

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
Civil Case Cover Sheet	Judicial Council Form #CM-010
Complaint – Unlawful Detainer	Judicial Council Form #UD-100
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
Request for Dismissal	Judicial Council Form #CIV-110
Writ of Execution	Judicial Council Form #EJ-130
Eviction Instructions to the Sheriff of San Diego County	San Diego County Sheriff's Department Form #C-1UD



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 is available on the Superior Court's website, 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 \$25,000
 - Amount demanded is OVER \$25,000

To determine the amount of the fee, refer to the current version of the Fee Schedule (SDSC Form #ADM-001), available 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 think you cannot afford to pay the court fees, refer to the Information Sheet on Waiver of Superior Court Fees and Costs (JC Form #FW-001-INFO). If you feel that you may qualify for a waiver according to the guidelines, complete the Request to Waive Court Fees (JC Form #FW-001) and Order on Court Fee Waiver (JC Form #FW-003), also known as a "fee waiver." 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
Filing the Complaint	<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 Civ. Proc. § 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, <u>unless</u> 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. 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 appropriate 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>
Service on the Defendant	<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 (JC Form #POS-010) must be filed with the court <u>after</u> service on the defendant(s) is completed.</p>
Answer by Defendant	<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"> Complete a Request/Counter-Request To Set Case For Trial-Unlawful Detainer (JC Form #UD-150). Prepare the original and one copy to be mailed to each defendant who has filed an answer. 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. 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. 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 form (JC Form #UD-110) • Submit a Memorandum of Costs (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 <u>NOT</u> 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 to Enter 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. The person doing the mailing must complete the Declaration of Mailing on the back of the form. 3. Submit for filing to the clerk: The <i>original</i> Request to Enter Default, Proof of Service for each defendant served, 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. (See <i>Writ of Execution</i> section below.)</p> <p><i>Note: Forms to obtain a money judgment after the defendant(s) have vacated the premises are not provided 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 and 24. 2. Complete the Sheriff's instruction sheet (SDCSD Form #C-1) 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) vacate 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.

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

FOR COURT USE ONLY

TELEPHONE NO.:

FAX NO.:

ATTORNEY FOR (Name):

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

- Unlimited Limited
 (Amount demanded exceeds \$25,000) (Amount demanded is \$25,000 or less)

Complex Case Designation

- Counter Joinder

Filed with first appearance by defendant
 (Cal. Rules of Court, rule 3.402)

CASE NUMBER:

JUDGE:

DEPT:

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

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

Auto Tort

- Auto (22)
 Uninsured motorist (46)

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

- Asbestos (04)
 Product liability (24)
 Medical malpractice (45)
 Other PI/PD/WD (23)

Non-PI/PD/WD (Other) Tort

- Business tort/unfair business practice (07)
 Civil rights (08)
 Defamation (13)
 Fraud (16)
 Intellectual property (19)
 Professional negligence (25)
 Other non-PI/PD/WD tort (35)

Employment

- Wrongful termination (36)
 Other employment (15)

Contract

- Breach of contract/warranty (06)
 Rule 3.740 collections (09)
 Other collections (09)
 Insurance coverage (18)
 Other contract (37)

Real Property

- Eminent domain/Inverse condemnation (14)
 Wrongful eviction (33)
 Other real property (26)

Unlawful Detainer

- Commercial (31)
 Residential (32)
 Drugs (38)

Judicial Review

- Asset forfeiture (05)
 Petition re: arbitration award (11)
 Writ of mandate (02)
 Other judicial review (39)

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

- Antitrust/Trade regulation (03)
 Construction defect (10)
 Mass tort (40)
 Securities litigation (28)
 Environmental/Toxic tort (30)
 Insurance coverage claims arising from the above listed provisionally complex case types (41)

Enforcement of Judgment

- Enforcement of judgment (20)

Miscellaneous Civil Complaint

- RICO (27)
 Other complaint (not specified above) (42)

Miscellaneous Civil Petition

- Partnership and corporate governance (21)
 Other petition (not specified above) (43)

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

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

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

4. Number of causes of action (specify):

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

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

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

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

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INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

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

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

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

Auto Tort

- Auto (22)–Personal Injury/Property Damage/Wrongful Death
- Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

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

- Asbestos (04)
- Asbestos Property Damage
- Asbestos Personal Injury/Wrongful Death
- Product Liability (*not asbestos or toxic/environmental*) (24)
- Medical Malpractice (45)
- Medical Malpractice–Physicians & Surgeons
- Other Professional Health Care Malpractice
- Other PI/PD/WD (23)
- Premises Liability (e.g., slip and fall)
- Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
- Intentional Infliction of Emotional Distress
- Negligent Infliction of Emotional Distress
- Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

