landlord may want to serve a prejudgment claim of right to possession. If this document is served, it will delay the entry of judgment by default because the “other occupant(s)” have 10 days in to file this document AND an Answer from the date of mailing. A default may still be filed against the named party.

Only a marshal, sheriff, or registered process server may serve a Prejudgment Claim of Right to Possession on all persons at the residence at the time of service. It must also be posted in a conspicuous place (such as a door) AND mailed to the residence. It must be addressed to “All Occupants.”

If after ten days from the date of mailing there is no filing of this form AND an Answer with the court by unnamed occupants, the plaintiff requests a default judgment against all other unnamed occupants.

How to fill out

**ANSWER –
Unlawful Detainer
UD-105**

DIRECTIONS

▶ Leave this page blank – Defendant fills out this form.

<small>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address):</small>	<small>TELEPHONE NO.:</small>	<small>FOR COURT USE ONLY</small>
<small>ATTORNEY FOR (Name):</small>		
<small>NAME OF COURT:</small>		
<small>STREET ADDRESS:</small>		
<small>MAILING ADDRESS:</small>		
<small>CITY AND ZIP CODE:</small>		
<small>BRANCH NAME:</small>		
<small>PLAINTIFF:</small>		
<small>DEFENDANT:</small>		
ANSWER—Unlawful Detainer		<small>CASE NUMBER:</small>

1. Defendant (names):
answers the complaint as follows:

2. Check ONLY ONE of the next two boxes:

a. Defendant generally denies each statement of the complaint. (Do not check this box if the complaint demands more than \$1,000).

b. Defendant admits that all of the statements of the complaint are true EXCEPT
(1) Defendant claims the following statements of the complaint are false (use paragraph numbers from the complaint or explain):

Continued on Attachment 2b(1).

(2) Defendant has no information or belief that the following statements of the complaint are true, so defendant denies them (use paragraph numbers from the complaint or explain):

Continued on Attachment 2b(2).

3. AFFIRMATIVE DEFENSES (NOTE: For each box checked, you must state brief facts to support it in the space provided at the top of page two (Item 3)).

a. (nonpayment of rent only) Plaintiff has breached the warranty to provide habitable premises.

b. (nonpayment of rent only) Defendant made needed repairs and properly deducted the cost from the rent, and plaintiff did not give proper credit.

c. (nonpayment of rent only) On (date): _____, before the notice to pay or quit expired, defendant offered the rent due but plaintiff would not accept it.

d. Plaintiff waived, changed, or canceled the notice to quit.

e. Plaintiff served defendant with the notice to quit or filed the complaint, plaintiff is retaliating against defendant.

f. By serving defendant with the notice to quit or filing the complaint, plaintiff is arbitrarily discriminating against the defendant in violation of the Constitution or laws of the United States or California.

g. Plaintiff's demand for possession violates the local rent control or eviction control ordinance of (city or county, title of ordinance, and date of passage): _____

(Also, briefly state the facts showing violation of the ordinance in item 3.)

h. Plaintiff accepted rent from defendant to cover a period of time after the date the notice to quit expired.

i. Other affirmative defenses are stated in item 3.

(Continued on reverse)

Form Approved by the Judicial Council of California 992.1(93) (Rev. January 1, 1997)

ANSWER—Unlawful Detainer

WEST GROUP
Official Publisher

Civil Code, § 1940 et seq.; Code of Civil Procedure, § 425.12

Leave this form (both pages) blank. This form is served on defendant(s). The defendant(s) may choose to complete and file this form within five days of service. It must be served blank.

This page is intentionally left blank.

How to fill out

PROOF OF SERVICE OF SUMMONS (POS-010)

DIRECTIONS

- ▶ Find the number on the sample form. *Example:* 1
- ▶ Go to the same number below to find out how to fill out the form.
- ▶ Type or print in black ink
- ▶ Fill out one proof of service form for each defendant.

<div style="text-align: right; font-size: small;">POS-010</div> <div style="font-size: x-small;">(A LEGIST OF EACH COUNTY OF CALIFORNIA (name, State Bar number, and address))</div> <div style="font-size: x-small;">FILING COUNTY AND YEAR</div> <div style="border: 1px solid black; padding: 5px;"><div style="display: flex; justify-content: space-between;"><div style="width: 45%;"><p>1. TELEPHONE NO. (Area and Number) FAX NO. (Area and Number)</p></div><div style="width: 5%; text-align: center;">1</div></div><p>2. SUPERIOR COURT OF CALIFORNIA, COUNTY OF COURT ADDRESS MAILING ADDRESS CITY AND ZIP CODE REGISTRATION</p></div> <div style="border: 1px solid black; padding: 5px;"><p>3. PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:</p></div> <div style="border: 1px solid black; padding: 5px;"><p>4. CASE NUMBER:</p></div>	<p>5. (Separate proof of service is required for each party served.)</p> <p>6. I served copies of:</p> <ul style="list-style-type: none">a. <input type="checkbox"/> summonsb. <input type="checkbox"/> complaintc. <input type="checkbox"/> Alternative Dispute Resolution (ADR) packaged. <input type="checkbox"/> Civil Case Cover Sheet (served in complex cases only)e. <input type="checkbox"/> cross-complaintf. <input type="checkbox"/> other (specify document): <p>7. a. Party served (specify name of party or above on documents served):</p> <p>b. Person served: <input type="checkbox"/> party in item 3a <input type="checkbox"/> other (specify name and relationship to the party named in item 3a):</p> <p>8. Address where the party was served:</p> <p>9. I served the party (check proper box):</p> <ul style="list-style-type: none">a. <input type="checkbox"/> 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. <input type="checkbox"/> 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 3a): <ul style="list-style-type: none">(1) <input type="checkbox"/> (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) <input type="checkbox"/> (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) <input type="checkbox"/> (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) <input type="checkbox"/> 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., § 415.23). I mailed the documents on (date): from (city): or <input type="checkbox"/> a declaration of mailing is attached.(5) <input type="checkbox"/> I attach a declaration of diligence stating actions taken first to attempt personal service. <div style="font-size: x-small; display: flex; justify-content: space-between;">Form Adopted for Use by the Judicial Council of California POS-010 (Rev. July, 2004)Code of Civil Procedure, § 417.10Amicus Legal, Inc. www.LJECourForms.com</div>
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- 1 Write your name, address, phone, and fax number (if you have one).
- 2 If not filled in for you, write "Madera" after COUNTY OF. Write the address of the court location where you are filing your papers.
- 3 Fill in the names of the Plaintiff and Defendant. (The Plaintiff is the person that starts a case against another person, the Defendant.)
- 4 Your case number needs to be on the form **DO NOT FILL OUT THE REST OF THIS PAGE: *the process server fills out the rest of this form.***
- 5 **Process Server:** You must be at least 18 years old and not involved with this case. Check boxes for each legal paper delivered. If you served papers other than the four listed, check the "other" box and write the names of the documents.
- 6 Write the name of the Defendant as the party served. For b. check the first box if you delivered the legal papers to the Defendant. Check the second box if you delivered them to another person. Write the name of this person, and explain their relationship to the Defendant (husband or wife, adult family member, roommate).
- 7 Write the address where you delivered the legal papers.
- 8 Check **by personal service** if you delivered the papers to the Defendant or their authorized agent for service. Include the date and time. Check **by substituted service** if you left the papers with someone other than the Defendant. Include date and time. Write the name of the person, their title or relationship to the Defendant.
- 9 Check the box that says where you delivered the legal papers:
 - **Business** (1), Defendant's **home** (2), or other place (**address not known** and NOT a U.S. post office box). NOTE: The person receiving the legal papers must be at least 18 years of age.
 - If you served the documents by substitute service, you must check (4) and ALSO mail copies of the papers to the Defendant at the address of the residence. Include date and city of mailing.
 - If you served a defendant by substituted service, check the box that says you are attaching a **declaration of diligence** and attach one.

