### **Instructions For**

## Unlawful Detainer

#### WHEN TO USE THIS PACKET

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

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

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

Consult with a private attorney before you proceed with this packet.

#### UNLAWFUL DETAINER

#### **Definition Of Unlawful Detainer**

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

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

Unlawful Detainer actions can be complicated and the requirements are strict. If the procedure is not correctly followed, the landlord may be sued and/or the court may dismiss the action. The Fresno Superior Court Self-Help Center recommends seeking legal advice from an attorney.

#### Who Can Sue

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

#### **How To Get Started**

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

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

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

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

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

**30-day Notice of Termination of Tenancy**: Serve this notice when the Landlord wants to evict the tenant for any reason. Landlord does not need to state a reason why the tenant must move.

**NOTE**: If there is a lease for a fixed term, please seek legal advice because the landlord may be liable for damages.

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

#### UNLAWFUL DETAINER

#### **How To Have Tenant(s) Served With Notice**

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

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

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

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

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

#### Where To File

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

#### What To File

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

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

Next, the Summons, Complaint, and a blank Answer **must be served on each tenant** in a manner mentioned above. If you believe there may be other people residing in the residence that are not named in the complaint, you must serve a Prejudgment Claim of Right to Possession. Serving a Prejudgment Claim of

#### UNLAWFUL DETAINER

Right to Possession will extend the time you have to wait before proceeding. Please seek legal advice regarding service/procedure when using this notice.

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

**NOTE**: If the whereabouts of the tenant are unknown after the filing of the Summons and Complaint and the landlord wants to serve the Summons and Complaint by posting, the landlord must obtain a court order prior to posting and by mailing of the Summons and Complaint, not the notice. If service was performed by posting, the application for "service by posting" must be filed. The Service by posting is a separate packet that may be purchased from the Self-Help Center.

#### **What Is Next In The Uncontested Case**

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

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

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

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

#### What is Next In A Contested Hearing

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

#### Referral

The Fresno Superior Court Self-Help Center **strongly** urges you to seek legal advice from an attorney. Please note this office does not represent you or your interests in any matter. If you would like legal advice or to be represented in this or any other matter, please contact a private attorney. The Attorney Referral and Information Service of the Fresno County Bar Association can help refer you to a private attorney who will discuss your case for one half an hour for a fee of \$30.00. Their telephone number is (559) 264-0137.

# UNLAWFUL DETAINER (INSTRUCTIONS FOR THE PLAINTIFF)

#### 7 STEPS:

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



#### STEP 2. COMPLETING THE UNLAWFUL DETAINER PAPERWORK.



#### STEP 3. FILING THE FORMS.



#### STEP 4. SERVING THE DOCUMENTS.



#### STEP 5. FILING THE PROOF OF SERVICE.



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



#### STEP 7. RIGHT TO A COURT TRIAL.

# UNLAWFUL DETAINER (INSTRUCTIONS FOR THE PLAINTIFF - CONTINUED)

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

☐ Form EJ-130, **Writ of Execution** (2 pages)

Before the	he landlord can bring court action to evict the tenant(s), the tenant(s) must have been properly
(official)	y) served with a 3-day Notice, 30- day Notice, or 60-day Notice to Terminate Tenancy and failed
to obey 1	the notice. Forms are available at any large stationery store or can be prepared by an attorney:
	3-day Notice (There are different types and landlords are strongly urged to read the attached
	documents and seek legal advice).
	30-day Notice to Terminate Tenancy (Landlords are strongly urged to read the attached
	documents and seek legal advice—especially if the lease is for a fixed term).
	60-day Notice to Termination of Tenancy (Landlords are strongly urged to read the attached
	documents and seek legal advice—especially if the lease is in excess of one year).
2. Co	MPLETING THE UNLAWFUL DETAINER PAPERWORK
	STANDARD FORMS THAT MAY BE REQUIRED
	STANDARD FORMS THAT MAY BE REQUIRED  Form CM-010, Civil Case Cover Sheet (1 page)
	Form CM-010, Civil Case Cover Sheet (1 page)
	Form CM-010, Civil Case Cover Sheet (1 page) Form UD-100 Complaint – Unlawful Detainer (3 pages)
	Form CM-010, Civil Case Cover Sheet (1 page)  Form UD-100 Complaint – Unlawful Detainer (3 pages)  Form SUM-130, Summons – Unlawful Detainer - Eviction (2 pages)
	Form CM-010, Civil Case Cover Sheet (1 page)  Form UD-100 Complaint – Unlawful Detainer (3 pages)  Form SUM-130, Summons – Unlawful Detainer - Eviction (2 pages)  OPTIONAL: Form CP10.5, Prejudgment Claim of Right to Possession (2 pages)
	Form CM-010, Civil Case Cover Sheet (1 page)  Form UD-100 Complaint – Unlawful Detainer (3 pages)  Form SUM-130, Summons – Unlawful Detainer - Eviction (2 pages)  OPTIONAL: Form CP10.5, Prejudgment Claim of Right to Possession (2 pages)  Form UD-105, Answer – Unlawful Detainer (2 pages) Leave this form blank – it will be
	Form CM-010, Civil Case Cover Sheet (1 page)  Form UD-100 Complaint – Unlawful Detainer (3 pages)  Form SUM-130, Summons – Unlawful Detainer – Eviction (2 pages)  OPTIONAL: Form CP10.5, Prejudgment Claim of Right to Possession (2 pages)  Form UD-105, Answer – Unlawful Detainer (2 pages) Leave this form blank – it will be served on the tenant(s).
	Form CM-010, Civil Case Cover Sheet (1 page)  Form UD-100 Complaint – Unlawful Detainer (3 pages)  Form SUM-130, Summons – Unlawful Detainer – Eviction (2 pages)  OPTIONAL: Form CP10.5, Prejudgment Claim of Right to Possession (2 pages)  Form UD-105, Answer – Unlawful Detainer (2 pages) Leave this form blank – it will be served on the tenant(s).  Form POS-010, Proof of Service of Summons
	Form CM-010, Civil Case Cover Sheet (1 page)  Form UD-100 Complaint – Unlawful Detainer (3 pages)  Form SUM-130, Summons – Unlawful Detainer – Eviction (2 pages)  OPTIONAL: Form CP10.5, Prejudgment Claim of Right to Possession (2 pages)  Form UD-105, Answer – Unlawful Detainer (2 pages) Leave this form blank – it will be served on the tenant(s).  Form POS-010, Proof of Service of Summons  Form CIV-100, Request for Entry of Default (2 pages)

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

# UNLAWFUL DETAINER (INSTRUCTIONS FOR THE PLAINTIFF - CONTINUED)

#### 3. FILING THE FORMS

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

xample, if there are three defendants named, you would need (1) original and (4) copies of the following:
☐ Form CM-010 Civil Case Cover Sheet (1 page)
☐ Form UD-100, Complaint – Unlawful Detainer (3 pages)
☐ Form SUM-130, Summons – Unlawful Detainer (2 pages)
□ OPTIONAL: Form CP10.5, Prejudgment Claim of Right to Possession (2 pages) <u>Leave this</u> <u>form blank</u> – it will be served on the defendants
☐ Form UD-105, <b>Answer</b> – <b>Unlawful Detainer</b> (2 pages) <u>Leave this form blank</u> – it will be served on the defendants.
SUBMIT FORMS & FILING FEES TO THE CLERK:  ☐ Submit to the Clerk the original and the correct number of copies, (1) for you, and (1) for
each defendant named and one stamped envelope for each named defendants (plus one
addressed to "All Occupants").
☐ Submit a filing fee or a Fee Waiver (seperate packet) if you qualify.  Please check with the clerk for the proper amount of the filing fee.
☐ The clerk will stamp all the documents "Filed."

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

#### 4. SERVING THE DOCUMENTS

# Serve ETHESE FORMS TO THE DEFENDANT: Serve each Defendant with a stamped "Filed" copy of each of the following forms: Form CM-010, Civil Case Cover Sheet (1 page) Form UD-100, Complaint – Unlawful Detainer (3 pages) Form SUM-130, Summons – Unlawful Detainer (2 pages) Form UD-105, Answer – Unlawful Detainer (2 pages) Leave this form blank – it is to be served on the defendant. OPTIONAL: Form CP10.5, Prejudgment Claim of Right to Possession (2 pages) Note: these documents must be served by someone other than you, who is over 18, and is not a party to the action (e.g., neighbor, process server, sheriff, etc.

#### HAVE THE PROCESS SERVER COMPLETE THE "PROOF OF SERVICE" FORM:

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

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

	Form POS-010.	<b>Proof of Personal</b>	Service	(2 pages)
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# UNLAWFUL DETAINER (INSTRUCTIONS FOR THE PLAINTIFF - CONTINUED)

#### 5. FILING THE PROOF OF SERVICE

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

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

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

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

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

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

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

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

#### 7. RIGHT TO A COURT TRIAL

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

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

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

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

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

NOTE: Unlawful Detainer actions can be complicated and the requirements are strict. If the procedure is not correctly followed, the landlord may be sued and/or the court may dismiss the action. Landlords are strongly urged to seek legal advice from an attorney. If you would like legal advice or to be represented in this or any other matter, please contact a private attorney. The Attorney Referral and Information Service of the Fresno County Bar Association can help refer you to a private attorney who will discuss your case for one half an hour for a fee of \$30.00. Their telephone number is (559) 264-0137.

ATTORNEY OR PARTY WITHOUT ATTORNEY (NA	me, state bar number, and address):	FOR COURT USE ONLY
t <b>u</b>		
TELEPHONE NO.: ATTORNEY FOR (Name):	FAX.NO.:	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF		
STREET ADDRESS: MAILING ADDRESS:		
CITY AND ZIP CODE:	2	
CASE NAME:		
3		
CIVIL CASE COVER SHEET	Complex Case Designation	CASE NUMBER:
Unlimited Limited (Amount (Amount	Counter Joinde	,
(Amount (Amount demanded demanded	ed is Filed with first appearance by dete	ndant JUDGE:
exceeds \$25,000) \$25,000	or less) (Cal. Rules of Court, rule 1811	
All fix	re (5) items below must be completed (see inst	tructions on page 2).
1. Check one box below for the case	type that best describes this case:	
Auto Tort	Contract  Breach of contract/warranty (06)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 1800–1812)
Auto (22) Uninsured motorist (46)	Collections (09)	Antitrust/Trade regulation (03)
Other PI/PD/WD (Personal Injury/Pr		Construction defect (10)
Damage/Wrongful Death) Tort	Other contract (37)	Mass tort (40)
Asbestos (04) Product liability (24)	Real Property	Securities litigation (29) Environmental /Toxic tort (30)
Medical malpractice (45)	Eminent domain/Inverse condemnation (14)	Insurance coverage claims arising from the
Other PI/PD/WD (23)	Wrongful eviction (33)	above listed provisionally complex case types (41)
Non-PI/PD/WD (Other) Tort	Other real property (26)	Enforcement of Judgment
Business tort/unfair business pr	Omariai Decario	Enforcement of judgment (20)
Defamation (13)	Commercial (31) Residential (32)	Miscellaneous Civil Complaint RICO (27)
Fraud (16)	Drugs (38)	Other complaint (not specified above) (42)
Intellectual property (19) Professional negligence (25)	Judicial Review	Miscellaneous Civil Petition
Other non-PI/PD/WD tort (35)	Asset forfeiture (05) Petition re: arbitration award (11)	Partnership and corporate governance (21
Employment	Writ of mandate (02)	Other petition (not specified above) (43)
Wrongful termination (36) Other employment (15)	Other judicial review (39)	
<ol> <li>This case is is is no factors requiring exceptional judic</li> </ol>		Rules of Court. If the case is complex, mark the
a. Large number of separal		iber of witnesses
<ul> <li>Extensive motion practic</li> </ul>		on with related actions pending in one or more co
issues that will be time-c c. Substantial amount of do		unties, states or countries, or in a federal court I post-judgment judicial supervision
Type of remedies sought (check a		i post-judgment judiciai supervision
a. monetary b. no	nmonetary; declaratory or injunctive relief c.	punitive
Number of causes of action (specific files).     This case is is is is not action.		
5. This case is is is no Date:	a class action suit.	
Date.	<b>m</b> •	
(TYPE OR PRINT NA		(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)
Digital parel file this series should	NOTICE	ding (avenue small alaigns access or access Had
	with the first paper filed in the action or proceed fare and Institutions Code). (Cal. Rules of Cou	
sanctions.		
	any cover sheet required by local court rule. 1800 et seq. of the California Bules of Court, y	ou must serve a copy of this cover sheet on all
other parties to the action or proc		an only
. Unloce this is a complex It-:		esonly. Page 1-

#### CIVIL CASE COVER SHEET

**CM-010** 

#### **DIRECTIONS**

- Find the number on the sample form. *Example:* •
- Go to the same number below to find out how to fill out the form.
- Type or print in black ink.
- Leave the case number box blank. The clerk will give you a case number.
- 1 Write your name and address. Write your phone number, and fax number if you have one.
- 2 If not filled in for you, write "Fresno" after COUNTY OF. Write the address of the court location where you are filing your papers.
- The case name is the <u>plaintiff's last name</u> vs. <u>defendant's last name</u>. If there is more than one plaintiff or defendant, use the name of the primary or main person in the case. Examples:

