

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN DIEGO**

**UNLAWFUL DETAINER
COMPLAINT PACKET**



FORMS INCLUDED IN THIS PACKET

| | |
|--|---------------------------------|
| Unlawful Detainer Complaint Packet Information | SDSC Form #CIV-240 |
| Shriver – Housing You May Be Eligible | SDSC Form #ADM-305 |
| Civil Case Cover Sheet | Judicial Council Form #CM-010 |
| Plaintiff's Mandatory Cover Sheet and Supplemental Allegations - Unlawful Detainer | Judicial Council Form #UD-101 |
| Complaint – Unlawful Detainer | Judicial Council Form #UD-100 |
| Verification By Landlord Regarding Rental Assistance – Unlawful Detainer | Judicial Council Form #UD-120 |
| Summons – Unlawful Detainer – Eviction | Judicial Council Form #SUM-130 |
| Proof of Service of Summons | Judicial Council Form #POS-010 |
| Prejudgment Claim of Right to Possession | Judicial Council Form #CP10.5 |
| Request for Entry of Default (Application to Enter Default) | Judicial Council Form #CIV-100 |
| Request/Counter-Request to Set Case for Trial – Unlawful Detainer | Judicial Council Form #UD-150 |
| Memorandum of Costs (Summary) | Judicial Council Form # MC-010 |
| Judgment – Unlawful Detainer | Judicial Council Form #UD-110 |
| Judgment – Unlawful Detainer Habitable Premises Attachment | Judicial Council Form #UD-110H |
| Judgment – Unlawful Detainer Partial Eviction Attachment | Judicial Council Form #UD-110P |
| Request for Dismissal | Judicial Council Form #CIV-110 |
| Writ of Execution | Judicial Council Form #EJ-130 |
| Request for Sheriff to Serve Court Papers | Judicial Council Form #SER-001 |
| Special Instructions for Writs and Levies – Attachment | Judicial Council Form #SER-001A |



SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO
CENTRAL DIVISION, HALL OF JUSTICE, 330 W. BROADWAY, SAN DIEGO, CA 92101

UNLAWFUL DETAINER COMPLAINT PACKET INFORMATION

An unlawful detainer is a lawsuit in which a landlord tries to evict a tenant because according to the landlord, the tenant no longer has the right to live on the property. This is also called an eviction. This packet contains the forms that may be used in an unlawful detainer matter and a brief description of the steps involved in the process.

Please be advised that court employees may not give legal advice. It is recommended that you seek legal advice or do your own legal research if you are not familiar with this legal process. Additional information may be found on the Superior Court's website at www.sdcourt.ca.gov, and the Judicial Council's self-help website, www.courts.ca.gov/selfhelp-housing.htm.

READ ALL INSTRUCTIONS CAREFULLY BEFORE FILLING OUT ANY FORMS

KEY TERMS & DEFINITIONS

| TERM | DEFINITION |
|-------------|--|
| Complaint | The lawsuit filed in the court. |
| Plaintiff | The party that initiates the lawsuit and files the complaint. |
| Defendant | The party or person sued in the lawsuit that may respond to the complaint. |
| Answer | A written pleading filed by the defendant in response to the complaint. |
| Service | The delivery of copies of legal documents to the opposing party or other person to whom the documents are directed. |
| Default | Failure of a party to respond to a lawsuit, or to follow proper procedure to prevent entry of a judgment against them. |
| Judgment | The official decision of the court stating which party won and the terms of the decision. |
| Writ | A court order authorizing the Sheriff to enforce and satisfy the judgment by levying on real or personal property. |

FEES

The fee required to file an unlawful detainer lawsuit is based on the amount of money in controversy.

- The complaint fee is broken down as follows:
 - Amount demanded is \$10,000 or LESS
 - Amount demanded is OVER \$10,000 but does not exceed \$35,000
 - Amount demanded is OVER \$35,000

To determine the amount of the fee, refer to the Fee Schedule (SDSC Form #ADM-001), which may be found on the Superior Court's website at www.sdcourt.ca.gov.

In addition to the initial filing fee for the complaint, there may be other fees you will pay throughout the life of the case for filings such as motions or issuing a writ.

WHAT IF I CANNOT AFFORD THE COURT FEES?

If you cannot afford to pay the court fees, you may request the court waive all or some filing fees or costs by applying for a fee waiver. Refer to the Information Sheet on Waiver of Superior Court Fees and Costs (JC Form #FW-001-INFO) for additional information. To request a fee waiver, complete the Request to Waive Court Fees (JC Form #FW-001) and Order on Court Fee Waiver (JC Form #FW-003). These forms are available in the clerk's office or on the Judicial Council website, www.courts.ca.gov/forms.htm.

**COURT
PROCESS**

| STEP | ACTION |
|--|---|
| <p>Filing the Complaint</p> | <p>Complete one of each of the following:</p> <ol style="list-style-type: none"> 1. Complaint – Unlawful Detainer (JC Form #UD-100) <ul style="list-style-type: none"> • Check the boxes that describe your case. • Pursuant to Code of Civil Procedure section 1166, actions filed involving <u>residential property</u> must include the following exhibits attached to the complaint: <ul style="list-style-type: none"> ◦ A copy of the 3-Day, 30-Day, or 60-Day Notice, or Notices of Termination served on the defendant upon which the complaint is based. ◦ A copy of any written lease or rental agreement, including any addenda or attachments regarding the premises, unless the action is based on: <ul style="list-style-type: none"> ▪ An oral contract (item #6b on the complaint form), and/or ▪ The action is solely for nonpayment of rent (item #6f(2) on the complaint form) 2. Summons – Unlawful Detainer (JC Form #SUM-130) <ul style="list-style-type: none"> • All defendants must be listed on the summons exactly as they are listed on the complaint. 3. Plaintiff’s Mandatory Cover Sheet and Supplemental Allegations-Unlawful Detainer (JC Form #UD-101) <ul style="list-style-type: none"> • Complete the items that apply to your case. 4. Civil Case Cover Sheet (JC Form #CM-010) <ul style="list-style-type: none"> • Check the boxes that best describe your case. <p>Present your completed documents and the proper filing fee to the civil business office to get a case number. The court will keep the original documents and conform <u>one</u> copy you provide. After you file your case, you will need to make additional copies for service if you have multiple defendants, or wish to keep a copy for your records.</p> |
| <p>Service on the Defendant</p> | <p>Once you have filed your case with the court, each defendant must be served with a copy of the complaint and summons. Service may be performed by a registered process server, or any person over the age of 18 years who is not a party to the action.</p> <p>The original Proof of Service of Summons (JC Form #POS-010) must be filed with the court <u>after</u> service on the defendant(s) is completed.</p> |
| <p>Answer by Defendant</p> | <p>If the defendant files an Answer to your complaint, the case must be set for trial. To request a trial date you must:</p> <ol style="list-style-type: none"> 1. Complete a Request/Counter-Request to Set Case for Trial-Unlawful Detainer (JC Form #UD-150). 2. Prepare the original and one copy to be mailed to each defendant who has filed an answer. 3. A copy must be mailed to each answering defendant by someone <u>not</u> a party to the lawsuit. The person doing the mailing must complete the Proof of Service by Mail on the back of the form. 4. Submit the original to the clerk for processing. The Proof of Service by Mail must be completed on the back of the form <u>before</u> filing with the clerk. 5. If you want a copy returned to you, submit a copy along with the original and a self-addressed stamped envelope to the clerk for processing. <p>All parties will be notified by mail of the trial date and time. Trial dates will be set within 20 days from the date the Request/Counter-Request to Set Case for Trial-Unlawful Detainer (JC Form #UD-150) is filed.</p> <p>Before a case can be set for trial, all defendants in the case must have filed an answer, or been dismissed or defaulted by you (the plaintiff).</p> |

**COURT
PROCESS,**
cont.

| STEP | ACTION, cont. |
|---|---|
| Judgment After Trial | <p>The party that prevails at the trial must prepare the judgment form.</p> <ul style="list-style-type: none"> • Complete Judgment – Unlawful Detainer (JC Form #UD-110) • Submit a Memorandum of Costs (Summary) (JC Form #MC-010), if not previously submitted. This form is required if costs were claimed and awarded in the judgment. |
| Default & Judgment for Possession Only | <p>If the defendant does NOT file an Answer to the complaint after being served, you may request a default judgment against them.</p> <ol style="list-style-type: none"> 1. Complete an original and one copy of the form Request for Entry of Default (JC Form #CIV-100). 2. A copy must be mailed to each defendant who is being defaulted by someone <u>not</u> a party to the lawsuit. 3. Complete an original and make a copy of the form Verification by Landlord Regarding Rental Assistance (JC Form #UD-120) if you are seeking a default judgment for possession of residential property based on nonpayment of rent or any other financial obligation under a lease. 4. Submit for filing to the clerk: The <i>original</i> Request for Entry of Default, Proof of Service for each defendant served, Verification by Landlord Regarding Rental Assistance, and a completed judgment form for the clerk’s judgment for possession only. <p>You may also complete a Writ of Execution (JC Form #EJ-130) and submit this with the default judgment forms. (<i>See Writ of Execution section below.</i>)</p> <p><i>Note: Forms to obtain a money judgment after the defendant(s) has vacated the premises are not included in this packet.</i></p> |
| Writ of Execution | <p>Judgment must be entered before a writ of execution can be issued.</p> <ol style="list-style-type: none"> 1. Complete a Writ of Execution (JC Form #EJ-130); be sure to complete items #9, 22, and 25. 2. Complete the Request for Sheriff to Serve Court Papers (JC Form #SER-001) and Special Instructions for Writs and Levies -Attachment (JC Form #SER-001A) for execution of the writ. 3. Submit completed forms to the clerk with the filing fees: <ul style="list-style-type: none"> • A check payable to "Clerk of the Superior Court," for the issuance of the Writ. • A check payable to the "Sheriff" if you want the clerk to send the writ to the Sheriff’s Office after issuance. <p><i>Note: You also have the option of delivering the issued writ to the Sheriff’s Office yourself.</i></p> |
| Dismissal | <p>If the defendant(s) vacates the premises or you decide not to proceed to judgment or trial, you must file a dismissal of the action to close out or dispose of your case.</p> <ol style="list-style-type: none"> 1. Complete a Request for Dismissal (JC Form #CIV-110). 2. Submit the original to the clerk for processing. 3. If you want a copy returned to you, submit a copy along with the original and a self-addressed stamped envelope to the clerk for processing. <p><i>Note: Within 45 days after the unlawful detainer case has been filed, a judgment or dismissal must be entered or the case will be placed on calendar for a hearing to show cause why the case should not be dismissed for lack of prosecution.</i></p> |

**COPIES FOR
YOUR
RECORDS**

If you would like a file-stamped copy (also known as a conformed copy) of any of your documents, you must provide one additional copy and a self-addressed envelope with sufficient postage at the time you submit your documents for filing.

