



**SUPERIOR COURT OF CALIFORNIA
COUNTY OF TULARE**

www.tularesuperiorcourt.ca.gov

559-737-5000

STARTING AN UNLAWFUL DETAINER (EVICTION) CASE

Forms included in this packet:		
Read	Instructions	Local form
Complete and File	Civil Case Cover Sheet	Judicial Council Form #CM-010
	Plaintiff's Mandatory Cover Sheet and Supplemental Allegations – Unlawful Detainer	Judicial Council Form #UD-101
	Summons Unlawful Detainer - Eviction	Judicial Council Form #SUM-130
	Complaint – Unlawful Detainer	Judicial Council Form #UD-100
Serve	Answer- Unlawful Detainer	Judicial Council Form #UD-105
	Prejudgment Claim of Right to Possession	Judicial Council Form #CP 10.5
File After Service	Proof of Service of Summons	Judicial Council Form # POS-010

SELF HELP RESOURCE CENTER

If you are filing an eviction case 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

Email: tcscselfhelpinfo@tulare.courts.ca.gov

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

This is an instructional guide to filing an unlawful detainer case, designed to explain the necessary steps for filing your paperwork and obtaining an order 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 type the forms and print them out for filing. You can also use the forms completion program at <https://www.courts.ca.gov/partners/116.htm> which uses a question and answer format and fills out the forms for you.

If you have further questions or concerns regarding your case, you may wish to consult with an attorney, obtain other assistance, 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/selfhelp-custody.htm>. Select the Spanish icon at the right of the webpage for information in Spanish. Additional information is available at the California Department of Real Estate, which you can access by typing "HousingIsKey.com" into your browser or link directly at <https://landlordtenant.dre.ca.gov/>. The Department of Consumer Affairs also publishes a useful called "California Tenants: A Guide to Residential Tenants' and Landlords' Rights and Responsibilities." <https://www.courts.ca.gov/documents/California-Tenants-Guide.pdf>

Central California Legal Services, located in Visalia, provides free legal assistance on Landlord-Tenant matters for parties who meet their financial criteria.

INSTRUCTIONS

IMPORTANT: Before you can begin a court case for unlawful detainer, you must first give written notice to your tenant. The type and amount of notice required depends on the circumstances of your case. Please read this section carefully to determine whether you can file your court complaint yet. The following are some examples of required notices:

1. Nonpayment of rent: 15-Day Notice to Pay Rent or Quit.
2. Illegal Activities on the Premises – 3-Day Notice to Quit
3. Breaching the Lease (illegal pets, subletting, etc.) – 3-Day Notice to Cure or Quit, followed by 3-Day Notice to Quit if the tenant does not fix the problem.
4. Selling the Property (after valid sales contract is signed) or taking off the market – generally a 30-Day or 60-day Notice.

The attached Self-Help Resource Center guide to notices can help you decide which form of Notice is required under your specific circumstances. The coversheet that you must complete and file with your other court paperwork requires you to explain what notice you gave your tenant and how it was given.

Special rules apply during the COVID-19 pandemic period from March 1, 2020 through September 30, 2021. These rules require you to serve:

1. For rent due for the period before March 1, 2020 or after September 30, 2021
 - a. 3-Day Notice to Pay Rent or Quit
2. For rent due for the period from March 1, 2020 through August 31, 2020
 - a. 15-Day Notice to Pay Rent or Quit for Protected Period
 - b. Notice from the State of California
 - c. High-Income Tenant attachment to Notice if applicable
 - d. Blank Declaration of Covid-19 Related Financial Distress.

Note: If your tenant completes and returns the Declaration to you within 15 court days, you cannot ever evict your tenant for nonpayment of the rent for that period. (You can, however, file a Small Claims Court case beginning November 1, 2021 against your tenant for all unpaid rent).

3. For rent due for the period from September 1, 2020 through September 30, 2021
 - a. 15-Day Notice to Pay Rent or Quit for Transitional Period
 - b. Blank Declaration of Covid-19 Related Financial Distress
 - c. High-Income Tenant attachment to Notice if applicable

Note: If your tenant gave you a Declaration of COVID-19 Related Financial Distress, and paid at least 25% of the rent owing for this period by September 30, 2021, you cannot evict your tenant

for nonpayment of the rent for that period. Also, for eviction cases based on nonpayment of rental debt incurred between March 1, 2020 and March 30, 2022, you must show that you have attempted to obtain rental assistance under the state emergency rental assistance program and the application has been denied or the tenant has failed to complete their section.