Correct: Smith vs. Johnson

Wrong: Smith, Jones and Lewis vs. Johnson and Carlson

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

#### INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET To Plaintiffs and Others Filing First Papers To Prainums and Other's 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 Chirl Case Cover Sheet contained on page 1. This information will be used to compile selations about the types and numbers of cases filed. You must check all five feron so in the sheet. In first 1, you must check one box for the case by the the set describe the case. If the case lifts both a general and a more specific type of case isted in item 1, check the more specific one. If the case has multiple causes of action, check the box that bost indicates the primary cause of action. To assist you in completing the sheet, exhibited to the case that belong under each case type in item 1 are provided below. A cover sheet must be filed only with you initial paper. You do not need to submit a cover sheet with amended papers. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 201.8(c) and 227 of the California Pules of Court. To Partise in Computer Case. To Parties in Complex Cases In complex cases only, parties must also use the Civil Case Cover Sheet to designate whether the case is complex. If a plaintiff believes the case is complex under rule 1800 of the California Flues of Court, this must be indicated by completing the appropriate because the case is complex. If an experiment of all parties to the action. A detendant may fill each solve no later than the time of its first appearance a joinder in the plaintiff's designation, and counter-designation that the case is not complex, or if the plaintiff has made no designation, a designation that the case is not complex. CASE TYPES AND EXAMPLES Contract Dresech of Contract/Marranty (66) Breach of Contract front unlawful detainer or wrongful exicution Contract/Warranty Breach-Seller Plaintit (not fraud on engigence) Negligent Breach of Contract/ Other Breach of Contract/ Collections (e.g., money owed, open book accounts) (69) Collection Case-Seller Plaintiff Other Promissory NoticoColections Case Case Case Case Other Contract (37) Contracticula Fraud Other Coverage Other Coverage Other Contract (37) Contractual Fraud Other Contract Traud Procetty Real Procetty Real Procetty Real Procetty Real Procetty Real Procetty Real Procetty 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) Provisionally Complex Civil Litigation (Gal. Rules of Court Rule 1900-1912) 1900-1912 Other PI/PD/WD (Personal Injury/ Property Damage/Wrongful Death) Tort operty Demage/Wrongful Death) vit. Asbeslos (94) Asbeslos (94) Asbeslos Property Damage Asbeslos Property Damage Asbeslos Property Damage Asbeslos Property Demage Asbeslos Property Demage Asbeslos Property Demage Asbeslos Product Lisebilly (94) Modical Melapractice (45) Modical Enforcement of Judgment Enforcement of Judgment (20) Abstract of Judgment (Out of County) Contessor of Judgment (nondomestic relations) Sister State Judgment Administrative Agency Award Petition/Certification of Entry of Judgment on Unpaid Tax Other Enforcement of Judgment Case harassment) Mechanics Lien Other Commercial Complaint Case (non-tortinon-complex) Other Civil Complaint (non-tortinon-complex) wful Detainer Commercial (31) Non-PI/PD/WD (Other) Tort Business Tort/Unfair Business Business TortUnfar Business Practice (or) Civil Rights (e.g. discrimination, talso arrest) (not crit harassment)(08) Dotamation (e.g., skander, libel) Fraid (16) Fraid (16) Frodessonal Negligence (25) Legal Malphractice Office Professional Malpractice (not medical or legal) Other Non-PIPDWD Tort (35) (non-tottinon-complex) Miscellaneous Chil Petition Partnership and Corporale Governance (21) Other Petition (not specified above) (43) Harsesmort Civil Harsesm idicial Review Assel Forteiture (65) Polition Ro: Arbitration Award (11) Writ of Mandale (62) With Administrative Mandamus Case Maller Writ-Officer on Limited Court Case Maller Writ-Officer Limited Court Case Review Partiew (39) Write-Camer Salview Review her Judicial Review (39) Review of Health Officer Order Notice of Appeal-Labor Commissioner Appeals CM-010 [Rev. July 1, 2003] CIVIL CASE COVER SHEET

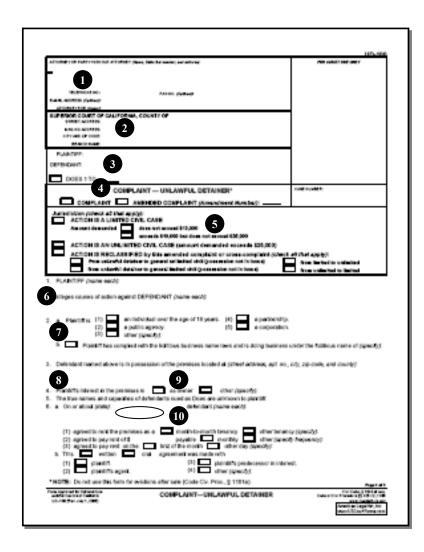
How to fill out

#### CIVIL CASE COVER SHEET

**CM-010** 

-Page 2-

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



#### COMPLAINT – UNLAWFUL DETAINER Form UD-100

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

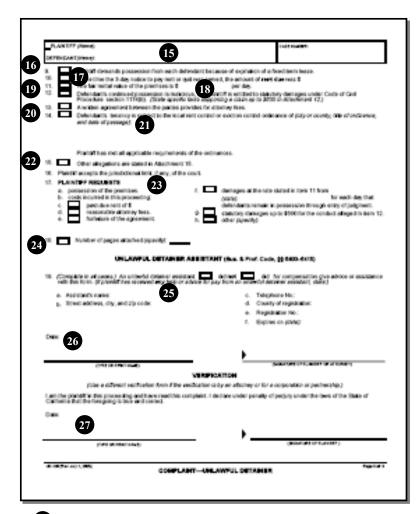
- 1 Write your name and address. You may also write your phone, fax and email address, but this is your choice.
- 2 If not filled in for you, write "Fresno" after COUNTY OF. Write the address of the court location where you are filing your papers.
- Write your name as the Plaintiff, and the names of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

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#### COMPLAINT – Unlawful Detainer Form UD-100

- page two -

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



#### COMPLAINT – Unlawful Detainer Form UD-100

- page three -

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

#### SUM-130 FOR COURT USE ONLY O PARA USO DE LA COR SUMMONS (CITACION JUDICIAL) UNLAWFUL DETAINER—EVICTION (RETENCIÓN ILÍCITA DE UN INMUEBLE—DESALOJO) NOTICE TO DEFENDANT: (AVISO AL DEMANDADO). YOU ARE BEING SUED BY PLAINTIFF: (LO ESTÁ DEMANDANDO EL DEMANDANTE): You have 5 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. (To calculate the five days, court Saturday and Sunday, but do not count other court holidays. If he last day finds on a Saturday sunday, or a court holiday then you have the next court day for file a written response.) A letter hone call will not protect you. You 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 hese court forms and more information at the California Courts Online (File-He)e Center (www.courtinfo.ca.govise/fhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clier for a few eview form. If you do not file you 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 referral service. If you cannot afford an attorney and the callifornia courts of the called the callifornia courts officine Self-Help Center (www.courtinfo.ca.govise/filed), or by contacting your local court or county bar association. Times 6 DIAS DC ALLENDARGO despuse de que le entreguen estal calcidor) yeappels leggles par present run are respuesta por escrito er Courts orline Self-Help Center (www.courtinfo.ca.goviseifhelp), or by contacting your local court or county bar association. Times 6 DIAS DCA ELROARDI despuis de que le entreguen est actacion y papeles legales para presentar una respuesta por escrito en esta conte y hacer que se entregue una copia al demandante. (Para calcular los cinco das, cuente los sabados y los domingos pero no los otros das feriados de la corte. Si el utilimo da cae en sabado a domingo, en un dia en que la corte esté cerrada, lemanta el proximo dia de corte para presentar una respuesta por escrito). Una carta o una llamada telefonica no lo protegen. Su respuesta por escrito itene que estar en formado logal corroctor ci diesea que proceen su caso en la corte. Es posible que haya un formadario que para su respuesta. Puede encortra estos formularios de la corte y mas información en el Centro de Ayuda de la Corte de California (www.countino.ca.goviset/fileplespanoly), en la biblioteca de leyes de su condado o en la corte que le quade mas creat de California (www.countino.ca.goviset/fileplespanoly), en la biblioteca de leyes de su condado o en la corte que le quade mas creat a timpo, puede porde el caso por incumplimiento y la corte que le de un formulario de exención de pago de cuotas. Si no presenta su respuesta a timpo, puede porde el caso por incumplimiento y la corte le pordar quitar su susido, dinero y letenes ain mas advertes. Si no presenta su respuesta a timpo, puede porde el caso por incumplimiento y la corte le pordar quitar su susido, dinero y letenes ain mas advertes es respuéstos de mas programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California (agal Services, (www.lawelbegolaffornia con), en el Centro de Ayuda de las Cortes de California, (www.countinfo.ca.goviselfifelplespanol/) o poniendose en contacto con la corte o el colegio de abogados locales. The name and address of the court is: (El nombre y dirección de la corte es): The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is (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 detainer assistant, complete item 6 on the next page.) (For proof of service of this summons, use Proof of Service of Summons (form POS-010).) (Pana prueba de entrega de esta citatión use el formulario Proof of Service of Summons, (POS-010)). [EBAL] A. NOTICE TO THE PERSON SERVED: You are served as an individual defendant. as the person sued under the fictitious name of (spe as an occupant on behalf of (specify): CCP 416.10 (corporation) CCP 416.20 (defunct corporation) CCP 416.60 (minor) CCP 416.70 (conservatee) CCP 416.90 (authorized person) CCP 416.40 (association or partnership) CCP 415.46 (occupant) other (specify): by personal delivery on (date). SUMMONS—UNLAWFUL DETAINER—EVICTION Judicial Council of California SUM-130 (Rev. January 1, 2004)

#### How to fill out

#### SUMMONS – UNLAWFUL DETAINER SUM-130

- Find the number on the sample form. *Example:* •
- Go to the same number below to find out how to fill out the form.
- Type or print in black ink.
- ▶ Leave the case number box blank. The clerk will give you a case number and add this to your copies.
- 1 Write the name of the person(s) you are suing (Defendant).
- 2 You are the Plaintiff. Write your name here.
- 3 There is nothing to fill out. This is information for the Defendant, but you should read it also.
- The name and address of the court is: Superior Court of California County of Fresno, 1100 Van Ness Avenue, Fresno CA 93724-0002
- 5 Write your name, address and phone number.
- If you filled out this form, or if someone helped you fill out this form and was not paid, check the first box.
  - If someone helped you fill out the form and was paid check the second box.
- 7 Do nothing. The court clerk signs and dates the form here.
- Mark box (c) "as an occupant".

		SUM-13
PLAINTIFF (Name):		CASE NUMBER:
DEFENDANT (Name):		
Unlawful detainer assistant (con	nplete if plaintiff has received any help or advice for	r 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):		
Registration expires on (date).		
orm No.: SUM-130 [Rev. January 1, 2004]	CUMMONS UNI AWELL DETAILED	TION Page 2 of
	SUMMONS—UNLAWFUL DETAINER—EVICT	ION Page 2 or

#### **SUM-130**

#### Summons-Unlawful Detainer - page two -

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

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

#### NOTICE: EVERYONS WHO LIVES IN THE RENTAL UNIT MAY BE ENCIRED BY COURT ORDER, READ THE FORM I TOULING HERE AND IF TOUR NAME IS NOT ON THE ATTACHED BUSINESS AND COURT ARM. Eyes her here and you do not complete and subset this term within 10 days of the date of service shown on this harm, you not be entand without Martin freeing by the count along with the parties owned in the Sustainan and Compand. If you to this form, your along will be determined in the version action against the persons named in the Compand. If you do not be that time, you within within without both of the compand. OF COURT DEFENDANT PREADSHIRKT CLAIM OF RIGHT TO POSSESSION complete this force only E.A.L. of Brean elebenesis are User 1. View are HCT named in the accompanying Businesses and Complete. The consisted the promises on all before the date the present defeaters present completely completely are their (To be completed by the process se DATE OF SERVICE: (Date that this from its served of decreased, and posted, and messed by the Miner or process perver) IDECLARE THE POLLOWING UNDER PRINALTY OF PERLURY. 2. I reside at Scheel address, unit the, city and 20F code 3. The address of the premises subject to this date is policies; . The hand on the land body authorized agent bled a complaint to recover possession of the premions. (This date is the court like of the accompanying Summons and Complaint 5. I complet the premises on the date the complet theus that pile date is dans of 1 have continued to comply the premises ever since 6. I was at least 18 years of age on the date the complaint was that (the date is seen a) 7. I claim a right to present on of the premises because it occupied the premises on the case the complete was filed (the date in 8. Leves and named in the Burmans and Complaint 9. Lumberstand that if I make this dates of right to possession, I will be edded as a defendent to the universal distance (pvisible) action. 10. Plang they uncondend that inward go notice count and payer ting the of it. or the with the count the form. "Approximate for moving of Count Flace and Count." Inconstruct that it it don't pay the Ying tipe or the with the count the form for waters of count these within 10 days from the date of service on this form producing count haldespit, and not be writted to make a chain of right to possession. PREADQUEST CLASH OF RIGHT TO POSSESSION

#### How to fill out

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

#### **DIRECTIONS**

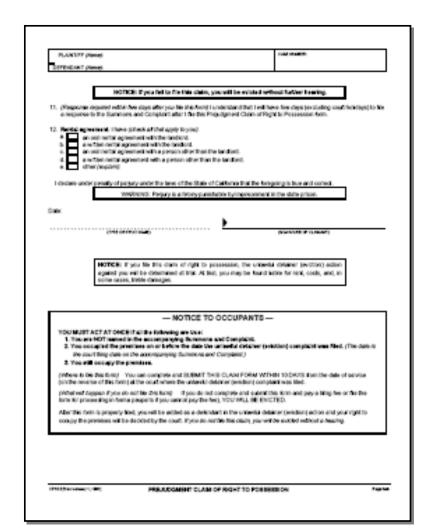
▶ Leave this page blank—Unknown Defendants (if any) fill out this form.