**YOU MAY BE ELIGIBLE FOR A FREE LAWYER
TO ADVISE AND/OR REPRESENT YOU IN YOUR
UNLAWFUL DETAINER CASE**

Call the number below to see if you are eligible:

1-866-244-0101

**IT IS IMPORTANT TO CALL IMMEDIATELY. YOU ONLY HAVE 10 CALENDAR DAYS
AFTER THE SERVICE OF THE SUMMONS AND COMPLAINT TO FILE A WRITTEN
RESPONSE.**

Low-income parties may be eligible for free legal representation in unlawful detainer cases in the Central Division of the San Diego Superior Court.

*Funding for this program is made possible by the Sargent Shriver Civil Counsel Act
(Gov. Code, § 68650 et seq.)*

**USTED PODRÍA RECIBIR LOS SERVICIOS GRATUITOS DE
UN ABOGADO QUE LO REPRESENTE Y/O ASESORE EN
SU CAUSA DE DESALOJO.**

Llame al número a continuación para ver si usted califica:

1-866-244-0101

**¡ES IMPORTANTE QUE LLAME INMEDIATAMENTE! SOLO TIENE 10 DÍAS
CALENDARIOS A PARTIR DE LA NOTIFICACIÓN DE LA DEMANDA Y LA ORDEN DE
COMPARECENCIA PARA PRESENTAR SU RESPUESTA POR ESCRITO.**

Las personas de escasos recursos podrían calificar para recibir representación legal gratuita en causas de desalojo en el Tribunal Superior de San Diego, División Central.

Los fondos para este programa los provee Sargent Shriver Civil Counsel Act (Gov. Code, § 68650 et seq.)

| | |
|--|---------------------------|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): TELEPHONE NO.: _____ FAX NO.: _____ EMAIL ADDRESS: _____ ATTORNEY FOR (<i>Name</i>): _____ | FOR COURT USE ONLY |
|--|---------------------------|

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

CENTRAL DIVISION, HALL OF JUSTICE, 330 W. BROADWAY, SAN DIEGO, CA 92101

CENTRAL DIVISION, JUVENILE COURT, 2851 MEADOW LARK DR., SAN DIEGO, CA 92123

EAST COUNTY DIVISION, 250 E. MAIN ST., EL CAJON, CA 92020

NORTH COUNTY DIVISION, 325 S. MELROSE DR., VISTA, CA 92081

SOUTH COUNTY DIVISION, 500 3RD AVE., CHULA VISTA, CA 91910

CASE NAME: _____

| | | |
|--|--|---|
| CIVIL CASE COVER SHEET <input type="checkbox"/> Unlimited (Amount demanded exceeds \$35,000) | <input type="checkbox"/> Limited (Amount demanded is \$35,000 or less) | Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402) |
|--|--|---|

CASE NUMBER: _____

JUDGE: _____

DEPT.: _____

Items 1–6 below must be completed (see instructions on page 2).

1. Check **one** box below for the case type that best describes this case:

| | | |
|--|--|--|
| Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15) | Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39) | Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400–3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (<i>not specified above</i>) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (<i>not specified above</i>) (43) |
|--|--|--|

2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

| | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve c. <input type="checkbox"/> Substantial amount of documentary evidence | d. <input type="checkbox"/> Large number of witnesses e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
|--|--|

3. Remedies sought (*check all that apply*): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive

4. Number of causes of action (*specify*): _____

5. This case is is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (*You may use form CM-015.*)

Date: _____

| | |
|-------------------------------|--|
| _____ (TYPE OR PRINT NAME) | (SIGNATURE OF PARTY OR ATTORNEY FOR PARTY) |
|-------------------------------|--|

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

CM-010

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the Civil Case Cover Sheet contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the Civil Case Cover Sheet to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

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*)

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

- 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

Non-PI/PD/WD (Other) Tort

- Business Tort/Unfair Business Practice (07)
- Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)
- Defamation (e.g., slander, libel) (13)
- Fraud (16)
- Intellectual Property (19)
- Professional Negligence (25)
 - Legal Malpractice
 - Other Professional Malpractice (*not medical or legal*)
- Other Non-PI/PD/WD Tort (35)

Employment

- Wrongful Termination (36)
- Other Employment (15)

Contract

- Breach of Contract/Warranty (06)
 - Breach of Rental/Lease Contract (*not unlawful detainer or wrongful eviction*)
- Contract/Warranty Breach–Seller Plaintiff (*not fraud or negligence*)
- Negligent Breach of Contract/Warranty
- Other Breach of Contract/Warranty
- Collections (e.g., money owed, open book accounts) (09)
 - Collection Case–Seller Plaintiff
 - Other Promissory Note/Collections Case
- Insurance Coverage (*not provisionally complex*) (18)
 - Auto Subrogation
 - Other Coverage
- Other Contract (37)
 - Contractual Fraud
 - Other Contract Dispute

Real Property

- Eminent Domain/Inverse Condemnation (14)
- Wrongful Eviction (33)
- Other Real Property (e.g., quiet title) (26)
 - Writ of Possession of Real Property
 - Mortgage Foreclosure
 - Quiet Title
 - Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

Unlawful Detainer

- Commercial (31)
- Residential (32)
- Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

Judicial Review

- Asset Forfeiture (05)
- Petition Re: Arbitration Award (11)
- Writ of Mandate (02)
 - Writ–Administrative Mandamus
 - Writ–Mandamus on Limited Court Case Matter
 - Writ–Other Limited Court Case Review
- Other Judicial Review (39)
 - Review of Health Officer Order
 - Notice of Appeal–Labor Commissioner Appeals

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 (*non-domestic relations*)
- Sister State Judgment
- Administrative Agency Award (*not unpaid taxes*)
- Petition/Certification of Entry of Judgment on Unpaid Taxes
- Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

- RICO (27)
- Other Complaint (*not specified above*) (42)
 - Declaratory Relief Only
 - Injunctive Relief Only (*non-harassment*)
 - 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 Abuse
 - 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): TELEPHONE NO.: _____ FAX NO. (Optional): _____ EMAIL ADDRESS: _____ ATTORNEY FOR (Name): _____ | FOR COURT USE ONLY |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO CENTRAL DIVISION, HALL OF JUSTICE, 330 W. BROADWAY, SAN DIEGO, CA 92101 | |
| PLAINTIFF: DEFENDANT: | |
| PLAINTIFF'S MANDATORY COVER SHEET AND SUPPLEMENTAL ALLEGATIONS—UNLAWFUL DETAINER | |
| All plaintiffs in unlawful detainer proceedings must file and serve this form. Filing this form complies with the requirement in Code of Civil Procedure section 1179.01.5(c). | |
| <ul style="list-style-type: none"> • Serve this form and any attachments to it with the summons. • If a summons has already been served without this form, then serve it by mail or any other means of service authorized by law. • If defendant has answered prior to service of this form, there is no requirement for defendant to respond to the supplemental allegations before trial. | |
| To obtain a judgment in an unlawful detainer action for nonpayment of rent on a residential property, a plaintiff must verify that no rental assistance or other financial compensation has been received for the amount demanded in the notice or accruing afterward, and that no application is pending for such assistance. To obtain a default judgment, plaintiff must use Verification by Landlord Regarding Rental Assistance—Unlawful Detainer (form UD-120) to make this verification and provide other information required by statute. | |

1. PLAINTIFF (name each):

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

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

- a. This action seeks possession of real property that is (check all that apply) residential commercial.
 (If "residential" is checked, complete all remaining items that apply to this action. If only "commercial" is checked, no further items need to be completed except the signature and verification on page 2.)
- b. This action is based, in whole or in part, on an alleged default in payment of rent or other charges. Yes No

3. **Statements regarding rental assistance** (Required in all actions based on nonpayment of rent or any other financial obligation. Plaintiff must answer all the questions in this item and, if later seeking a default judgment, will also need to file Verification Regarding Rental Assistance—Unlawful Detainer (form UD-120).)

- a. Has plaintiff received rental assistance or other financial compensation from any other source corresponding to the amount demanded in the notice underlying the complaint? Yes No
- b. Has plaintiff received rental assistance or other financial compensation from any other source for rent accruing *after* the date of the notice underlying the complaint? Yes No
- c. Does plaintiff have any pending application for rental assistance or other financial compensation from any other source corresponding to the amount demanded in the notice underlying the complaint? Yes No
- d. Does plaintiff have any pending application for rental assistance or other financial compensation from any other source for rent accruing *after* the date on the notice underlying the complaint? Yes No

| | |
|--------------------------|--------------|
| PLAINTIFF: DEFENDANT: | CASE NUMBER: |
|--------------------------|--------------|

4. **Other allegations** Plaintiff makes the following additional allegations: *(State any additional allegations below, with each allegation lettered in order, starting with (a), (b), (c), etc. If there is not enough space below, check the box below and use form MC-025, title it Attachment 4, and letter each allegation in order.)* Other allegations are on form MC-025.

