



SUPERIOR COURT OF CALIFORNIA

COUNTY OF TULARE

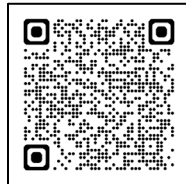
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UNLAWFUL DETAINER (EVICTION): COMPLAINT

Forms included in this packet:		
COMPLETE & FILE	CM-010	Civil Case Cover Sheet
	SUM-130	Summons – Eviction
	UD-100	Complaint – Unlawful Detainer
SERVE <i>(leave blank)</i>	UD-105	Answer – Unlawful Detainer
	CP 10.5	Prejudgment Claim of Right to Possession <i>(optional)</i>
FILE AFTER SERVICE	POS-010	Proof of Service of Summons

For a list of legal packets and samples, scan the QR code below, or visit:

<https://www.tulare.courts.ca.gov/forms-filing/local-forms-information-filing-instructions>



Unlawful Detainer (Eviction): Complaint

Completing Forms:

- **California Court forms:** Fillable, printable PDF versions of the forms referenced in this packet are available at the California Court website. For details, visit: <https://courts.ca.gov/rules-forms/find-your-court-forms>
- **LawHelp Interactive:** A free resource that assists litigants with completing legal forms through a series of guided interview questions. For details, visit: <https://lawhelpinteractive.org/Interview/GenerateInterview/7184/engine>
- **Legal packets and samples:** The Tulare County Superior Court's website offers many packets and samples. Visit the link on page 1 (or scan the QR code).

Self-Help Resource Center:

If you do not have an attorney representing you, free procedural assistance is available. Contact the Self-Help Resource Center (SHRC), also known as the Office of the Family Law Facilitator. SHRC staff will provide instructions on how to complete forms, how to serve the other party, and can answer procedural questions. However, SHRC staff **CANNOT** complete your forms for you, provide legal advice, or represent you in court. The SHRC can be reached at (559) 737-5500 and selfhelp@tulare.courts.ca.gov, and offices are located at:

County Civic Center
221 S. Mooney Blvd., Room 203
Visalia, CA 93291

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

Other Resources:

If you have further questions or concerns, consult with an attorney or use the assistance of a paralegal or typing service. You may also conduct research on your legal issue and find additional information at:

- California Courts' Self-Help website: <https://selfhelp.courts.ca.gov/>
- Tulare County Law Library: <https://tularecounty.ca.gov/lawlibrary/>
- Sacramento County Public Law Library: <https://saclaw.org/>
- Central California Legal Services (CCLS): <https://centralcallegal.org/>
 - CCLS provides free legal assistance on landlord-tenant matters for parties who meet certain financial criteria.
- California Rural Legal Assistance (CRLA): <https://crla.org/>
 - CRLA is a nonprofit law firm that provides free civil legal services to low-income residents of California's rural counties.
- Office of The Attorney General: <https://oag.ca.gov/tenants>

INSTRUCTIONS

This informational guide explains the process of starting an eviction case. It includes the forms required to submit to the Clerk of Court, plus an eviction flow chart, which shows the various steps in an eviction case. A list of resources, plus links to the court forms referenced in this packet, are found on page 2. As a landlord, it is important to understand and uphold the protections available to California renters. Review the California Attorney General's landlord-tenant webpage, which has up-to-date information that can help you prevent legal violations. ***Read this packet in its entirety before you begin completing forms.***

STEP 1: WRITTEN NOTICE

If you are having a problem with a tenant or want them to move out for a legal reason, you must provide them with a written notice *before* you start an eviction case. The notice is a warning that you'll start a court case if the tenant doesn't move out or fix the problem. The type of notice depends on the circumstances of your case. Review the attached ***Types of Eviction Notices*** chart to determine which notice is needed for your circumstances. Notices are not court forms, but samples may be found on-line or by visiting the Self-Help Resource Center. Once you've identified the appropriate notice, deliver it to the tenant. Someone age 18 or older, *including the landlord*, can deliver the notice. Delivery can be done in three ways:

- **Hand delivery**: Give the notice to your tenant in person.
- **Leave and mail**: Leave the notice with another adult at your tenant's home or work, and then mail a copy to them.
- **Post and mail**: Post (*tape*) the notice on your tenant's home, and then mail a copy to them.