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

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

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

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



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

- page two -

#### **DIRECTIONS**

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

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

	NO: FOR COURT USE ONLY
NAME OF COURT:	
STREET ADDRESS:	
MAILING ADDRESS:	
CITY AND ZIP CODE:	
BRANCH NAME: PLAINTIFF:	
PLAINTIFF:	
DEFENDANT:	
	CASE NUMBER:
ANSWER—Unlawful Detainer	Cride Ministers.
ANSWER—Ulliawiui Detaillei	
. Defendant (names):	
answers the complaint as follows:	
2. Check ONLY ONE of the next two boxes:	
a. Defendant generally denies each statement of the complaint. (Do not che	eck this box if the complaint demands more
than \$1,000).	
b. Defendant admits that all of the statements of the complaint are true EXC	EPT
(1) Defendant claims the following statements of the complaint are false	(use paragraph numbers from the complaint
or explain):	March 1990 Colon Astronomy and State (State Colon State Colon Colo
Continued on Attachment 2b(1).	
(2) Defendant has no information or belief that the following statements of the control of th	of the complaint are true, so defendant denies
them (use paragraph numbers from the complaint or explain):	
250 MAN NO 1000 000 000 000 000 000 000 000 000 0	
Continued on Attachment 2b(2).	
	f facts to support it in the space provided at the
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top of page two (item 3j).) a (nonpayment of rent only) Plaintiff has breached the warranty to provide I	habitable premises.
top of page two (item 3j).)  a (nonpayment of rent only) Plaintiff has breached the warranty to provide i  b (nonpayment of rent only) Defendant made needed repairs and properly	habitable premises.
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#### ANSWER – Unlawful Detainer UD-105

#### **DIRECTIONS**

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

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

		POS-010
ACTORNEY OF PARTY WENCH AT	CORNETT (Plane, State Servender, and address):	POS-010
	1	
TELEPHONE NO.	FACED Splanet	
E-MAIL ACCRESS (Carloval) ATTEMSET FOR (Manual)		_
EMPERIOR COURT OF CALL	FORMUL COUNTY OF	
MAJAG ACOMESIS GTY AND 3P GOOD	•	
86,410,014,00		
PLANTFF/PETITIONER:	3	catholists 4
DEFENDANT/RESPONDENT:		Dal No. or Fig No.
PR	OOF OF SERVICE OF SUMMONS	30.0.07410
	(Separate proof of service is required for each part)	(served.)
At the time of service I w     I served copies of	vas at least 10 years of age and not a party to this action.	5
a. ummons		
b. complaint		
	Sepute Resolution (ADR) puckage	
d. Civil Case C	over Sheet (renned to complex outer only) slet	
	y documents):	
3. a. Party served (specif)	name of party as shown on documents served):	
b. Person served:	party in Item 3s other (specify name and relations	thip to the party curred in Sem 3a):
Address where the party     It served the party (check	7	
a. by personal	service. I personally delivered the documents listed in liter se of process for the party (1) on (date):	2 to the party or person authorized to (2) at direct:
b. by substitut	ied service. On (date): at (time): use of (name and title or relationably to person indicated in i	Haft the documents listed in item 2 with or last 3b):
	outiness) a person at least 18 years of age apparently in of the person to be served. I informed him or her of the gener	
(2) 🔲 (1	ionse) a competent member of the household (at least 10 y lace of abode of the party. I informed him or her of the gene	
	physical address unknown) a person at least 10 years of: ddress of the person to be served, other than a United State in or her of the general salure of the papers.	
-,	thereafter mailed (by first-class, postage prepaid) copies of if the place where the copies were left (Code Civ. Proc. § 4 date): from (obj):	
cs 🔲 i	atach a declaration of diligence stating actions taken fin	
From Adapted for Mandatory Union Justices Council of Collection POSATO [Fee: July 1, 2004]	PROOF OF SERVICE OF SUMMON	Code of Child Procedure, \$ 1477.00

#### PROOF OF SERVICE OF SUMMONS (POS-010)

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

- 1 Write your name, address, phone, and fax number (if you have one).
- 2 If not filled in for you, write "Fresno" after COUNTY OF. Write the address of the court location where you are filing your papers.
- 3 Fill in the names of the Plaintiff and Defendant. (The Plaintiff is the person that starts a case against another person, the Defendant.)
- 4 Your case number needs to be on the form DO NOT FILL OUT THE REST OF THIS PAGE: the process server fills out the rest of this form.
- 5 *Process Server:* You must be at least 18 years old and not involved with this case. Check boxes for each legal paper delivered. If you served papers other than the four listed, check the "other" box and write the names of the documents.
- 6 Write the name of the Defendant as the party served. For b. check the first box if you delivered the legal papers to the Defendant. Check the second box if you delivered them to another person. Write the name of this person, and explain their relationship to the Defendant (husband or wife, adult family member, roommate).
- 7 Write the address where you delivered the legal papers.
- 8 Check by personal service if you delivered the papers to the Defendant or their authorized agent for service. Include the date and time. Check by substituted service if you left the papers with someone other than the Defendant. Include date and time. Write the name of the person, their title or relationship to the Defendant.
- 9 Check the box that says where you delivered the legal papers:
  - **Business** (1), Defendant's **home** (2), or other place (**address not known** and NOT a U.S. post office box). NOTE: The person receiving the legal papers must be at least 18 years of age.
  - If you served the documents by substitute service, you must check (4) and ALSO mail copies of the papers to the Defendant at the address of the residence. Include date and city of mailing.
  - If you served a defendant by substituted service, check the box that says you are attaching a declaration of diligence and attach one.

PLAINTIFF/PETITIONER:		CASE NUMBER
-	10	
DEFENDANT/RESPONDENT:		
by mall and acknowledgment of receipt of service. address shown in Item 4, by first-class mall, postage p		nents listed in stem 2 to the perty, to the
(1) on (date):	(2) from (city):	
(3) with two copies of the Notice and Acknowled envelope addressed to me. (Attach complete (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 author	izing code section).	:
Additional page describing service is attached.		
. The "Notice to the Person Served" (on the summons) was comple	ited as follows:	
a as an individual defendant.		
b as the person sued under the fictitious name of (specific).     Cn hehalf of (specific).	W: B	
c On behalf of (specify): under the following Code of Civil Procedure section	_	
416.10 (corporation)	415.95 (but	siness organization, form unknown)
416.20 (defunct corporation)	416.60 (mlr	
416.30 (joint stock company/association)	1 316.70 (wa	rd or conservatee)
416.40 (association or partnership)	416.90 (aut	thorized person)
416.50 (public entity)	415.46 (occ	supant).
a. Name b. Address. c. Telephone number: d. The fee for service was: \$		
e. Iam:		
(1) not a registered California process server.		
(2) exempt from registration under Business and Profe	essions Code section	on 22350(b).
(3) registered California process server:  (I) Employee or independent contractor.		
(I) Employee or independent contractor. (Ii) Registration No.:		
(iii) County:		
I declare under penalty of per,ury under the laws of the Sta or 15		
•		
eate:		
16	<b>)</b>	
(NAME OF PERSON WHO SERVED PAPERS/SHPRIFF OR MARSHALL)		(SIGNATURE)
OS-010 [Rev Jerusery   2004]		Page 2

#### PROOF OF SERVICE OF SUMMONS (POS-010)

- page two -

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

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

F _	RNEY (Name, State Barnumber,	and address):			
TELEPHONE NO.:		FAX NO. (Optional):			
E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):					
SUPERIOR COURT OF CALIFO	ORNIA COLINTY OF				
STREET ADDRESS:					
MAILING ADDRESS:	2				
CITY AND ZIP CODE:	•				
BRANCH NAME:					
PLAINTIFF/PETITIONER:					
DEFENDANT/RESPONDENT:	3				
REQUEST FOR	Entry of Defa	ult 🔲 Clerk	's Judgment	CASE NUMBER:	
(Application)	_		J	(	
1. TO THE CLERK: On the or	Court Judgm			$\overline{}$	
a. on (date):	Angraint or Goss-corr	panic med			
b. by (name):	,				
c. Enter default of de	efendant (names):				
	. ,				
	aaginani anaar aaaa	of Civil Procedure secti		,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	gamer autoriaani (i
6					
		for a hearing date, unie	ess the court w	il enter a judgme	ent on an affidavit u
Code Civ. Proc.,					
e Enter clerk's judgr					
		only and issue a writ o			
section				ne juagment. Co	ode of Civil Procedu
		y. (Code Civ. Proc., §	1169.)		
Inc	clude in the judgment	all tenants, subtenants	1169.) , named claima	nts, and other o	ccupants of the pre
Inc Th se	clude in the judgment ne <i>Prejudgment Claim</i> ction 415.46.	all tenants, subtenants of Right to Possession	1169.) , named claima rwas served in	ints, and other o compliance with	ccupants of the pre Code of Civil Proc
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Inc.   Inc.   Sec.	clude in the judgment of the Prejudgment Claim claim 415-46. Sode of Civil Procedure (fiern 5) Juli previously entered with the previously entered see the seed of	all lenants, subtenants of Right to Possession of Right to Possession as each of 85(a). (Comon (date):  Amount  at the rate of: \$ a Civ. Proc., \$ 425.11, Legal document ass  lested on (date): requested (state reas	1169.) , named daimi, was served in piele the declar Credits ac \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$	ints, and other o compliance with ration under Cook knowledged	ccupants of the pre Code of Civil Proc.  Balanc  Balanc  S  S  S  S  (date):  Sistant information

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

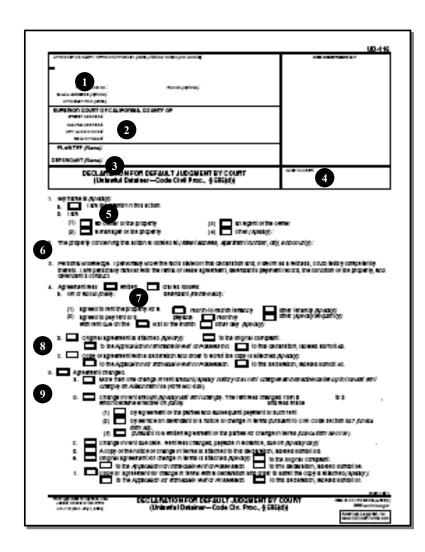
- Find the number on the sample form. *Example:* •
- Go to the same number below to find out how to fill out the form.
- Type or print in black ink.
- Write the case number where circled above.
- 1 Write your name and address. Also write your phone number, and fax number if you have one.
- 2 If not filled in for you, write "Fresno" after COUNTY OF. Write the address of the court location where you filed your papers.
- 3 Write only your name after Plaintiff, and write the name of the primary or main Defendant.
- Check "Entry of Default" to get an eviction. In most cases if you check this box, also check "Clerk's Judgment."
  - OR check "Court Judgment" if your want the defendant to pay back rent.
- a. Fill in the date the Complaint was filed
  - b. Fill in your name
  - c. Check box c if you checked Entry of Default above for an eviction. List the names of all the defendants.
- d. Check box d if you checked Court Judgment above.
  - e. Check box e if you checked Entry of Default above. Also check box (1) "for restitution of the premises" and check the box below that states: "*Include in the judgment all tenants*" ONLY if you have served a "prejudgment claim of right to possession."
- If you checked Clerk's Judgment above, leave this section blank. If you checked Court Judgment, fill out this section, but DO NOT fill out lines b or e.
  - a. Under Amount, fill in back rent owed. Subtract Credits acknowledged (if any) to get the Balance.
  - c. If interest has accrued, fill out this line.
  - d. This amount is the same as the total amount listed in Memorandum of Costs (7e) on page two of this Request for Entry of Default. Then add up all lines to get the total (f).
  - g. If you requested daily damages in the Complaint, complete this section.
- 8 Check box 3. Put in the date you signed the form. Type or print your name on the left. Sign your name on the right.
- 9 DO NOT WRITE IN THIS SECTION.