Once you have determined that you can file an unlawful detainer (eviction) case, you will complete and file the following forms:

1. **Civil Case Cover Sheet (CM-010)**
2. **Plaintiff's Mandatory Cover Sheet and Supplemental Allegations – Unlawful Detainer (UD-101)**
3. **Complaint (UD-100)**
4. **Summons (SUM-130)**

Fee Waiver: There is a fee for filing these forms. If you would like to apply for a fee waiver, please request a **Fee Waiver** packet from the clerk.

After you have completed your forms

Make copies of your completed forms:

1. **One copy each (if you are requesting to waive fees):**
 - a. Request to Waive Fees – *optional* (FW-001)
 - b. Order on Court Fee Waiver - *optional* (FW-003)
2. **One copy:** Civil Case Cover Sheet (CM-010)
3. **Two copies each:**
 - a. Mandatory Cover Sheet (UD-101)
 - b. Complaint (UD-100) – attach lease, notice(s), proof(s) of service of notice(s)
 - c. Summons (SUM-130)

Before filing, you can email or drop your paperwork for review at the Self-Help Resource Center at 3400 W. Mineral King, Suite C in Visalia or at outside Window 4 in the Porterville South County Justice Center. File the originals and the copies together in Room 201 in the County Civic Center courthouse in Visalia or at the Clerk's service counter in the South County Justice Center in Porterville.

Serving your Forms

When you file your forms, the clerk will keep the originals and return your copies to you stamped "filed." One of these copies is for you to keep and the other is to serve on the other party. "Service" means someone 18 years or older, **other than you**, will hand-deliver the forms to the other parent.

The following forms must be served:

- 1. Complaint (UD-100)**
- 2. Summons (SUM-130)**
- 3. Mandatory Cover Sheet (UD-101)**
- 4. Blank Answer (UD-105)**

If you are seeking to evict people other than those who signed the lease and who are named in the complaint, you must also have a blank **Prejudgment Claim of Right to Possession (CP 10.5)** served, and service must be made by a sheriff or licensed process server.

The person who completes the service must complete and sign the **Proof of Service of Summons (POS-010)** stating who was served, when and where the service took place.

Filing the Proof of Service

You **must** file your **Proof of Service of Summons** after the other party is served. This tells the court that the other party received the forms and was notified of the court date in a legally acceptable way. If the other party does not file an **Answer**, the court will know that it was not because they did not know about the case.

File the original and one copy of the completed Proof of Service. The clerk will give you back your copy for your records. Keep this copy as proof that the other party was served.

Further Assistance

If you need further assistance, call the Self-Help Resource Center at 559-737-5500, or call Central California Legal Services at 2025 W. Feemster Ave., Visalia CA 93277 (800-350-3654)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):

FOR COURT USE ONLY

TELEPHONE NO.:

FAX NO. (Optional):

E-MAIL ADDRESS:

ATTORNEY FOR (Name):

SUPERIOR COURT OF CALIFORNIA, COUNTY OF

STREET ADDRESS:

MAILING ADDRESS:

CITY AND ZIP CODE:

BRANCH NAME:

CASE NAME:

CIVIL CASE COVER SHEET

☐

Unlimited

(Amount

demanded

exceeds \$25,000)

☐

Limited

(Amount

demanded is

\$25,000)

Complex Case Designation

☐

Counter

☐

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

☐

Auto (22)

☐

Uninsured motorist (46)

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

Asbestos (04)

☐

Product liability (24)

☐

Medical malpractice (45)

☐

Other PI/PD/WD (23)

Non-PI/PD/WD (Other) Tort

☐

Business tort/unfair business practice (07)

☐

Civil rights (08)

☐

Defamation (13)

☐

Fraud (16)

☐

Intellectual property (19)

☐

Professional negligence (25)

☐

Other non-PI/PD/WD tort (35)

Employment

☐

Wrongful termination (36)

☐

Other employment (15)

Contract

☐

Breach of contract/warranty (06)

☐

Rule 3.740 collections (09)

☐

Other collections (09)

☐

Insurance coverage (18)

☐

Other contract (37)

Real Property

☐Eminent domain/Inverse
condemnation (14)☐

Wrongful eviction (33)

☐

Other real property (26)

Unlawful Detainer

☐

Commercial (31)

☐

Residential (32)

☐

Drugs (38)

Judicial Review

☐

Asset forfeiture (05)

☐

Petition re: arbitration award (11)

☐

Writ of mandate (02)

☐

Other judicial review (39)

Provisionally Complex Civil Litigation
(Cal. Rules of Court, rules 3.400–3.403)☐

Antitrust/Trade regulation (03)