PLAINTIFF/PETITIONER:	10	CASE NUMBER:
DEFENDANT/RESPONDENT:		

c. **11** 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* (form 982(a)(4)) and a postage-paid return envelope addressed to me. (Attach completed *Notice and Acknowledgment of Receipt* (form 982(a)(4)).) (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): _____

12 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): **13** _____

c. 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"/> 416.80 (authorized person)
<input type="checkbox"/> 416.50 (public entity)	<input type="checkbox"/> 415.46 (occupant).
	<input type="checkbox"/> other _____

7. **Person who served papers** **14**

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) registered California process server:

(i) Employee or 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 **15**

9. I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: _____ **16** _____

(NAME OF PERSON WHO SERVED PAPERS-SHERIFF OR MARSHAL) _____ (SIGNATURE) _____

POS-010 (Rev. January 4, 2004) PROOF OF SERVICE OF SUMMONS Page 2 of 2

PROOF OF SERVICE OF SUMMONS (POS-010)

- page two -

DIRECTIONS:

- ▶ Find a number on the sample form
Example: **10**
- ▶ Go to the same number below to find out how to fill out the form
- ▶ Type or print in black ink
- ▶ Fill out one proof of service form for each defendant.

- 10** Fill in the names of the Plaintiff and Defendant. Your case number needs to be on the form. **DO NOT FILL OUT THE REST OF THIS PAGE. The process server fills out the rest of the form.**
- 11** *Process Server:* This section continues from the previous page.
 - Check c., if you served the legal papers using first class mail and postage prepaid. Include date and city of mailing (example: Fresno). You must also check either box 3 or box 4, whichever applies.
 - Check box 3 and include two copies of "Notice and Acknowledgment of Receipt" and a postage-paid envelope addressed to YOU. Be sure to attach the completed "Notice and Acknowledgment" form
 - Check box 4, IF you mailed the legal papers to an address outside of California with "return receipt requested." You must also attach the signed return receipt or other evidence showing that the defendant actually received the letter (this is done by restricting delivery to the defendant only).
- 12** Check d, if you served the legal papers some other way. Write the method in the space provided and include the legal code that gives you permission to do this. Check box and attach an additional page if you need more space.
- 13** Check all boxes that apply concerning the "Notice to the Person Served." Write names where asked. Check box a) if a person, b) if a person sued under fictitious name, or c) if for another person. If d) check the code number.
- 14** *Process server:* You must write your name, address, and telephone number. If you were paid for delivering the legal papers, write that amount in d. For e, check all boxes that apply and fill in information where asked.
- 15** Check first box if you are NOT a California sheriff or marshal. Check second box if you are a sheriff or marshal in California.
- 16** Date the form. Type or print your name on the left. Sign your name on the right.

PLAINTIFF/PETITIONER DEFENDANT/RESPONDENT: 10	CASE NUMBER
---	-------------

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)

11 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

12 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

13 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: **14** _____
 (TYPE OR PRINT NAME) (SIGNATURE OF DECLARANT)

7. Memorandum of costs (required if money judgment requested). Costs and disbursements are as follows (Code Civ. Proc., § 1033.5):

a. Clerk's filing fees	\$ _____
b. Process server's fees	\$ _____
c. Other (specify):	\$ _____ 15
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: **16** _____
 (TYPE OR PRINT NAME) (SIGNATURE OF DECLARANT)

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

17 I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
 Date: **18** _____
 (TYPE OR PRINT NAME) (SIGNATURE OF DECLARANT)

98200(6) (Rev. February 16, 2016) REQUEST FOR ENTRY OF DEFAULT Page 2 of 2

REQUEST FOR ENTRY OF DEFAULT (Application to Enter Default) CIV-100

- page two -

DIRECTIONS

- ▶ Find the number on the sample form.
Example: **15**
- ▶ Go to the same number below to find out how to fill out the form.
- ▶ Type or print in black ink.
- ▶ Write the case number where circled above.

- 10** Write your name (Plaintiff) vs. the name of the primary or main Defendant. Example: *Smith vs. Johnson*
- 11**
 - If someone helped you fill out this form and was not paid, check the first box. Check this box even if no one helped you.
 - *If someone helped you fill out the form and was paid check the second box.*
 - Fill out the rest of this section ONLY if you received help for pay. Write this person's name, address and phone number. After d, write the county where the assistant is registered (example: Fresno). Write their registration number (e) and the date (f) their registration expires (ends).
- 12** Check box 5. For a, b and c, "is not" is usually checked for all unlawful detainer cases.
- 13** Do not check box a. Check box b instead, and then list all persons to whom you mailed a copy of this form under (2). List the actual day you mailed the copies under (1).
- 14** Date the form. Type or print your name on the left. Sign your name on the right.
- 15** The court will not pay for your legal costs, but may award them in your judgment. You cannot get money awarded to you at the time of a Clerk's Judgment. Complete lines a through f as needed.
- 16** Date the form. Type or print your name on the left. Sign your name on the right.
- 17** Check box 8, if **none of the defendants in this case are in the military**. If any of the tenants are in the military, you cannot enter a default without certain requirements being met. Seek advice from an attorney.
- 18** Date the form. Type or print your name on the left. Sign your name on the right.

How to fill out

**DECLARATION FOR
DEFAULT JUDGMENT BY
COURT –
UNLAWFUL DETAINER
Form UD-116**

DIRECTIONS

► Find the number on the sample form.