5. Number of pages attached *(specify)*:

Date:

(TYPE OR PRINT NAME)



(SIGNATURE OF PLAINTIFF OR ATTORNEY)

VERIFICATION

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

I am the plaintiff in this proceeding and have read this complaint. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME)



(SIGNATURE)

| | |
|---|---------------------------|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ EMAIL ADDRESS: _____ ATTORNEY FOR (Name): _____ | FOR COURT USE ONLY |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO CENTRAL DIVISION, HALL OF JUSTICE, 330 W. BROADWAY, SAN DIEGO, CA 92101 | |
| PLAINTIFF: DEFENDANT: <input type="checkbox"/> DOES 1 TO | |
| COMPLAINT—UNLAWFUL DETAINER* <input type="checkbox"/> COMPLAINT <input type="checkbox"/> AMENDED COMPLAINT (Amendment Number): | CASE NUMBER: |

Jurisdiction (check all that apply):

ACTION IS A LIMITED CIVIL CASE (amount demanded does not exceed \$35,000)
 Amount demanded does not exceed \$10,000
 exceeds \$10,000

ACTION IS AN UNLIMITED CIVIL CASE (amount demanded exceeds \$35,000)

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):

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

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

| | |
|--------------------------|--------------|
| PLAINTIFF: DEFENDANT: | CASE NUMBER: |
|--------------------------|--------------|

6. a. On or about *(date)*:
defendant (name each):
- (1) agreed to rent the premises as a month-to-month tenancy other tenancy *(specify)*:
(2) agreed to pay rent of \$ _____ payable monthly other *(specify frequency)*:
(3) agreed to pay rent on the first of the month other day *(specify)*:
- b. This written oral agreement was made with
(1) plaintiff. (3) plaintiff's predecessor in interest.
(2) plaintiff's agent. (4) Other *(specify)*:
- c. The defendants not named in item 6a are
(1) subtenants.
(2) assignees.
(3) Other *(specify)*:
- d. The agreement was later changed as follows *(specify)*:
- e. A copy of the written agreement, including any addenda or attachments that form the basis of this complaint, is attached and labeled Exhibit 1. *(Required for residential property, unless item 6f is checked. See Code Civ. Proc., § 1166.)*
- f. *(For residential property)* A copy of the written agreement is **not** attached because *(specify reason)*:
(1) *the written agreement is not in the possession of the landlord or the landlord's employees or agents.*
(2) *this action is solely for nonpayment of rent (Code Civ. Proc., § 1161(2)).*
7. The tenancy described in 6 *(complete (a) or (b))*
a. is **not** subject to the Tenant Protection Act of 2019 (Civil Code, § 1946.2). The specific subpart supporting why tenancy is exempt is *(specify)*:
b. is subject to the Tenant Protection Act of 2019.
8. *(Complete only if item 7b is checked. Check all applicable boxes.)*
a. The tenancy was terminated for at-fault just cause (Civil Code, § 1946.2(b)(1)).
b. The tenancy was terminated for no-fault just cause (Civil Code, § 1946.2(b)(2)) and the plaintiff *(check one)*
(1) waived the payment of rent for the final month of the tenancy, before the rent came due, under section 1946.2(d)(2), in the amount of \$ _____
(2) provided a direct payment of one month's rent under section 1946.2(d)(3), equaling \$ _____ to *(name each defendant and amount given to each)*:
- c. Because defendant failed to vacate, plaintiff is seeking to recover the total amount in 8b as damages in this action.
9. a. Defendant *(name each)*:
- was served the following notice on the same date and in the same manner:
- (1) 3-day notice to pay rent or quit (5) 3-day notice to perform covenants or quit
(not applicable if item 7b checked)
(2) 30-day notice to quit (6) 3-day notice to quit under Civil Code, § 1946.2(c)
Prior required notice to perform covenants served *(date)*:
(3) 60-day notice to quit (7) Other *(specify)*:
(4) 3-day notice to quit

| | |
|--------------------------|--------------|
| PLAINTIFF: DEFENDANT: | CASE NUMBER: |
|--------------------------|--------------|

9. b. (1) On *(date)*: _____ the period stated in the notice checked in 9a expired at the end of the day.
 (2) Defendants failed to comply with the requirements of the notice by that date.
- c. All facts stated in the notice are true.
- d. The notice included an election of forfeiture.
- e. A copy of the notice is attached and labeled Exhibit 2. *(Required for residential property. See Code Civ. Proc., § 1166. When Civil Code, § 1946.2(c), applies and two notices are required, provide copies of both.)*
- f. One or more defendants were served (1) with the prior required notice under Civil Code, § 1946.2(c), (2) with a different notice, (3) on a different date, or (4) in a different manner, as stated in Attachment 10c. *(Check item 10c and attach a statement providing the information required by items 9a–e and 10 for each defendant and notice.)*
10. a. The notice in item 9a was served on the defendant named in item 9a as follows:
- (1) By personally handing a copy to defendant on *(date)*: _____
- (2) By leaving a copy with *(name or description)*: _____
 a person of suitable age and discretion, on *(date)*: _____ at defendant's
 residence business AND mailing a copy to defendant at defendant's place of residence
 on *(date)*: _____ because defendant cannot be found at defendant's residence or usual place of business.
- (3) By posting a copy on the premises on *(date)*: _____
 AND giving a copy to a person found residing at the premises AND mailing a copy to defendant at the premises
 on *(date)*: _____
 (a) because defendant's residence and usual place of business cannot be ascertained OR
 (b) because no person of suitable age or discretion can be found there.
- (4) *(Not for 3-day notice; see Civil Code, § 1946, before using)* By sending a copy by certified or registered mail
 addressed to defendant on *(date)*: _____
- (5) *(Not for residential tenancies; see Civil Code, § 1953, before using)* In the manner specified in a written
 commercial lease between the parties _____
- b. *(Name)*: _____
 was served on behalf of all defendants who signed a joint written rental agreement.
- c. Information about service of notice on the defendants alleged in item 9f is stated in Attachment 10c.
- d. Proof of service of the notice in item 9a is attached and labeled Exhibit 3.
11. Plaintiff demands possession from each defendant because of expiration of a fixed-term lease.
12. At the time the 3-day notice to pay rent or quit was served, the amount of **rent due** was \$ _____
13. The fair rental value of the premises is \$ _____ per day.
14. Defendant's continued possession is malicious, and plaintiff is entitled to statutory damages under Code of Civil Procedure
 section 1174(b). *(State specific facts supporting a claim up to \$600 in Attachment 14.)*
15. A written agreement between the parties provides for attorney fees.
16. Defendant's tenancy is subject to the local rent control or eviction control ordinance of *(city or county, title of ordinance, and
 date of passage)*: _____

Plaintiff has met all applicable requirements of the ordinances.

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

| | |
|--------------------------|--------------|
| PLAINTIFF: DEFENDANT: | CASE NUMBER: |
|--------------------------|--------------|

19. PLAINTIFF REQUESTS

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

20. Number of pages attached (*specify*):

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

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

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

Date: _____

(TYPE OR PRINT NAME)

 (SIGNATURE OF PLAINTIFF OR ATTORNEY)

VERIFICATION

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

I am the plaintiff in this proceeding and have read this complaint. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

(TYPE OR PRINT NAME)

 (SIGNATURE OF PLAINTIFF)

| | |
|---|---------------------------|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ EMAIL ADDRESS: _____ ATTORNEY FOR (Name): _____ | FOR COURT USE ONLY |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO CENTRAL DIVISION, HALL OF JUSTICE, 330 W. BROADWAY, SAN DIEGO, CA 92101 | |
| PLAINTIFF: DEFENDANT: | |
| VERIFICATION BY LANDLORD REGARDING RENTAL ASSISTANCE—UNLAWFUL DETAINER | CASE NUMBER: _____ |

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

1. The landlord of the property at issue in this case is (*name*):
2. All of the following statements are true:
 - a. Landlord has not received rental assistance or other financial compensation from any other source corresponding to the amount demanded in the notice underlying the complaint in this action.
 - b. Landlord has not received rental assistance or other financial compensation from any other source for rent accruing after the date of the notice underlying the complaint in this action.
 - c. Landlord does not have any pending application for rental assistance or other financial compensation from any other source corresponding to the amount demanded in the notice underlying the complaint in this action.
 - d. Landlord does not have any pending application for rental assistance or other financial compensation from any other sources for rent accruing after the date of the notice underlying the complaint in this action.

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

Date: _____

 (TYPE OR PRINT NAME)



 (SIGNATURE)

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

SUM-130

SUMMONS—EVICTION
(CITACIÓN JUDICIAL—DESALOJO)

UNLAWFUL DETAINER / FORCIBLE DETAINER / FORCIBLE ENTRY
(RETENCIÓN ILÍCITA DE UN INMUEBLE / RETENCIÓN FORZOSA / ENTRADA FORZOSA)

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):

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

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

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 10 days. You have 10 DAYS, not counting Saturdays and Sundays and other judicial holidays, after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff.

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

A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the Self-Help Guide to the California Courts (<https://selfhelp.courts.ca.gov>), your county law library, or the courthouse nearest you. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

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

FEE WAIVER: If you cannot pay the filing fee, ask the clerk for a fee waiver form. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

¡AVISO! Usted ha sido demandado. Si no responde dentro de 10 días, el tribunal puede emitir un fallo en su contra sin una audiencia. Una vez que le entreguen esta citación y papeles legales, solo tiene 10 DÍAS, sin contar sábado y domingo y otros días feriados del tribunal, para presentar una respuesta por escrito en este tribunal y hacer que se entregue una copia al demandante.

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

Una carta o una llamada telefónica no lo protege. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en la Guía de Ayuda de las Cortes de California (<https://selfhelp.courts.ca.gov/es>), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no presenta su respuesta a tiempo, puede perder el caso por falta de comparecencia y se le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpca.org/es), en la Guía de Ayuda de las Cortes de California, (<https://selfhelp.courts.ca.gov/es>) o poniéndose en contacto con la corte o el colegio de abogados local.

EXENCIÓN DE CUOTAS: Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos con un gravamen sobre cualquier monto de \$10,000 ó más recibido mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desestimar el caso.

1. The name and address of the court is:
(El nombre y dirección de la corte es):

CASE NUMBER (número de caso):

2. The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is: *(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):*

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

3. (Must be answered in all cases) An **unlawful detainer assistant (Bus. & Prof. Code, §§ 6400–6415)** did not did **for compensation give advice or assistance with this form. (If plaintiff has received any help or advice for pay from an unlawful detainer assistant, complete item 4 below.)**

4. **Unlawful detainer assistant** (complete if plaintiff has received any help or advice for pay from an unlawful detainer assistant):

- a. Assistant's name:
- b. Telephone no.:
- c. Street address, city, and zip:

- d. County of registration:
- e. Registration no.:
- f. Registration expires on (date):

| | | |
|------------------|---------------------------|-----------------------|
| Date: (Fecha) | Clerk, by (Secretario) | , Deputy (Adjunto) |
|------------------|---------------------------|-----------------------|

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
 (Para prueba de entrega de esta citación use el formulario Proof of Service of Summons (form POS-010).)