The person delivering the notice must keep track of how it was delivered and on what date, as this information will be needed to complete your court forms. Make a copy of the notice before you deliver to the tenant. Start counting your tenant's deadline the day after they get the notice. Once the notice period has expired, go to *Step 2*.

STEP 2: COMPLETE THE FORMS

If the notice deadline has passed and the tenant has not complied, you can start an eviction case. Complete the following forms, and make the number of copies as indicated:

CM-010, Civil Case Cover Sheet: 1 copy

- **Caption:** Mark the box for "*Limited*".
- **Item 1:** Under the "*Unlawful Detainer*" category, mark the box for "*Residential*".

- **Item 2:** Mark the box for “No”.
- **Item 3:** Mark box (b) for possession of property. If seeking money also, mark box (a).
- **Item 4:** Possession and money are separate causes of action.
- **Item 5:** Mark the box for “No”.
- Date, print your name, and sign.

SUM-130, Summons – Eviction: 2 copies

- **Top of page 1:** Enter the names of each defendant. Include known subtenants.
 - Then enter your name as the plaintiff.
- **Item 1:** Leave blank; this will be completed by the Clerk of Court.
- **Item 2:** Enter your name, address, and phone number.
- **Item 3:** Mark the box for “*Did not*”.

UD-100, Complaint – Unlawful Detainer: 2 copies

- **Caption:** List all tenants and occupants, even if not on the lease. If you don’t know the names of some occupants, mark the box “*Does 1 to*” and enter the approximate number of unknown occupants.
 - Mark the box for “*Action is a Limited Civil Case*”.
 - Mark the box for “*Does not exceed \$10,000*” if you are only seeking possession.
- **Items 1 through 20:** Enter details about the tenant(s), property, rental agreement, written notice, and relief sought.
 - **Item 7:** The *Tenant Protection Act* applies if the tenant has occupied the property for at least 12 months.
 - **Item 9:** Mark box (e) that you are attaching a copy of the *Notice*.
- **Item 21:** Enter the number of attached pages. Be sure to attach a copy of the *Notice*.
 - **Optional:** Attach a copy of the rental agreement.
- **Under “Unlawful Detainer Assistant”:**
 - At **Item 22:** Mark to the box for “*did not*”. Then date, print your name, and sign.
- **Under “Verification”:** Date, print your name, and sign.

STEP 3: FILE YOUR FORMS

Bring originals and copies to the Clerk of Court, located at Room 201 of the Visalia Courthouse, or the filing windows at the South County Justice Center in Porterville. The Clerk will keep the originals and give you back copies. One copy is for you, and other copies are to serve on each tenant or other occupant (*you may need to make additional copies*).

Filing Fee: There is a fee for filing these forms. If you cannot afford the fee, ask the Clerk of Court for a Fee Waiver Packet. Complete forms **FW-001, Request to Waive Court Fees** and **FW-003, Order on Court Fee Waiver**, make one copy, and present them at the time of filing.

STEP 4: SERVE THE TENANT

The next step is to serve the tenant with a copy of the **Summons** and **Complaint** you filed, plus a blank form **UD-105, Answer – Unlawful Detainer**. *Service* means someone age 18 or older, who is not a party to the case, will hand-deliver these documents to each tenant you are seeking to evict. In contrast to delivering the written *Notice*, the landlord cannot be the server.

Non-Tenants: To evict unknown occupants *not* named in the **Summons** and **Complaint**, a Sheriff or licensed process server must also serve form **CP 10.5: Prejudgment Claim of Right to Possession**. The server must:

- Ask the person being served (*or any adult who seems to reside in the premises*) if there are other unnamed adult occupants, and obtain their names.
- Serve those occupants via personal service or substituted service.
- Leave a copy of form **CP 10.5**, post a 2nd copy, and mail a 3rd copy to “all occupants”.
- File a **Proof of Service** indicating the name of the person served.

