



**SUPERIOR COURT OF CALIFORNIA
COUNTY OF TULARE**

www.tularesuperiorcourt.ca.gov

559-737-5000

REQUEST FOR JUDGMENT – UNLAWFUL DETAINER

Forms included in this packet:		
To read	Instructions	
To Fill Out and File	Request for Entry of Default	Judicial Council Form # CIV-100
	Judgment- Unlawful Detainer	Judicial Council Form # UD-110
	Verification By Landlord Regarding Rental Assistance (if evicting for nonpayment of rent)	Judicial Council Form # UD-120
	Writ of Possession	Judicial Council Form # EJ-130

SELF HELP RESOURCE CENTER

If you are requesting an Unlawful Detainer (eviction) judgment and do not have an attorney representing you, free assistance is available. Please contact:

Superior Court of California, County of Tulare

SELF-HELP RESOURCE CENTER

(559) 737-5500

3400 W. Mineral King, Suite C, Visalia CA 93291

OR

300 E. Olive (South County Justice Center), Porterville, CA 93257

The Self-Help Resource Center (also known as the Family Law Facilitator) will provide instructions on how to complete the forms and how to properly serve notice on all the necessary parties. They can answer your procedural questions and explain the court process. The Self-Help Resource Center **CANNOT** represent you in court or give you legal (strategic) advice or give an opinion about the strength of your case.

This is an instructional guide to filing a request for entry of judgment in your Unlawful Detainer case, designed to explain the process of filing your paperwork to obtain a judgment of eviction.

Fillable, printable pdf versions of the Judicial Council forms contained in this packet are available online at <https://www.courts.ca.gov/forms.htm>. You can print and handwrite, or type the forms online and print them out to file.

If you have further questions or concerns regarding your eviction case, you may wish to consult with an attorney, use the assistance of a paralegal or typing service, or do self-research at the Tulare County Law Library (on the ground floor of the Visalia Courthouse, with Law Library computer terminals also available in the Self-Help Resource Center in the Porterville courthouse) or on the California Courts' Self-Help website at <https://www.courts.ca.gov/27701.htm>. Select the Spanish icon at the right of the webpage for information in Spanish.

INSTRUCTIONS

This packet contains the forms you need to request a default judgment of Unlawful Detainer. You can request entry of default if you have served the Defendant(s) and no Answer has been filed within the five (5) court days allowed. To obtain a judgment in this case, you must ask the court to enter the defendant's default. You must act quickly; until default is entered, the defendant(s) can file an Answer. Speak to the Self-Help staff if you are only requesting entry of default as to some defendants, because the time for other defendants to answer has not yet expired.

There are three steps to obtaining a default, judgment for possession of the premises and a monetary award:

1. Requesting entry of the defendant's default
2. Requesting judgment for possession of the premises and evicting the defendant
3. Requesting a judgment for monetary damages

These instructions will explain how to complete these forms and the process of submitting them to the Clerk for filing to finish the first two steps of this process. If you are not seeking money damages, this is the only step you must complete to finish the case.

Complete the following forms:

- **Form CIV-100 – Request for Entry of Default**
 - Check the boxes for "Entry of Default" and "Clerk's Judgement"
 - Section 1
 - **a** - write the date you filed your Complaint
 - **b** – write the name of the person or people who filed the complaint.
 - **c**- check c and write in the name(s) of the defendant(s)
 - check **e, e1 and e3**. If you had the defendants served by the Sheriff or a process server with the Prejudgment claim of Right to Possession, check the box beginning "include in the judgment ..."
 - **Section 3**- check this box
 - **Section 4** – check the box that says "did not"
 - **Section 5 a-c** – check 5 and check "is not" for a, b and c
 - **Section 6** – check b and write the date that the form is mailed to the defendants. Write in the defendants' name(s) and last known address.
 - **Important:** A person who is not a party to the action will need to mail a copy of the Request for Entry of Default to each of the defendants at the same address where they were served the Summons and Complaint.
 - The person who mails the form will date and sign in Section 6.
 - **Section 7** – write "0 for the total and date and sign under section 7.
 - **Section 8** – date and sign under Section 8 if the defendant(s) are not on active duty with the military. If they are, STOP. There are additional steps you must take to obtain a judgment against a defendant who is on active duty with the military.