Г	PLAINTIFF/PETITIONER:	CASE NUMBER:
Н	DEFENDANT/RESPONDENT:	
4.	Legal document assistant or unlawful detainer assistant or unlawful detainer assistant or unlawful detainer assistant did did not for (if deciarant has received any help or advice for pay from a let a. Assistant's name:  a. Assistant's name:	
		e. Registration no.; f. Expires on (date):
5.	This action	585.5 (required for entry of default under Code Civ. Proc., § 585(a)). r goods or services subject to Civ. Code, § 1801 et seq. (Unruh Act).
	<ul> <li>is is not on a conditional sales contract subj and Finance Act).</li> </ul>	ject to Civ. Code, § 2981 et seq. (Rees-Levering Motor Vehicle Sale
	Declaration of mailing (Code Civ. Proc., § 587). A copy of t	s, loans, or extensions of credit subject to Code Civ. Proc., § 395(b).
		resses are unknown to plaintiff or plaintiff's attorney (names):
3)	_	esses are unknown to planton or planton's automety (names).
	<ul> <li>mailed first-class, postage prepaid, in a sealed enverto each defendant's last known address as follows:         <ul> <li>(1) Mailed on (date):</li> </ul> </li> </ul>	elope addressed to each defendant's attorney of record or, if none, (2) To (specify names and addresses shown on the envelopes).
	(1) Mailed Oil (Gale).	(2) TO (specify fiames and addresses shown on the envelopes)
l d Da		California that the foregoing items 4, 5, and 6 are true and correct.
		California that the foregoing items 4, 5, and 6 are true and correct.
Da	(TYPE OR PRINT NAME)  Memorandum of costs (required if money judgment requeste § 1033.5):	(BIGNATURE OF DECLARANT)
Da	(TYPE OR FRINT NAME)  Memorandum of costs (required if money judgment requeste § 1033.5):  a. Clark's filing fees \$	(BIGNATURE OF DECLARANT)
Da	(TYPE OR PRINT NAME)  Memorandum of costs (required if money judgment requeste § 1033.5); a. Clark's filing tees \$	(BIGNATURE OF DECLARANT)
Da	Memorandum of costs (required if money judgment requeste \$ 1033.5): a. Clark's filing fees \$ 5 b. Process server's fees \$	(BIGNATURE OF DECLARANT)
Da	Memorandum of costs (required if money judgment requeste § 1033.5): a. Clark's filing fees \$ b. Process server's fees \$ c. Other (specify): \$	(BIGNATURE OF DECLARANT)
7.	Memorandum of costs (required if money judgment requeste § 1033.5); a. Clerk's filing tees \$ b. Process server's fees \$ c. Other (specify); \$ d. \$	(BIGNATURE OF DECLARANT)
7.	Memorandum of costs (required if money judgment requeste § 1033.5); a. Clerk's filing fees \$ b. Process server's fees \$ c. Other (specify): \$ d. \$ c. TOTAL \$ f. Costs and disbursements are waved. g. I am the attorney, agent, or party who claims these costs correct and these costs were necessarily incurred in this ce	(BIGNATURE OF DECLARANT)  ed). Costs and disbursements are as follows (Code Civ. Proc.,  15  To the best of my knowledge and belief this memorandum of costs ase.
7.	Memorandum of costs (required if money judgment requeste § 1033.5): a. Clerk's filing fees \$ b. Process server's fees \$ c. Other (specify): \$ d. \$ f. Costs and disbursements are waived.  9. I am the attorney, agent, or party who claims these costs. correct and these costs were necessarily incurred in this create under penalty of perjury under the laws of the State of Celebrate under penalty of perjury under the laws of the State of Celebrate under penalty of perjury under the laws of the State of Celebrate under penalty of perjury under the laws of the State of Celebrate under penalty of perjury under the laws of the State of Celebrate under penalty of perjury under the laws of the State of Celebrate under penalty of perjury under the laws of the State of Celebrate under penalty of perjury under the laws of the State of Celebrate under penalty of perjury under the laws of the State of Celebrate under penalty of perjury under the laws of the State of Celebrate under penalty of perjury under the laws of the State of Celebrate under penalty of perjury under the laws of the State of Celebrate under penalty of perjury under the laws of the State of Celebrate under penalty of perjury under the laws of the State of Celebrate under penalty of perjury under the laws of the State of Celebrate under penalty of perjury under the laws of the State of Celebrate under penalty of perjury under the laws of the State of Celebrate under the State of Celebrate u	(BIGNATURE OF DECLARANT)  ed). Costs and disbursements are as follows (Code Civ. Proc.,  15  To the best of my knowledge and belief this memorandum of costs ase.
7.	Memorandum of costs (required if money judgment requeste § 1033.5): a. Clerk's filing fees \$ b. Process server's fees \$ c. Other (specify): \$ d. \$ f. Costs and disbursements are waived.  9. I am the attorney, agent, or party who claims these costs. correct and these costs were necessarily incurred in this create under penalty of perjury under the laws of the State of Celebrate under penalty of perjury under the laws of the State of Celebrate under penalty of perjury under the laws of the State of Celebrate under penalty of perjury under the laws of the State of Celebrate under penalty of perjury under the laws of the State of Celebrate under penalty of perjury under the laws of the State of Celebrate under penalty of perjury under the laws of the State of Celebrate under penalty of perjury under the laws of the State of Celebrate under penalty of perjury under the laws of the State of Celebrate under penalty of perjury under the laws of the State of Celebrate under penalty of perjury under the laws of the State of Celebrate under penalty of perjury under the laws of the State of Celebrate under penalty of perjury under the laws of the State of Celebrate under penalty of perjury under the laws of the State of Celebrate under penalty of perjury under the laws of the State of Celebrate under penalty of perjury under the laws of the State of Celebrate under penalty of perjury under the laws of the State of Celebrate under the State of Celebrate u	ed). Costs and disbursements are as follows (Code Civ. Proc.,  15  To the best of my knowledge and belief this memorandum of costs ase.
7.	Memorandum of costs (required if money judgment requeste § 1033.5): a. Clark's filing fees \$ b. Process server's fees \$ c. Other (specify): \$ d. \$ f. Costs and disbursements are waived.  9 I am the attorney, agent, or party who claims these costs, correct and those costs were necessarily incurred in this celedare under penalty of perjury under the laws of the Stale of Clate:  (TYPE OR FRENT NAME)  Declaration of nonmilitary status (required for a judgment)	(BIONATURE OF DECLARANT)  ed): Costs and disbursements are as follows (Code Civ. Proc.,  15  To the best of my knowledge and belief this memorandum of costs asse. California that the foregoing is true and correct.
7. Id Da	Memorandum of costs (required if money judgment requeste § 1033.5): a. Clark's filing fees \$ b. Process server's fees \$ c. Other (specify): \$ d. \$ f. Costs and disbursements are waived.  9 I am the attorney, agent, or party who claims these costs, correct and those costs were necessarily incurred in this celedare under penalty of perjury under the laws of the Stale of Clate:  (TYPE OR FRENT NAME)  Declaration of nonmilitary status (required for a judgment)	(BICANTURE OF DECLARANT)  adj. Costs and disbursements are as follows (Code Civ. Proc.,  15  To the best of my knowledge and belief this memorandum of costs asse.  California that the foregoing is true and correct.  (BICANTURE OF DECLARANT)  Adjunctly. No defendant named in item 1c of the application is in to 8 Servicemembers Civil Relief Act (50 U.S.C. App. § 501 et seq.).
7. Id Da	Memorandum of costs (required if money judgment requeste § 1033.5): a. Clerk's filing fees \$ b. Process server's fees \$ c. Other (specify): \$ d. \$ f. Costs and disbursements are waived.  9. I am the attorney, agent, or party who claims these costs. correct and these costs were necessarily incurred in this create under penalty of perjury under the laws of the State of Costs:  (TYPE OR PRINT NAME)  Declaration of nonmilitary status (required for a jud military service so as to be entitled to the benefits of the ledger under penalty of perjury under the laws of the State of Costs.	(BICANTURE OF DECLARANT)  adj. Costs and disbursements are as follows (Code Civ. Proc.,  15  To the best of my knowledge and belief this memorandum of costs asse.  California that the foregoing is true and correct.  (BICANTURE OF DECLARANT)  Adjunctly. No defendant named in item 1c of the application is in to 8 Servicemembers Civil Relief Act (50 U.S.C. App. § 501 et seq.).

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

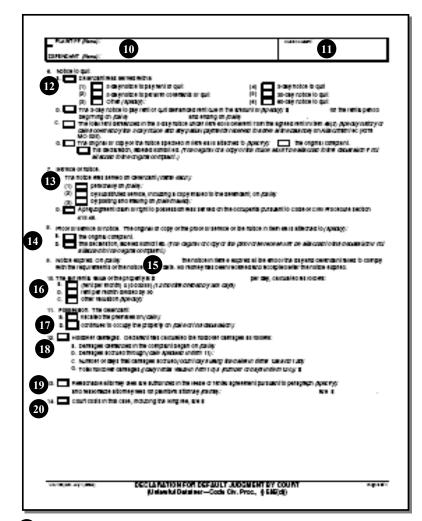
- page two -

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



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

- Find the number on the sample form. *Example:* •
- Go to the same number below to find out how to fill out the form.
- ▶ Type or print in black ink.
- ► NOTE: ONLY USE THIS FORM FOR COURT JUDGMENTS FOR MONEY DAMAGES
- Write your name and address. You may also write your phone, fax and email address, but this is your choice.
- 2 If not filled in for you, write "Fresno" after COUNTY OF. Write the address of the court location where you are filing your papers.
- Write your name as the Plaintiff, and the names of the other plaintiffs if any. After Defendant, write the name(s) of <u>all adults</u> living in the residence (house, apartment). If there are adults living in the residence whose names you do not know, write "And DOES 1 TO \_\_\_\_\_" and fill in the number of additional defendants.
- Write the case number.
- S Check box 1a. For b, check the box that best describes the plaintiff(s).
- **6** Write the address of the property and include the zip code. This is very important.
- Mark the box "written" if the lease agreement was in writing, or the box indicating an "oral" agreement. Write the date the agreement occurred. List all the names of all the defendants. Then, write how rent was to be paid according to the agreement, and how much rent.
- 8 Mark box 4b. Mark "to the original complaint" if you attached a copy of the agreement to the complaint when you started this case. If you did not, check the box and attach the agreement to this form and mark it "Exhibit 4b."
- 9 For item 5, mark this box if the agreement has changed since it was first made. Then complete items a through f by checking the boxes that apply and supply the information requested on the form. If additional space is needed, attach a sheet of paper and write "Attachment 5a" at the top.

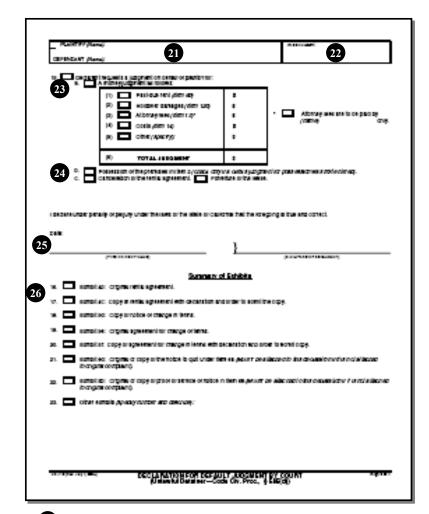


#### DECLARATION FOR DEFAULT JUDGMENT BY COURT –

Unlawful Detainer Form UD-116

- page two -

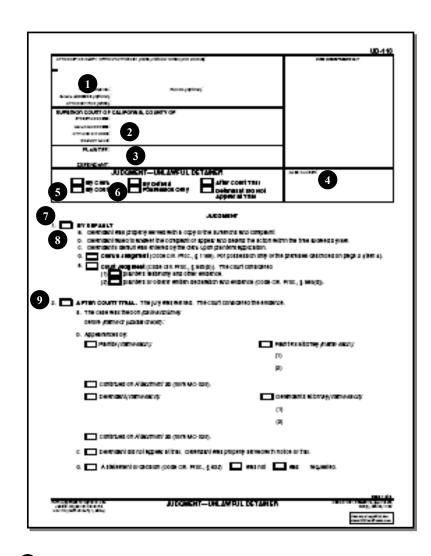
- Find the number on the sample form. *Example:*
- Go to the same number below to find out how to fill out the form.
- Type or print in black ink.
- ► NOTE: ONLY USE THIS FORM FOR COURT JUDGMENTS FOR MONEY DAMAGES
- Write only your name after Plaintiff, and write the name of the primary or main Defendant.
- Write the case number
- Mark box 6 and mark the box that describes the type of notice that was served on the defendant(s).
- For number 7, write the names of all defendants. For boxes (1-3) mark the box describing each defendant was served. Make sure to write the date that each defendant was served.
- 14 For box 8, mark the appropriate box describing to which form you attached the Proof of Service of the notice.
- 15 For box 9, write the date the Notice expired.
- For box 10, if you requested money on your complaint, complete this section by marking the box that indicates how you calculated the money owed. Note: the amount shown here must not exceed the amount requested on the complaint.
- Mark box a if the defendant has vacated the property and the date defendant left the property. If the defendant continues to reside at the property, mark box b and write today's date.
- If you are requesting money damages, check box 12 and write the answers at the end of a through d.
- Do not mark this box because if you have an attorney, you should not be using this packet.
- If you are requesting court costs, including the filing fee you paid for this action, write that amount after the dollar sign.