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

Employment

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

CASE TYPES AND EXAMPLES

Contract

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

Real Property

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

Unlawful Detainer

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

Judicial Review

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

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

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

Enforcement of Judgment

- Enforcement of Judgment (20)
- Abstract of Judgment (Out of County)
- Confession of Judgment (*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):		FOR COURT USE ONLY
<p>TELEPHONE NO.: <input type="text"/></p> <p>FAX NO. (Optional): <input type="text"/></p> <p>E-MAIL ADDRESS (Optional): <input type="text"/></p> <p>ATTORNEY FOR (Name): <input type="text"/></p> <p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO CENTRAL DIVISION, HALL OF JUSTICE, 330 W. BROADWAY, SAN DIEGO, CA 92101</p>		
<p>PLAINTIFF: <input type="text"/></p> <p>DEFENDANT: <input type="text"/></p> <p><input type="checkbox"/> DOES 1 TO <input type="text"/></p>		
<p>COMPLAINT — UNLAWFUL DETAINER*</p> <p><input type="checkbox"/> COMPLAINT <input type="checkbox"/> AMENDED COMPLAINT (Amendment Number): <input type="text"/></p>		CASE NUMBER: <input type="text"/>
<p>Jurisdiction (check all that apply):</p> <p><input type="checkbox"/> ACTION IS A LIMITED CIVIL CASE</p> <p>Amount demanded <input type="checkbox"/> does not exceed \$10,000 <input type="checkbox"/> exceeds \$10,000 but does not exceed \$25,000</p> <p><input type="checkbox"/> ACTION IS AN UNLIMITED CIVIL CASE (amount demanded exceeds \$25,000)</p> <p><input type="checkbox"/> ACTION IS RECLASSIFIED by this amended complaint or cross-complaint (check all that apply):</p> <p><input type="checkbox"/> from unlawful detainer to general unlimited civil (possession not in issue) <input type="checkbox"/> from limited to unlimited <input type="checkbox"/> from unlawful detainer to general limited civil (possession not in issue) <input type="checkbox"/> from unlimited to limited</p>		

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. Defendant named above is in possession of the premises located at (street address, apt. no., city, zip code, and county):

4. Plaintiff's interest in the premises is as owner other (specify):

5. The true names and capacities of defendants sued as Does are unknown to plaintiff.

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

- (1) agreed to rent the premises as a month-to-month tenancy other 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):

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

Page 1 of 3

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

6. 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. a. Defendant (name each):

was served the following notice on the same date and in the same manner:

- | | |
|---|--|
| (1) <input type="checkbox"/> 3-day notice to pay rent or quit | (4) <input type="checkbox"/> 3-day notice to perform covenants or quit |
| (2) <input type="checkbox"/> 30-day notice to quit | (5) <input type="checkbox"/> 3-day notice to quit |
| (3) <input type="checkbox"/> 60-day notice to quit | (6) <input type="checkbox"/> Other (specify): |

b. (1) On (date): the period stated in the notice 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.)

f. One or more defendants were served (1) with a different notice, (2) on a different date, or (3) in a different manner, as stated in Attachment 8c. (Check item 8c and attach a statement providing the information required by items 7a–e and 8 for each defendant.)

8. a. The notice in item 7a was served on the defendant named in item 7a 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 7f is stated in Attachment 8c.

d. Proof of service of the notice in item 7a is attached and labeled Exhibit 3.

PLAINTIFF (Name): DEFENDANT (Name):	CASE NUMBER:
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9. Plaintiff demands possession from each defendant because of expiration of a fixed-term lease.
10. At the time the 3-day notice to pay rent or quit was served, the amount of **rent due** was \$ _____.
11. The fair rental value of the premises is \$ _____ per day.
12. 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 12.*)
13. A written agreement between the parties provides for attorney fees.
14. 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.

15. Other allegations are stated in Attachment 15.
16. Plaintiff accepts the jurisdictional limit, if any, of the court.

17. PLAINTIFF REQUESTS

- | | |
|--|---|
| a. possession of the premises. | f. <input type="checkbox"/> damages at the rate stated in item 11 from (date): _____ for each day that defendants remain in possession through entry of judgment. |
| b. costs incurred in this proceeding: | g. <input type="checkbox"/> statutory damages up to \$600 for the conduct alleged in item 12. |
| c. <input type="checkbox"/> past-due rent of \$ _____. | h. <input type="checkbox"/> other (specify): _____ |
| d. <input type="checkbox"/> reasonable attorney fees. | |
| e. <input type="checkbox"/> forfeiture of the agreement. | |

18. Number of pages attached (specify): _____

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

19. (Complete in all cases.) An unlawful detainer assistant 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, state:)

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

Date:

(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)

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

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):

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

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

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

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

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

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

CASE NUMBER:
(Número del caso):

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

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 6 on the next page.)