☐

Construction defect (10)

☐

Mass tort (40)

☐

Securities litigation (28)

☐

Environmental/Toxic tort (30)

☐Insurance coverage claims arising from the
above listed provisionally complex case
types (41)

Enforcement of Judgment

☐

Enforcement of judgment (20)

Miscellaneous Civil Complaint

☐

RICO (27)

☐

Other complaint (not specified above) (42)

Miscellaneous Civil Petition

☐

Partnership and corporate governance (21)

☐

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. ☐ Large number of separately represented partiesd. ☐ Large number of witnessesb. ☐ Extensive motion practice raising difficult or novel
issues that will be time-consuming to resolvee. ☐ Coordination with related actions pending in one or more
courts in other counties, states, or countries, or in a federal
courtc. ☐ Substantial amount of documentary evidencef. ☐ Substantial postjudgment judicial supervision3. 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.

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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.

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 Personal Injury/
Asbestos Property Damage
Wrongful Death
Product Liability (not asbestos or toxic/environmental) (24)
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

Employment

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)
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
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)

Real Property

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

Miscellaneous Civil Complaint

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

Miscellaneous Civil Complaint

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)

Enforcement of Judgment

(arising from provisionally complex case type listed above) (41)

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

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)

CASE TYPES AND EXAMPLES**CIVIL CASE COVER SHEET**

All plaintiffs in unlawful detainer proceedings must file and serve this form. Filing this form complies with the requirement in Code of Civil Procedure section 1179.01.5(c).

- Serve this form and any attachments to it with the summons.*
- If a summons has already been served without this form, then serve it by mail or any other means of service authorized by law.*
- If defendant has answered prior to service of this form, there is no requirement for defendant to respond to the supplemental allegations before trial.*

To obtain a summons in an unlawful detainer action for nonpayment of rent on a residential property filed before March 31, 2022, a plaintiff must verify that they applied for governmental rental assistance that was not granted, or that the tenancy began after September 30, 2021. (See item 3.)

To obtain a judgment in an unlawful detainer action for nonpayment of rent on a residential property, a plaintiff must verify that no rental assistance or other financial compensation has been received for the amount demanded in the notice or accruing afterward, and that no application is pending for such assistance. To obtain a default judgment, plaintiff must use Verification by Landlord Regarding Rental Assistance—Unlawful Detainer (form UD-120) to make this verification and provide other information required by statute.

1. PLAINTIFF (*name each*):

alleges causes of action in the complaint filed in this action against DEFENDANT *(name each)*:

2. **Statutory cover sheet allegations** (Code Civ. Proc., § 1179.01.5(c))

- a. This action seeks possession of real property that is (check all that apply): ☐ Residential ☐ Commercial
(If "residential" is checked, complete items 3 and 4 and all remaining items that apply to this action. If only "commercial" is checked, no further items need to be completed except the signature and verification on page 5; a summons may be issued.)
- b. This action is based, in whole or in part, on an alleged default in payment of rent or other charges. ☐ Yes ☐ No

3. Verifications required for issuance of summons—residential (Code Civ. Proc., § 1179.11(a))

- a. Is this action based, in whole or in part, on a defendant's nonpayment of rent or other financial obligation during the period between March 1, 2020, and March 31, 2022? ☐ Yes ☐ No
- (If no is checked, no further items need to be completed except the signature and verification on page 5, and item 12 if the action is based in whole or in part on nonpayment of rent during some other time frame; a summons may be issued.)*
- b. Is this action on a tenancy that was initially established before October 1, 2021? ☐ Yes ☐ No
- (If no is checked, the further items that need to be completed are the signature and verification on page 5, and items 10 or 11, and 12 if the action is based in whole or in part on nonpayment of rent; a summons may be issued. (See Code Civ. Proc., § 1179.09(h) to learn more about what "initially established" means.)*
- Page 1 of 2

PLAINTIFF:	
DEFENDANT:	
CASE NUMBER:	

3. c. If you answered yes to questions 3a and 3b above, you must check either (1) or (2) below, or a summons may not be issued.