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

- page three -

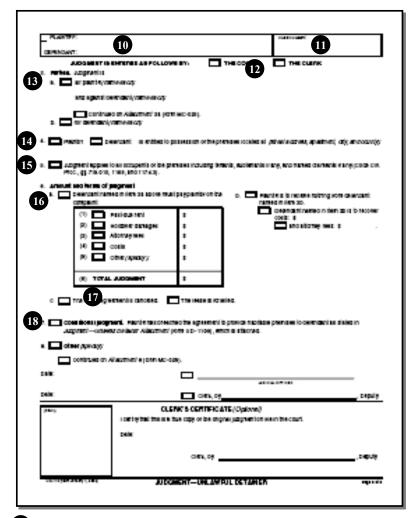
- Find the number on the sample form. *Example:* 21
- Go to the same number below to find out how to fill out the form.
- Type or print in black ink.
- NOTE: ONLY USE THIS FORM FOR COURT JUDGMENTS FOR MONEY DAMAGES
- Write only your name after Plaintiff, and write the name of the primary or main Defendant.
- Write the case number.
- If you are not the landlord and you are filing this on behalf of the landlord and you are re2questing a money judgment mark box 15. If you are requesting a money judgment, mark box a, and complete the appropriate boxes and dollar amounts.
- For box b, check this box only if a clerk's judgment for possession was not entered previously in this case. Mark box c if you would like the court to cancel the rental agreement or if you want the court to order forfeiture of the lease.
- Write the date and print your name on the left. Sign your name on the right.
- If you have attached documents to this form, you must mark the appropriate boxes informing the court that you have done so and what each attachment (exhibit) is.



#### JUDGMENT UNLAWFUL DETAINER Form UD-110

- Find the number on the sample form. *Example:* ①
- Go to the same number below to find out how to fill out the form.
- Type or print in black ink.

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

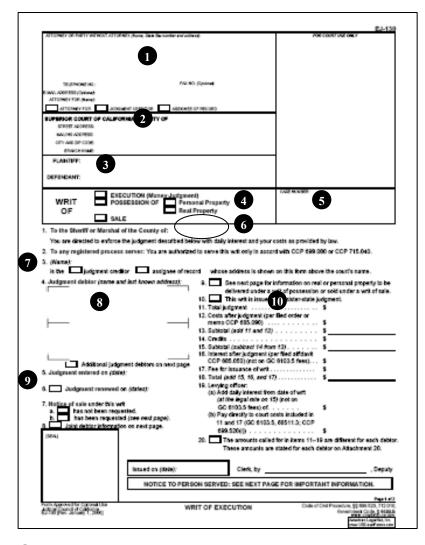


#### JUDGMENT UNLAWFUL DETAINER Form UD-110

- page two -

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

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



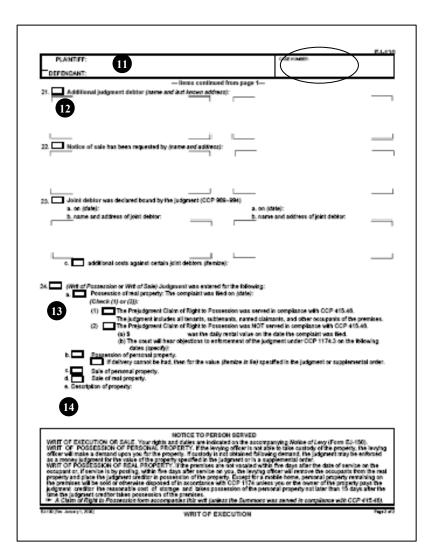
#### WRIT OF EXECUTION EJ-130

#### **DIRECTIONS**

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

- 1 Write your name and address. Write your phone to the right.
- 2 If not filled in for you, write "Fresno" after COUNTY OF. The address is: 1100 Van Ness Ave., Fresno CA 93724-0002. The Branch Name is: Central Division.
- 3 Write your name after Plaintiff. Write the name of the primary or main Defendant.
- 4 Check "possession of" and "real property." "Execution (Money Judgment)" can also be checked if a money judgment was awarded.
- 5 Write the case number here.
- 6 Write "Fresno" after County of (where circled).
- 7 Write your name and check "judgment creditor." (Plaintiff is the judgment creditor.)
- 8 Write the names of each defendant and their last known address. (Defendant is the judgment debtor.) If more than two defendants, check "additional judgment debtors on reverse."
- **9** Enter the day judgment was entered if known (if the case went to a court trial the date would be known). If you turn in this form along with a Request for Entry of Default, leave the date blank and the clerk will fill in the date.
- Skip to the right column and check box 9. If a Court Judgment was obtained, money amounts may be filled in. If this writ is to take possession of property, do not fill in money amounts.

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



#### WRIT OF EXECUTION EJ-130

- page two -

#### **DIRECTIONS**

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

- Write your name (Plaintiff) vs. the primary or main Defendant's name. Example: Smith vs. Johnson
- This is the same item 4 continued from the first page. If you checked the box, "additional judgment debtors on reverse," check this box and write additional names and addresses here. Space is provided for two defendants (judgment debtors).

DO NOT fill out 7 and 8.

- Check box 24, and check a. Fill in the date you filed the Complaint.
  - Read (1) and (2). Decide which best describes your situation then check (1) or (2), but not both.
  - If you choose (1), a "proof of service on a prejudgment claim of right to possession" must be filed with the court.
  - If you check (2) fill in the daily rental value (a) and the court date (b) if known.
- Describe the property by writing the <u>complete address</u>. Include the <u>zip code</u> and street references such as North (N), South (S), East (E) or West (W). Also include the apartment or unit number if any.

#### Example of complete address: Not complete:

1234 S. Main Street #10 Fresno, CA 93700

1234 Main Fresno, CA

## **Blank Forms**

(To be completed)

		CM-010
ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar n	umber, and address):	FOR COURT USE ONLY
TELEPHONE NO.:	FAX NO.:	
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	Compley Cose Designation	CASE NUMBER:
Unlimited Limited	Complex Case Designation	
(Amount (Amount	Counter Joinder	
demanded demanded is	Filed with first appearance by defen	ndant JUDGE:
exceeds \$25,000) \$25,000 or less)	(Cal. Rules of Court, rule 3.402	,
Items 1–6 belo	ow must be completed (see instructions	on page 2).
<ol> <li>Check one box below for the case type that</li> </ol>		
Auto Tort	Contract	Provisionally Complex Civil Litigation (Cal Pules of Court, rules 3 400–3 403)
Auto (22)	Breach of contract/warranty (06)	(Cal. Rules of Court, rules 3.400–3.403)
Uninsured motorist (46)	Rule 3.740 collections (09)	Antitrust/Trade regulation (03)
Other PI/PD/WD (Personal Injury/Property	Other collections (09)	Construction defect (10)
Damage/Wrongful Death) Tort Asbestos (04)	Insurance coverage (18)	Mass tort (40)
Product liability (24)	Other contract (37)	Securities litigation (28)
· · · · ·	Real Property	Environmental/Toxic tort (30)
Medical malpractice (45)	Eminent domain/Inverse condemnation (14)	Insurance coverage claims arising from the above listed provisionally complex case
Other PI/PD/WD (23)	Wrongful eviction (33)	types (41)
Non-PI/PD/WD (Other) Tort	Other real preparty (26)	Enforcement of Judgment
Business tort/unfair business practice (07)	Unlawful Detainer	Enforcement of judgment (20)
Civil rights (08)  Defamation (13)	Commercial (31)	, , ,
Fraud (16)	Residential (32)	Miscellaneous Civil Complaint
	Drugs (38)	RICO (27)
Intellectual property (19) Professional negligence (25)	Judicial Review	Other complaint (not specified above) (42)
	Asset forfeiture (05)	Miscellaneous Civil Petition
Other non-PI/PD/WD tort (35)	Petition re: arbitration award (11)	Partnership and corporate governance (21)
Employment Wrongful termination (36)	Writ of mandate (02)	Other petition (not specified above) (43)
Other employment (15)	Other judicial review (39)	
		Rules of Court. If the case is complex, mark the
factors requiring exceptional judicial manag	pement:	cules of Court. If the case is complex, mark the
a. Large number of separately repres	sented parties d. Large numbe	er of witnesses
b. Extensive motion practice raising of		with related actions pending in one or more courts
issues that will be time-consuming		nties, states, or countries, or in a federal court
c. Substantial amount of documentar		postjudgment judicial supervision
3. Remedies sought (check all that apply): a.[	monetary b nonmonetary;	declaratory or injunctive relief
4. Number of causes of action (specify):		
5. This case is is not a class		
6. If there are any known related cases, file a	nd serve a notice of related case. (You	may use form CM-015.)
Date:	<b>k</b>	
	<u> </u>	OLONATURE OF RARTY OR ATTORNEY
(TYPE OR PRINT NAME)	NOTICE	(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)
Plaintiff must file this cover sheet with the fi		ng (except small claims cases or cases filed
under the Probate Code, Family Code, or V		iles 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. the parties to the action of 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.

#### INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are fil ing a first pape r (for examp le, 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 on e. 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 re-covery 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) pu nitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prej udgment 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 a II parties to the action. A defendant may file and serve no later than the time of its first appearance a join der 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)**

Asbestos (04) Asbestos Property Damage Asbestos Personal Injury/ Wrongful Death Product Liability (not asbestos or

toxic/environmental) (24) Medical Malpractice (45) Medical Malpractice-

Physicians & Surgeons Other Professional Health Care Malpractice

Other PI/PD/WD (23)

Premises Liability (e.g., slip and fall)

Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)

Intentional Infliction of **Emotional Distress** Negligent Infliction of **Emotional Distress** Other PI/PD/WD

#### Non-PI/PD/WD (Other) Tort

**Business Tort/Unfair Business** Practice (07) Civil Rights (e.g., discrimination, false arrest) (not civil harassment) (08) Defamation (e.g., slander, libel) (13)

Fraud (16)

Intellectual Property (19) Professional Negligence (25) Legal Malpractice

Other Professional Malpractice (not medical or legal) Other Non-PI/PD/WD Tort (35)

**Employment** 

Wrongful Termination (36) Other Employment (15)

#### **CASE TYPES AND EXAMPLES**

#### Contract

Breach of Contract/Warranty (06) Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction) Contract/Warranty Breach-Seller Plaintiff (not fraud or negligence)

Negligent Breach of Contract/ Warranty

Other Breach of Contract/Warranty Collections (e.g., money owed, open book accounts) (09)

Collection Case-Seller Plaintiff

Other Promissory Note/Collections Case

Insurance Coverage (not provisionally complex) (18)

Auto Subrogation Other Coverage

Other Contract (37) Contractual Fraud Other Contract Dispute

#### **Real Property**

**Eminent Domain/Inverse** Condemnation (14)

Wrongful Eviction (33)

Other Real Property (e.g., quiet title) (26) Writ of Possession of Real Property Mortgage Foreclosure

Quiet Title

Other Real Property (not eminent domain, landlord/tenant, or

#### foreclosure) Unlawful Detainer

Commercial (31)

Residential (32)

Drugs (38) (if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)

#### Judicial Review

Asset Forfeiture (05) Petition Re: Arbitration Award (11)

Writ of Mandate (02)

Writ-Administrative Mandamus Writ-Mandamus on Limited Court Case Matter

Writ-Other Limited Court Case

Review

Other Judicial Review (39) Review of Health Officer Order Notice of Appeal-Labor Commissioner Appeals

#### Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400-3.403)

Antitrust/Trade Regulation (03) Construction Defect (10) Claims Involving Mass Tort (40) Securities Litigation (28) Environmental/Toxic Tort (30) Insurance Coverage Claims (arising from provisionally complex case type listed above) (41)

#### **Enforcement of Judgment**

Enforcement of Judgment (20) Abstract of Judgment (Out of County) Confession of Judgment (nondomestic relations) Sister State Judgment Administrative Agency Award (not unpaid taxes)

Petition/Certification of Entry of Judgment on Unpaid Taxes Other Enforcement of Judgment

#### Miscellaneous Civil Complaint

RICO (27)

Other Complaint (not specified above) (42)

Declaratory Relief Only Injunctive Relief Only (nonharassment)

Mechanics Lien

Other Commercial Complaint Case (non-tort/non-complex)

Other Civil Complaint (non-tort/non-complex)

#### Miscellaneous Civil Petition

Partnership and Corporate Governance (21) Other Petition (not specified

above) (43) Civil Harassment Workplace Violence Elder/Dependent Adult

Ahuse **Election Contest** Petition for Name Change

Petition for Relief From Late Claim

Other Civil Petition

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):	FOR COURT USE ONLY
TELEPHONE NO.: FAX NO. (Optional):	
E-MAIL ADDRESS (Optional):	
ATTORNEY FOR (Name):	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS:	
MAILING ADDRESS:	
CITY AND ZIP CODE:	
BRANCH NAME:	
PLAINTIFF:	
DEFENDANT:	
D 5050 4 70	
DOES 1 TO	0.005 WWWDED
COMPLAINT — UNLAWFUL DETAINER*	CASE NUMBER:
COMPLAINT AMENDED COMPLAINT (Amendment 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 (check	all that apply):
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):	
alleges causes of action against DET ENDANT (hame 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):
2 Traintan has complied with the notitious business harme laws and is doing business	under the nethods harne or (speeny).
3. Defendant named above is in possession of the premises located at (street address, apt. no.,	city, zip code, and county):
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.	
6. a. On or about (date): defendant (name each):	
(1) agreed to rent the premises as a month-to-month tenancy other tenanc	cy (specify):
· · · · · · · · · · · · · · · · · · ·	fy 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	est.
(2) plaintiff's agent. (4) other (specify):	
* NOTE: Do not use this form for evictions after sale (Code Civ. Proc., § 1161a).	
2 22 22 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2	Page 1 of 3

PLAINTIFF (Name):			CASE NUMBER:
DEFENDANT(Name):			
(1)	ants not named in item 6a are subtenants. assignees. other (specify): ent was later changed as follows (spec	rify):	
and labeled  f. (For resident (1) (2) (2)	e written agreement, including any add Exhibit 1. (Required for residential protial property) A copy of the written agrethe written agreement is not in the post this action is solely for nonpayment of finame each):	perty, unless item 6f is che reement is <b>not</b> attached be session of the landlord or th	cause (specify reason): he landlord's employees or agents.
(1)	dants failed to comply with the requiremented in the notice are true.  notice included an election of forfeiture.  py of the notice is attached and labeled 66.)  or more defendants were served (1) with the complete in Attachment 8c. (Chec.)	3-day notice to per 3-day notice to qui 3-day notice to qui Other (specify): e period stated in the notice period stated in the notice by that do a least of the notice by that do not not notice by that do not not not not not not not not not no	e expired at the end of the day. ate. esidential property. See Code Civ. Proc.,
8. a.	place of business. by posting a copy on the premises on (person found residing at the premises of (date):  (a) because defendant's resid (b) because no person of suit (Not for 3-day notice; see Civil Code, § mail addressed to defendant on (date):	dant on (date): ption): n, on (date): ND mailing a copy to defen ause defendant cannot be f (date): AND mailing a copy to defe	at defendant's dant at defendant's place of residence on found at defendant's residence or usual  AND giving a copy to a endant at the premises on defendence or usual siness cannot be ascertained OR defound there.  ding a copy by certified or registered
b. (Name): was served of	(Not for residential tenancies; see Civil commercial lease between the parties. on behalf of all defendants who signed about service of notice on the defendantice of the notice in item 7a is attached.	a joint written rental agreen	nent.