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, (POS-010)).

[SEAL]

4. **NOTICE TO THE PERSON SERVED:** You are served

- a. as an individual defendant.
 b. as the person sued under the fictitious name of (specify):
 c. as an occupant
 d. on behalf of (specify):
 under: CCP 416.10 (corporation) CCP 416.60 (minor)
 CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
 CCP 416.40 (association or partnership) CCP 416.90 (authorized person)
 CCP 415.46 (occupant) other (specify):

5. by personal delivery on (date):

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

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

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

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

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

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

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

PLAINTIFF/PETITIONER:	CASE NUMBER:
DEFENDANT/RESPONDENT:	

5. c. **by mail and acknowledgment of receipt of service.** I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): (2) from (city):
- (3) with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (*Attach completed Notice and 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.:	FOR COURT USE ONLY
ATTORNEY FOR (Name):		
NAME OF COURT:		
STREET ADDRESS:		
MAILING ADDRESS:		
CITY AND ZIP CODE:		
BRANCH NAME:		
Plaintiff:		
Defendant:		
PREJUDGMENT CLAIM OF RIGHT TO POSSESSION		
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.		
CASE NUMBER: <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:	CASE NUMBER:
Defendant:	

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:	STATE BAR NO.:	FOR COURT USE ONLY	
NAME:			
FIRM NAME:			
STREET ADDRESS:			
CITY:	STATE:	ZIP CODE:	
TELEPHONE NO.:	FAX NO.:		
E-MAIL ADDRESS:			
ATTORNEY FOR (name):			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF			
STREET ADDRESS:			
MAILING ADDRESS:			
CITY AND ZIP CODE:			
BRANCH NAME:			
Plaintiff/Petitioner:			
Defendant/Respondent:			
REQUEST FOR (Application)	<input type="checkbox"/> Entry of Default	<input type="checkbox"/> Clerk's Judgment	CASE NUMBER:
Not for use in actions under the Fair Debt Buying Practices Act (Civ. Code, § 1788.50 et seq.) (see 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 (see reverse)	\$	\$	\$
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 (date):
	(2) <input type="checkbox"/> Default NOT entered as requested (state reason):
	Clerk, by _____, Deputy _____

Plaintiff/Petitioner:	CASE NUMBER:
Defendant/Respondent:	

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 is true and correct.

Date:



(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

8. **Declaration of nonmilitary status** (required for a judgment). No defendant named in item 1c of the application is in the military service as that term is defined by either the Servicemembers Civil Relief Act, 50 U.S.C. App. § 3911(2), or California Military and Veterans Code section 400(b).

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 (Name, State Bar number, and address):

FOR COURT USE ONLY

TELEPHONE NO.:

FAX No. (Optional):

E-MAIL ADDRESS (Optional):

ATTORNEY FOR (Name):

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

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

PLAINTIFF:

DEFENDANT:

 REQUEST COUNTER-REQUEST**TO SET CASE FOR TRIAL—UNLAWFUL DETAINER** Plaintiff 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.

Page 1 of 2

PLAINTIFF: <hr/>	CASE NUMBER: <hr/>
DEFENDANT: <hr/>	

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: FIRM NAME: STREET ADDRESS: CITY: TELEPHONE NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	STATE BAR NUMBER: STATE: ZIP CODE: FAX NO.:	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. Models, enlargements, and photocopies of exhibits	\$
13. Interpreter fees	\$
14. Fees for electronic filing or service	\$
15. Fees for hosting electronic documents	\$
16. Other	\$

TOTAL COSTS

\$

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.