- **Form UD-110 - Judgment- Unlawful Detainer**
 - Under “**Judgment**” check the boxes for “By Clerk,” “By Default” and “Possession Only.”
 - **Section 1** – check 1 and d.
 - **On the Top of Page 2**, check Judgment is entered as follows by the CLERK.
 - **Section 3a** – write the names of plaintiff(s) and defendant(s)
 - **Section 4** – check “Plaintiff” and write the address of the property.
 - **Section 5** - check this box if you had the Sheriff or Process server serve the Prejudgment Claim of Right to Possession on the defendant(s). If you did not do this, you cannot evict unnamed occupants from the house with this judgment.
 - **Section 6** - check this box only if you indicated in the original notice that you would cancel or forfeit the lease.

- **Form UD-120 – Verification By Landlord Regarding Rental Assistance (if evicting for nonpayment of rent)**
 - **Note:** *If you are evicting for another reason other than nonpayment of rent, you do not need to file this form.*
 - **Section 1** – if you are filing this form, write the landlord’s name here.
 - **Date and sign at the bottom of the page.**

- **Form EJ-130 – Writ of Execution**
 - Check the box to request Writ of EXECUTION.
 - **Section 1** – Write “Tulare”
 - **Section 3** – write the name of the plaintiff (Judgment creditor)
 - **Section 4** – write the name and address of the judgment debtor (defendant). If there are more than 2 defendants, check the box “Additional judgment debtors on next page”
 - **NOTE:** The names of the debtors must exactly match the names on the judgment; however, use the debtors’ last known addresses (which may be different from that listed on the Notice of Entry of Judgment).
 - **Section 5** - Fill-in the date of the Final Entry of Judgment.
 - **Section 7** - Check Box a, indicating “Notice of Sale under this writ has not been requested.”
 - **Section 9** – check this box.
 - **Section 21** – check the box and write in the names and addresses of additional defendants.
 - **Section 24** – check this box
 - **a** – check this box. Write in the date the complaint was filed.
 - 1- check this box is a sheriff or process server served the complaint and summons with a Prejudgment Claim of right to Possession. If not, check box 2.
 - **e** – check the box for “Below” and write in the address of the property.

Filing the Documents

Return your forms to the Visalia Courthouse, Clerk of the Court (Rm 201) located at 221 S. Mooney Blvd, Room 201, Visalia, CA 93291 **OR** the South County Justice Center, Court Clerk’s window located at 300 E. Olive Ave,

Porterville, CA 93257. You will file:

- **CIV-100 – Request for Entry of Default** - original and 1 copy
- **UD-110 – Judgment (Unlawful Detainer)** – original and 1 copy
- **EJ-130 – Writ of Execution** - original and 1 copy.
- **UD-120 – Verification By Landlord Regarding Rental Assistance (if evicting for nonpayment of rent)** (only if you are requesting to evict for nonpayment of rent) – original and one copy.

There is a \$25 fee to file the Writ of Execution (subject to change).

The clerk will process your forms and return your copies to you.

Serving the Paperwork

You will need to have the Sheriff serve the Defendant(s) with the **Writ of Execution (EJ-130)**. The Sheriff's Department is located at 221 S. Mooney Blvd., Room 102, County Civic Center, Visalia CA 93291. There is a fee to serve this paperwork

Next Steps- Asking for Money Damages

Please ask the clerk's office for the Money Judgment packet if you want to request money damages.

Further Assistance

If you need further assistance, please contact the Self-Help Resource Center at 3400 W. Mineral King, Suite C, Visalia or 300 E. Olive Street, Porterville (inside the South County Justice Center). Call: 559-737-5500 or email tcscselfhelpinfo@tulare.courts.ca.gov. Self-Help staff can review your forms and tell you if they are complete and correct before you file.

ATTORNEY OR PARTY WITHOUT ATTORNEY: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	STATE BAR NO.:	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
Plaintiff/Petitioner: Defendant/Respondent:		
REQUEST FOR <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) Default entered as requested on (date):
- (2) Default NOT entered as requested (state reason):

Clerk, by _____, Deputy

Plaintiff/Petitioner: Defendant/Respondent:	CASE NUMBER:
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4. **Legal document assistant or unlawful detainer assistant (Bus. & Prof. Code, § 6400 et seq.).** A legal document assistant or unlawful detainer assistant did did not for compensation give advice or assistance with this form. If declarant has received **any** help or advice for pay from a legal document assistant or unlawful detainer assistant, state:

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

5. **Declaration under Code Civ. Proc., § 585.5 (for entry of default under Code Civ. Proc., § 585(a)).** This action

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

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

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

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

(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): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF: DEFENDANT:	
<p style="text-align: center;">JUDGMENT - UNLAWFUL DETAINER</p> <input type="checkbox"/> By Clerk <input type="checkbox"/> By Default <input type="checkbox"/> After Court Trial <input type="checkbox"/> By Court <input type="checkbox"/> Possession Only <input type="checkbox"/> Defendant Did Not Appear at Trial	CASE NUMBER:

JUDGMENT

1. **BY DEFAULT**

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

2. **AFTER COURT TRIAL.** The jury was waived. The court considered the evidence.

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

before (name of judicial officer):

- b. Appearances by:

Plaintiff (name each):

Plaintiff's attorney (name each):

(1)

(2)

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

Defendant (name each):

Defendant's attorney (name each):

(1)

(2)

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

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

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

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

3. Parties. Judgment is

a. for plaintiff (*name each*):

and against defendant (*name each*):

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

b. for defendant (*name each*):

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

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

6. Amount and terms of judgment

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

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

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

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

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

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

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

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

Date: _____ _____
JUDICIAL OFFICER

Date: _____ Clerk, by _____, Deputy

(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

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: TELEPHONE NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	STATE BAR NUMBER: STATE: ZIP CODE: FAX NO.:	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
PLAINTIFF: DEFENDANT:		
VERIFICATION BY LANDLORD REGARDING RENTAL ASSISTANCE—UNLAWFUL DETAINER		CASE NUMBER:

This form must be filed by the plaintiff with any request for default judgment in any unlawful detainer action seeking possession of residential property based on nonpayment of rent or any other financial obligation under a lease. It may also be used at other times as appropriate or when requested by a judicial officer.

1. The landlord of the property at issue in this case is (name):
2. All of the following statements are true:
 - a. Landlord has not received rental assistance or other financial compensation from any other source corresponding to the amount demanded in the notice underlying the complaint in this action.
 - b. Landlord has not received rental assistance or other financial compensation from any other source for rent accruing after the date of the notice underlying the complaint in this action.
 - c. Landlord does not have any pending application for rental assistance or other financial compensation from any other source corresponding to the amount demanded in the notice underlying the complaint in this action.
 - d. Landlord does not have any pending application for rental assistance or other financial compensation from any other sources for rent accruing after the date of the notice underlying the complaint in this action.
3. **Application for Rental Assistance** (Must be completed for all actions based on a notice of nonpayment of rent or financial obligations under the tenancy due between March 1, 2020, and March 31, 2022. (See Code Civ. Proc., § 1179.11(c).))
 - a. The tenancy was initially established on or after October 1, 2021. (If this box is checked, state below when and how it was established. There is no need to complete the other subparts of this item.)
 - b. Before filing the complaint, the landlord completed an application for rental assistance to cover the rental debt (rent or financial obligations related to the tenancy) demanded in the complaint.
 - (1) The application was made to the government agency that provides such assistance in the locality of the property at issue (name of agency):

PLAINTIFF: DEFENDANT:	CASE NUMBER:
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3. b. (2) The landlord completed the landlord's section of the application on *(date)*: _____ .
(Attach as Exhibit 3b a copy of any notice received from the government agency confirming when landlord's application was complete.)

- c. The governmental agency denied rental assistance for the following reason *(check one)*:
- (1) Tenant was not eligible to receive assistance.
- (2) Tenant did not complete tenant's portion of the application within 15 days (excluding Saturdays, Sundays, and holidays) of date on which landlord completed the landlord's section of the application (that is, the date in b(2)).
- (3) The governmental agency lacked funding to provide assistance.
- (4) Other reason *(describe)*:

(Attach as Exhibit 3c a copy of any notice received confirming that assistance would not be provided.)

- d. (Only applies to cases filed on or after April 1, 2022) There is no determination pending on an application filed prior to April 1, 2022, for governmental rental assistance to cover any part of the rental debt demanded.