STEP 5: FILE THE PROOF OF SERVICE

After service, the server must complete form **POS-010, Proof of Service of Summons**, stating what documents were served, and when and where the service took place. The server will date, print, and sign at the bottom of *page 2*. Make one copy and bring to the Clerk of Court for filing. The Clerk will keep the original and give you back a filed copy for your records. A filed **Proof of Service** tells the court that the tenant received the forms and was notified of the eviction case. If there is no filed **Proof of Service**, the eviction may be delayed.

STEP 6: TENANT RESPONSE

What happens next depends on how the tenant responds, or if they respond at all. The tenant has 10 court days to file form **UD-105, Answer – Unlawful Detainer**.

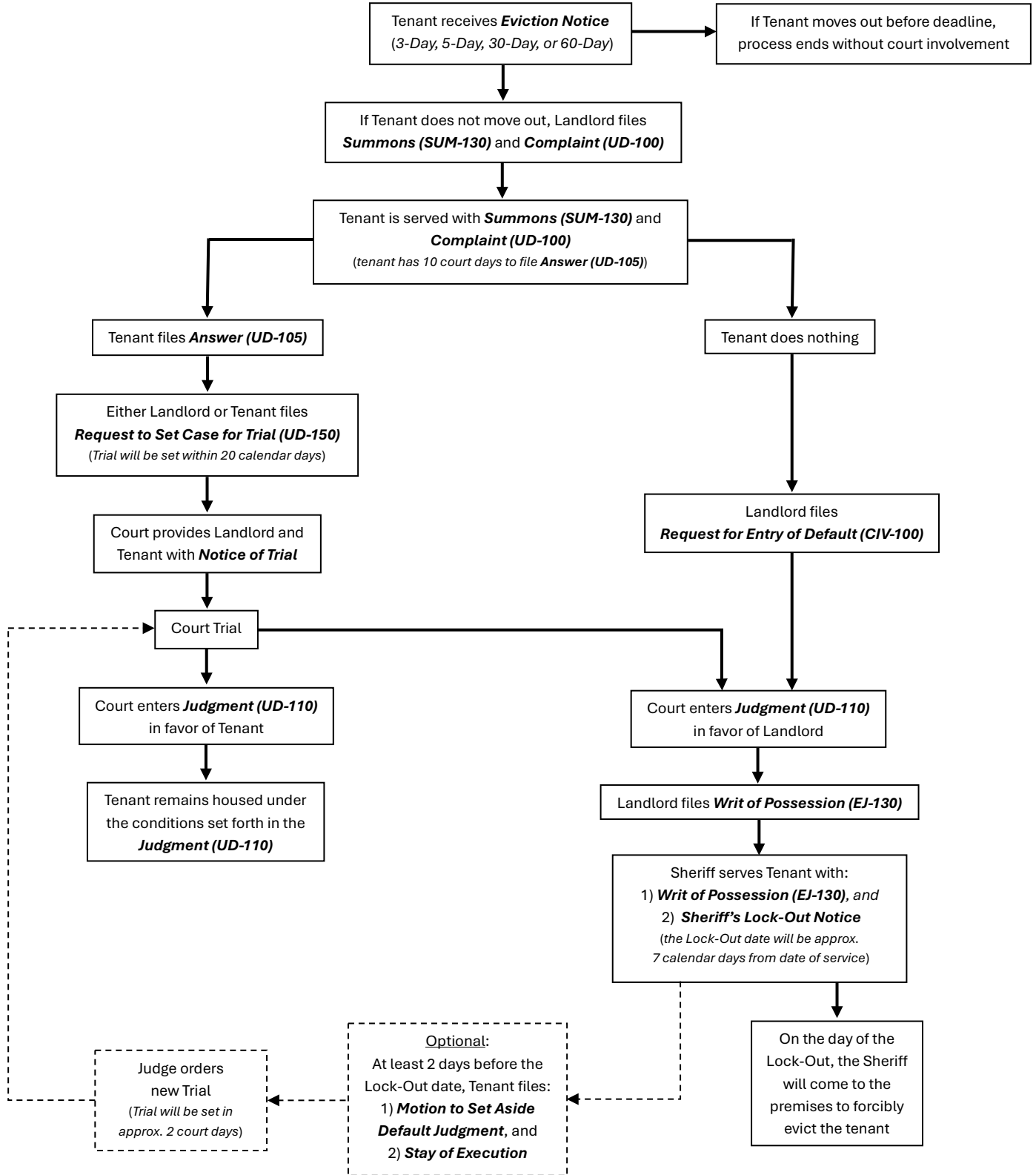
If the tenant does not respond, you can ask for a default judgment:

- The court can order the tenant to move out so you can regain possession of the property.
- Review the **Unlawful Detainer (Eviction): Default Judgment** packet for next steps.