Example: ①

► Go to the same number below to find out how to fill out the form.

► Type or print in black ink.

► **NOTE: ONLY USE THIS FORM FOR COURT JUDGMENTS FOR MONEY DAMAGES**

- ① Write your name and address. You may also write your phone, fax and email address, but this is your choice.
- ② If not filled in for you, write “Madera” after COUNTY OF. Write the address of the court location where you are filing your papers.
- ③ Write your name as the Plaintiff, and the names of the other plaintiffs if any. After Defendant, write the name(s) of all adults living in the residence (house, apartment). If there are adults living in the residence whose names you do not know, write “And DOES 1 TO _____” and fill in the number of additional defendants.
- ④ Write the case number.
- ⑤ Check box 1a. For b, check the box that best describes the plaintiff(s).
- ⑥ Write the address of the property and include the zip code. This is very important.
- ⑦ Mark the box “written” if the lease agreement was in writing, or the box indicating an “oral” agreement. Write the date the agreement occurred. List all the names of all the defendants. Then, write how rent was to be paid according to the agreement, and how much rent.
- ⑧ Mark box 4b. Mark “to the original complaint” if you attached a copy of the agreement to the complaint when you started this case. If you did not, check the box and attach the agreement to this form and mark it “Exhibit 4b.”
- ⑨ For item 5, mark this box if the agreement has changed since it was first made. Then complete items a through f by checking the boxes that apply and supply the information requested on the form. If additional space is needed, attach a sheet of paper and write “Attachment 5a” at the top.

Plaintiff (Name): **10** Defendant (Name): **11**

6. Notice to quit:

a. 3-day notice to pay rent or quit: (1) 3-day notice to pay rent or quit; (2) 3-day notice to permit occupancy or quit; (3) Other (Specify):

b. 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 locks were changed in the 3-day notice under terms not consistent with the agreed rental terms, e.g., apartment or other occupancy for daily use and any person, pet, animal, vehicle, furniture, appliance, or other contents of the premises.

d. The original or copy of the notice specified in item 6 is attached to (Specify) the original complaint. The declaration, verified complaint, (throughout the copy) or the affidavit made about the actual date of delivery of the notice to the defendant.

7. Service of notice:

a. The notice was served on defendant(s) (Name(s)): (1) personally on (Date); (2) by certified mail, including a copy mailed to the defendant, on (Date); (3) by posting and mailing on (Date); (4) Appropriate court or public possession was served on the occupants pursuant to Code of Civil Procedure section 510.04.

8. Proof of service of notice. The original or copy of the proof of service of the notice in item 7 is attached to (Specify): a. the original complaint; b. the declaration, verified complaint, (true original and copy of the proof of service) or the affidavit of the declarant or the declarant's attorney.

9. Notice expired on (Date) **15**. The notice in item 6 expired at the expiration of (Specify) calendar days to comply with the requirements of the notice. Yes, no money has been received and no occupant has the notice signed.

10. The total value of the property is \$ (rent per month) x (months) (if monthly occupancy) per day, calculated as follows:

a. Rent per month; b. (Specify) (if monthly occupancy); c. Rent per month divided by 30; d. Other (Specify):

11. Possession of the premises:

a. vacated the premises on (Date); b. continues to occupy the property on (Date) (if occupancy).

12. Hidden damages. Defendant has calculated the total damages as follows:

a. Damages claimed in the complaint began on (Date); b. Damages accrued through (Date) (Specify item 11); c. Number of days that damages accrued (Specify) (Specify in item 11); d. Total amount of damages (Specify) (Specify item 11) (Specify in item 11).

13. Reasonable attorney fees are authorized in the lease or rental agreement pursuant to paragraph (Specify) and reasonable attorney fees for plaintiff's attorney: \$ (Specify) New 8

14. Court costs in the case, including the filing fee, are \$ (Specify)

DECLARATION FOR DEFAULT JUDGMENT BY COURT
Unlawful Detainer—Code Civ. Proc., § 510(d)

DECLARATION FOR DEFAULT JUDGMENT BY COURT – Unlawful Detainer Form UD-116

- page two -

DIRECTIONS

- ▶ Find the number on the sample form.
Example: **10**
- ▶ Go to the same number below to find out how to fill out the form.
- ▶ Type or print in black ink.
- ▶ **NOTE: ONLY USE THIS FORM FOR COURT JUDGMENTS FOR MONEY DAMAGES**

- 10** Write only your name after Plaintiff, and write the name of the primary or main Defendant.
- 11** Write the case number
- 12** Mark box 6 and mark the box that describes the type of notice that was served on the defendant(s).
- 13** For number 7, write the names of all defendants. For boxes (1-3) mark the box describing each defendant was served. Make sure to write the date that each defendant was served.
- 14** For box 8, mark the appropriate box describing to which form you attached the Proof of Service of the notice.
- 15** For box 9, write the date the Notice expired.
- 16** For box 10, if you requested money on your complaint, complete this section by marking the box that indicates how you calculated the money owed. Note: the amount shown here must not exceed the amount requested on the complaint.
- 17** Mark box a if the defendant has vacated the property and the date defendant left the property. If the defendant continues to reside at the property, mark box b and write today's date.
- 18** If you are requesting money damages, check box 12 and write the answers at the end of a through d.
- 19** Do not mark this box because if you have an attorney, you should not be using this packet.
- 20** If you are requesting court costs, including the filing fee you paid for this action, write that amount after the dollar sign.

PLAINTIFF (Name) _____ DEFENDANT (Name) _____

21 22

23 Check all boxes if appropriate on date of payment for:
 A. MONEY JUDGMENT ONLY

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

Attorney fees are to be paid by (define)

24 D. Possession of the premises in this case is/has already been adjudicated previously in this case.
 C. Cancellation of the rental agreement. Forfeiture of the lease.

I declare under penalty of perjury under the pains and penalties that the foregoing is true and correct.

