

HOW DO I EVICT MY TENANT?

A guide for Landlords



Superior Court of California
County of Riverside

Self-Help Center

How do I evict my tenant?

You must first give your tenant *Notice*. It is usually 3-day, 30-day, 60-day, or 90-day notice. The notice must be in writing and there are certain things the notice must contain. For specific instructions regarding the content of the notice, [click here](#).

If your tenant does not do what the notice instructs, you must file an Unlawful Detainer.

How do I start an Unlawful Detainer case?

An Unlawful Detainer is a lawsuit filed by a landlord to evict a tenant. If the judge agrees with the landlord, the landlord can ask the sheriff to physically remove the tenant from the rental unit. If not, the tenant can stay in the property. To begin an Unlawful Detainer:

1. **Complete and file** a [Summons](#) (Form SUM-130) and [Complaint](#) (Form UD-100), [Civil Case Cover Sheet](#) (Form CM-130) and [Certificate of Counsel](#) (Form RI-030). There is a filing fee, but if you cannot afford the fee, you can complete a [Request to Waive Court Fees](#) (Form FW-001) and [Order on Court Fee Waiver](#) (Form FW-003).
2. **Serve the tenant** with a copy of the Summons and Complaint. You cannot serve this yourself. The server must be 18 or older, and not a party to the action. The methods of service can be either:
 - Personal Service;
 - Substitute Service (personal service must be attempted first); or

- Posting and Mailing (requires court permission).
3. **File your [Proof Service of Summons \(Form POS-010\)](#).** Your server must complete this form.

Where do I get the forms I need?

You can get your forms at Self-Help Information Center, the Clerk's Office at any court location, or you can download the forms at: www.courts.ca.gov/forms.htm

You can fill out self-populating forms online at:
http://www.riverside.courts.ca.gov/selfhelp/civ_ud.shtml

How long does the tenant have to respond?

If the tenant was served in person, the tenant has 5 calendar days to file a written response.

If the tenant was served by substitute service or "post and mail", the tenant has 15 days after the date the server mailed the court papers to file a written response. The date of mailing is the postmark date.

What happens if the tenant does not respond on time?

You can ask the court for a Default Judgment. There are several documents you need to file to do this. Seek help at the court's Self-Help Information Center or get legal advice from an attorney.

What happens if the tenant responds?

The tenant can file an Answer, Demurrer, or Motion to Quash. Typically the tenant will file an Answer. If the tenant files anything other than an "Answer" seek legal advice on how to proceed.

When you receive the Answer from the tenant, file a [Request to Set Case for Trial](#) (Form UD-150) at the clerk's office. You must serve the tenant with this and don't forget to fill out the Proof of Service on the 2nd page of the Request.

In about a week, the court clerk will mail you and the tenant information with the exact date, time and location of the trial. Trial is typically scheduled within 20 days after the Request is filed.

Can the landlord and tenant make an Agreement?

Yes. Sometimes, the tenant agrees to move out and just needs more time to find housing. Or the tenant is willing to make the changes the landlord asked for and the landlord is also willing to do what the tenant asks.

You can write up your own agreement, or you can use the [Stipulation for Entry of Judgment-Unlawful Detainer](#) (Form UD-115). This form tells the court the exact terms of the agreement.

How do I get ready for trial?

Get all of the information related to your case such as:

- The lease or rental agreement
- The Notice served on the tenant
- Letters you wrote or received about the rental unit
- Photos that show damage, unsafe or unhealthy conditions to the unit, if applicable
- Building inspection reports, if applicable

You may also bring witnesses who have personal knowledge of the facts. If a witness refuses to come to court you can subpoena the witness.

What happens if I win?

1. The Judge will give you a [Judgment](#) (Form UD-110). This gives you back possession of your property.
2. Complete and file a [Writ of Possession](#) (Form EJ-130) with the clerk's office and take to the Sheriff. This lets the Sheriff remove and lock the tenant out of the property.
3. The Sheriff will first serve the tenant with a Notice to Vacate the property. This gives the tenant 5 days to move. If the tenant doesn't move, the Sheriff will remove the tenant from the rental unit and lock him/her out.