PLAINTIFF (Name):	CASE NUMBER:
DEFENDANT(Name):	
Procedure section 1174(b). (State specific facts so A written agreement between the parties provides f	served, the amount of <b>rent due</b> was \$ per day. d plaintiff is entitled to statutory damages under Code of Civil upporting a claim up to \$600 in Attachment 12.)
Plaintiff has met all applicable requirements of the control of th	ordinances.
17. 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.  h	damages at the rate stated in item 11 from (date): for each day that defendants remain in possession through entry of judgment. statutory damages up to \$600 for the conduct alleged in item 12. other (specify):
18. Number of pages attached (specify):	
UNLAWFUL DETAINER ASSIS	TANT (Bus. & Prof. Code, §§ 6400–6415)
19. (Complete in all cases.) An unlawful detainer assistant with this form. (If plaintiff has received any help or advice for	did <b>not</b> did for compensation give advice or assistance for pay from an unlawful detainer assistant, state:)
a. Assistant's name:	c. Telephone No.:
b. Street address, city, and zip code:	d. County of registration:
	e. Registration No.:
	f. Expires on (date):
Date:	
(TVDE OD DDINT NAME)	(SIGNATURE OF PLAINTIFF OR ATTORNEY)
(TYPE OR PRINT NAME)	(SIGNATURE OF PLAINTIFF OR ATTORNET)
	on is by an attorney or for a corporation or partnership.)
·	t. I declare under penalty of perjury under the laws of the State of
Date:	
(TYPE OR PRINT NAME)	(SIGNATURE OF PLAINTIFF )

UD-100 [Rev. July 1, 2005]

# SUMMONS (CITACION JUDICIAL)

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

NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

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

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

You have 5 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. (To calculate the five days, count Saturday and Sunday, but do not count other court holidays. If the last day falls on a Saturday, Sunday, or a court holiday then you have the next court day to file a written response.) A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

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

Tiene 5 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. (Para calcular los cinco días, cuente los sábados y los domingos pero no los otros días feriados de la corte. Si el último día cae en sábado o domingo, o en un día en que la corte esté cerrada, tiene hasta el próximo día de corte para presentar una respuesta por escrito). Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor 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 desechar el caso.

<ol> <li>The name and address of the (El nombre y dirección de la company)</li> </ol>		CASE NUMBER: (Número del caso):
	phone number of plaintiff's attorney, or plaintiff without an número de teléfono del abogado del demandante, o del de	
	es) An unlawful detainer assistant (Bus. & Prof. Code, e or assistance with this form. (If plaintiff has received any item 6 on the next page.)	
Date:	Clerk, by	, Deputy
(Fecha)	(Secretario)	(Adjunto)
(Para prueba de entrega de esta	nons, use Proof of Service of Summons (form POS-010).) citatión use el formulario Proof of Service of Summons, (a NOTICE TO THE PERSON SERVED: You are served	
	a. as an individual defendant. b. as the person sued under the fictitious name of 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)	CCP 416.60 (minor) CCP 416.70 (conservatee)
5	by personal delivery on (date):	David 4 of 0

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

- 6. 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):

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

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:		
		CASE NUMBER:
PREJUDGMENT CLAIM OF RIGHT TO POSSESS	ION	
		(To be completed by the process server)
Complete this form only if ALL of these statements are true:		DATE OF SERVICE:
You are NOT named in the accompanying Summons and Co     You occupied the premises on or before the date the unlawfer.	mpiaint.	(Date that this form is served or
(eviction) Complaint was filed.		delivered, and posted, and mailed by the
3. You still occupy the premises.		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):		
0.7		
3. The address of "the premises" subject to this claim is (address):		
4. On (insert date): , the landlord or	the landlord's autho	orized agent filed a complaint to
recover possession of the premises. (This date is the court filing date		
recover possession of the premises. (This date is the court himly date	le on the accompan	rying cummons and complaint.
5. I occupied the premises on the date the complaint was filed (the date	te in item 4). I have	e continued to occupy the premises ever since
6. I was at least 18 years of age on the date the complaint was filed (the	ne date in item 4).	
7. I claim a right to possession of the premises because I occupied the	premises on the d	ate the complaint was filed (the date in

or file with the court the form

10. (Filing fee) I understand that I must go to the court and pay a filing fee of \$ "Application for Waiver of Court Fees and Costs." I understand that if I don't pay the filing fee or file with the court the form for waiver of court fees within 10 days from the date of service on this form (excluding court holidays), I will not be entitled to make a claim of right to possession.

9. I understand that if I make this claim of right to possession, I will be added as a defendant to the unlawful detainer (eviction) action.

(Continued on reverse)

item 4).

8. I was not named in the Summons and Complaint.

PLAINTIFF (Name):	CASE NUMBER:
DEFENDANT (Name):	
NOTICE: If you fail to file this claim, you will be evicted we see that I will a response required within five days after you file this form) I understand that I will a response to the Summons and Complaint after I file this Prejudgment Claim of Fig. Rental agreement. I have (check all that apply to you):  a an oral rental agreement with the landlord.  b a written rental agreement with a person other than the landlord.  c an oral rental agreement with a person other than the landlord.  d a written rental agreement with a person other than the landlord.  e other (explain):	have five days (excluding court holidays) to file
I declare under penalty of perjury under the laws of the State of California that the fo	
Date:	· '
(TYPE OR PRINT NAME)	(SIGNATURE OF CLAIMANT)

**NOTICE:** If you file this claim of right to possession, the unlawful detainer (eviction) 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. (The date is the court filing date on the accompanying Summons and Complaint.)
- 3. You still occupy the premises.

(Where to file this form) You can complete and SUBMIT THIS CLAIM FORM WITHIN 10 DAYS from the date of service (on the reverse of this form) at the court where the unlawful detainer (eviction) complaint was filed.

(What will happen if you do not file this form) If you do not complete and submit this form and pay a filing fee or file the form for proceeding in forma pauperis 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 will be evicted without a hearing.

ΔΤΤ	DRNEY OR PARTY WITHOUT ATTORNEY	FOR COURT USE ONLY
7110	NAME: STATE BAR NO.:	. 5 555 652 62.
FIRM	MAME:	
AD	DRESS:	
	CITY: STATE: ZIP CODE:	
	AIL ADDRESS (Optional): TELEPHONE NO.:	
	ATTORNEY FOR (Name): FAX NO. (Optional):	_
	SUPERIOR COURT OF CALIFORNIA, COUNTY OF	
	STREET ADDRESS: MAILING ADDRESS:	
	EITY AND ZIP CODE:	
	BRANCH NAME:	
PI	LAINTIFF:	1
DEF	ENDANT:	
		CASE NUMBER:
	ANSWER—UNLAWFUL DETAINER	
	Defendant (each defendant for whom this answer is filed must be named and must sign this ar signs):	nswer unless his or her attorney
	answers the complaint as follows:	
2.	Check ONLY ONE of the next two boxes:	
	a. Defendant generally denies each statement of the complaint. (Do not check this box than \$1,000.)	if the complaint demands more
	<ul> <li>b. Defendant admits that all of the statements of the complaint are true EXCEPT:</li> <li>(1) Defendant claims the following statements of the complaint are false (state para or explain below or on form MC-025):</li> </ul>	agraph numbers from the complaint C-025, titled as Attachment 2b(1).
	(2) Defendant has no information or belief that the following statements of the complete them (state paragraph numbers from the complaint or explain below or on form Explanation is on MC-025, titled as Attachment 2b(2).	
3.	AFFIRMATIVE DEFENSES (NOTE: For each box checked, you must state brief facts to supple a. (nonpayment of rent only) Plaintiff has breached the warranty to provide habitable pub. (nonpayment of rent only) Defendant made needed repairs and properly deducted the not give proper credit.	remises.
	c. (nonpayment of rent only) On (date): before the notice to proferred the rent due but plaintiff would not accept it.	pay or quit expired, defendant
	<ul> <li>d. Plaintiff waived, changed, or canceled the notice to quit.</li> <li>e. Plaintiff served defendant with the notice to quit or filed the complaint to retaliate again.</li> <li>f. By serving defendant with the notice to quit or filing the complaint, plaintiff is arbitraring defendant in violation of the Constitution or the laws of the United States or Californian.</li> <li>g. Plaintiff's demand for possession violates the local rent control or eviction control or ordinance, and date of passage):</li> </ul>	ily discriminating against the a.
	(Also, briefly state in item 3k the facts showing violation of the ordinance.)  h. Plaintiff accepted rent from defendant to cover a period of time after the date the not	ice to quit expired.
	i. Plaintiff seeks to evict defendant based on acts against defendant or a member of domestic violence, sexual assault, or stalking. (A temporary restraining order, protect than 180 days old is required naming you or your household member as the protected.)	ctive order, or police report not more
	j. Other affirmative defenses are stated in item 3k.	

**UD-105** CASE NUMBER: AFFIRMATIVE DEFENSES (cont'd) k. Facts supporting affirmative defenses checked above (identify facts for each item by its letter from page 1 below or on form MC-025): Description of facts is on MC-025, titled as Attachment 3k. OTHER STATEMENTS Defendant vacated the premises on *(date)*: The fair rental value of the premises alleged in the complaint is excessive (explain below or on form MC-025): Explanation is on MC-025, titled as Attachment 4b. Other (specify below or on form MC-025 in attachment): Other statements are on MC-025, titled as Attachment 4c. 5. DEFENDANT REQUESTS a. that plaintiff take nothing requested in the complaint. costs incurred in this proceeding. reasonable attorney fees. C. 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. Other (specify below or on form MC-025): All other requests are stated on MC-025, titled as Attachment 5e. Number of pages attached: \_ UNLAWFUL DETAINER ASSISTANT (Bus. & Prof. Code §§ 6400—6415) (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: b. Telephone No.: a. Assistant's name: Street address, city, and zip code: County of registration: e. Registration No.: f. Expires on (date): (Each defendant for whom this answer is filed must be named in item 1 and must sign this answer unless his or her attorney signs.) (TYPE OR PRINT NAME) (SIGNATURE OF DEFENDANT OR ATTORNEY) (TYPE OR PRINT NAME) (SIGNATURE OF DEFENDANT OR ATTORNEY) **VERIFICATION** (Use a different verification form if the verification is by an attorney or for a corporation or partnership.)

I am the defendant in this proceeding and have read this answer. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Date:

	<b>L</b>
	•
(TYPE OR PRINT NAME)	(SIGNATURE OF DEFENDANT)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):	FOR COURT USE ONLY
TELEPHONE NO.: FAX NO. (Optional):	
E-MAIL ADDRESS (Optional):	
ATTORNEY FOR (Name):	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF	
STREET ADDRESS:	
MAILING ADDRESS:	
CITY AND ZIP CODE:  BRANCH NAME:	
PLAINTIFF/PETITIONER:	CASE NUMBER:
DEFENDANT/RESPONDENT:	
PROOF OF SERVICE OF SUMMONS	Ref. No. or File No.:
(Separate proof of service is required for each party se	rved.)
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):	
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 under item 5b on whom substituted service was made) (specify name and relative service) (specify name and relative service)	
Address where the party was served:	
<ol> <li>I served the party (check proper box)</li> </ol>	
a. by personal service. I personally delivered the documents listed in item 2	o 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 I in the presence of (name and title or relationship to person indicated in item	eft the documents listed in item 2 with or 3):
(1) <b>(business)</b> a person at least 18 years of age apparently in charg	e at the office or usual place of business
of the person to be served. I informed him or her of the general n	ature of the papers.
(2) <b>(home)</b> a competent member of the household (at least 18 years place of abode of the party. I informed him or her of the general in	
(3) (physical address unknown) a person at least 18 years of age address of the person to be served, other than a United States F	
him or her of the general nature of the papers.	The constitute the constitution of the constit
(4) I thereafter mailed (by first-class, postage prepaid) copies of the at the place where the copies were left (Code Civ. Proc., § 415.2	0). I mailed the documents on
(date): from (city): or (5) attach a declaration of diligence stating actions taken first to	a declaration of mailing is attached.
Tattaon a decidiation of dingence stating actions taken institute	attorript pordorial del vide.