Date: _____



(TYPE OR PRINT NAME)

(Proof of service on reverse)

(SIGNATURE OF DECLARANT)

Page 1 of 2

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 (Name, state bar number, and address):		FOR COURT USE ONLY
TELEPHONE NO.: E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO CENTRAL DIVISION, HALL OF JUSTICE, 330 W. BROADWAY, SAN DIEGO, CA 92101		
PLAINTIFF: DEFENDANT:		
JUDGMENT—UNLAWFUL DETAINER <input type="checkbox"/> By Clerk <input type="checkbox"/> By Default <input type="checkbox"/> By Court <input type="checkbox"/> Possession Only <input type="checkbox"/> After Court Trial <input type="checkbox"/> Defendant Did Not Appear at Trial		CASE NUMBER:

JUDGMENT1. **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:

Plaintiff (*name each*):

Plaintiff's attorney (*name each*):

(1)

(2)

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

Defendant (*name each*):

Defendant's attorney (*name each*):

(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. Plaintiff Defendant is entitled to possession of the premises located at (*street address, apartment, city, and county*):

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:

(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	\$

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

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 Attachment* (form UD-110S), which is attached.

8. **Other (*specify*):**

Continued on *Attachment 8* (form MC-025).

Date:

JUDICIAL OFFICER

Date: Clerk, by _____, Deputy



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

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):		FOR COURT USE ONLY
TELEPHONE NO.: E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):		
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:
<p>A conformed copy will not be returned by the clerk unless a method of return is provided with the document.</p> <p>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.)</p>		

1. TO THE CLERK: Please **dismiss** this action as follows:

- a. (1) With prejudice (2) Without prejudice
- b. (1) Complaint (2) Petition
- (3) Cross-complaint filed by (name):
- (4) Cross-complaint filed by (name):
- (5) Entire action of all parties and all causes of action
- (6) Other (specify):*

on (date):

on (date):

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:



(SIGNATURE)

(TYPE OR PRINT NAME OF ATTORNEY PARTY WITHOUT ATTORNEY)

*If dismissal requested is of specified parties only or of specified causes of action only, or of specified cross-complaints only, so state and identify the parties, causes of action, or cross-complaints to be dismissed.

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:



(SIGNATURE)

(TYPE OR PRINT NAME OF ATTORNEY PARTY WITHOUT ATTORNEY)

** If a cross-complaint – or Response (Family Law) seeking affirmative relief – is on file, the attorney for cross-complainant (respondent) must sign this consent if required by Code of Civil Procedure section 581 (i) or (j).

Attorney or party without attorney for:

- Plaintiff/Petitioner Defendant/Respondent
- Cross-Complainant

(To be completed by clerk)

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:	CASE NUMBER:
DEFENDANT/RESPONDENT:	

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)

ATTORNEY OR PARTY WITHOUT ATTORNEY: NAME: FIRM NAME: STREET ADDRESS: CITY: TELEPHONE NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	STATE BAR NO.: STATE: ZIP CODE: FAX NO.:	FOR COURT USE ONLY
<input type="checkbox"/> ORIGINAL JUDGMENT CREDITOR <input type="checkbox"/> ASSIGNEE OF RECORD		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF		
STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
Plaintiff: Defendant:		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. See next page for information on real or personal property to be delivered under a writ of possession or sold under a writ of sale.

10. 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 | \$ |
| 18. Total (add 15, 16, and 17) | \$ |

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(i)) | \$ |

20. The amounts called for in items 11–19 are different for each debtor. These amounts are stated for each debtor on Attachment 20.

[SEAL]

Issued on (date):

Clerk, by _____, Deputy

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

Page 1 of 3

Plaintiff:	CASE NUMBER:
Defendant:	

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

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------

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

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------

23. Joint debtor was declared bound by the judgment (CCP 989–994)

a. <input type="checkbox"/> on (<i>date</i>):	a. <input type="checkbox"/> on (<i>date</i>):
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b. name, type of legal entity if not a natural person, and last known address of joint debtor:	<input type="checkbox"/>	b. name, type of legal entity if not a natural person, and last known address of joint debtor:
--	--------------------------	--

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------

c. <input type="checkbox"/> Additional costs against certain joint debtors are itemized: <input type="checkbox"/> Below <input type="checkbox"/> On Attachment 23c	<input type="checkbox"/>
--	--------------------------

24. (**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 24a(3)), or if the Prejudgment Claim of Right to Possession was not served in compliance with CCP 415.46 (item 24a(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*):

b. Possession of personal property.

If delivery cannot be had, then for the value (*itemize in 24e*) 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 24e

Plaintiff:	CASE NUMBER:
Defendant:	

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.



San Diego County SHERIFF'S DEPARTMENT

EVICTION INSTRUCTIONS TO THE SHERIFF OF SAN DIEGO COUNTY

THIS EVICTION INSTRUCTION IS MANDATORY AND NO OTHER FORM OF INSTRUCTION WILL BE ACCEPTED.