[SEAL]

5. **NOTICE TO THE PERSON SERVED:** You are served
- a. as an individual defendant.
 - b. as the person sued under the fictitious name of (specify):
 - c. as an occupant.
 - d. on behalf of (specify):

| | |
|---|--|
| under <input type="checkbox"/> CCP 416.10 (corporation). | <input type="checkbox"/> CCP 416.60 (minor). |
| <input type="checkbox"/> CCP 416.20 (defunct corporation). | <input type="checkbox"/> CCP 416.70 (conservatee). |
| <input type="checkbox"/> CCP 416.40 (association or partnership). | <input type="checkbox"/> CCP 416.90 (authorized person). |
| <input type="checkbox"/> CCP 415.46 (occupant). | <input type="checkbox"/> other (specify): |
 - e. by personal delivery on (date):

| | |
|---|---------------------------|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ EMAIL ADDRESS: _____ ATTORNEY FOR (Name): _____ | FOR COURT USE ONLY |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO CENTRAL DIVISION, HALL OF JUSTICE, 330 W. BROADWAY, SAN DIEGO, CA 92101 | |
| PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT: | CASE NUMBER: |
| PROOF OF SERVICE OF SUMMONS | Ref. No. or File No.: |

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
 - a. summons
 - b. complaint
 - c. Alternative Dispute Resolution (ADR) package
 - d. Civil Case Cover Sheet *(served in complex cases only)*
 - e. cross-complaint
 - f. other *(specify documents):*
3.
 - a. Party served *(specify name of party as shown on documents served):*

 - b. Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) *(specify name and relationship to the party named in item 3a):*
4. Address where the party was served:
5. I served the party *(check proper box)*
 - a. **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on *(date):* _____ (2) at *(time):* _____
 - b. **by substituted service.** On *(date):* _____ at *(time):* _____ I left the documents listed in item 2 with or in the presence of *(name and title or relationship to person indicated in item 3):*
 - (1) **(business)** a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) **(home)** a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) **(physical address unknown)** a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on *(date):* _____ from *(city):* _____ or a declaration of mailing is attached.
 - (5) I attach a **declaration of diligence** stating actions taken first to attempt personal service.

| | |
|--|--------------|
| PLAINTIFF/PETITIONER: <hr style="border: none; border-top: 1px solid black; margin: 5px 0;"/> DEFENDANT/RESPONDENT: | CASE NUMBER: |
|--|--------------|

5. c. **by mail and acknowledgment of receipt of service.** I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on *(date)*: _____ (2) from *(city)*: _____
- (3) with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (*Attach completed Notice and Acknowledgement of Receipt.*) (Code Civ. Proc., § 415.30.)
- (4) to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. **by other means** (*specify means of service and authorizing code section*):

Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. as an individual defendant.
- b. as the person sued under the fictitious name of (*specify*):
- c. as occupant.
- d. On behalf of (*specify*):

under the following Code of Civil Procedure section:

- | | |
|---|---|
| <input type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. **Person who served papers**

- a. Name:
- b. Address:
- c. Telephone number:
- d. **The fee** for service was: \$
- e. I am:
- (1) not a registered California process server.
- (2) exempt from registration under Business and Professions Code section 22350(b).
- (3) a registered California process server:
- (i) owner employee independent contractor.
- (ii) Registration No.:
- (iii) County:

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

or

9. **I am a California sheriff or marshal and** I certify that the foregoing is true and correct.

Date:

| | | |
|---|---|-------------|
| (NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL) | ▶ | (SIGNATURE) |
|---|---|-------------|

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

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

| | |
|---|---|
| CLAIMANT OR CLAIMANT'S ATTORNEY (Name and Address): TELEPHONE NO.: ATTORNEY FOR (Name): | <p style="text-align: center;">FOR COURT USE ONLY</p> |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO CENTRAL DIVISION, HALL OF JUSTICE, 330 W. BROADWAY, SAN DIEGO, CA 92101 | |
| Plaintiff: Defendant: | |
| PREJUDGMENT CLAIM OF RIGHT TO POSSESSION | CASE NUMBER: |
| Complete this form only if ALL of these statements are true: 1. You are NOT named in the accompanying Summons and Complaint. 2. You occupied the subject premises on or before the date the unlawful detainer (eviction) complaint was filed. (The date is in the accompanying Summons and Complaint.) 3. You still occupy the subject premises. | <i>(To be completed by the process server)</i> DATE OF SERVICE: <i>(Date that form is served or delivered, posted, and mailed by the officer or process server)</i> |

I DECLARE THE FOLLOWING UNDER PENALTY OF PERJURY:

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

(Continued on reverse)

| | |
|--------------------------|--------------|
| Plaintiff: Defendant: | CASE NUMBER: |
|--------------------------|--------------|

- 11. If my landlord lost this property to foreclosure, I understand that I can file this form at any time before judgment is entered, and that I have additional rights and should seek legal advice.
- 12. I understand that I will have *five days* (excluding court holidays) to file a response to the Summons and Complaint after I file this Prejudgment Claim of Right to Possession form.

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

13. **Rental agreement.** I have (*check all that apply to you*):

- a. an oral or written rental agreement with the landlord.
- b. an oral or written rental agreement with a person other than the landlord.
- c. an oral or written rental agreement with the former owner who lost the property to foreclosure.
- d. other (*explain*):

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

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

Date:

(TYPE OR PRINT NAME)



(SIGNATURE OF CLAIMANT)

NOTICE: If you file this claim to possession, the unlawful detainer action against you will be determined at trial. At trial, you may be found liable for rent, costs, and, in some cases, treble damages.

— NOTICE TO OCCUPANTS —

YOU MUST ACT AT ONCE if all the following are true:

- 1. You are **NOT** named in the accompanying **Summons and Complaint**.
- 2. You occupied the premises on or before the date the unlawful detainer (eviction) complaint was filed.
- 3. You still occupy the premises.

You can complete and SUBMIT THIS CLAIM FORM WITHIN 10 DAYS from the date of service (on the form) at the court where the unlawful detainer (eviction) complaint was filed. If you are a tenant and your landlord lost the property you occupy through foreclosure, this 10-day deadline does not apply to you. You may file this form at any time before judgment is entered. You should seek legal advice immediately.

If you do not complete and submit this form (and pay a filing fee or file a fee waiver form if you cannot pay the fee), **YOU WILL BE EVICTED.**

After this form is properly filed, you will be added as a defendant in the unlawful detainer (eviction) action and your right to occupy the premises will be decided by the court. *If you do not file this claim, you may be evicted without a hearing.*

| | |
|---|---------------------------|
| ATTORNEY OR PARTY WITHOUT ATTORNEY(Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ EMAIL ADDRESS: _____ ATTORNEY FOR (Name): _____ | FOR COURT USE ONLY |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO CENTRAL DIVISION, HALL OF JUSTICE, 330 W. BROADWAY, SAN DIEGO, CA 92101 | |
| Plaintiff/Petitioner: Defendant/Respondent: | |
| REQUEST FOR <input type="checkbox"/> Entry of Default <input type="checkbox"/> Clerk's Judgment (Application) <input type="checkbox"/> Court Judgment | CASE NUMBER: _____ |
| Not for use in actions under the Fair Debt Buying Practices Act (Civ. Code, § 1788.50 et seq.); (see form CIV-105) | |

1. TO THE CLERK: On the complaint or cross-complaint filed
 - a. on *(date)*:
 - b. by *(name)*:
 - c. Enter default of defendant *(names)*:
 - d. I request a court judgment under Code of Civil Procedure sections 585(b), 585(c), 989, etc., against defendant *(names)*:

(Testimony required. Apply to the clerk for a hearing date, unless the court will enter a judgment on an affidavit under Code Civ. Proc., § 585(d).)
 - e. Enter clerk's judgment
 - (1) for restitution of the premises only and issue a writ of execution on the judgment. Code of Civil Procedure section 1174(c) does not apply. (Code Civ. Proc., § 1169.)
 Include in the judgment all tenants, subtenants, named claimants, and other occupants of the premises. The *Prejudgment Claim of Right to Possession* was served in compliance with Code of Civil Procedure section 415.46.
 - (2) under Code of Civil Procedure section 585(a). *(Complete the declaration under Code Civ. Proc., § 585.5 on the reverse (item 5).)*
 - (3) for default previously entered on *(date)*:
2. **Judgment to be entered.**

| | <u>Amount</u> | <u>Credits acknowledged</u> | <u>Balance</u> |
|-------------------------------------|---------------|-----------------------------|----------------|
| a. Demand of complaint | \$ | \$ | \$ |
| b. Statement of damages* | | | |
| (1) Special | \$ | \$ | \$ |
| (2) General | \$ | \$ | \$ |
| c. Interest | \$ | \$ | \$ |
| d. Costs <i>(see reverse)</i> | \$ | \$ | \$ |
| e. Attorney fees | \$ | \$ | \$ |
| f. TOTALS | \$ | \$ | \$ |

g. **Daily damages** were demanded in complaint at the rate of: \$ _____ per day beginning *(date)*:
(Personal injury or wrongful death actions; Code Civ. Proc., § 425.11.)*
3. *(Check if filed in an unlawful detainer case.)* **Legal document assistant or unlawful detainer assistant** information is on the reverse *(complete item 4)*.
 Date: _____

| | | |
|-------------------------------|------------------------------|---|
| _____ (TYPE OR PRINT NAME) | ▶ | _____ (SIGNATURE OF PLAINTIFF OR ATTORNEY FOR PLAINTIFF) |
| FOR COURT USE ONLY | (1) <input type="checkbox"/> | Default entered as requested on <i>(date)</i> : |
| | (2) <input type="checkbox"/> | Default NOT entered as requested <i>(state reason)</i> : |
| Clerk, by _____, Deputy | | |

| | |
|--|--------------|
| Plaintiff/Petitioner: Defendant/Respondent: | CASE NUMBER: |
|--|--------------|