If the tenant files an **Answer**, either party can ask for a court trial:

- Complete *page 1* of form **UD-150, Request to Set Case for Trial – Unlawful Detainer**.
- Make a copy and have someone age 18 or older mail it to the tenant.
- Have your server fill out the **Proof of Service** section on *page 2*, and make one copy.
- File form **UD-150** with the Clerk of Court. The Clerk will mail all parties a notice with the trial date, which will be set within 20 calendar days.

The Eviction Process



TYPES OF EVICTION NOTICES

You must give your tenant **written notice** before you start an eviction court case, to give the tenant a chance to pay rent that's owed, fix a problem, or move out.

Note: This chart may not cover all scenarios. Consult an attorney if you have questions about your situation.

TYPE OF NOTICE	WHEN TO USE
3-Day Notice to Pay or Quit	Use if your tenant has not paid or is behind on rent. The notice tells them they have 3 court days to pay the rent owed or move out. This notice must have the exact amount of rent owed, and you cannot ask for other money (<i>late fees, utilities, or damages</i>) in this notice. The 3 days <u>do not</u> include weekends or court holidays.
3-Day Notice to Cure or Quit*	Use if your tenant violated the lease in a way they can fix. For example, remove a pet or stop noise. This notice tells them they have 3 court days to fix the problem or move out. The 3 days <u>do not</u> include weekends or court holidays.
3-Day Notice to Quit*	Use if your tenant has caused serious problems at the rental property. This notice tells the tenant what they did to break the rental agreement and that they must move out in 3 calendar days, which <u>do include</u> weekends and court holidays. Serious problems include: <ul style="list-style-type: none"> • Causing or allowing a nuisance (<i>for example: keeping a dangerous dog</i>). • Doing something illegal (<i>for example: selling drugs, making criminal threats</i>). • Hurting other people's health or safety (<i>for example: using dangerous chemicals</i>). • Causing major damage to the rental property (<i>called committing waste</i>). • Subletting or moving in other people without your permission, when the rental agreement says they can't. • Refusing landlord entry after proper notice to make required repairs to plumbing, fire alarms, or carbon monoxide detectors. • Failure to vacate after providing written notice to landlord of intent to vacate.
5-Day Notice to Quit	Use in forcible detainer situations where the person you are evicting is a non-tenant (<i>they never signed a rental agreement</i>) and they are unlawfully occupying the property through force, threats, or coercion. Examples include squatters, trespassers, or overstayed guests. The notice tells the person that they must move out in 5 calendar days, which <u>do include</u> weekends and court holidays.
30 or 60-Day Notice to Quit*	Use to end a month-to-month tenancy. Give a 30-day notice if the tenant has rented for less than 1 year, or a 60-day notice if the tenant has rented for 1 year or more. If there is more than one tenant, count the tenant who's lived there the longest. The 30 or 60 days <u>do include</u> weekends and court holidays.

***The Tenant Protection Act (TPA):** If a tenant has lived in a property for 12 months, the TPA applies. This law limits rent increases and requires *just cause* for most evictions. *Just cause* includes both at-fault and no-fault reasons:

- At-fault reasons (*the tenant did something wrong*): Not paying rent, breaking the lease, illegal activity, causing serious damage, etc.
- No-fault reasons (*the tenant did nothing wrong*): The landlord or their family want to move in, the property is being taken off the rental market, the landlord has entered into a contract for sale of the property and the new owner intends to occupy it. For no-fault evictions, the Landlord must pay the tenant 1 month's rent to help them move, or waive the last month's rent.

If the TPA applies, landlords must give the 3-day Notice to Cure or Quit before giving the 3-Day Notice to Quit. There are exceptions; see Cal Civ Code § 1946.2(e).