Failure to complete these instructions completely may result in a delay in processing the eviction
(The Sheriff must have original, signed instructions by the attorney or party without attorney in accordance with CCP 262 and 687.010)

THIS INSTRUCTION IS 2-SIDED

VS

Plaintiff

Defendant

Court Case Number

Levy Officer File Number

To the Sheriff: You are hereby instructed to restore possession of the real property described in the accompanying Writ of Possession (Real Property) to the judgment creditor or their authorized agent.

1. Property Address: _____
City: _____, CA
Gate Code: _____ <input type="checkbox"/> No Gate Code

2. **PERFORM EVICTION:** As soon as possible, or No lockout before (date): _____

3. **Creditor's Agent** (to contact with eviction time):
Name: _____ Daytime Phone: () _____ Ext: _____

4. **OFFICER SAFETY QUESTIONS:** Are you aware of any of the following officer safety concerns in regards to the tenants?

A. Drugs or Alcohol?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	Specify: <input type="checkbox"/> Drugs <input type="checkbox"/> Alcohol <input type="checkbox"/> Both
B. Mental Health?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	
C. Criminal History?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	
D. Gang Member/Parole/Probation?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	Specify: <input type="checkbox"/> Gang Member <input type="checkbox"/> On Parole/Probation
E. Weapons?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	Specify: <input type="checkbox"/> Guns <input type="checkbox"/> Knives <input type="checkbox"/> Other
F. Violent?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	
G. Military or Security Experience?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	Specify: <input type="checkbox"/> Military <input type="checkbox"/> Security
H. Dogs?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	Specify:
I. Security Cameras or Alarms?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	Specify: <input type="checkbox"/> Cameras <input type="checkbox"/> Alarms
J. Elderly or Disabled Tenant?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	Specify: <input type="checkbox"/> Elderly <input type="checkbox"/> Disabled
K. Other:				

CONTINUED ON REVERSE SIDE

EVICTION INSTRUCTIONS TO THE SHERIFF OF SAN DIEGO COUNTY – PAGE 2

5. **TENANT INFORMATION:** Complete for all tenants named on the writ. (Attach an additional page if necessary)
It is not necessary to list "All Unknown Occupants".
Not providing a DOB may result in a delay in the eviction process.

Tenant's Name:	Tenant's Date of Birth (DOB) A date of birth MUST be provided, or if the DOB is unknown; you must provide the approximate age and race of the tenant
A.	
B.	
C.	
D.	
E.	
F.	

6. Is this eviction resulting from a foreclosure sale of a rental housing unit? <input type="checkbox"/> Yes <input type="checkbox"/> No	Note: Pursuant to California Code of Civil Procedure Section 415.46, a tenant of property that was the subject of a foreclosure action may have additional remedies in eviction proceedings. Falsey misrepresenting whether this eviction is resulting from a foreclosure may subject you to civil and/or criminal liability for fraud.
7. Is the real property that is the subject of this eviction (Unlawful Detainer) <input type="checkbox"/> Yes <input type="checkbox"/> No non-residential real property?	If Yes, answer question A. If No, skip to question 8
A. Was the lease terminated after the expiration of the stated term of the <input type="checkbox"/> Yes <input type="checkbox"/> No non-residential real property lease?	Skip to question 9 after answering.
8. Does this eviction (Unlawful Detainer) involve a foreclosure of a lien on <input type="checkbox"/> Yes <input type="checkbox"/> No residential real property?	If Yes, answer question A. If No, skip to question 9.
A. Is the former owner of the residential real property occupying the <input type="checkbox"/> Yes <input type="checkbox"/> No property that is the subject of this eviction (Unlawful Detainer)?	
9. Is the debtor residing on the real property under a lease or rental <input type="checkbox"/> Yes <input type="checkbox"/> No agreement (either verbal or written)?	
<i>If Yes, please attach evidence of the rental agreement. Such evidence may include, but is not limited to, a copy of a written rental agreement, receipts or cancelled checks indicating payment, or a rental application completed by the debtor. If you do not have any evidence to substantiate the existence of a rental agreement, you may submit an affidavit, signed under penalty of perjury, setting forth the details of the rental agreement.</i>	

The Sheriff's Department DOES NOT guarantee service.

The Sheriff's Department is entitled to its fees whether the service is completed or not. (California Government Code 26738)
All communications and refunds will be made to the name and address listed below.

Party without attorney (or attorney) requesting service:	
Address: _____ City: _____	
State: _____	Zip Code: _____
Telephone: ()	
Fax: () Email: _____	

Signature: _____ Date: _____