DATE: _____

25 _____

Summary of Exhibits

26 Exhibit: original rental agreement.
 Exhibit: copy of rental agreement with declaration and order to seal the copy.
 Exhibit: copy of notice of change in terms.
 Exhibit: original agreement for change of terms.
 Exhibit: copy of agreement for change in terms with declaration and order to seal the copy.
 Exhibit: original or copy of the notice to quit under tenancy at will or at sufferance and declaration of non-renewal or waiver (original containing).
 Exhibit: original or copy of notice of termination of tenancy at will or at sufferance and declaration of non-renewal or waiver (original containing).
 Other exhibits (specify number and describe):

DECLARATION FOR DEFAULT JUDGMENT BY COURT
 (Unlawful Detainer—Code Civ. Proc., § 410.20)

DECLARATION FOR DEFAULT JUDGMENT BY COURT –Unlawful Detainer Form UD-116

- page three -

DIRECTIONS

- ▶ Find the number on the sample form.
Example: 21
- ▶ Go to the same number below to find out how to fill out the form.
- ▶ Type or print in black ink.
- ▶ **NOTE: ONLY USE THIS FORM FOR COURT JUDGMENTS FOR MONEY DAMAGES**

- 21 Write only your name after Plaintiff, and write the name of the primary or main Defendant.
- 22 Write the case number.
- 23 If you are not the landlord and you are filing this on behalf of the landlord and you are requesting a money judgment mark box 15. If you are requesting a money judgment, mark box a, and complete the appropriate boxes and dollar amounts.
- 24 For box b, check this box only if a clerk's judgment for possession was not entered previously in this case. Mark box c if you would like the court to cancel the rental agreement or if you want the court to order forfeiture of the lease.
- 25 Write the date and print your name on the left. Sign your name on the right.
- 26 If you have attached documents to this form, you must mark the appropriate boxes informing the court that you have done so and what each attachment (exhibit) is.

This page is intentionally left blank.

How to fill out

JUDGMENT UNLAWFUL DETAINER Form UD-110

DIRECTIONS

► Find the number on the sample form.

Example: ①

► Go to the same number below to find out how to fill out the form.

► Type or print in black ink.

The image shows a sample of the 'JUDGMENT UNLAWFUL DETAINER' form (UD-110). The form is divided into several sections. Callout 1 points to the top left section for the filer's name and address. Callout 2 points to the 'SUPERIOR COURT OF CALIFORNIA, COUNTY OF' section. Callout 3 points to the 'PLAINTIFF' and 'DEFENDANT' sections. Callout 4 points to the 'CASE NUMBER' field. Callout 5 points to the 'BY CLERK' checkbox. Callout 6 points to the 'BY COURT' checkbox. Callout 7 points to the 'BY DEFAULT' checkbox. Callout 8 points to the 'POSSESSION ONLY' checkbox. Callout 9 points to the 'AFTER COURT TRIAL' section. The form also includes checkboxes for 'MYSELF' and 'BY COURT' under the 'JUDGMENT' section, and various options for the type of judgment sought (e.g., 'BY CLERK', 'BY COURT', 'BY DEFAULT', 'POSSESSION ONLY').

- ① Write your name and address. You may also write your phone, fax and email address, but this is your choice.
- ② If not filled in for you, write “Madera” after COUNTY OF. Write the address of the court location where you are filing your papers.
- ③ Write your name as the Plaintiff, and the names of the other plaintiffs if any. After Defendant, write the name(s) of all adults living in the residence (house, apartment). If there are adults living in the residence whose names you do not know, write “And DOES 1 TO ____” and fill in the number of additional defendants.
- ④ Write the case number.
- ⑤ Check the box “By Clerk” if you are seeking a judgment for **possession only** of the residence (house, apartment). Check the box “By Court” if you are seeking a money judgment. A money Judgment is obtained for past-due rent, holdover damages, costs and other fees incurred by you. You cannot obtain a Judgment for attorney’s fees if an attorney does not represent you. If an attorney represents you in this case, you should not be using this packet.
- ⑥ Check box “By Default.” Check box “Possession Only” if you are only seeking a judgment for possession of the residence (house, apartment). If you obtain a Judgment for possession of the residence only, you have 4 months to request a money Judgment by Default.
- ⑦ Check box 1 next to the words “BY DEFAULT”.
- ⑧ If you checked box “By Clerk” at item 5 above for possession only, check box d. If you checked box “By Court” for a money judgment, check box e and box (2).
- ⑨ Leave the remainder of this page blank because this packet is designed for an uncontested action. If you had a hearing, you should consult with an attorney prior to completing this form.

JUDGMENT UNLAWFUL DETAINER Form UD-110

- page two -

DIRECTIONS

- ▶ Find the number on the sample form.
Example: 10
- ▶ Go to the same number below to find out how to fill out the form.
- ▶ Type or print in black ink.

- 10 Write only your name after Plaintiff, and write the name of the primary or main Defendant.
- 11 Write the case number.
- 12 Mark the box next to “The Court” if you are asking for a money judgment. Mark the box next to “The Clerk” if you are filing a judgment for possession only.
- 13 Mark box 3a and write the name of each petitioner. Below that, write the name of each defendant.
- 14 Mark box 4 next to “Plaintiff” and write the address of the residence you are seeking to repossess. Make sure to include the street address, apartment number, city, county, and the zip code.
- 15 If you know there are other tenants who are unknown to you and you served a Prejudgment Claim of Right to Possession when you served the Summons and Complaint, mark this box. Remember, this packet is designed for the uncontested action. If your action was contested, you should consult with an attorney.
- 16 For box 6a, if you requested money on your complaint and you are requesting a **money judgment**, complete this section by marking the box that indicates how you calculated the money owed and by writing the dollar amounts. Write the total amount in the bottom of the box. Leave box 6b blank.
- 17 If you are requesting the court to cancel the rental agreement, mark this box. If you are requesting the court to forfeit the lease, mark that box.
- 18 LEAVE THE REST OF THIS FORM BLANK.

How to fill out

WRIT OF EXECUTION EJ-130

DIRECTIONS

- ▶ Find the number on the sample form.

Example: ①

- ▶ Go to the same number below to find out how to fill out the form.

- ▶ Type or print in black ink.

The image shows a sample form titled "WRIT OF EXECUTION EJ-130". The form is divided into several sections. At the top left, there is a box for the filer's information, including telephone number, fax number, and attorney information. This is circled with a '1'. Below this is the Superior Court of California, County of Madera, with a circled '2'. The Plaintiff and Defendant names are listed in a section circled with a '3'. The type of writ is selected in a section circled with a '4', with options for Execution (Money Judgment), Possession of Personal Property, Real Property, and Sale. The case number is entered in a section circled with a '5'. Below the form, there are numbered instructions from 1 to 10, each pointing to a specific part of the form. Instruction 1 points to the filer's information. Instruction 2 points to the court information. Instruction 3 points to the plaintiff and defendant names. Instruction 4 points to the type of writ. Instruction 5 points to the case number. Instruction 6 points to the county name. Instruction 7 points to the judgment creditor information. Instruction 8 points to the judgment debtor information. Instruction 9 points to the date judgment was entered. Instruction 10 points to the amount of judgment.