4. **Legal document assistant or unlawful detainer assistant (Bus. & Prof. Code, § 6400 et seq.).** A legal document assistant or unlawful detainer assistant did did not for compensation give advice or assistance with this form. If declarant has received **any** help or advice for pay from a legal document assistant or unlawful detainer assistant, state:
- a. Assistant's name:
 - b. Street address, city, and zip code:
 - c. Telephone no.:
 - d. County of registration:
 - e. Registration no.:
 - f. Expires on (date):
5. **Declaration under Code Civ. Proc., § 585.5** (for entry of default under Code Civ. Proc., § 585(a)). This action
- a. is is not on a contract or installment sale for goods or services subject to Civ. Code, § 1801 et seq. (Unruh Act).
 - b. is is not on a conditional sales contract subject to Civ. Code, § 2981 et seq. (Rees-Levering Motor Vehicle Sales and Finance Act).
 - c. is is not on an obligation for goods, services, loans, or extensions of credit subject to Code Civ. Proc., § 395(b).
6. **Declaration of mailing (Code Civ. Proc., § 587).** A copy of this *Request for Entry of Default* was
- a. **not mailed** to the following defendants, whose addresses are unknown to plaintiff or plaintiff's attorney (*names*):
 - b. **mailed** first-class, postage prepaid, in a sealed envelope addressed to each defendant's attorney of record or, if none, to each defendant's last known address as follows:
 - (1) Mailed on (date):
 - (2) To (specify names and addresses shown on the envelopes):

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

Date: _____

 (TYPE OR PRINT NAME)

 (SIGNATURE OF DECLARANT)

7. **Memorandum of costs** (required if money judgment requested). Costs and disbursements are as follows (Code Civ. Proc., § 1033.5):
- a. Clerk's filing fees \$
 - b. Process server's fees \$
 - c. Other (specify): \$
 - d. \$
 - e. **TOTAL** \$ _____
 - f. Costs and disbursements are waived.
 - g. I am the attorney, agent, or party who claims these costs. To the best of my knowledge and belief this memorandum of costs is correct and these costs were necessarily incurred in this case.

I declare under penalty of perjury under the laws of the State of California that the foregoing item 7 is true and correct.

Date: _____

 (TYPE OR PRINT NAME)

 (SIGNATURE OF DECLARANT)

| | |
|--|--------------|
| Plaintiff/Petitioner: Defendant/Respondent: | CASE NUMBER: |
|--|--------------|

8. Declaration of nonmilitary status *(required for a judgment).*

No defendant/respondent named in item 1c is in the military service of the United States as defined by either the Servicemembers Civil Relief Act (see 50 U.S.C. § 3911(2)) or California Military and Veterans Code sections 400 and 402(f).

I know that no defendant/respondent named in item 1c is in the U.S. military service because *(check all that apply)*:

- a. the search results that I received from <https://scra.dmdc.osd.mil/> say the defendant/respondent is not in the U.S. military service.
- b. I am in regular communication with the defendant/respondent and know that they are not in the U.S. military service.
- c. I recently contacted the defendant/respondent, and they told me that they are not in the U.S. military service.
- d. I know that the defendant/respondent was discharged from U.S. military service on or about *(date)*:
- e. the defendant/respondent is not eligible to serve in the U.S. military because they are:
 incarcerated a business entity
- f. other *(specify)*:

Note

- U.S. military status can be checked online at <https://scra.dmdc.osd.mil/>.
- If the defendant/respondent is in the military service, or their military status is unknown, the defendant/respondent is entitled to certain rights and protections under federal and state law before a default judgment can be entered.
- For more information, see <https://selfhelp.courts.ca.gov/military-defaults>.

I declare under penalty of perjury under the laws of the State of California that the foregoing item 8 is true and correct.

Date:

(TYPE OR PRINT NAME)



(SIGNATURE OF DECLARANT)

| | |
|--|---------------------------|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX No. (Optional): _____ EMAIL ADDRESS: _____ ATTORNEY FOR (Name): _____ | FOR COURT USE ONLY |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO CENTRAL DIVISION, HALL OF JUSTICE, 330 W. BROADWAY, SAN DIEGO, CA 92101 | |
| PLAINTIFF: DEFENDANT: | |
| <input type="checkbox"/> REQUEST <input type="checkbox"/> COUNTER-REQUEST TO SET CASE FOR TRIAL—UNLAWFUL DETAINER <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant | CASE NUMBER: _____ |

1. **Plaintiff's request.** I represent to the court that all parties have been served with process and have appeared or have had a default or dismissal entered against them. I request that this case be set for trial.
2. **Trial preference.** The premises concerning this case are located at *(street address, apartment number, city, zip code, and county)*:
 - a. To the best of my knowledge, the right to possession of the premises is still in issue. This case is entitled to legal preference under Code of Civil Procedure section 1179a.
 - b. To the best of my knowledge, the right to possession of the premises is no longer in issue. No defendant or other person is in possession of the premises.
3. **Jury or nonjury trial.** I request a jury trial a nonjury trial.
4. **Estimated length of trial.** I estimate that the trial will take *(check one)*:
 - a. days *(specify number)*: _____
 - b. hours *(specify if estimated trial is less than one day)*: _____
5. **Trial date.** I am not available on the following dates *(specify dates and reasons for unavailability)*:

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

6. *(Complete in all cases.)* An unlawful detainer assistant did **not** did for compensation give advice or assistance with this form. *(If declarant has received **any** help or advice for pay from an unlawful detainer assistant, complete a–f.)*
 - a. Assistant's name: _____
 - b. Street address, city, and zip code: _____
 - c. Telephone no.: _____
 - d. County of registration: _____
 - e. Registration no.: _____
 - f. Expires on *(date)*: _____

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 PARTY OR ATTORNEY FOR PARTY) |
|-------------------------------|--|---|

NOTICE

- An unlawful detainer case must be set for trial on a date not later than **20 days after the first request** to set the case for trial is made (Code Civ. Proc., § 1170.5(a)).
- If a jury is requested, \$150 must be deposited with the court 5 days before trial (Code Civ. Proc., § 631).
- Court reporter and interpreter services vary. Check with the court for availability of services and fees charged.
- If you cannot pay the court fees and costs, you may apply for a fee waiver. Ask the court clerk for a fee waiver form.

| | |
|---|--------------|
| PLAINTIFF: <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> DEFENDANT: | CASE NUMBER: |
|---|--------------|

PROOF OF SERVICE BY MAIL

Instructions: After having the parties served by mail with the Request/Counter-Request to Set Case for Trial—Unlawful Detainer, (form UD-150), have the person who mailed the form UD-150 complete this Proof of Service by Mail. An **unsigned** copy of the Proof of Service by Mail should be completed and served with form UD-150. Give the Request/Counter-Request to Set Case for Trial—Unlawful Detainer (form UD-150) and the completed Proof of Service by Mail to the clerk for filing. If you are representing yourself, someone else must mail these papers and sign the Proof of Service by Mail.

1. I am over the age of 18 and **not a party to this case**. I am a resident of or employed in the county where the mailing took place.
2. My residence or business address is (specify):

3. I served the *Request/Counter-Request to Set Case for Trial—Unlawful Detainer* (form UD-150) by enclosing a copy in an envelope addressed to each person whose name and address are shown below AND
 - a. **depositing** the sealed envelope in the United States mail on the date and at the place shown in item 3c with the postage fully prepaid.
 - b. **placing** the envelope for collection and mailing on the date and at the place shown in item 3c following ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.
 - c. (1) Date mailed:

 (2) Place mailed (city and state):

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 PERSON WHO MAILED FORM UD-150) |
|----------------------|--|--|

NAME AND ADDRESS OF EACH PERSON TO WHOM NOTICE WAS MAILED

Name

Address (number, street, city, and zip code)

| | | |
|----|--|--|
| 4. | | |
| 5. | | |
| 6. | | |
| 7. | | |
| 8. | | |
| 9. | | |

List of names and addresses continued on a separate attachment or form MC-025, titled Attachment to Proof of Service by Mail.

| | |
|--|---------------------------|
| ATTORNEY OR PARTY WITHOUT ATTORNEY NAME (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ EMAIL ADDRESS: _____ ATTORNEY FOR (Name): _____ | FOR COURT USE ONLY |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO CENTRAL DIVISION, HALL OF JUSTICE, 330 W. BROADWAY, SAN DIEGO, CA 92101 | |
| PLAINTIFF: DEFENDANT: | |
| MEMORANDUM OF COSTS (SUMMARY) | CASE NUMBER: |

The following costs are requested:

| | TOTALS |
|---|---------------|
| 1. Filing and motion fees | \$ |
| 2. Jury fees | \$ |
| 3. Jury food and lodging | \$ |
| 4. Deposition costs | \$ |
| 5. Service of process | \$ |
| 6. Attachment expenses | \$ |
| 7. Surety bond premiums | \$ |
| 8. Witness fees | \$ |
| 9. Court-ordered transcripts | \$ |
| 10. Attorney fees <i>(enter here if contractual or statutory fees are fixed without necessity of a court determination; otherwise a noticed motion is required)</i> | \$ |
| 11. Court reporter fees as established by statute | \$ |
| 12. Interpreter fees | \$ |
| 13. Models, enlargements, and photocopies of exhibits | \$ |
| 14. Fees for electronic filing or service | \$ |
| 15. Other | \$ |

| | |
|--------------------|----|
| TOTAL COSTS | \$ |
|--------------------|----|

I am the party counsel for the party agent for the party who claims the costs listed above.
 To the best of my knowledge, the items of costs are correct and were necessarily incurred in this case.
 I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

_____ ▶ _____
 (TYPE OR PRINT NAME) (SIGNATURE OF DECLARANT)

(Proof of service on reverse)

| | |
|-------------|--------------|
| SHORT TITLE | CASE NUMBER: |
|-------------|--------------|

PROOF OF MAILING PERSONAL DELIVERY

1. At the time of mailing or personal delivery, I was at least 18 years of age and **not a party** to this legal action.
2. My residence or business address is (*specify*):