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: 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:		
CIVIL CASE COVER SHEET <input type="checkbox"/> Unlimited (Amount demanded exceeds \$35,000)	<input type="checkbox"/> Limited (Amount demanded is \$35,000 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:

<p>Auto Tort</p> <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) <p>Asbestos</p> <input type="checkbox"/> Asbestos (04) <p>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</p> <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) <p>Non-PI/PD/WD (Other) Tort</p> <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) <p>Employment</p> <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	<p>Contract</p> <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) <p>Real Property</p> <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) <p>Unlawful Detainer</p> <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) <p>Judicial Review</p> <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re. arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39) <p>Employment Development Department (EDD)</p> <input type="checkbox"/> EDD decision review (48)	<p>Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400–3.403)</p> <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Comprehensive groundwater adjudication (47) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) <p>Enforcement of Judgment</p> <input type="checkbox"/> Enforcement of judgment (20) <p>Miscellaneous Civil Complaint</p> <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (<i>not specified above</i>) (42) <p>Miscellaneous Civil Petition</p> <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (<i>not specified above</i>) (43)
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2. Is this case complex under rule 3.400 of the California Rules of Court? Yes No
 If the case is complex, mark the factors requiring exceptional judicial management:
- a. Large number of separately represented parties
 - b. Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
 - c. Substantial amount of documentary evidence
 - d. Large number of witnesses
 - e. Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
 - f. 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. Is this case a class action suit? Yes No
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 of the California Rules of Court or a complex case, this cover sheet will be used for statistical purposes only.

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the Civil Case Cover Sheet contained on pages 1 and 2. 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 of the California Rules of Court is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$35,000, 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*)

Asbestos

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/Wrongful Death

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

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

Employment Development Department (EDD)

EDD Decision Review (48) (*if the case
involves an Employment Development
Department decision, check this item
instead of Wrongful Termination or Other
Employment*)

**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)
Comprehensive Groundwater Adjudication
(47)
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*)
Mechanic's Lien
Other Commercial Complaint Case (*non-
tort/non-complex*)
Other Civil Complaint (*non-tort/non-
complex*)

Miscellaneous Civil Petition

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

SUMMONS—EVICTION
(CITACIÓN JUDICIAL—DESALOJO)

SUM-130

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

UNLAWFUL DETAINER / FORCIBLE DETAINER / FORCIBLE ENTRY

(RETENCIÓN ILÍCITA DE UN INMUEBLE / RETENCIÓN FORZOSA / ENTRADA FORZOSA)

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 10 days. You have 10 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.

If this summons was served through the Secretary of State's Safe at Home address confidentiality program, you have 15 days from the date of service, not counting Saturdays and Sundays and other judicial holidays, to respond.

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 Self-Help Guide to the California Courts (selfhelp.courts.ca.gov), 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 Self-Help Guide to the California Courts (selfhelp.courts.ca.gov), or by contacting your local court or county bar association.

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.

¡AVISO! Usted ha sido demandado. Si no responde dentro de 10 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 10 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.

Si la presente citación le ha sido entregado a través del programa de dirección confidencial del Secretario del Estado Seguro en Casa, tiene 15 días después de la fecha de entrega, sin contar sábado y domingo y otros días feriados del tribunal, para responder.

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 la Guía de Ayuda de las Cortes de California (selfhelp.courts.ca.gov/es), 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.lawhelpca.org/es), en la Guía de Ayuda de las Cortes de California (selfhelp.courts.ca.gov/es), o poniéndose en contacto con la corte o el colegio de abogados local.

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 monto de \$10,000 ó más recibido 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):

CASE NUMBER (número de 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 4 below.)