- ① Write your name and address. Write your phone to the right.
- ② If not filled in for you, write "Madera" after COUNTY OF. The address is: 200 South G St., Madera, CA 93637
The Branch Name is: Civil Division.
- ③ Write your name after Plaintiff. Write the name of the primary or main Defendant.
- ④ Check "possession of" and "real property." "Execution (Money Judgment)" can also be checked if a money judgment was awarded.
- ⑤ Write the case number here.
- ⑥ Write "Fresno" after County of (where circled).
- ⑦ Write your name and check "judgment creditor." (Plaintiff is the judgment creditor.)
- ⑧ Write the names of each defendant and their last known address. (Defendant is the judgment debtor.) If more than two defendants, check "additional judgment debtors on reverse."
- ⑨ Enter the day judgment was entered if known (if the case went to a court trial the date would be known). If you turn in this form along with a Request for Entry of Default, leave the date blank and the clerk will fill in the date.
- ⑩ Skip to the right column and check box 9. If a Court Judgment was obtained, money amounts may be filled in. If this writ is to take possession of property, do not fill in money amounts.

DO NOT fill out the rest of this form. Go to page two of the Writ of Execution.

WRIT OF EXECUTION EJ-130

- page two -

DIRECTIONS

- ▶ Find the number on the sample form.
Example: 11
- ▶ Go to the same number below to find out how to fill out the form.
- ▶ Type or print in black ink.
- ▶ Fill in the case number where circled above.

PLAINTIFF:	11	Case Number:	
DEFENDANT:			

—Items continued from page 1—

21. Additional judgment debtor (name 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 909-904)

a. on (date):

b. name and address of joint debtor:

a. on (date):

b. name and 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 415.45. 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 415.45.

(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 date (specify): _____

b. Ejection of personal property. If delivery cannot be had, file for the value (itemize in 14) specified in the judgment or supplemental order.

c. Sale of personal property.

d. Sale of real property.

e. Description of property:

14

NOTICE TO PERSON SERVED

WRIT OF EXECUTION OR SALE. Your rights and duties are indicated on the accompanying Notice of Levy (Form EJ-190).
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 417a 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.
If a Claim of Right to Possession form accompanies this writ (unless the Summary was served in compliance with CCP 415.45).

WRIT OF EXECUTION

11 Write your name (Plaintiff) vs. the primary or main Defendant's name. Example: *Smith vs. Johnson*

12 This is the same item 4 continued from the first page. If you checked the box, "additional judgment debtors on reverse," check this box and write additional names and addresses here. Space is provided for two defendants (judgment debtors).

DO NOT fill out 7 and 8.

- 13
- Check box 24, and check a. Fill in the date you filed the Complaint.
 - Read (1) and (2). Decide which best describes your situation then check (1) or (2), but not both.
 - If you choose (1), a "proof of service on a prejudgment claim of right to possession" must be filed with the court.
 - If you check (2) fill in the daily rental value (a) and the court date (b) if known.

14 Describe the property by writing the complete address. Include the zip code and street references such as North (N), South (S), East (E) or West (W). Also include the apartment or unit number if any.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):		FOR COURT USE ONLY	
TELEPHONE NO.: ATTORNEY FOR (Name): In Pro Per		FAX NO.:	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF MADERA			
STREET ADDRESS: 200 South G Street			
MAILING ADDRESS: same			
CITY AND ZIP CODE: Madera, CA 93637			
BRANCH NAME: Civil Division			
CASE NAME:			
CIVIL CASE COVER SHEET <input type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)		Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	
CASE NUMBER:		JUDGE:	
		DEPT.:	

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

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

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

Page 1 of 2

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

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

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
- (2) 30-day notice to quit
- (3) 60-day notice to quit
- (4) 3-day notice to perform covenants or quit
- (5) 3-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


- | | |
|--|---|
| a. possession of the premises. | f. <input type="checkbox"/> damages at the rate stated in item 11 from |
| b. costs incurred in this proceeding: | <i>(date)</i> : _____ for each day that |
| c. <input type="checkbox"/> past-due rent of \$ | defendants remain in possession through entry of judgment. |
| d. <input type="checkbox"/> reasonable attorney fees. | g. <input type="checkbox"/> statutory damages up to \$600 for the conduct alleged in item 12. |
| e. <input type="checkbox"/> forfeiture of the agreement. | 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:)*
- | | |
|--|-------------------------------|
| a. Assistant's name: | c. Telephone No.: |
| b. Street address, city, and zip code: | 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)

This page is intentionally left blank.

SUMMONS
(CITACIÓN 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):

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 5 days. You have 5 DAYS, not counting Saturdays and Sundays and other judicial holidays, after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff.

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.courts.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services website (www.lawhelpca.org), the California Courts Online Self-Help Center (www.courts.ca.gov/selfhelp), or by contacting your local court or county bar association.

¡AVISO! Usted ha sido demandado. Si no responde dentro de 5 días, el tribunal puede emitir un fallo en su contra sin una audiencia. Una vez que le entreguen esta citación y papeles legales, solo tiene 5 DÍAS, sin contar sábado y domingo y otros días feriados del tribunal, para presentar una respuesta por escrito en este tribunal y hacer que se entregue una copia al demandante.

Una carta o una llamada telefónica no lo protege. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en 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 presenta su respuesta a tiempo, puede perder el caso por falta de comparecencia y se le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.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 local.

FEE WAIVER: If you cannot pay the filing fee, ask the clerk for a fee waiver form. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

EXENCIÓN DE CUOTAS: Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos con un gravamen sobre cualquier cantidad de \$10,000 ó más 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 desestimar el caso.

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

Madera Superior Court
200 South G Street
Madera, CA 93637

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):

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

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

4. **Unlawful detainer assistant** (complete if plaintiff has received any help or advice for pay from an unlawful detainer assistant):

- a. Assistant's name:
- b. Telephone no.:
- c. Street address, city, and zip:

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

Date: _____ 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, (form POS-010)).