(1) ☐ Before filing the complaint in this action, plaintiff applied for governmental rental assistance to cover the rent or other financial obligations demanded in this action, but the application was denied **and** a copy of a final decision denying financial obligations demanded in this action, or notification that the application is pending further action, or notification that plaintiff or defendants applied to the wrong government agency. (Code Civ. Proc., § 1179.09(d).)

or

(2) ☐ Before filing the complaint in this action, plaintiff completed an application for governmental rental assistance to cover the rent or other financial obligations demanded in this action, including all the required contact information and documentation, **and all** of the following are true:

(a) At least 20 days have passed since the **later** of either (check one):

☐ The date the plaintiff submitted the completed application, or

☐ The date the plaintiff served the three-day notice underlying the complaint.

and

(b) Plaintiff has not received any notice from the governmental agency to which defendant has applied for governmental rental assistance to cover the rent or other financial obligations demanded from the defendant in this action.

and

(c) Plaintiff has not received a communication from the defendant that defendant has applied for governmental rental assistance to cover the rent or other financial obligations demanded from the defendant in this action.

4. **Tenants subject to COVID-19 Tenant Relief Act** (Code Civ. Proc., § 1179.02(h))

a. (1) One or more defendants in this action is a natural person: ☐ Yes ☐ No

(2) Identify any defendant not a natural person:

(if no is checked, then no further items need to be completed except the signature and verification, and item 12 if the action is based on nonpayment of rent.)

b. (1) All defendants named in this action maintain occupancy as described in Civil Code section 1940(b). ☐ Yes ☐ No

(2) Identify any defendant who does not:

(if yes is checked, then no further items need to be completed except the signature and verification, and item 12 if the action is based on nonpayment of rent.)

5. ☐ **Unlawful detainer notice expired before March 1, 2020**

The unlawful detainer complaint in this action is based solely on a notice to quit, to pay or quit, or to perform covenants or quit, in which the time period specified in the notice expired before March 1, 2020. (If this is the only basis for the action, no further items need to be completed except the signature and verification on page 5. (Code Civ. Proc., § 1179.03.5(a)(1).))

6. ☐ **Rent or other financial obligations due between March 1, 2020, and August 31, 2020 (protected time period)**

The unlawful detainer complaint in this action is based, at least in part, on a demand for payment of rent or other financial obligations due in the protected time period. (Check all that apply.)

a. ☐ Defendant (name each):

was provided all the required versions of the "Notice from the State of California" required by Code of Civil Procedure section 1179.04. (Provide information regarding service of the notice or notices in item 8 below.)

b. ☐ Defendant (name each):

was served with at least 15 days' notice to pay rent or other financial obligations, quit, or deliver a declaration, and an unsigned declaration of COVID-19-related financial distress, in the form and with the content required in Code of Civil Procedure section 1179.03(b) and (d).

(If the notice identified defendant as a **high-income tenant** and requested submission of documentation supporting any declaration the defendant submits, complete item 9 below. (Code Civ. Proc., § 1179.02.5(c).))

(If filing form UD-100 with this form and item 6b is checked, specify this 15-day notice in item 9a(7) on form UD-100, attach a copy of the notice to that complaint form, and provide all requested information about service on that form.)

PLAINTIFF: DEFENDANT:	CASE NUMBER:
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6. c. Response to notice (check all that apply):

(1) ☐ Defendant (name each):

delivered a declaration of COVID-19–related financial distress on landlord in the time required. (Code Civ. Proc., § 1179.03(f).)

(2) ☐ Defendant (name each):

did *not* deliver a declaration of COVID-19–related financial distress on landlord in the time required. (Code Civ. Proc., § 1179.03(f).)

7. ☐ **Rent or other financial obligations due between September 1, 2020, and September 30, 2021 (the transition time period)** The unlawful detainer complaint in this action is based, at least in part, on a demand for payment of rent or other financial obligations due during the transition time period.a. ☐ Defendant (name each):

was provided all the required versions of the "Notice from the State of California" as required by Code of Civil Procedure section 1179.04. (Provide information regarding service of the notice or notices in item 8 below.)

b. ☐ Defendant (name each):

was served with at least 15 days' notice to pay rent or other financial obligations, quit, or deliver a declaration, and an unsigned declaration of COVID-19–related financial distress, in the form and with the content required in Code of Civil Procedure section 1179.03(c) and (d).

(If the notice identified defendant as a **high-income tenant** and requested submission of documentation supporting any declaration the defendant submits, complete item 9 below. (Code Civ. Proc., § 1179.02.5(c).))

(If filing form UD-100 with this form and item 7b is checked, specify this 15-day notice in item 9a(7) on form UD-100, attach a copy of the notice to that complaint form, and provide all requested information about service on that form.)

c. Response to notice (check all that apply):

(1) ☐ Defendant (name each):

delivered a declaration of COVID-19–related financial distress on the landlord in the time required. (Code Civ. Proc., § 1179.03(f).)