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: 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):
- e. by personal delivery on (date):

PLAINTIFF:
DEFENDANT:

CASE NUMBER:

6. a. On or about *(date)*:
defendant (name each):

- (1) agreed to rent the premises as a month-to-month tenancy other tenancy *(specify)*:
 (2) agreed to pay rent of \$ _____ payable monthly other *(specify frequency)*:
 (3) agreed to pay rent on the first of the month other day *(specify)*:

- b. This written oral agreement was made with
 (1) plaintiff. (3) plaintiff's predecessor in interest.
 (2) plaintiff's agent. (4) Other *(specify)*:

- 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. The tenancy described in item 6 *(check 7a or 7b)*

- a. is **not** subject to the Tenant Protection Act of 2019 (Civil Code, § 1946.2). The specific subpart supporting why tenancy is exempt is *(specify)*:
 b. is subject to the Tenant Protection Act of 2019.

8. *(Complete only if item 7b is checked. Check all applicable boxes.)*

- a. The tenancy was terminated for at-fault just cause (Civil Code, § 1946.2(b)(1)).
 b. The tenancy was terminated for no-fault just cause (Civil Code, § 1946.2(b)(2)) and the plaintiff *(check one)*
 (1) waived the payment of rent for the final month of the tenancy, before the rent came due, under section 1946.2(d)(2), in the amount of \$ _____
 (2) provided a direct payment of one month's rent under section 1946.2(d)(3), equaling \$ _____ to *(name each defendant and amount given to each)*:

- c. Because defendant failed to vacate, plaintiff is seeking to recover the total amount in 8b as damages in this action.

9. 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 (6) 3-day notice to perform covenants or quit
 (2) 30-day notice to quit (not applicable if item 7b checked)
 (3) 60-day notice to quit (7) 3-day notice to quit under Civil Code, § 1946.2(c). Prior
 (4) 3-day notice to quit required notice to perform covenants served *(date)*:
 (5) 30-day notice to vacate under the federal CARES Act (15 U.S.C. § 9058(c)) (8) Other *(specify)*:



PLAINTIFF:
DEFENDANT:

CASE NUMBER:

9. b. (1) On *(date)*: _____ the period stated in the notice checked in 9a 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. When Civil Code, § 1946.2(c), applies and two notices are required, provide copies of both.)*
- f. One or more defendants were served (1) with the prior required notice under Civil Code section 1946.2(c), (2) with a different notice, (3) on a different date, or (4) in a different manner, as stated in Attachment 10c. *(Check item 10c and attach a statement providing the information required by items 9a–e and 10 for each defendant and notice.)*
10. a. The notice in item 9a was served on the defendant named in item 9a as follows:
- (1) By personally handing a copy to defendant on *(date)*: _____
- (2) By leaving a copy with *(name or description)*: _____ 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 section 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 section 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 9f is stated in Attachment 10c.
- d. Proof of service of the notice in item 9a is attached and labeled Exhibit 3.
11. **Statements regarding rental assistance** *(Required in all actions based on nonpayment of rent or any other financial obligation. Plaintiff must complete items 11a–d and, if later seeking a default judgment, will also need to file Verification Regarding Rental Assistance—Unlawful Detainer (form UD-120).)*
- a. Plaintiff has received has not received rental assistance or other financial compensation from any other source corresponding to the amount demanded in the notice underlying the complaint.
- b. Plaintiff has received 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.
- c. Plaintiff has does not have any pending applications for rental assistance or other financial compensation from any other source corresponding to the amount demanded in the notice underlying the complaint.
- d. Plaintiff has does not have any pending applications for rental assistance or other financial compensation from any other source for rent accruing *after* the date on the notice underlying the complaint.
12. Plaintiff demands possession from each defendant because of expiration of a fixed-term lease.
13. At the time the 3-day notice to pay rent or quit was served, the amount of **rent due** was \$ _____
14. The fair rental value of the premises is \$ _____ per day.
15. 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 14.)*

PLAINTIFF: DEFENDANT:	CASE NUMBER:
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- 16. A written agreement between the parties provides for attorney fees.
- 17. 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.

- 18. Other allegations are stated in Attachment 17.
- 19. Plaintiff accepts the jurisdictional limit, if any, of the court.