[SEAL]

5. NOTICE TO THE PERSON SERVED: You are served

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

under: <input type="checkbox"/> CCP 416.10 (corporation).	<input type="checkbox"/> CCP 416.60 (minor).
<input type="checkbox"/> CCP 416.20 (defunct corporation).	<input type="checkbox"/> CCP 416.70 (conservatee).
<input type="checkbox"/> CCP 416.40 (association or partnership).	<input type="checkbox"/> CCP 416.90 (authorized person).
<input type="checkbox"/> CCP 415.46 (occupant).	<input type="checkbox"/> other (specify):
- e. by personal delivery on (date):

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 (Name and Address):	TELEPHONE NO.:	FOR COURT USE ONLY
ATTORNEY FOR (Name):		
NAME OF COURT: MADERA SUPERIOR COURT STREET ADDRESS: 200 South G Street MAILING ADDRESS: same CITY AND ZIP CODE: Madera, CA 93637 BRANCH NAME: Civil Division		
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.		(To be completed by the process server) DATE OF SERVICE: (Date that form is served or delivered, posted, and mailed by the officer or process server)

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)

PREJUDGMENT CLAIM OF RIGHT TO POSSESSION

Plaintiff: Defendant:	CASE NUMBER:
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11. If my landlord lost this property to foreclosure, I understand that I can file this form at any time before judgment is entered, and that I have additional rights and should seek legal advice.
12. I understand that I will have *five days* (excluding court holidays) to file a response to the Summons and Complaint after I file this Prejudgment Claim of Right to Possession form.

NOTICE: If you fail to file this claim, you will be evicted without further hearing.

13. **Rental agreement.** I have (*check all that apply to you*):
- a. an oral or written rental agreement with the landlord.
- b. an oral or written rental agreement with a person other than the landlord.
- c. an oral or written rental agreement with the former owner who lost the property to foreclosure.
- d. other (*explain*):

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

WARNING: Perjury is a felony punishable by imprisonment in the state prison.

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF CLAIMANT)

NOTICE: If you file this claim to possession, the unlawful detainer action against you will be determined at trial. At trial, you may be found liable for rent, costs, and, in some cases, treble damages.

- NOTICE TO OCCUPANTS -

YOU MUST ACT AT ONCE if all the following are true:

- 1. You are NOT named in the accompanying Summons and Complaint.**
- 2. You occupied the premises on or before the date the unlawful detainer (eviction) complaint was filed.**
- 3. You still occupy the premises.**

You can complete and SUBMIT THIS CLAIM FORM WITHIN 10 DAYS from the date of service (on the form) at the court where the unlawful detainer (eviction) complaint was filed. If you are a tenant and your landlord lost the property you occupy through foreclosure, this 10-day deadline does not apply to you. You may file this form at any time before judgment is entered. You should seek legal advice immediately.

If you do not complete and submit this form (and pay a filing fee or file a fee waiver form if you cannot pay the fee), YOU WILL BE EVICTED.

After this form is properly filed, you will be added as a defendant in the unlawful detainer (eviction) action and your right to occupy the premises will be decided by the court. *If you do not file this claim, you may be evicted without a hearing.*

ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NUMBER: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name): In Pro Per SUPERIOR COURT OF CALIFORNIA, COUNTY OF MADERA STREET ADDRESS: 200 South G Street MAILING ADDRESS: same CITY AND ZIP CODE: Madera, CA 93637 BRANCH NAME: Civil Division	FOR COURT USE ONLY
Plaintiff: Defendant:	
ANSWER - UNLAWFUL DETAINER	CASE NUMBER:

1. Defendant (each defendant for whom this answer is filed must be named and must sign this answer unless his or her attorney signs):

answers the complaint as follows:

2. **Check ONLY ONE of the next two boxes:**

- a. Defendant generally denies each statement of the complaint. (Do not check this box if the complaint demands more than \$1,000.)
- b. Defendant admits that all of the statements of the complaint are true EXCEPT
 - (1) defendant claims the following statements of the complaint are false (state paragraph numbers from the complaint or explain below or on form MC-025): Explanation is on MC-025, titled as Attachment 2b(1).

 - (2) defendant has no information or belief that the following statements of the complaint are true, so defendant denies them (state paragraph numbers from the complaint or explain below or on form MC-025): Explanation is on MC-025, titled as Attachment 2b(2).

3. **AFFIRMATIVE DEFENSES (NOTE: For each box checked, you must state brief facts to support it in item 3l (page 2).)**

- a. (Nonpayment of rent only) Plaintiff has breached the warranty to provide habitable premises.
- b. (Nonpayment of rent only) Defendant made needed repairs and properly deducted the cost from the rent, and plaintiff did not give proper credit.
- c. (Nonpayment of rent only) On (date): before the notice to pay or quit expired, defendant offered the rent due but plaintiff would not accept it.
- d. Plaintiff waived, changed, or canceled the notice to quit.
- e. Plaintiff served defendant with the notice to quit or filed the complaint to retaliate against defendant.
- f. By serving defendant with the notice to quit or filing the complaint, plaintiff is arbitrarily discriminating against the defendant in violation of the Constitution or the laws of the United States or California.
- g. Plaintiff's demand for possession violates the local rent control or eviction control ordinance of (city or county, title of ordinance, and date of passage): (Also, briefly state in item 3l the facts showing violation of the ordinance.)
- h. Plaintiff accepted rent from defendant to cover a period of time after the date the notice to quit expired.
- i. Plaintiff seeks to evict defendant based on an act against defendant or a member of defendant's household that constitutes domestic violence, sexual assault, stalking, human trafficking, or abuse of an elder or a dependent adult. (This defense requires one of the following: (1) a temporary restraining order, protective order, or police report that is not more than 180 days old; OR (2) a signed statement from a qualified third party (e.g., a doctor, domestic violence or sexual assault counselor, human trafficking caseworker, or psychologist) concerning the injuries or abuse resulting from these acts.)

CASE NUMBER: _____

3. AFFIRMATIVE DEFENSES (cont'd)

- j. Plaintiff seeks to evict defendant based on defendant or another person calling the police or emergency assistance (e.g., ambulance) by or on behalf of a victim of abuse, a victim of crime, or an individual in an emergency when defendant or the other person believed that assistance was necessary.
- k. Other affirmative defenses are stated in item 3l.
- l. Facts supporting affirmative defenses checked above (*identify facts for each item by its letter below or on form MC-025*):
 - Description of facts is on MC-025, titled as Attachment 3l.

4. OTHER STATEMENTS

- a. Defendant vacated the premises on (*date*):
- b. The fair rental value of the premises alleged in the complaint is excessive (*explain below or on form MC-025*):
 - Explanation is on MC-025, titled as Attachment 4b.
- c. Other (*specify below or on form MC-025 in attachment*):
 - Other statements are on MC-025, titled as Attachment 4c.

5. DEFENDANT REQUESTS

- a. that plaintiff take nothing requested in the complaint.
- b. costs incurred in this proceeding.
- c. reasonable attorney fees.
- d. that plaintiff be ordered to (1) make repairs and correct the conditions that constitute a breach of the warranty to provide habitable premises and (2) reduce the monthly rent to a reasonable rental value until the conditions are corrected.
- e. Other (*specify below or on form MC-025*):
 - All other requests are stated on MC-025, titled as Attachment 5e.