(2) ☐ Defendant (name each):

did *not* deliver a declaration of COVID-19–related financial distress on the landlord in the time required. (Code Civ. Proc., § 1179.03(f).)

d. ☐ Rent or other financial obligations due:

(1) Rent or other financial obligations in the amount of \$ _____ was due between September 1, 2020, and September 30, 2021.

(2) Payment of \$ _____ for that period was received by September 30, 2021.

8. **Service of Code of Civil Procedure Section 1179.04 Notice from the State of California** (You must complete this item if you checked item 6 or 7 above. Section 1179.04 provides three separate versions of a "Notice from the State of California" that the landlord was to provide to tenants at different times during the pandemic (the notices referenced in item 6a and 7a above). This item addresses when and how those notices were provided.)

a. **September 2020 Notice.** Plaintiff provided the required notice for tenants who, as of September 1, 2020, had any unpaid rent or other financial obligations due any time between March 1, 2020, and August 31, 2020 (Code Civ. Proc., § 1179.04(a)), to defendants identified in 6a or as follows:

(1) ☐ By sending a copy by mail addressed to each named defendant on (date): _____.(2) ☐ By personally handing a copy to each named defendant on (date): _____.

PLAINTIFF:	CASE NUMBER:
DEFENDANT:	

8. a. (3) ☐ By some other method of service described in Code of Civil Procedure section 1162. (If this box is checked, describe the method and date of service on an attached page (you can use form MC-025) and title it Attachment 8a.)
- (4) ☐ In different ways for different defendants. (If this box is checked, describe the method and date of service for each defendant on an attached page (you can use form MC-025) and title it Attachment 8a.)
- (5) ☐ Plaintiff was not required to serve the September 2020 notice on the named defendants.

- b. **February 2021 Notice.** Plaintiff provided the required notice for tenants who as of February 1, 2021, had unpaid rent or other financial obligations due any time after March 1, 2020, (Code Civ. Proc., § 1179.04(b)) to defendants identified in 6a and 7a as follows:

- (1) ☐ By sending a copy by mail addressed to each named defendant on (date):
- (2) ☐ By personally handing a copy to each named defendant on (date):
- (3) ☐ By some other method of service described in Code of Civil Procedure section 1162. (If this box is checked, describe the method and date of service on an attached page (you can use form MC-025) and title it Attachment 8b.)
- (4) ☐ In different ways for different defendants. (If this box is checked, describe the method and date of service for each defendant on an attached page (you can use form MC-025) and title it Attachment 8b.)
- (5) ☐ Plaintiff was not required to serve the February 2021 notice on the named defendants.

- c. **July 2021 Notice.** Plaintiff provided the required notice for tenants who as of July 1, 2021, had unpaid rent or other financial obligations due any time after March 1, 2020, (Code Civ. Proc., § 1179.04(c)) to defendants identified in 6a and 7a as follows:

- (1) ☐ By sending a copy by mail addressed to each named defendant on (date):
- (2) ☐ By personally handing a copy to each named defendant on (date):
- (3) ☐ By some other method of service described in Code of Civil Procedure section 1162. (If this box is checked, describe the method and date of service on an attached page (you can use form MC-025) and title it Attachment 8c.)
- (4) ☐ In different ways for different defendants. (If this box is checked, describe the method and date of service for each defendant on an attached page (you can use form MC-025) and title it Attachment 8c.)
- (5) ☐ Plaintiff was not required to serve the July 2021 notice on the named defendants.

9. ☐ **High-income tenant.** The 15-day notice in item 6b or 7b above identified defendant as a high-income tenant and requested submission of documentation supporting the tenant's claim that tenant had suffered COVID-19-related financial distress. Plaintiff had proof before serving that notice that the tenant has an annual income that is at least 130 percent of the median income for the county the rental property is located in and not less than \$100,000. (Code Civ. Proc., § 1179.02.5.)
- a. ☐ The tenant did not deliver a declaration of COVID-19-related financial distress within the required time. (Code Civ. Proc., § 1179.03(f).)
- b. ☐ The tenant did not deliver documentation within the required time supporting that the tenant had suffered COVID-19-related financial distress as asserted in the declaration. (Code Civ. Proc., § 1179.02.5(c).)

10. ☐ **Rent or other financial obligations due between October 1, 2021, and March 31, 2022 (recovery period rental debt).** The unlawful detainer complaint in this action is based, at least in part, on a demand for payment of rent or other financial obligations due during the recovery period. (Check a or b.)
- a. ☐ Defendant (name each):

- was served with at least 3 days' notice to pay rent or other financial obligations or quit, in a notice that included the name, website address, and phone number of the governmental rental assistance program for the locality in which the property at issue is located, as well as all other content required by Code of Civil Procedure section 1179.10.
- (If filing form UD-100 with this form and this item is checked, specify this notice in item 9a(7) on form UD-100, attach a copy of the notice to that complaint form, and provide all requested information about service on that form.)
- b. ☐ Plaintiff has checked no in item 3b and the special notice to quit required by Code of Civil Procedure section 1179.10 does not apply in this action.