	PLAINTIFF	PETITIONER:		CASE NUMBER:
_	EENDANT/E	RESPONDENT:		
DE	FENDAN I/F	ESPONDENT.		
5.	c	by mail and acknowledgment of receipt of service. I address shown in item 4, by first-class mail, postage pre		s listed in item 2 to the party, to the
		(1) on (date):	(2) from (city):	
		(3) with two copies of the <i>Notice and Acknowledge</i> to me. (Attach completed Notice and Acknowledge to an address outside California with return recommendations).	vledgement of Receip	t.) (Code Civ. Proc., § 415.30.)
	d	by other means (specify means of service and authorize	zing code section):	
		Additional page describing service is attached.		
6.	a b	e to the Person Served" (on the summons) was complete as an individual defendant. as the person sued under the fictitious name of (specify		
	c	as occupant. On behalf of (specify):		
		under the following Code of Civil Procedure section:		
		416.10 (corporation)	415.95 (busine:	ss organization, form unknown)
		416.20 (defunct corporation)	416.60 (minor)	,
		416.30 (joint stock company/association)	416.70 (ward o	r conservatee)
		416.40 (association or partnership)	416.90 (authori	
		416.50 (public entity)	415.46 (occupa	nt)
7.	Person w	ho served papers	L other:	
	a. Name:			
	b. Addres	88:		
	c. Teleph	one number:		
	d. The fe	e for service was: \$		
	e. I am:			
	(1) [ (2) [ (3) [	not a registered California process server.  exempt from registration under Business and Profes a registered California process server:  (i) owner employee indepen  (ii) Registration No.:  (iii) County:	ssions Code section 2 dent contractor.	2350(b).
8.	I de	eclare under penalty of perjury under the laws of the Stat	e of California that the	e foregoing is true and correct.
	or			
9.	I ar	n a California sheriff or marshal and I certify that the fo	oregoing is true and co	orrect.
Dat	e:			
			<u> </u>	
	(NAME OF	PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)	<u> </u>	(SIGNATURE )

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Ba	r number, and address):		FO	R COURT USE ONLY	
TELEPHONE NO.:	FAX NO. (Optional):				
E-MAIL ADDRESS (Optional):					
ATTORNEY FOR (Name):					
SUPERIOR COURT OF CALIFORNIA, COUNTY STREET ADDRESS:	OF				
MAILING ADDRESS:					
CITY AND ZIP CODE:					
BRANCH NAME:					
PLAINTIFF/PETITIONER:					
DEFENDANT/RESPONDENT:					
REQUEST FOR Entry	of Default	Clerk's Judgment	CASE NUMBER:		
(Application)	Judgment				
TO THE CLERK: On the complaint or cross					
a. on <i>(date):</i>					
b. by (name):					
c Enter default of defendant (name	s):				
d. I request a court judgment under	Code of Civil Procedur	e sections 585(h) <i>F</i>	(85(c) 989 etc. ac	nainst defendant <i>(name</i>	c).
a rrequest a sourt judgment under	Code of Civil 1 100cdain	0 000110 000(5), 0	.00(0), 000, 010., 01	jamot acionaant (nannot	5).
1174(c) does not apply Include in the jud	emises only and issue a r. (Code Civ. Proc., § 11 gment all tenants, subte	writ of execution of 169.) enants, named clair	n the judgment. Co	nt on an affidavit under ode of Civil Procedure se occupants of the premise e of Civil Procedure sec	ection
	ocedure section 585(a).	(Complete the dec	aration under Cod	e Civ. Proc., § 585.5 on	the
(3) for default previously e		0 1"		5.	
2. Judgment to be entered.	Amount	Credits	acknowledged	<u>Balance</u>	
a. Demand of complaint	\$	<b>\$</b>		\$	
(1) Special	\$	\$		\$	
(2) General	\$	\$		\$	
c. Interest	\$	\$		\$	
d. Costs (see reverse)	\$	\$		\$	
e. Attorney fees	\$	\$		\$	
f. TOTALS	\$	\$		\$	
g. Daily damages were demanded in cor (* Personal injury or wrongful death action		25.11.)	per day beginning	(date):	
3. (Check if filed in an unlawful detained the reverse (complete item 4)	r case) <b>Legal docume</b> r	nt assistant or unla	awful detainer ass	sistant information is or	1
the reverse (complete item 4).  Date:		•			
(TYPE OR PRINT NAME)		(SIGNA	TURE OF PLAINTIFF OR A	TTORNEY FOR PLAINTIFF)	
Default entered	as requested on (date):				
	as requested on <i>(date).</i> ered as requested <i>(stat</i>				
FOR COURT	2.23 40 104400104 (0141	34001.1/.			

**USE ONLY** 

Clerk, by.

DEFENDANT/RESPONDENT:	
or unlawful detainer assistant did did not	It (Bus. & Prof. Code, § 6400 et seq.). A legal document assistant for compensation give advice or assistance with this form.  In the seq. (a) A legal document assistant or unlawful detainer assistant, state):
a. Assistant's name:	c. Telephone no.:
<ul><li>b. Street address, city, and zip code:</li></ul>	d. County of registration:
	e. Registration no.:
	f. Expires on (date):
	n 585.5 (required for entry of default under Code Civ. Proc., § 585(a)).
	for goods or services subject to Civ. Code, § 1801 et seq. (Unruh Act). abject to Civ. Code, § 2981 et seq. (Rees-Levering Motor Vehicle Sales
	es, loans, or extensions of credit subject to Code Civ. Proc., § 395(b).
	of this Request for Entry of Default was dresses are <b>unknown</b> to plaintiff or plaintiff's attorney (names): velope addressed to each defendant's attorney of record or, if none, to
each detendant's last known address as follows: (1) Mailed on <i>(date):</i>	(2) To (specify names and addresses shown on the envelopes):
	f California that the foregoing items 4, 5, and 6 are true and correct.
Date:	
Date:  (TYPE OR PRINT NAME)	(SIGNATURE OF DECLARANT)
Oate:  (TYPE OR PRINT NAME)  7. Memorandum of costs (required if money judgment reques	
Oate:  (TYPE OR PRINT NAME)	(SIGNATURE OF DECLARANT)
Oate:  (TYPE OR PRINT NAME)  7. Memorandum of costs (required if money judgment reques § 1033.5):  a. Clerk's filing fees \$  b. Process server's fees \$	(SIGNATURE OF DECLARANT)
Oate:  (TYPE OR PRINT NAME)  7. Memorandum of costs (required if money judgment reques § 1033.5):  a. Clerk's filing fees \$  b. Process server's fees \$	(SIGNATURE OF DECLARANT)
Oate:  (TYPE OR PRINT NAME)  7. Memorandum of costs (required if money judgment reques § 1033.5):  a. Clerk's filing fees \$	(SIGNATURE OF DECLARANT)
Oate:  (TYPE OR PRINT NAME)  7. Memorandum of costs (required if money judgment reques § 1033.5):  a. Clerk's filing fees \$  b. Process server's fees \$  c. Other (specify): \$	(SIGNATURE OF DECLARANT)
Oate:  (TYPE OR PRINT NAME)  7. Memorandum of costs (required if money judgment reques § 1033.5):  a. Clerk's filing fees \$  b. Process server's fees \$  c. Other (specify): \$  d. \$	(SIGNATURE OF DECLARANT)
Oate:  (TYPE OR PRINT NAME)  7. Memorandum of costs (required if money judgment reques § 1033.5):  a. Clerk's filing fees \$  b. Process server's fees \$  c. Other (specify): \$  d. \$  e. TOTAL \$  f. Costs and disbursements are waived.	(SIGNATURE OF DECLARANT)  sted). Costs and disbursements are as follows (Code Civ. Proc.,  s. To the best of my knowledge and belief this memorandum of costs is case.
Oate:  (TYPE OR PRINT NAME)  7. Memorandum of costs (required if money judgment reques § 1033.5):  a. Clerk's filing fees \$  b. Process server's fees \$  c. Other (specify): \$  d. \$  e. TOTAL \$  f. Costs and disbursements are waived.  9. I am the attorney, agent, or party who claims these costs correct and these costs were necessarily incurred in this	(SIGNATURE OF DECLARANT)  sted). Costs and disbursements are as follows (Code Civ. Proc.,  s. To the best of my knowledge and belief this memorandum of costs is case.
Oate:  (TYPE OR PRINT NAME)  7. Memorandum of costs (required if money judgment reques § 1033.5):  a. Clerk's filing fees \$  b. Process server's fees \$  c. Other (specify): \$  d. \$  e. TOTAL \$  f. Costs and disbursements are waived.  9. I am the attorney, agent, or party who claims these costs correct and these costs were necessarily incurred in this declare under penalty of perjury under the laws of the State of	(SIGNATURE OF DECLARANT)  sted). Costs and disbursements are as follows (Code Civ. Proc.,  s. To the best of my knowledge and belief this memorandum of costs is case.
Oate:  (TYPE OR PRINT NAME)  7. Memorandum of costs (required if money judgment requests \$ 1033.5):  a. Clerk's filing fees \$  b. Process server's fees \$  c. Other (specify): \$  d. \$  e. TOTAL \$  f. Costs and disbursements are waived.  9. I am the attorney, agent, or party who claims these costs correct and these costs were necessarily incurred in this declare under penalty of perjury under the laws of the State of Oate:  (TYPE OR PRINT NAME)  3. Declaration of nonmilitary status (required for a judgment)	(SIGNATURE OF DECLARANT)  sted). Costs and disbursements are as follows (Code Civ. Proc.,  s. To the best of my knowledge and belief this memorandum of costs is case.  f California that the foregoing is true and correct.
Oate:  (TYPE OR PRINT NAME)  7. Memorandum of costs (required if money judgment requests \$ 1033.5):  a. Clerk's filing fees \$  b. Process server's fees \$  c. Other (specify): \$  d. \$  e. TOTAL \$  f. Costs and disbursements are waived.  9. I am the attorney, agent, or party who claims these costs correct and these costs were necessarily incurred in this declare under penalty of perjury under the laws of the State of Oate:  (TYPE OR PRINT NAME)  3. Declaration of nonmilitary status (required for a judgment)	(SIGNATURE OF DECLARANT)  s. To the best of my knowledge and belief this memorandum of costs is case.  f California that the foregoing is true and correct.  (SIGNATURE OF DECLARANT)  (SIGNATURE OF DECLARANT)  (sudgment). No defendant named in item 1c of the application is in the Servicemembers Civil Relief Act (50 U.S.C. App. § 501 et seq.).
Oate:  (TYPE OR PRINT NAME)  7. Memorandum of costs (required if money judgment reques § 1033.5):  a. Clerk's filing fees \$  b. Process server's fees \$  c. Other (specify): \$  d. \$  e. TOTAL \$  f. Costs and disbursements are waived.  9. I am the attorney, agent, or party who claims these costs correct and these costs were necessarily incurred in this declare under penalty of perjury under the laws of the State of Date:  (TYPE OR PRINT NAME)  8. Declaration of nonmilitary status (required for a jumilitary service so as to be entitled to the benefits of the declare under penalty of perjury under the laws of the State of declare under penalty of perjury under the laws of the State of declare under penalty of perjury under the laws of the State of	(SIGNATURE OF DECLARANT)  sted). Costs and disbursements are as follows (Code Civ. Proc.,  s. To the best of my knowledge and belief this memorandum of costs is case.  f California that the foregoing is true and correct.  (SIGNATURE OF DECLARANT)  (SIGNATURE OF DECLARANT)  (SIGNATURE OF DECLARANT)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):	FOR COURT USE ONLY
TELEPHONE NO.: FAX NO. (Optional):	
E-MAIL ADDRESS (Optional):	
ATTORNEY FOR (Name):	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF	
STREET ADDRESS:	
MAILING ADDRESS:	
CITY AND ZIP CODE:	
BRANCH NAME:	
PLAINTIFF (Name):	
DEFENDANT (Name):	
DEGLADATION FOR REFAULT HIROMENT BY COURT	CASE NUMBER:
DECLARATION FOR DEFAULT JUDGMENT BY COURT (Unlawful Detainer—Code Civil Proc., § 585(d))	
(Offiawidi Detaillel—Code Civil Proc., § 565(d))	
1. My name is (specify):	
a. I am the plaintiff in this action.	
b. lam	
(1) an owner of the property (3) an agent of the ow	ner
(2) a manager of the property (4) other (specify):	
(, ),	
<ol><li>The property concerning this action is located at (street address, apartment number, city,</li></ol>	and county):
2. Dereand knowledge. I personally know the facts stated in this declaration and if awars of	as a witness, sould testify competently
<ol><li>Personal knowledge. I personally know the facts stated in this declaration and, if sworn a thereto. I am personally familiar with the rental or lease agreement, defendant's paymen</li></ol>	
defendant's conduct.	record, the condition of the property, and
4 Agreement week written and a fallower	
4. Agreement was written oral as follows:	
a. On or about (date): defendant (name each):	
(1) agreed to rent the property for a month-to-month tenancy	ath an tananan (an asife)
	other tenancy (specify): other (specify frequency):
(2) agreed to pay rent of \$ payable monthly first of the month other day (specify):	oner (specify frequency).
with refit due of the first of the month.	
b. Original agreement is attached (specify): to the original complaint.	
	aration, labeled Exhibit 4b.
c. Copy of agreement with a declaration and order to admit the copy is attached (s	
	aration, labeled Exhibit 4c.
5. Agreement changed.	
a. More than one change in rent amount (specify history of all rent changes	and effective dates up to the last rent
change) on Attachment 5a (form MC-025).	
b. Change in rent amount (specify last rent change). The rent was changed	I from \$ to \$,
which became effective on (date):	vas made
(1) by agreement of the parties and subsequent payment of suc	ch rent.
(2) by service on defendant of a notice of change in terms purs	uant to Civil Code section 827 (check
item 5d).	·
(3) pursuant to a written agreement of the parties for change in	terms (check item 5e or 5f).
c. Change in rent due date. Rent was changed, payable in advance, due of	n <i>(specify day):</i> .
d. A copy of the notice of change in terms is attached to this declaration, la	
	e original complaint.
	is declaration, labeled Exhibit 5e.
f. Copy of agreement for change in terms with a declaration and order to a	
	is declaration, labeled Exhibit 5f.