3. I mailed or personally delivered a copy of the *Memorandum of Costs (Summary)* as follows (*complete either a or b*):
 - a. **Mail.** I am a resident of or employed in the county where the mailing occurred.
 - (1) I enclosed a copy in an envelope AND
 - (a) **deposited** the sealed envelope with the United States Postal Service with the postage fully prepaid.
 - (b) **placed** the envelope for collection and mailing on the date and at the place shown in items below following our ordinary business practices. I am readily familiar with this business' practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.
 - (2) The envelope was addressed and mailed as follows:
 - (a) Name of person served:
 - (b) Address on envelope:

 - (c) Date of mailing: _____
 - (d) Place of mailing (*city and state*):
 - b. **Personal delivery.** I personally delivered a copy as follows:
 - (1) Name of person served:
 - (2) Address where delivered:

 - (3) Date delivered:
 - (4) Time delivered:

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

Date:

(TYPE OR PRINT NAME)



(SIGNATURE OF DECLARANT)

| | |
|---|---------------------------|
| ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(name, state bar number, and address):</i> TELEPHONE NO.: _____ FAX NO. <i>(Optional):</i> _____ EMAIL ADDRESS: _____ ATTORNEY FOR <i>(Name):</i> _____ | FOR COURT USE ONLY |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO CENTRAL DIVISION, HALL OF JUSTICE, 330 W. BROADWAY, SAN DIEGO, CA 92101 | |
| PLAINTIFF: DEFENDANT: | |
| <p style="text-align: center;">JUDGMENT—UNLAWFUL DETAINER</p> <p> <input type="checkbox"/> By Clerk <input type="checkbox"/> By Default <input type="checkbox"/> After Court Trial <input type="checkbox"/> By Court <input type="checkbox"/> Possession Only <input type="checkbox"/> Defendant Did Not Appear at Trial </p> | CASE NUMBER: _____ |

JUDGMENT

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

2. **AFTER COURT TRIAL.** The jury was waived. The court considered the evidence.
 - a. The case was tried on *(date and time):*
before *(name of judicial officer):*
 - b. Appearances by

| | |
|--|---|
| <input type="checkbox"/> plaintiff <i>(name each):</i> | <input type="checkbox"/> plaintiff's attorney <i>(name each):</i> |
| | (1) |
| | (2) |

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

| | |
|--|--|
| <input type="checkbox"/> defendant <i>(name each):</i> | <input type="checkbox"/> defendant 's attorney <i>(name each):</i> |
| | (1) |
| | (2) |

 Continued on *Attachment 2b* (form MC-025).
 - c. Defendant did not appear at trial. Defendant was properly served with notice of trial.
 - d. A statement of decision (Code Civ. Proc., § 632) was not was requested.

| | |
|--------------------------|--------------|
| PLAINTIFF: DEFENDANT: | CASE NUMBER: |
|--------------------------|--------------|

JUDGMENT IS ENTERED AS FOLLOWS BY: **THE COURT** **THE CLERK**

3. Parties. Judgment is

a. for plaintiff (*name each*):

and against defendant (*name each*):

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

b. for defendant (*name each*):

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

is

plaintiff named in item 3a defendant named in item 3b defendant listed on attached form UD-110P in item 8b1 (Code Civ. Proc. § 1174.27).

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

6. Amount and terms of judgment

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

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

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

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

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

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

8. **Judgment for partial eviction.** A partial eviction is issued as stated in *Judgment—Unlawful Detainer Partial Eviction Attachment* (form UD-110P), which is attached.

9. Other (*specify*):

Continued on *Attachment 9* (form MC-025).

Date: _____ _____
JUDICIAL OFFICER

Date: _____ Clerk, by _____, Deputy

(SEAL)

CLERK'S CERTIFICATE (*Optional*)

I certify that this is a true copy of the original judgment on file in the court.

Date:

Clerk, by _____, Deputy

| | |
|--------------------------|--------------|
| PLAINTIFF: DEFENDANT: | CASE NUMBER: |
|--------------------------|--------------|

JUDGMENT—UNLAWFUL DETAINER HABITABLE PREMISES ATTACHMENT

7. **Conditional judgment.** Plaintiff breached the covenant to provide habitable premises to defendant.
- a. Defendant must pay plaintiff a reduced rent because of the breach in the amount and for the period shown below. *(Specify each defect on a separate line, the month or months (or other period) that the defect existed, and the percentage or amount of the reduced rent as a result of the defect to arrive at the reasonable value of the premises for the period that the defect or defects existed.)*

| Month and year defect existed | Defect | Reasonable rental value is reduced by <i>(specify percentage) or (specify amount)</i> | Reduced monthly rent due |
|---|--------|--|--------------------------|
| (1) | | % \$ | \$ |
| (2) | | % \$ | \$ |
| (3) | | % \$ | \$ |
| (4) | | % \$ | \$ |
| (5) | | % \$ | \$ |
| <input type="checkbox"/> Continued on <i>Attachment 7a</i> (form MC-025). | | | |
| Total rent due in the 3-day notice is now <i>(specify)</i> : | | | \$ |

- b. Defendant is entitled to attorney fees *(specify)*: \$ _____ and costs *(specify)*: \$ _____
- c. Defendant is the prevailing party if defendant pays plaintiff *(specify total rent in item 7a, less any attorney fees and costs in item 7b)*: \$ _____ by _____ p.m. on *(date)*: _____ at _____ *(address)*:
- d. Judgment will be entered for defendant when defendant has complied with item 7c shown by defendant's filing of a declaration under penalty of perjury (see form MC-030), with proof of service on the plaintiff, OR at a hearing that has been set in this court as follows:

| | | | |
|-------|-------|--------|-------|
| Date: | Time: | Dept.: | Room: |
|-------|-------|--------|-------|

- (1) Defendant must continue to pay rent after expiration of the 3-day notice if the defendant continues in possession of the premises in the amount of: \$ _____ per month. The total rent at item 7a is the corrected amount under the 3-day notice.
- (2) Plaintiff must repair the defects described in item 7a. The court retains jurisdiction over the case until those repairs are made. Rent remains reduced in the amount of *(specify monthly rent)*: \$ _____ until the repairs are made.
- (3) Rent will increase to *(specify monthly rent)*: \$ _____ the day after plaintiff files a declaration under penalty of perjury (see form MC-030), with proof of service on the defendant, stating that all the repairs have been made OR it is established that all the repairs have been made at a hearing set in this court as follows:

| | | | |
|-------|-------|--------|-------|
| Date: | Time: | Dept.: | Room: |
|-------|-------|--------|-------|

| | |
|--------------------------|--------------|
| PLAINTIFF: DEFENDANT: | CASE NUMBER: |
|--------------------------|--------------|

7. e. Plaintiff is the prevailing party if defendant fails to comply with items 7c and 7d.
- f. Judgment will be entered for plaintiff when plaintiff files a declaration under penalty of perjury (see form MC-030), with proof of service on the defendant, that the amount in item 7c has not been paid, OR at a hearing that has been set in the court as follows:

| | | | |
|-------|-------|--------|-------|
| Date: | Time: | Dept.: | Room: |
|-------|-------|--------|-------|

| | |
|---|----|
| (1) <input type="checkbox"/> Past-due rent (<i>item 7a</i>) | \$ |
| (2) <input type="checkbox"/> Holdover damages* | \$ |
| (3) <input type="checkbox"/> Attorney fees (<i>item 7b</i>) | \$ |
| (4) <input type="checkbox"/> Costs (<i>item 7b</i>) | \$ |
| (5) <input type="checkbox"/> Other (<i>specify</i>): | \$ |
| (6) TOTAL JUDGMENT | \$ |

*Use one of the following formulas: From expiration of the 3-day notice to today's date date the premises were vacated (*specify number of days*) times

(*specify reduced monthly rent: \$*) times 0.03228 (*12 months divided by 365 days*).

(*specify reduced rent per month divided by 30*): \$

= Total holdover damages

- g. Plaintiff is awarded possession of the premises located at (*street address, apartment, city, and county*):
- h. The rental agreement is canceled. The lease is forfeited.
8. **Other** (*specify*):

| | |
|---|---------------------------|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ EMAIL ADDRESS: _____ ATTORNEY FOR (Name): _____ | FOR COURT USE ONLY |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO CENTRAL DIVISION, HALL OF JUSTICE, 330 W. BROADWAY, SAN DIEGO, CA 92101 | |
| PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT: | |
| REQUEST FOR DISMISSAL | CASE NUMBER: _____ |

A conformed copy will not be returned by the clerk unless a method of return is provided with the document.

This form may not be used for dismissal of a derivative action or a class action or of any party or cause of action in a class action. (Cal. Rules of Court, rules 3.760 and 3.770.)

1. TO THE CLERK: Please **dismiss** this action as follows:
- a. (1) With prejudice (2) Without prejudice (3) Without prejudice and with the court retaining jurisdiction (Code Civ. Proc., § 664.6)
- b. (1) Complaint (2) Petition
- (3) Cross-complaint filed on *(date)*: _____ by *(name)*: _____
- (4) Cross-complaint filed on *(date)*: _____ by *(name)*: _____
- (5) Entire action of all parties and all causes of action
- (6) Other *(specify)**: _____

2. *(Complete in all cases except family law cases.)*

The court did did not waive court fees and costs for a party in this case. *(This information may be obtained from the clerk. If court fees and costs were waived, the declaration on the back of this form must be completed.)*

Date: _____

(TYPE OR PRINT NAME OF ATTORNEY PARTY WITHOUT ATTORNEY)

(SIGNATURE)

Attorney or party without attorney for

Plaintiff/Petitioner Defendant/Respondent

Cross-Complainant

3. TO THE CLERK: Consent to the above dismissal is hereby given.†

Date: _____

(TYPE OR PRINT NAME OF ATTORNEY PARTY WITHOUT ATTORNEY)

(SIGNATURE)

Attorney or party without attorney for

Plaintiff/Petitioner Defendant/Respondent

Cross-Complainant

Check here and use form MC-025 or a separate page for additional signatures. Include date, printed name, and party information.