20. PLAINTIFF REQUESTS

- a. possession of the premises.
- b. costs incurred in this proceeding:
- c. past-due rent of \$
- d. reasonable attorney fees.
- e. forfeiture of the agreement.
- f. damages in the amount of waived rent or relocation assistance as stated in item 8: \$
- g. damages at the rate stated in item 13 from *date:* for each day that defendants remain in possession through entry of judgment.
- h. statutory damages up to \$600 for the conduct alleged in item 14.
- i. other (*specify*):

- 21. Pages attached (*specify number of pages*):

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

- 22. (*Complete in all cases.*) An unlawful detainer assistant did not did for compensation give advice or assistance with this form. (*If declarant has received any help or advice for pay from an unlawful detainer assistant, complete a–f.*)

- 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*):

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)

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: 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:	
ANSWER—UNLAWFUL DETAINER	CASE NUMBER:

1. Defendant (all defendants for whom this answer is filed must be named and must sign this answer unless their attorney signs):

answers the complaint as follows:

2. DENIALS (Check ONLY ONE of the next two boxes.)

- a. **General Denial** (Do not check this box if the complaint demands more than \$1,000.)
Defendant generally denies each statement of the complaint.
- b. **Specific Denials** (Check this box and complete (1) and (2) below if complaint demands more than \$1,000.)
Defendant admits that all the statements of the complaint are true EXCEPT:

Denial of Allegations in Complaint (form UD-100 or other complaint for unlawful detainer)

(1) Defendant claims the following statements of the complaint are false (state paragraph numbers from the complaint or explain below or, if more room needed, on form MC-025):

Explanation is on form 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, if more room needed, on form MC-025):

Explanation is on form MC-025, titled as Attachment 2b(2).

3. DEFENSES AND OBJECTIONS (NOTE: For each box checked, you must state brief facts to support it in item 3t (on page 3) or, if more room is needed, on form MC-025. You can learn more about defenses and objections at selfhelp.courts.ca.gov/eviction-tenant.)

- 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. (Nonpayment of rent only) Plaintiff's demand for possession is based on nonpayment of rent due more than one year ago.
- e. Plaintiff waived, changed, or canceled the notice to quit.
- f. Plaintiff served defendant with the notice to quit or filed the complaint to retaliate against defendant.



PLAINTIFF: DEFENDANT:	CASE NUMBER:
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3. g. 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.
- h. 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 3t the facts showing violation of the ordinance.)
- i. Plaintiff's demand for possession is subject to the Tenant Protection Act of 2019, Civil Code section 1946.2 or 1947.12, and is not in compliance with the act. (*Check all that apply and briefly state in item 3t the facts that support each.*)
- (1) Plaintiff failed to state a just cause for termination of tenancy in the written notice to terminate.
- (2) Plaintiff failed to provide an opportunity to cure any alleged violations of terms and conditions of the lease (other than payment of rent) as required under Civil Code section 1946.2(c).
- (3) Plaintiff failed to comply with the relocation assistance requirements of Civil Code section 1946.2(d).
- (4) Plaintiff has raised the rent more than the amount allowed under Civil Code section 1947.12, and the only unpaid rent is the unauthorized amount.
- (5) Plaintiff violated the Tenant Protection Act in another manner that defeats the complaint.
- j. Plaintiff accepted rent from defendant to cover a period of time after the date the notice to quit expired.
- k. Plaintiff seeks to evict defendant based on an act—against defendant, defendant's immediate family member, or a member of defendant's household—that constitutes domestic violence, sexual assault, stalking, human trafficking, abuse of an elder or a dependent adult, or a crime that caused bodily injury, involved a deadly weapon, or used force or threat of force. (*This defense requires one of the following, which may be included with this form: (1) a temporary restraining order, protective order, or police report that is not more than 180 days old; (2) a signed statement from a qualified third party (e.g., a doctor, domestic violence or sexual assault counselor, human trafficking caseworker, psychologist, or a victim of violent crime advocate concerning the injuries or abuse resulting from these acts); or (3) another form of documentation or evidence that verifies that the abuse or violence occurred.*)
- (1) The abuse or violence was committed by a person who does not live in the dwelling unit.
- (2) The abuse or violence was committed by a person who lives in the dwelling unit and defendant claims protection from eviction under Code of Civil Procedure section 1161.3(d)(2).
- l. 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.
- m. Plaintiff's demand for possession of a residential property is based on nonpayment of rent or other financial obligations and (*check all that apply*)
- (1) plaintiff received or has a pending application for rental assistance from a governmental rental assistance program or some other source relating to the amount claimed in the notice to pay rent or quit. (Health & Saf. Code, §§ 50897.1(d)(2)(B) and 50897.3(e)(2).)
- (2) plaintiff received or has a pending application for rental assistance from a governmental rental assistance program or some other source for rent accruing since the notice to pay rent or quit. (Health & Saf. Code, §§ 50897.1(d)(2)(B) and 50897.3(e)(2).)
- (3) plaintiff's demand for possession is based only on late fees for defendant's failure to provide landlord payment within 15 days of receiving governmental rental assistance. (Health & Saf. Code, § 50897.1(e)(2)(B).)
- n. Plaintiff violated a local COVID-19–related ordinance regarding evictions (*briefly state facts describing this in item 3t*).
- o. The property is covered by the federal CARES Act and the plaintiff did not provide 30 days' notice to vacate. (*Property covered by the CARES Act means property where the landlord*
- *is participating in a covered housing program as defined by the Violence Against Women Act (34 U.S.C. § 12491(a));*
 - *is participating in the rural housing voucher program under section 542 of the Housing Act of 1949 (34 U.S.C. § 12491); or*
 - *has a federally backed mortgage loan or a federally backed multifamily mortgage loan.*
- p. Before October 1, 2025, plaintiff improperly applied payments made by defendant in a tenancy that was in existence between March 1, 2020, and September 30, 2021 (Code Civ. Proc., § 1179.04.5), as follows (*check all that apply*):
- (1) Plaintiff applied a security deposit to rent, or other financial obligations due, without tenant's written agreement.
- (2) Plaintiff applied a monthly rental payment to rent or other financial obligations that were due between March 1, 2020, and September 30, 2021, other than to the prospective month's rent, without tenant's written agreement.