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

Date: _____

(TYPE OR PRINT NAME)



(SIGNATURE)

(TITLE—provide if signing on behalf of corporation or other business entity)

ATTORNEY OR PARTY WITHOUT ATTORNEY: _____ STATE BAR NO.: _____ NAME: _____ FIRM NAME: _____ STREET ADDRESS: _____ CITY: _____ STATE: _____ ZIP CODE: _____ TELEPHONE NO.: _____ FAX NO.: _____ EMAIL ADDRESS: _____ ATTORNEY FOR (name): _____ <input type="checkbox"/> ATTORNEY FOR <input type="checkbox"/> ORIGINAL JUDGMENT CREDITOR <input type="checkbox"/> ASSIGNEE OF RECORD	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____ STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
PLAINTIFF/PETITIONER: _____ DEFENDANT/RESPONDENT: _____	CASE NUMBER: _____
<input type="checkbox"/> EXECUTION (Money Judgment) WRIT OF <input type="checkbox"/> POSSESSION OF <input type="checkbox"/> Personal Property <input type="checkbox"/> SALE <input type="checkbox"/> Real Property	<input type="checkbox"/> Limited Civil Case (including Small Claims) <input type="checkbox"/> Unlimited Civil Case (including Family and Probate)

1. To the Sheriff or Marshal of the County of:

You are directed to enforce the judgment described below with daily interest and your costs as provided by law.

2. To any registered process server: You are authorized to serve this writ only in accordance with CCP 699.080 or CCP 715.040.

3. (Name):

is the original judgment creditor assignee of record whose address is shown on this form above the court's name.

4. Judgment debtor (name, type of legal entity if not a natural person, and last known address):

Additional judgment debtors on next page

9. Writ of Possession/Writ of Sale information on next page.

10. This writ is issued on a sister-state judgment.

For items 11–17, see form MC-012 and form MC-013-INFO.

- 11. Total judgment (as entered or renewed) \$**
- 12. Costs after judgment (CCP 685.090) \$**
- 13. Subtotal (add 11 and 12) \$ _____**
- 14. Credits to principal (after credit to interest) \$**
- 15. Principal remaining due (subtract 14 from 13) \$ _____**
- 16. Accrued interest remaining due per CCP 685.050(b) (not on GC 6103.5 fees) \$**
- 17. Fee for issuance of writ (per GC 70626(a)(l)) \$**
- 18. Total amount due (add 15, 16, and 17) \$ _____**

19. Levying officer:

- a. Add daily interest from date of writ (at the legal rate on 15) (not on GC 6103.5 fees) \$
- b. Pay directly to court costs included in 11 and 17 (GC 6103.5, 68637; CCP 699.520(j)) \$

20. The amounts called for in items 11–19 are different for each debtor. These amounts are stated for each debtor on Attachment 20.

5. Judgment entered on (date):

(See type of judgment in item 22.)

6. Judgment renewed on (dates):

7. Notice of sale under this writ:

- a. has not been requested.
- b. has been requested (see next page).

8. Joint debtor information on next page.

[SEAL]

Date: _____ Clerk, by _____, Deputy

NOTICE TO PERSON SERVED: SEE PAGE 3 FOR IMPORTANT INFORMATION.

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

22. The judgment is for (*check one*):

- a. wages owed.
- b. child support or spousal support.
- c. other.

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

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

- | | |
|--|--|
| <ul style="list-style-type: none"> a. <i>on (date):</i> b. name, type of legal entity if not a natural person, and last known address of joint debtor: | <ul style="list-style-type: none"> a. <i>on (date):</i> b. name, type of legal entity if not a natural person, and last known address of joint debtor: |
|--|--|

c. Additional costs against certain joint debtors are itemized: below on Attachment 24c.

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

- a. Possession of real property: The complaint was filed on (*date*):
(*Check (1) or (2). Check (3) if applicable. Complete (4) if (2) or (3) have been checked.*)
 - (1) The *Prejudgment Claim of Right to Possession* 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 25a(3)), or if the *Prejudgment Claim of Right to Possession* was not served in compliance with CCP 415.46 (item 25a(2)), answer the following:
 - (a) The daily rental value on the date the complaint was filed was \$
 - (b) The court will hear objections to enforcement of the judgment under CCP 1174.3 on the following dates (*specify*):

Item 25 continued on next page

Plaintiff/Petitioner: Defendant/Respondent:	CASE NUMBER:
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25. b. Possession of personal property.
 If delivery cannot be had, then for the value (*itemize in 25e*) specified in the judgment or supplemental order.
- c. Sale of personal property.
- d. Sale of real property.
- e. The property is described below on Attachment 25e.

NOTICE TO PERSON SERVED

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

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

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