4. Dismissal entered as requested on *(date)*:
5. Dismissal entered on *(date)*: _____ as to only *(name)*: _____
6. Dismissal **not entered** as requested for the following reasons *(specify)*:
7. a. Attorney or party without attorney notified on *(date)*: _____
- b. Attorney or party without attorney not notified. Filing party failed to provide _____ a copy to be conformed _____ means to return conformed copy

Date: _____ Clerk, by _____, Deputy

| | |
|--|--------------|
| PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT: | CASE NUMBER: |
|--|--------------|

COURT'S RECOVERY OF WAIVED COURT FEES AND COSTS

If a party whose court fees and costs were initially waived has recovered or will recover \$10,000 or more in value by way of settlement, compromise, arbitration award, mediation settlement, or other means, the court has a statutory lien on that recovery. The court may refuse to dismiss the case until the lien is satisfied. (Gov. Code, § 68637.)

Declaration Concerning Waived Court Fees

1. The court waived court fees and costs in this action for *(name)*:
2. The person named in item 1 is *(check one below)*
 - a. not recovering anything of value by this action.
 - b. recovering less than \$10,000 in value by this action.
 - c. recovering \$10,000 or more in value by this action. *(If item 2c is checked, item 3 must be completed.)*
3. All court fees and court costs that were waived in this action have been paid to the court *(check one)*: Yes No

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

Date:

 (TYPE OR PRINT NAME OF ATTORNEY PARTY MAKING DECLARATION)

 _____
 (SIGNATURE)

| | |
|--------------------------|--------------|
| PLAINTIFF: DEFENDANT: | CASE NUMBER: |
|--------------------------|--------------|

JUDGMENT—UNLAWFUL DETAINER PARTIAL EVICTION ATTACHMENT

8. **Partial eviction.** A partial eviction is issued.
- a. The court finds the following:
- (1) The proceeding involves a residential premises.
 - (2) The complaint includes a cause of action based on an act of abuse or violence against a tenant, a tenant's immediate family member, or a tenant's household member.
 - (3) Defendant (*name each*):
has invoked Code of Civil Procedure section 1161.3(d)(2) as an affirmative defense.
 - (4) There is documentation evidencing abuse or violence against defendant (*name each*):

or a member of their immediate family or household perpetrated by defendant (*name each*):

Based on the above findings, the court orders as follows:

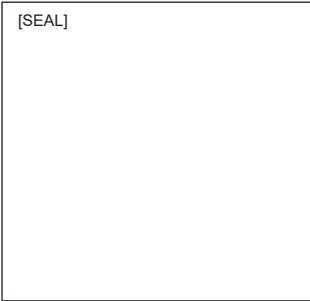
- b. (1) Defendant (*name each*):
is not guilty of an unlawful detainer and is not liable to landlord for any amount related to the unlawful detainer.
- (2) To remain in the tenancy, the defendants must not permit or invite the perpetrator of abuse or violence to live in the dwelling unit.
- c. Defendant (*name each*):
is guilty of an unlawful detainer and is
- (1) ordered to be immediately removed and barred from the dwelling unit.
 - (2) liable for damages, including holdover damages, court costs, lease termination fees, or attorney's fees, as provided in item 6.
 - (3) permanently barred from entering any portion of the residential premises.
- d. The plaintiff is ordered to change the locks and to provide the remaining occupants with the new key.

| | |
|--|--|
| ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name): <input type="checkbox"/> ATTORNEY FOR <input type="checkbox"/> ORIGINAL JUDGMENT CREDITOR <input type="checkbox"/> ASSIGNEE OF RECORD | FOR COURT USE ONLY |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO CENTRAL DIVISION, HALL OF JUSTICE, 330 W. BROADWAY, SAN DIEGO, CA 92101 | |
| PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT: | CASE NUMBER: |
| <input type="checkbox"/> EXECUTION (Money Judgment) WRIT OF <input type="checkbox"/> POSSESSION OF <input type="checkbox"/> Personal Property <input type="checkbox"/> SALE <input type="checkbox"/> Real Property | <input type="checkbox"/> Limited Civil Case (including Small Claims) <input type="checkbox"/> Unlimited Civil Case (including Family and Probate) |

1. **To the Sheriff or Marshal of the County of:**
 You are directed to enforce the judgment described below with daily interest and your costs as provided by law.
2. **To any registered process server:** You are authorized to serve this writ only in accordance with CCP 699.080 or CCP 715.040.
3. (Name):
 is the original judgment creditor assignee of record whose address is shown on this form above the court's name.
4. **Judgment debtor** (name, type of legal entity if not a natural person, and last known address):

| | |
|--|---|
| | 9. <input type="checkbox"/> Writ of Possession/Writ of Sale information on next page. 10. <input type="checkbox"/> This writ is issued on a sister-state judgment. |
| | For items 11–17, see form MC-012 and form MC-013-INFO. 11. Total judgment (as entered or renewed) \$ _____ 12. Costs after judgment (CCP 685.090) \$ _____ 13. Subtotal (add 11 and 12) \$ _____ 14. Credits to principal (after credit to interest) \$ _____ 15. Principal remaining due (subtract 14 from 13) \$ _____ 16. Accrued interest remaining due per CCP 685.050(b) (not on GC 6103.5 fees) \$ _____ 17. Fee for issuance of writ (per GC 70626(a)(I)) \$ _____ 18. Total amount due (add 15, 16, and 17) \$ _____ |

 Additional judgment debtors on next page
5. **Judgment entered** on (date):
 (See type of judgment in item 22.)
6. Judgment renewed on (dates):
7. **Notice of sale** under this writ:
 - a. has not been requested.
 - b. has been requested (see next page).
8. Joint debtor information on next page.
19. **Levying officer:**
 - a. Add daily interest from date of writ (at the legal rate on 15) (not on GC 6103.5 fees) \$ _____
 - b. Pay directly to court costs included in 11 and 17 (GC 6103.5, 68637; CCP 699.520(j)) \$ _____
20. The amounts called for in items 11–19 are different for each debtor. These amounts are stated for each debtor on Attachment 20.



Date: _____ Clerk, by _____, Deputy

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

| | |
|--|--------------|
| Plaintiff/Petitioner: Defendant/Respondent: | CASE NUMBER: |
|--|--------------|

21. Additional judgment debtor(s) (name, type of legal entity if not a natural person, and last known address):

| | | | |
|--|--|--|--|
| | | | |
| | | | |

22. The judgment is for (check one):

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

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

| | | | |
|--|--|--|--|
| | | | |
| | | | |

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

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

| | | | |
|--|--|--|--|
| | | | |
| | | | |

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

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

- a. Possession of real property: The complaint was filed on (date):
(Check (1) or (2). Check (3) if applicable. Complete (4) if (2) or (3) have been checked.)
 - (1) The *Prejudgment Claim of Right to Possession* was served in compliance with CCP 415.46. The judgment includes all tenants, subtenants, named claimants, and other occupants of the premises.
 - (2) The *Prejudgment Claim of Right to Possession* was NOT served in compliance with CCP 415.46.
 - (3) The unlawful detainer resulted from a foreclosure sale of a rental housing unit. (An occupant not named in the judgment may file a *Claim of Right to Possession* at any time up to and including the time the levying officer returns to effect eviction, regardless of whether a *Prejudgment Claim of Right to Possession* was served.) (See CCP 415.46 and 1174.3(a)(2).)
 - (4) If the unlawful detainer resulted from a foreclosure (item 25a(3)), or if the *Prejudgment Claim of Right to Possession* was not served in compliance with CCP 415.46 (item 25a(2)), answer the following:
 - (a) The daily rental value on the date the complaint was filed was \$
 - (b) The court will hear objections to enforcement of the judgment under CCP 1174.3 on the following dates (specify):

Item 25 continued on next page

| | |
|--|--------------|
| Plaintiff/Petitioner: Defendant/Respondent: | CASE NUMBER: |
|--|--------------|

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

NOTICE TO PERSON SERVED

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

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

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

EXCEPTION IF RENTAL HOUSING UNIT WAS FORECLOSED. If the residential property that you are renting was sold in a foreclosure, you have additional time before you must vacate the premises. If you have a lease for a fixed term, such as for a year, you may remain in the property until the term is up. If you have a periodic lease or tenancy, such as from month-to-month, you may remain in the property for 90 days after receiving a notice to quit. A blank form *Claim of Right to Possession and Notice of Hearing* (form CP10) accompanies this writ. You may claim your right to remain on the property by filling it out and giving it to the sheriff or levying officer.

EXCEPTION IF YOU WERE NOT SERVED WITH A FORM CALLED PREJUDGMENT CLAIM OF RIGHT TO POSSESSION. If you were not named in the judgment for possession and you occupied the premises on the date on which the unlawful detainer case was filed, you may object to the enforcement of the judgment against you. You must complete the form *Claim of Right to Possession and Notice of Hearing* (form CP10) and give it to the sheriff or levying officer. A blank form accompanies this writ. You have this right whether or not the property you are renting was sold in a foreclosure.

CONFIDENTIAL

Instructions: Each county in California has a sheriff (and sometimes a marshal's office) that can serve different types of court papers, including restraining orders. Note that the sheriff cannot guarantee that they will be successful in finding the person you need served, but they will try to serve based on the information you put on this form.

- Complete this form for each set of papers you need served. You must complete a separate form for each person you need served.
- Find out where the person you need served is located. Give your papers to the sheriff or marshal's office in that county.
- You may have to pay for service of some court papers. For more information, see page 5 of this form, or go to <https://selfhelp.courts.ca.gov/sheriff-serves>.
- Do not use this form if you are asking the sheriff to enforce a wage garnishment order on an employer. Instead, use forms WG-001, *Application for Earnings Withholding Order*, and WG-035, *Confidential Statement of Judgment Debtor's Social Security Number*.
- If you want the sheriff to enforce a writ or levy, complete this form and form SER-001A, *Special Instructions for Writs and Levies—Attachment*.

To Court Clerk: Do not file this form.

Sheriff File Number (for sheriff to complete, if needed):

Fill in case number:

Court Case Number:

All information is required unless it is listed as optional or does not apply to your case.