PLAINTIFF: DEFENDANT:	CASE NUMBER:
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3. q. Plaintiff refused to accept payment from a third party for rent due. (Civ. Code, § 1947.3; Gov. Code, § 12955.)
- r. Defendant has a disability and plaintiff refused to provide a reasonable accommodation that was requested. (Cal. Code Regs., tit. 2, § 12176(c).)
- s. Other defenses and objections are stated in item 3t.
- t. (Provide facts for each item checked above, either below or, if more room needed, on form MC-025):
 Description of facts or defenses are on form MC-025, titled as Attachment 3t.

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, if more room needed, on form MC-025):
 Explanation is on form MC-025, titled as Attachment 4b.
- c. Other (specify below or, if more room needed, on form MC-025):
 Other statements are on form 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 form MC-025, titled as Attachment 5e.

6. Pages attached (specify number of pages):

PLAINTIFF: DEFENDANT:	CASE NUMBER:
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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 defendant's attorney signs.)

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

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

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

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

I DECLARE THE FOLLOWING UNDER PENALTY OF PERJURY:

1. My name is (*specify*):
2. I reside at (*street address, unit no., city and ZIP code*):
3. The address of "the premises" subject to this claim is (*address*):
4. On (*insert date*): _____, the landlord or the landlord's authorized agent filed a complaint to recover possession of the premises. (*This date is in the accompanying Summons and Complaint.*)
5. I occupied the premises on the date the complaint was filed (*the date in item 4*). I have continued to occupy the premises ever since.
6. I was at least 18 years of age on the date the complaint was filed (*the date in item 4*).
7. I claim a right to possession of the premises because I occupied the premises on the date the complaint was filed (*the date in item 4*).
8. I was not named in the Summons and Complaint.
9. I understand that if I make this claim of possession, I will be added as a defendant to the unlawful detainer (eviction) action.
10. (*Filing fee*) I understand that I must go to the court and pay a filing fee of \$ _____ or file with the court an "Application for Waiver of Court Fees and Costs." I understand that if I don't pay the filing fee or file the form for waiver of court fees, I will not be entitled to make a claim of right to possession.

(Continued on reverse)

Plaintiff: Defendant:	CASE NUMBER:
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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 (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/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: _____

_____ <small>(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)</small>		_____ <small>(SIGNATURE)</small>
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