PLAINTIFF: DEFENDANT:	CASE NUMBER:
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11. ☐ **Rent or other financial obligations due after March 31, 2022.** (Only applicable if action is filed on or after April 1, 2022.)
The only demand for rent or other financial obligations on which the unlawful detainer complaint in this action is based is a demand for payment of rent due after March 31, 2022.
12. ☐ **Statements regarding rental assistance** (Required in all actions based on nonpayment of rent or any other financial obligation. Plaintiff must answer all the questions in this item and, if later seeking a default judgment, will also need to file Verification Regarding Rental Assistance—Unlawful Detainer (form UD-120).)
- Has plaintiff received rental assistance or other financial compensation from any other source corresponding to the amount demanded in the notice underlying the complaint? ☐ Yes ☐ No
 - Has plaintiff received rental assistance or other financial compensation from any other source for rent accruing *after* the date of the notice underlying the complaint? ☐ Yes ☐ No
 - Does plaintiff 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? ☐ Yes ☐ No
 - Does plaintiff have any pending application for rental assistance or other financial compensation from any other source for rent accruing *after* the date on the notice underlying the complaint? ☐ Yes ☐ No
13. ☐ **Other allegations** Plaintiff makes the following additional allegations: (State any additional allegations below, with each allegation lettered in order, starting with (a), (b), (c) etc. If there is not enough space below, check the box below and use form MC-025, title it Attachment 13, and letter each allegation in order.) ☐ Other allegations are on form MC-025.

14. ☐ Number of pages attached (specify):

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)

SUMMONS
(CITACIÓN JUDICIAL)

UNLAWFUL DETAINER-EVICTION
(RETENCIÓN ILÍCITA DE UN INMUEBLE-DESALOJO)

SUM-130

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.

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 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.

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):

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):	
DEFENDANT (Name):	
CASE NUMBER:	

3. (Must be answered in all cases) An unlawful detainee 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 detainee assistant, complete item 6 on the next page.)

4. Unlawful detainee assistant (complete if plaintiff has received any help or advice for pay from an unlawful detainee 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: _____, Deputy Clerk, by _____ (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)).

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 416.20 (defunct corporation).	
☐ CCP 416.40 (association or partnership).	
☐ CCP 415.46 (occupant).	
e. ☐ by personal delivery on (date):	
☐ CCP 416.60 (minor).	
☐ CCP 416.70 (conservatee).	
☐ CCP 416.90 (authorized person).	
☐ other (specify):	

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: ☐ DOES 1 TO		
☐ COMPLAINT ☐ AMENDED COMPLAINT (Amendment Number):		CASE NUMBER:
Jurisdiction (check all that apply): ☐ ACTION IS A LIMITED CIVIL CASE Amount demanded ☐ does not exceed \$10,000. ☐ exceeds \$10,000 but does not exceed \$25,000. ☐ ACTION IS AN UNLIMITED CIVIL CASE (amount demanded exceeds \$25,000) ☐ ACTION IS RECLASSIFIED by this amended complaint or cross-complaint (<i>check all that apply</i>): ☐ from unlawful detainer to general unlimited civil (possession not in issue). ☐ from limited to unlimited. ☐ from unlawful detainer to general limited civil (possession not in issue). ☐ from unlimited to limited.		

1. *PLAINTIFF* (name each):

alleges causes of action against DEFENDANT (name each):

2. a. Plaintiff is (1) ☐ an individual over the age of 18 years. (4) ☐ a partnership.
(2) ☐ a public agency. (5) ☐ a corporation.
(3) ☐ other (*specify*):
- b. ☐ Plaintiff has complied with the fictitious business name laws and is doing business under the fictitious name of (*specify*):
3. a. *The venue is the court named above because defendant named above is in possession of the premises located at (street address, apt. no., city, zip code, and county):*
- b. The premises in 3a are (*check one*)
(1) ☐ within the city limits of (*name of city*):
(2) ☐ within the unincorporated area of (*name of county*):
- c. The premises in 3a were constructed in (*approximate year*):
4. Plaintiff's interest in the premises is ☐ as owner ☐ other (*specify*):
5. The true names and capacities of defendants sued as Does are unknown to plaintiff.