① **To the Sheriff or Marshal of (name of county):** _____

② **Your Information**

a. Your name (party requesting service): _____

b. Your lawyer's information (if you have one)

Name: _____

Firm name: _____

c. Court case name: _____

(example: Garcia v. Smith)

d. Contact information for the sheriff or marshal to reach you

(Give an address where you can receive mail regularly, like a post office box, a Safe at Home address, or another safe address. If you have a lawyer, give the lawyer's information.)

Address to receive mail: _____

City: _____ State: _____ Zip: _____

Telephone number (optional): _____ Email address (optional): _____

CONFIDENTIAL**This is not a court form. Do not file with the court.**

3 Information About Person or Entity You Want Served

(Check a or b)

a. I ask the sheriff to serve a person (complete section below)

(1) Name of person: _____
Nicknames or aliases (optional): _____

(2) Telephone number (optional): _____

(3) Can you describe the person?

No, I do not have any information about the person's description.

Yes (complete the section below with any information you have):

Gender: Male Female Nonbinary

Height: _____ Weight: _____ Hair color: _____ Eye color: _____

Date of birth or age (give estimate, if unknown): _____

Race/Ethnicity: _____

Special marks or features (tattoos, scars, etc.): _____

Vehicle (type, model, year, color, plate number): _____

Check here if you are including a picture of the person.

(4) Do you know of any safety or accessibility issues?

No

Yes (complete the section below with any information you have):

The person (check all that apply):

Has a gun or other weapon.

Is on probation or parole.

Has a history of violence or abuse.

Has an aggressive animal.

Has special training (examples: military, first responder).

Has mental health issues.

Is deaf or hard of hearing.

Does not speak English (list language): _____

Add any other information about safety or accessibility that you know about:

b. I ask the sheriff to serve an entity (examples: business or government agency)

(1) Name and type of entity: _____
Telephone number (optional): _____

(2) If there is a specific person who should be served, give name: _____

(3) If there is an agent for service of process, give name: _____

(4) List any safety or accessibility issues (examples: weapons, aggressive animals, language barrier):

CONFIDENTIAL

This is not a court form. Do not file with the court.



4 Address Where Person or Entity Should Be Served

(The sheriff typically serves during normal business hours. Check with the sheriff's office for the exact times.)

Address: _____ Home Business

City: _____ State: _____ Zip: _____

Gate code or special instructions: _____

Best time to serve at this address *(example: 8 a.m.–noon)*: _____

Check here if the person is in jail or prison *(give name of facility)*: _____

Alternate address (optional)

(If the person cannot be found at the address listed above, some sheriffs may try a second address if it's in the same county. If you have a second address for the person you want served, complete the section below.)

Address: _____ Home Business

City: _____ State: _____ Zip: _____

Gate code or special instructions: _____

Best time to serve at this address *(example: 8 a.m.–noon)*: _____

5 Information About Your Request

a. What type of court papers are you giving the sheriff to serve *(examples: summons, restraining order, eviction, small claims, bank levy, or writ of attachment)*?

b. List all forms or court papers you want served on the person in **3** a. *(optional)*.

(Note: You can list each form by its form number (example: FL-100, SC-100). If there is no form number, give the title of the document. The court may have ordered you to serve certain papers. Look at the court's order and list all forms required. If you do not know which papers you need to serve, ask a lawyer, or contact your local self-help center for free information.)

c. Is there a court hearing (court date)?

I don't know

No

Yes *(if yes, give date of hearing)*: _____

CONFIDENTIAL

This is not a court form. Do not file with the court.



5 d. Is there a deadline for service?
 I don't know
 No
 Yes (if yes, give deadline): _____

e. Has the court allowed you to serve your court papers in another way besides personal service (example: substituted service)?
 I don't know
 No
 Yes (if yes, include a copy of the order allowing another type of service)

f. Is there any other information you want or need to give to the sheriff to serve your court papers?
 No
 Yes (if yes, give information below):

6 Enforcement of Writ or Levy

If you want the sheriff to enforce a writ or levy, you must complete form SER-001A, Special Instructions for Writs and Levies—Attachment, and turn it in with this form.

(Only complete this section if you want the sheriff to enforce a writ or levy.)

Do you want the sheriff to both serve your court papers and act as levying officer?
 Yes
 No. I only want the sheriff to act as levying officer. A registered process server has or will serve my papers.

Your Signature (party asking for service, or their lawyer)

Date: _____

Type or print your name

▶ _____
Sign your name (may be electronic)

CONFIDENTIAL

This is not a court form. Do not file with the court.

Your Next Steps

- Find out if you need to pay a fee for service by asking the court's self-help center, a lawyer, or the sheriff's office. Here are some situations where you **do not** need to pay for service:
 - If you have a fee waiver in your case (fee waiver granted by a judge on form FW-003 or FW-005).
 - If you are serving a domestic violence, elder abuse, or gun violence restraining order.
 - If you have a civil harassment, workplace violence, or school violence restraining order based on a credible threat of violence or stalking.
- Give this form and a copy of all the court papers you need served to the sheriff or marshal, including a copy of a fee waiver (if you have one). If you do not have to pay a fee to the sheriff, you can send your papers electronically. If you have to pay a fee, contact the sheriff to find out your options for turning in your request. Note that you can always turn in your request in person.
- You should get a form back from the sheriff.
 - If the sheriff was able to serve your court papers, you should receive a form (called a proof of service). **Make sure you get a copy from the sheriff and file it with the court.** Note that if there is a court stamp at the top right corner of the first page, it has already been filed and you do not need to file it with the court.
 - If the sheriff was unable to serve your court papers, you should receive a form (sometimes called declaration of due diligence) that tells you that service was unsuccessful and will give details about when the sheriff tried to serve the person. If the sheriff was unable to serve your papers, you can ask a lawyer or court's self-help center about your next steps.
- To find your local court self-help center, go to <https://selfhelp.courts.ca.gov/>. Self-help center staff will not act as your lawyer but may be able to give you information to help you decide what to do in your case. Services are free.

To Sheriff or Marshal

- This form is confidential and must not be made public.
- Any papers submitted with this form should be served and listed on the applicable proof of service form.
- Note that (5) b is optional and may help to identify documents that should have been submitted but were not received by your office.
- Under Government Code section 26666.2, once you've received a completed copy of this form and forms for service, you must attempt service unless:
 - Any order submitted does not have a judge's signature or other representation of a judge's signature; clerk's endorsement; or court stamp, seal, or other court endorsement; or
 - A court case number is not listed on the order, summons, or other notice.

CONFIDENTIAL

This is not a court form. Do not file with the court.

Sheriff File Number (for sheriff to complete, if needed):

Fill in case number:

Court Case Number:

Instructions

Generally, you **will not** need to complete this form if you are asking the sheriff to serve a complaint (unless with a writ of attachment) or a restraining order.

- Complete this form if you want the sheriff or marshal to enforce a writ. You must complete this form and form SER-001, *Request for Sheriff to Serve Court Paper*, and turn both forms in to the sheriff or marshal.
- You must include any writ and related order you want the sheriff to enforce.

This form is attached to form SER-001, *Request for Sheriff to Serve Court Papers*.

All information is required unless it is listed as optional or does not apply to your case.

For more information about what may be required in your case, go to <https://selfhelp.courts.ca.gov/sheriff-serves>.

1 Additional Information About You (Person Requesting Service)

Are you a judgment creditor (person awarded money or property by the court)?

Yes

No (complete the section below):

(a) What is your role in the case?: _____

(b) Is there a judgment creditor in your case?

No

Yes (list the names of all judgment creditors):

2 Additional Information About Person or Entity You Want Served

The person or entity you want served (listed in item ③ of form SER-001):
(check one)

Owes you money in this case (judgment debtor).

Is not a party in this case but has the property.

Is a person who lives on the property.

Other (explain):

CONFIDENTIAL**This is not a court form. Do not file with the court.**

3 Information About the Writ and Judgment

- a. Date writ was issued: _____
- b. The writ included with this request is (*check one*):
 - An original writ.
 - A copy of the original writ issued by the court as an electronic record and has not already been given to the levying officer (sheriff or marshal).
 - A copy of the original writ that has already been given to the levying officer (sheriff or marshal).
- c. Has a judgment been issued by the court?
 - No
 - Yes (*complete section below*):
 - (1) Date judgment was issued: _____
 - (2) If it is a money judgment, give amount: _____
 - (3) List all judgment debtors (*people who owe money*) if there are any in this case:
If the judgment debtor is not a person, also include the type of organization (*example: corporation*).

4 Information About the Property to Levy

- a. Describe the property in as much detail as possible. For example:
 - For bank accounts, give account number (if known).
 - For personal property, describe property and give the address where property is located.
 - For vehicles, give license plate number and address where vehicle is located.
 - For evictions, give address, and any information needed to access the property.
 - For real property (other than evictions), give legal description, address, and assessor’s parcel number.
 - If requester is not the person receiving the property, give clear instructions on who will receive the property and how.

Check here if you are including a map or other document to describe property.

CONFIDENTIAL

This is not a court form. Do not file with the court.



4 b. Is the property in the judgment debtor’s name?

Yes

No (list the names of owners and explain their interest in the property, including any leasehold interest):

(Note: You may also need to have the people listed above served with your court papers. Check the Code of Civil Procedure for service requirements or talk with a lawyer. Your local court self-help center provides help for free and may be able to help you. To find your local self-help center, go to www.selfhelp.courts.ca.gov/find.)

c. Are you asking the sheriff to levy on property that is a dwelling (a place someone can live in)?

No

Yes (complete the section below):

The dwelling is (check one):

Real property (examples: house, condo, other building attached to land)

Personal property (examples: house boat, RV)

5 Special Instructions for Sheriff

In some situations, you will have to give detailed instructions on how you want the sheriff to enforce the order. Use the space below to list any instructions. Some examples of when instructions may be needed include:

- Instructions to serve the summons and complaint with a writ of attachment, if not previously served (see Code of Civil Procedure section 488.020(c)).
- Instructions that the levying officer must place a keeper in charge of the property (see Code of Civil Procedure sections 700.070 and 700.080).
- Instructions to seize personal property from a private place (see Code of Civil Procedure section 699.030).

Check here if you need more space to list instructions. Use a separate piece of paper and write “SER-001A, Special Instructions for Sheriff” at the top. Turn it in with this form.

CONFIDENTIAL

This is not a court form. Do not file with the court.