6. Number of pages attached: _____

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

7. (*Must be completed in all cases.*) An **unlawful detainer assistant** did not did for compensation give advice or assistance with this form. (*If defendant has received **any** help or advice for pay from an unlawful detainer assistant, state:*)
- a. assistant's name: _____
 - b. telephone number: _____
 - c. street address, city, and zip code: _____
 - d. county of registration: _____
 - e. registration number: _____
 - f. expiration date: _____

(Each defendant for whom this answer is filed must be named in item 1 and must sign this answer unless his or her attorney signs.)

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

VERIFICATION

(Use a different verification form if the verification is by an attorney or for a corporation or partnership.)

I am the defendant in this proceeding and have read this answer. 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 DEFENDANT)
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ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): In Pro Per	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF MADERA STREET ADDRESS: 200 South G Street MAILING ADDRESS: same CITY AND ZIP CODE: Madera, CA 93637 BRANCH NAME: Civil Division	
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:	CASE NUMBER:
DEFENDANT/RESPONDENT:	

5. c. **by mail and acknowledgment of receipt of service.** I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on *(date)*: _____ (2) from *(city)*: _____
- (3) with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (*Attach completed Notice and 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"/> 416.20 (defunct corporation)
<input type="checkbox"/> 416.30 (joint stock company/association)
<input type="checkbox"/> 416.40 (association or partnership)
<input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.95 (business organization, form unknown)
<input type="checkbox"/> 416.60 (minor)
<input type="checkbox"/> 416.70 (ward or conservatee)
<input type="checkbox"/> 416.90 (authorized person)
<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) registered California process server:
- (i) owner employee independent contractor.
- (ii) Registration No.: _____
- (iii) County: _____

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

or

9. **I am a California sheriff or marshal and** I certify that the foregoing is true and correct.

Date: _____

 (NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)

 (SIGNATURE)

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name): In Pro Per	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Madera STREET ADDRESS: 200 South G Street MAILING ADDRESS: same CITY AND ZIP CODE: Madera, CA 93637 BRANCH NAME: Civil Division	
Plaintiff/Petitioner: Defendant/Respondent:	
REQUEST FOR <input type="checkbox"/> Entry of Default <input type="checkbox"/> Clerk's Judgment (Application) <input type="checkbox"/> Court Judgment	
CASE NUMBER:	
Not for use in actions under the Fair Debt Buying Practices Act (Civ. Code, § 1788.50 et seq.) (see CIV-105)	

1. TO THE CLERK: On the complaint or cross-complaint filed

- a. on (date):
- b. by (name):
- c. Enter default of defendant (names):
- d. I request a court judgment under Code of Civil Procedure sections 585(b), 585(c), 989, etc., against defendant (names):

(Testimony required. Apply to the clerk for a hearing date, unless the court will enter a judgment on an affidavit under Code Civ. Proc., § 585(d).)

- e. Enter clerk's judgment
 - (1) for restitution of the premises only and issue a writ of execution on the judgment. Code of Civil Procedure section 1174(c) does not apply. (Code Civ. Proc., § 1169.)
 - Include in the judgment all tenants, subtenants, named claimants, and other occupants of the premises. The *Prejudgment Claim of Right to Possession* was served in compliance with Code of Civil Procedure section 415.46.
 - (2) under Code of Civil Procedure section 585(a). (Complete the declaration under Code Civ. Proc., § 585.5 on the reverse (item 5).)
 - (3) for default previously entered on (date):

2. Judgment to be entered.

	<u>Amount</u>		<u>Credits acknowledged</u>	<u>Balance</u>
a. Demand of complaint.....	\$	\$	\$	\$
b. Statement of damages*				
(1) Special	\$	\$	\$	\$
(2) General	\$	\$	\$	\$
c. Interest	\$	\$	\$	\$
d. Costs (see reverse)	\$	\$	\$	\$
e. Attorney fees	\$	\$	\$	\$
f. 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 (date): (2) <input type="checkbox"/> Default NOT entered as requested (state reason):	
Clerk, by _____, Deputy		

Plaintiff/Petitioner: Defendant/Respondent:	CASE NUMBER:
--	--------------

4. **Legal document assistant or unlawful detainer assistant (Bus. & Prof. Code, § 6400 et seq.).** A legal document assistant or unlawful detainer assistant did did **not** for compensation give advice or assistance with this form. If declarant has received **any** help or advice for pay from a legal document assistant or unlawful detainer assistant, state:
- | | |
|--|----------------------------|
| a. Assistant's name: | c. Telephone no.: |
| b. Street address, city, and zip code: | d. County of registration: |
| | e. Registration no.: |
| | f. Expires on (date): |
5. **Declaration under Code Civ. Proc., § 585.5** (for entry of default under Code Civ. Proc., § 585(a)). This action
- a. is is not on a contract or installment sale for goods or services subject to Civ. Code, § 1801 et seq. (Unruh Act).
- b. is is not on a conditional sales contract subject to Civ. Code, § 2981 et seq. (Rees-Levering Motor Vehicle Sales and Finance Act).
- c. is is not on an obligation for goods, services, loans, or extensions of credit subject to Code Civ. Proc., § 395(b).
6. **Declaration of mailing (Code Civ. Proc., § 587).** A copy of this *Request for Entry of Default* was
- a. **not mailed** to the following defendants, whose addresses are unknown to plaintiff or plaintiff's attorney (names):
- b. **mailed** first-class, postage prepaid, in a sealed envelope addressed to each defendant's attorney of record or, if none, to each defendant's last known address as follows:
- (1) Mailed on (date): _____ (2) To (specify names and addresses shown on the envelopes): _____

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

(TYPE OR PRINT NAME)	(SIGNATURE OF DECLARANT)
----------------------	--------------------------

7. **Memorandum of costs** (required if money judgment requested). Costs and disbursements are as follows (Code Civ. Proc., § 1033.5):
- | | |
|-------------------------------|----------|
| a. Clerk's filing fees | \$ _____ |
| b. Process server's fees..... | \$ _____ |
| c. Other (specify): | \$ _____ |
| d. | \$ _____ |
| e. TOTAL | \$ _____ |
- f. Costs and disbursements are waived.
- g. I am the attorney, agent, or party who claims these costs. To the best of my knowledge and belief this memorandum of costs is correct and these costs were necessarily incurred in this case.

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

(TYPE OR PRINT NAME)	(SIGNATURE OF DECLARANT)
----------------------	--------------------------

8. **Declaration of nonmilitary status** (required for a judgment). No defendant named in item 1c of the application is in the military service as that term is defined by either the Servicemembers Civil Relief Act, 50 U.S.C. App. § 3911(2), or California Military and Veterans Code sections 400 and 402(f).