PLAINTIFF (Name):	CASE NUMBER:
DEFENDANT (Name):	
(2) 3-day notice to perform covenants or quit (5) 3	greed rent in item 4a(2) (specify history of the balance) on Attachment 6c (form  the original complaint.
<ul> <li>7. Service of notice.</li> <li>a. The notice was served on defendant (name each): <ul> <li>(1) personally on (date):</li> <li>(2) by substituted service, including a copy mailed to the defendant, on (date):</li> <li>(3) by posting and mailing on (date mailed):</li> <li>b. A prejudgment claim of right to possession was served on the occupants pursual 415.46.</li> </ul> </li> </ul>	
<ul> <li>8. Proof of service of notice. The original or copy of the proof of service of the notice in item a the original complaint.</li> <li>b this declaration, labeled Exhibit 8b. (<i>The original or copy of the proof of service I attached to the original complaint.</i>)</li> </ul>	
9. Notice expired. On <i>(date):</i> the notice in item 6 expired at the end with the requirements of the notice by that date. No money has been received and accept	of the day and defendant failed to comply ted after the notice expired.
10. The fair rental value of the property is \$ per day, ca a. (rent per month) x (0.03288) (12 months divided by 365 days) b. rent per month divided by 30 c. other valuation (specify):	lculated as follows:
<ul> <li>11. Possession. The defendant</li> <li>a vacated the premises on (date):</li> <li>b continues to occupy the property on (date of this declaration):</li> </ul>	
<ul> <li>Holdover damages. Declarant has calculated the holdover damages as follows:</li> <li>a. Damages demanded in the complaint began on (date):</li> <li>b. Damages accrued through (date specified in item 11):</li> <li>c. Number of days that damages accrued (count days using the dates in items 12a d. Total holdover damages ((daily rental value in item 10) x (number of days in item</li> </ul>	The state of the s
<ul> <li>13. Reasonable attorney fees are authorized in the lease or rental agreement pursuant and reasonable attorney fees for plaintiff's attorney (name):</li> <li>14. Court costs in this case, including the filing fee, are \$</li> </ul>	t to paragraph <i>(specify):</i> are \$ .

PLAINT	TIFF (Name):		CASE NUMBER:
DEFENDA	NT (Name):		
15. Declarant requests a judgment on behalf of plaintiff for: a. A money judgment as follows:			
	(1) Past-due rent (item 6b)	\$	
	(2) Holdover damages (iten	n 12d) \$	
	(3) Attorney fees (item 13)*	\$	* Attorney fees are to be paid by (name) only.
	(4) Costs (item 14)	\$	(name)
	(5) Other (specify):	\$	
	(6) TOTAL JUDGMENT	\$	
<ul> <li>b Possession of the premises in item 2 (check only if a clerk's judgment for possession was not entered).</li> <li>c Cancellation of the rental agreement Forfeiture of the lease.</li> </ul>			
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.  Date:			
(TYPE OR PRINT NAME) (SIGNATURE OF DECLARANT)			
Summary of Exhibits			
16. Exhibit 4b: Original rental agreement.			
17. Exhibit 4c: Copy of rental agreement with declaration and order to admit the copy.			
18. Exhibit 5d: Copy of notice of change in terms.			
19. Exhibit 5e: Original agreement for change of terms.			
20. Exhibit 5f: Copy of agreement for change in terms with declaration and order to admit copy.			
21. Exhibit 6d: Original or copy of the notice to quit under item 6a (MUST be attached to this declaration if it is not attached to original complaint).			
22. Exhibit 8b: Original or copy of proof of service of notice in item 6a (MUST be attached to this declaration if it is not attached to original complaint).			
23.	Other exhibits (specify number and describe):		

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):	FOR COURT USE ONLY
TELEPHONE NO.: FAX NO. (Optional):	
E-MAIL ADDRESS (Optional):	
ATTORNEY FOR (Name):  SUPERIOR COURT OF CALIFORNIA, COUNTY OF	
STREET ADDRESS:	
MAILING ADDRESS:	
CITY AND ZIP CODE:	
BRANCH NAME:	
PLAINTIFF:	
DEFENDANT:	
JUDGMENT—UNLAWFUL DETAINER	CASE NUMBER:
,	ter Court Trial
By Court Possession Only De	efendant Did Not
Ap	ppear at Trial
JUDG	MENT
1. Defendent was preparly conved with a copy of the our	among and complaint
<ul> <li>a. Defendant was properly served with a copy of the sum</li> <li>b. Defendant failed to answer the complaint or appear ar</li> </ul>	•
c. Defendant's default was entered by the clerk upon pla	
	or possession only of the premises described on page 2 (item 4).
e. Court Judgment (Code Civ. Proc., § 585(b)). T	he court considered
(1) plaintiff's testimony and other evidence.	
	nd evidence (Code Civ. Proc., § 585(d)).
2. AFTER COURT TRIAL. The jury was waived. The court	considered the evidence.
a. The case was tried on (date and time):	
before (name of judicial officer):	
, , ,	
b. Appearances by:	
Plaintiff (name each):	Plaintiff's attorney (name each):
	(1)
	(2)
	( )
Continued on Attachment 2b (form MC-025).	
Defendant (name each):	Defendant's attorney (name each):
Bolondank (hame dadn).	
	(1)
	(2)
Continued on Attachment 2b (form MC-025).	
c. Defendant did not appear at trial. Defendant was	nronerly served with notice of trial
5 Deteriorant did not appear at that. Deteriorant was	property served with hotioe of that.
d. A statement of decision (Code Civ. Proc., § 632)	was not was requested.

PLAINTIFF:			CASE NUMBER:	
DEFENDANT:				
JUDGMENT IS ENTERED AS	FOLLOWS BY:	THE COURT	THE CLERK	
3. Parties. Judgment is				
a. for plaintiff (name each):				
and against defendant (nam	e each):			
Continued on Attachmob. for defendant (name each):	ent 3a (form MC-025).			
4. Plaintiff Defendant is e	entitled to possession of the	premises located at (	street address, apartment, city, d	and county)
5. Judgment applies to all occupant Proc., §§ 715.010, 1169, and 117	-	tenants, subtenants if	any, and named claimants if any	(Code Civ.
6. Amount and terms of judgment a. Defendant named in item 3a complaint:	above must pay plaintiff on		ntiff is to receive nothing from de ed in item 3b.	fendant
(1) Past-due rent	\$		Defendant named in item 3b is	to recover
(2) Holdover dam			costs: \$ and attorney fees: \$	
(3) Attorney fees	\$		and anomey rece. \$	·
(4) Costs	\$			
(5) Other (specify				
(6) TOTAL JUDGMENT	\$			
c. The rental agreement is cand	eled. The lease is f	orfeited.		
<ol> <li>Conditional judgment. Plaintiff Judgment—Unlawful Detainer At</li> </ol>	•	•	premises to defendant as stated	ni b
8. Other (specify):				
Continued on Attachment 8 (1	orm MC-025).			
Date:		JUDICI.		_
Date:				
Date.		by		, Deputy
(SEAL)	CLERK'S CERTIFI at this is a true copy of the c		o in the court	
	a and le a had dopy of the d	mgman jaagiment en me	, in the source	
Date:				
	Clerk, by			, Deputy
	, <b></b>			_,

EJ-130 FOR COURT USE ONLY ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number and address): FAX NO.: TELEPHONE NO .: E-MAIL ADDRESS: ATTORNEY FOR (Name): ATTORNEY FOR JUDGMENT CREDITOR ASSIGNEE OF RECORD SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME: PLAINTIFF: **DEFENDANT:** CASE NUMBER: **EXECUTION (Money Judgment) WRIT** POSSESSION OF **Personal Property** OF **Limited Civil Case Small Claims Case Real Property** SALE **Unlimited Civil Case** Other 1. To the Sheriff or Marshal of the County of: You are directed to enforce the judgment described below with daily interest and your costs as provided by law. 2. To any registered process server: You are authorized to serve this writ only in accord with CCP 699.080 or CCP 715.040. 3. (Name): is the iudgment creditor assignee of record whose address is shown on this form above the court's name. 4. Judgment debtor (name, type of legal entity stated in See next page for information on real or personal property to be judgment if not a natural person, and last known delivered under a writ of possession or sold under a writ of sale. address): 10. This writ is issued on a sister-state judgment. 11. Total judgment ............... 12. Costs after judgment (per filed order or memo CCP 685.090) .... \$ 13. Subtotal (add 11 and 12) . . . . . . . . . . 15. Subtotal (subtract 14 from 13) . . . . . . . 16. Interest after judgment (per filed affidavit Additional judgment debtors on next page CCP 685.050) (not on GC 6103.5 fees). . . \$ 5. Judgment entered on (date): 18. **Total** (add 15, 16, and 17) . . . . . . . . . . Judgment renewed on (dates): 19. Levying officer: (a) Add daily interest from date of writ 7. Notice of sale under this writ (at the legal rate on 15) (not on has not been requested. GC 6103.5 fees) of. . . . . . . \$ has been requested (see next page). (b) Pay directly to court costs included in Joint debtor information on next page. 11 and 17 (GC 6103.5, 68637; CCP 699.520(i)) . . . . . . . . . . . . . [SEAL] or.

20	The amounts called for in items 11–1 These amounts are stated for each o	
Issued on (date):	Clerk, by	, D

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	EJ-130
PLAINTIFF:	CASE NUMBER:
DEFENDANT:	
— Items continued from page 1—	
21. Additional judgment debtor (name, type of legal entity stated	
in judgment if not a natural person, and last known address):	
	ı
22. Notice of sale has been requested by (name and address):	
	I
23. Joint debtor was declared bound by the judgment (CCP 989–994)	
a. on (date):  a. on (date):  a. on (date):	
	e of legal entity stated in judgment if not
natural person, and last known address of joint debtor: a natural p	person, and last known address of joint debtor:
	'
c. additional costs against certain joint debtors (itemize):	
OA (A) A of December of Mail of Oals). Industrations and feet the fallowing	
24. (Writ of Possession or Writ of Sale) <b>Judgment</b> was entered for the following:  a. Possession of real property: The complaint was filed on (date):	
(Check (1) or (2)):	
(1) The Prejudgment Claim of Right to Possession was served in	compliance with CCP 415.46.
The judgment includes all tenants, subtenants, named claima	· · · · · · · · · · · · · · · · · · ·
(2) The Prejudgment Claim of Right to Possession was NOT ser	
<ul><li>(a) \$ was the daily rental value on the of</li><li>(b) The court will hear objections to enforcement of the judg</li></ul>	
dates (specify):	ment and a control on the following
b. Possession of personal property.	
If delivery cannot be had, then for the value (itemize in 24e) spec	ified in the judgment or supplemental order.
c. Sale of personal property.	
d. Sale of real property.	
e. Description of property:	

#### **NOTICE TO PERSON SERVED**

WRIT OF EXECUTION OR SALE. Your rights and duties are indicated on the accompanying *Notice of Levy* (Form EJ-150). WRIT OF POSSESSION OF PERSONAL PROPERTY. If the levying officer is not able to take custody of the property, the levying officer will make a demand upon you for the property. If custody is not obtained following demand, the judgment may be enforced as a money judgment for the value of the property specified in the judgment or in a supplemental order. WRIT OF POSSESSION OF REAL PROPERTY. If the premises are not vacated within five days after the date of service on the

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

▶ A Claim of Right to Possession form accompanies this writ (unless the Summons was served in compliance with CCP 415.46).