***NOTE:** Do not use this form for evictions after sale (Code Civ. Proc., § 1161a).

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 ☐ plaintiff's predecessor in interest
(2) plaintiff's agent ☐ 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 6 (complete (a) or (b))

- 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
(2) ☐ 30-day notice to quit
(3) ☐ 60-day notice to quit
(4) ☐ 3-day notice to quit
(5) ☐ 3-day notice to perform covenants or quit
(6) ☐ 3-day notice to quit under Civil Code, § 1946.2(c)
(not applicable if item 7b checked)
Prior required notice to perform covenants served (date):
(7) ☐ 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, § 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): _____, 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 9f is stated in Attachment 10c.
- d. ☐ Proof of service of the notice in item 9a is attached and labeled Exhibit 3.
11. ☐ Plaintiff demands possession from each defendant because of expiration of a fixed-term lease.
12. ☐ At the time the 3-day notice to pay rent or quit was served, the amount of **rent due** was \$ _____
13. ☐ The fair rental value of the premises is \$ _____ per day.
14. ☐ 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.)
15. ☐ A written agreement between the parties provides for attorney fees.
16. ☐ 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.

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

(TYPE OR PRINT NAME)

(SIGNATURE OF PLAINTIFF)

Date:

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

VERIFICATION

(TYPE OR PRINT NAME)

(SIGNATURE OF PLAINTIFF OR ATTORNEY)

Date:

21. ☐ (Complete in all cases.) An unlawful detainer assistant 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):

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

20. ☐ Number of pages attached (specify):

19. 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):
h. ☐ statutory damages up to \$600 for the conduct alleged in item 14.
i. ☐ other (specify):

PLAINTIFF:
DEFENDANT:

CASE NUMBER:

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL 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 and of the *Mandatory Cover Sheet and Supplemental Allegations—Unlawful Detainer* (form UD-101).
- b. ☐ **Specific Denials** (*Check this box and complete (1) and (2) below if complaint demands more than \$1,000.*)
 Defendant admits that all of the statements of the complaint and of the *Mandatory Cover Sheet and Supplemental Allegations—Unlawful Detainer* (form UD-101) are true EXCEPT:
- (1) **Denial of Allegations in Complaint (Form UD-100 or Other Complaint for Unlawful Detainer)**
- (a) 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)(a).
- (b) 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(1)(b).
- (2) **Denial of Allegations in *Mandatory Cover Sheet and Supplemental Allegations—Unlawful Detainer* (form UD-101)**
- (a) ☐ Defendant did not receive plaintiff's *Mandatory Cover Sheet and Supplemental Allegations* (form UD-101). (*If not checked, complete (b) and (c).*)
- (b) Defendant claims the following statements on the *Mandatory Cover Sheet and Supplemental Allegations—Unlawful Detainer* (form UD-101) are false (*state paragraph numbers from form UD-101 or explain below or, if more room needed, on form MC-025*): ☐ Explanation is on form MC-025, titled as Attachment 2b(2)(b).
- (c) Defendant has no information or belief that the following statements on the *Mandatory Cover Sheet and Supplemental Allegations—Unlawful Detainer* (form UD-101) are true, so defendant denies them (*state paragraph numbers from form UD-101 or explain below or, if more room needed, on form MC-025*):
☐ Explanation is on form MC-025, titled as Attachment 2b(2)(c).

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

- ☐ 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 3v the facts showing violation of the ordinance.)
- ☐ h. 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 3v 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 Civ. Code, § 1946.2(c).
- ☐ (3) Plaintiff failed to comply with the relocation assistance requirements of Civ. Code, § 1946.2(d).
- ☐ (4) Plaintiff has raised the rent more than the amount allowed under Civ. Code, § 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.
- ☐ i. Plaintiff accepted rent from defendant to cover a period of time after the date the notice to quit expired.
- ☐ j. 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.)