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

Date:

(TYPE OR PRINT NAME)	(SIGNATURE OF DECLARANT)
----------------------	--------------------------

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): In Pro Per	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Madera STREET ADDRESS: 200 South G Street MAILING ADDRESS: same CITY AND ZIP CODE: Madera, CA 93637 BRANCH NAME: Civil Division	
PLAINTIFF (Name): _____ DEFENDANT (Name): _____	
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) <input type="checkbox"/> an owner of the property	(3) <input type="checkbox"/> an agent of the owner
(2) <input type="checkbox"/> a manager of the property	(4) <input type="checkbox"/> 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):	CASE NUMBER:
DEFENDANT (Name):	

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) personally on (date) :
 - (2) by substituted service, including a copy mailed to the defendant, on (date) :
 - (3) by posting and mailing on (date mailed) :
- b. A prejudgment claim of right to possession was served on the occupants pursuant to Code of Civil Procedure section 415.46.

8. Proof of service of notice. The original or copy of the proof of service of the notice in item 6a is attached to (specify) :

- a. the original complaint.
- b. this declaration, labeled Exhibit 8b. (The original or copy of the proof of service MUST be attached to this declaration if not attached to the original complaint.)

9. Notice expired. On (date) : _____ the notice in item 6 expired at the end of the day and defendant failed to comply with the requirements of the notice by that date. No money has been received and accepted after the notice expired.

10. The fair rental value of the property is \$ _____ per day, calculated as follows:

- a. (rent per month) x (0.03288) (12 months divided by 365 days)
- b. rent per month divided by 30
- c. other valuation (specify) :

11. Possession. The defendant

- a. vacated the premises on (date) :
- b. continues to occupy the property on (date of this declaration) :

12. Holdover damages. Declarant has calculated the holdover damages as follows:

- a. Damages demanded in the complaint began on (date) :
- b. Damages accrued through (date specified in item 11) :
- c. Number of days that damages accrued (count days using the dates in items 12a and 12b):
- d. Total holdover damages ((daily rental value in item 10) x (number of days in item 12c)): \$ _____

13. Reasonable attorney fees are authorized in the lease or rental agreement pursuant to paragraph (specify) : _____ and reasonable attorney fees for plaintiff's attorney (name) : _____ are \$ _____

14. Court costs in this case, including the filing fee, are \$ _____

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

15. Declarant requests a judgment on behalf of plaintiff for:
 a. A money judgment as follows:

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

This page is intentionally left blank.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): In Pro Per	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF MADERA STREET ADDRESS: 200 South G Street MAILING ADDRESS: same CITY AND ZIP CODE: Madera, CA 93637 BRANCH NAME: Civil Division	
PLAINTIFF: DEFENDANT:	
<div style="text-align: center;"> JUDGMENT - UNLAWFUL DETAINER <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 </div>	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 (name each): <input type="checkbox"/> Continued on Attachment 2b (form MC-025). <input type="checkbox"/> Defendant (name each): <input type="checkbox"/> Continued on Attachment 2b (form MC-025).	<input type="checkbox"/> Plaintiff's attorney (name each): (1) (2) <input type="checkbox"/> Defendant's attorney (name each): (1) (2)
--	--
 - 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:	CASE NUMBER:
DEFENDANT:	

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

(SEAL)

CLERK'S CERTIFICATE (*Optional*)

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

Date:

Clerk, by _____, Deputy

Plaintiff: Defendant:	CASE NUMBER:
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21. Additional judgment debtor (*name, type of legal entity if not a natural person, and last known address*):

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

23. Joint debtor was declared bound by the judgment (CCP 989-994)

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

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

24. (Writ of Possession or Writ of Sale) **Judgment** was entered for the following:

a. Possession of real property: The complaint was filed on (*date*):
(Check (1) or (2). Check (3) if applicable. Complete (4) if (2) or (3) have been checked.)

(1) The Prejudgment Claim of Right to Possession was served in compliance with CCP 415.46. The judgment includes all tenants, subtenants, named claimants, and other occupants of the premises.

(2) The Prejudgment Claim of Right to Possession was NOT served in compliance with CCP 415.46.

(3) The unlawful detainer resulted from a foreclosure sale of a rental housing unit. (An occupant not named in the judgment may file a Claim of Right to Possession at any time up to and including the time the levying officer returns to effect eviction, regardless of whether a Prejudgment Claim of Right to Possession was served.) *(See CCP 415.46 and 1174.3(a)(2).)*

(4) If the unlawful detainer resulted from a foreclosure (item 24a(3)), or if the Prejudgment Claim of Right to Possession was not served in compliance with CCP 415.46 (item 24a(2)), answer the following:

(a) The daily rental value on the date the complaint was filed was \$

(b) The court will hear objections to enforcement of the judgment under CCP 1174.3 on the following dates (*specify*):

b. Possession of personal property.
 If delivery cannot be had, then for the value (*itemize in 24e*) specified in the judgment or supplemental order.

c. Sale of personal property.

d. Sale of real property.

e. The property is described: Below On Attachment 24e

Plaintiff: Defendant:	CASE NUMBER:
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NOTICE TO PERSON SERVED

WRIT OF EXECUTION OR SALE. Your rights and duties are indicated on the accompanying *Notice of Levy* (form EJ-150).

WRIT OF POSSESSION OF PERSONAL PROPERTY. If the levying officer is not able to take custody of the property, the levying officer will demand that you turn over the property. If custody is not obtained following demand, the judgment may be enforced as a money judgment for the value of the property specified in the judgment or in a supplemental order.

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

EXCEPTION IF RENTAL HOUSING UNIT WAS FORECLOSED. If the residential property that you are renting was sold in a foreclosure, you have additional time before you must vacate the premises. If you have a lease for a fixed term, such as for a year, you may remain in the property until the term is up. If you have a periodic lease or tenancy, such as from month-to-month, you may remain in the property for 90 days after receiving a notice to quit. A blank form *Claim of Right to Possession and Notice of Hearing* (form CP10) accompanies this writ. You may claim your right to remain on the property by filling it out and giving it to the sheriff or levying officer.

EXCEPTION IF YOU WERE NOT SERVED WITH A FORM CALLED PREJUDGMENT CLAIM OF RIGHT TO POSSESSION. If you were not named in the judgment for possession and you occupied the premises on the date on which the unlawful detainer case was filed, you may object to the enforcement of the judgment against you. You must complete the form *Claim of Right to Possession and Notice of Hearing* (form CP10) and give it to the sheriff or levying officer. A blank form accompanies this writ. You have this right whether or not the property you are renting was sold in a foreclosure.