- ☐ k. 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.
- ☐ l. Plaintiff's demand for possession of a residential property is in retaliation for nonpayment of rent or other financial obligations due between March 1, 2020, and September 30, 2021, even though alleged to be based on other reasons. (Civ. Code, § 1942.5(d) or Gov. Code, § 12955.)
- ☐ m. Plaintiff's demand for possession of a residential property is based on nonpayment of rent or other financial obligations due between March 1, 2020, and September 30, 2021, and (check all that apply):

- ☐ (1) Plaintiff did not serve the general notice of rights under the COVID-19 Tenants Relief Act as required by Code of Civil Procedure section 1179.04.
- ☐ (2) Plaintiff did not serve the required 15-day notice. (Code Civ. Proc., § 1179.03(b) or (c).)
- ☐ (3) Plaintiff did not provide an unsigned declaration of COVID-19–related financial distress with the 15-day notice. (Code Civ. Proc., § 1179.03(d).)
- ☐ (4) Plaintiff did not provide an unsigned declaration of COVID-19–related financial distress in the language in which the landlord was required to provide a translation of the rental agreement. (Code Civ. Proc., § 1179.03(d).)
- ☐ (5) Plaintiff identified defendant as a “high-income tenant” in the 15-day notice, but plaintiff did not possess proof at the time the notice was served establishing that defendant met the definition of high-income tenant. (Code Civ. Proc., § 1179.02.5(b).).

CASE NUMBER:

- m. (6) ☐ Defendant delivered to plaintiff one or more declarations of COVID-19–related financial distress and, if required as a "high-income tenant," documentation in support. (Code Civ. Proc., §§ 1179.03(f) and 1179.02.5.)
(Describe when and how delivered and check all other items below that apply):
- (a) ☐ Plaintiff's demand for payment includes late fees on rent or other financial obligations due between March 1, 2020, and September 30, 2021.
- (b) ☐ Plaintiff's demand for payment includes fees for services that were increased or not previously charged.
- (c) ☐ (For cases filed after September 30, 2021) Defendant, on or before September 30, 2021, paid or offered plaintiff payment of at least 25% of the total rental payments that were due between September 1, 2020, and September 30, 2021, and that were demanded in the termination notices for which defendant delivered the declarations described in (a). (Code Civ. Proc., § 1179.03(g)(2).)
- (7) ☐ Defendant is currently filing or has already filed a declaration of COVID-19–related financial distress with the court. (Code Civ. Proc., § 1179.03(h).)
- (8) ☐ Rental Assistance (Health & Saf. Code, §§ 50897.1(d)(2)(B) and 50897.3(e)) (check all that apply):
- (a) ☐ Plaintiff received or has applied for rental assistance from the State Rental Assistance Program or financial compensation from some other source relating to the amount claimed in the notice to pay rent or quit.
- (b) ☐ Plaintiff received or has applied for rental assistance from the State Rental Assistance Program for rent accruing since the notice to pay rent or quit.
- n. ☐ (For cases filed before October 1, 2021) Plaintiff's demand for possession of a residential tenancy is based on a reason other than nonpayment of rent or other financial obligations, and plaintiff lacks just cause for termination of the tenancy, as defined in Civil Code section 1946.2(b) or Code of Civil Procedure section 1179.03.5(a)(3)(A).
- o. ☐ Plaintiff violated the COVID-19 Tenant Relief Act (Code Civ. Proc., § 1179.01 et seq.) or a local COVID-19–related ordinance regarding evictions in some other way (briefly state facts describing this in item 3v).
- p. ☐ Defendant provided plaintiff with a declaration under penalty of perjury for the Centers for Disease Control and Prevention's temporary halt in evictions to prevent further spread of COVID-19 (85 Federal Register 55292 at 55297), and plaintiff's reason for termination of the tenancy is one that the temporary halt in evictions applies to. (Describe when and how provided):
- q. ☐ Plaintiff violated the federal CARES Act, because the property is covered by that act and (check all that apply):
- (1) ☐ The federally backed mortgage on the property was in forbearance when plaintiff brought the action. (15 U.S.C. § 9057.)
- (2) ☐ The plaintiff did not give the required 30 days' notice. (15 U.S.C. § 9058(c).)
- r. ☐ 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.

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

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.

CASE NUMBER:

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 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 (Name and Address):		TELEPHONE NO.:	FOR COURT USE ONLY
ATTORNEY FOR (Name):			
NAME OF COURT: STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:			
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)

- 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.

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.

(TYPE OR PRINT NAME)

(SIGNATURE OF CLAIMANT)

Date:

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

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

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*):

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

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.
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.

Defendant:

Plaintiff:

CASE NUMBER:

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:	DEFENDANT/RESPONDENT:
CASE NUMBER:	

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:
- ☐ 416.10 (corporation)
- ☐ 416.20 (defunct corporation)
- ☐ 416.30 (joint stock company/association)
- ☐ 416.40 (association or partnership)
- ☐ 416.50 (public entity)

- ☐ 415.95 (business organization, form unknown)
- ☐ 416.60 (minor)
- ☐ 416.70 (ward or conservatee)
- ☐ 416.90 (authorized person)
- ☐ 415.46 (occupant)
- ☐ 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)