Unlawful Detainer Plaintiff Forms

Form #	Form Name
CM-010	Civil Case Cover Sheet
SUPCV-1108	Unlawful Detainer Supplemental Cover Sheet
UD-101	Plaintiff's Mandatory Cover Sheet and Supplemental Allegations
UD-100	Complaint
SUM-130	Summons
UD-120	Verification by Landlord Regarding Rental Assistance
CP10.5	Prejudgment Claim of Right to Possession
UD-105	Answer
POS-010	Proof of Service of Summons
UD-150	Request to Set Case for Trial
UD-116	Declaration for Default Judgment by Court
CIV-100	Request for Entry of Default
UD-110	Judgment – Unlawful Detainer
UD-110S	Judgment – Unlawful Detainer Attachment
CIV-130	Notice of Entry of Judgment of Order
EJ-130	Writ of Execution
UD-115	Stipulation for Entry of Judgment

UNLAWFUL DETAINER INFORMATION

In order to provide you with a basic understanding of the proper procedure to file an Unlawful Detainer action, please read the steps outlined below:

STEP 1 — WRITTEN NOTICE TO QUIT: This MUST be served on the tenant. The Marshal may be utilized to serve the Notice, but someone other than the marshal may serve it. While there are alternative methods of service allowed by law, the Notice is generally served personally on the tenant.

STEP 2: — LAWSUIT FILED: If the tenant refuses to move out under terms of the Notice, a Complaint – Unlawful Detainer (attached) must be filed in the proper Court for recovery of possession of the premises. *The Complaint sets forth the statement of facts constituting the causes of action and contains a demand or statement of the relief sought by the plaintiff.* A filing fee and a Civil Case Cover sheet are required upon filing the complaint. The amount of the filing fee varies depending on the amount of the demand. Unlawful Detainer fees are listed on the Court Fee Schedule and can be requested from the Court Services Department.

STEP 3: — SERVICE OF SUMMONS: At the time the complaint is filed, the court will issue a Summons (attached and provided by the Plaintiff (Landlord) at the time the

Complaint is filed). *The Summons is the instrument by which the Court acquires jurisdiction of the Defendant (tenant). It gives direction to the Defendant (tenant) that they must file with the Court a written response to the complaint within 5 days.* A copy of the Summons, Complaint and a blank Answer are personally served on the Defendant (tenant) by the Marshal, or anyone over the age of 18 and not a party to the action.

STEP 4: IF THE DEFENDANT (TENANT) FILES AN ANSWER (RESPONSE): The Defendant (tenant) has five days to file an answer with the Court after the Summons and Complaint is served to them. *The Answer is one means by which the Defendant (tenant) may respond to the Complaint. It is a formal written statement made by the Defendant (tenant) that sets forth the grounds for their defense.* Upon the Defendant (tenant) filing an Answer, the Plaintiff (Landlord) files a Request / Counter-Request to Set Case for Trial – Unlawful Detainer, form UD-150. The Court will set a date and time for trial and notify all parties by Minute Order.

STEP 5: IF THE DEFENDANT (TENANT) DOES NOT FILE AN ANSWER (RESPONSE): If the Defendant (tenant) HAS NOT filed an Answer to the Complaint within 5 days, the Plaintiff (Landlord) files a Declaration for Default Judgment by Court (attached). *The Default is a failure to plead or otherwise defend an action, by a party against whom a Judgment for affirmative relief is sought.*

STEP 6: OBTAINING THE JUDGMENT: *A Judgment is the determination or decision of a Court. **If a Defendant (tenant) loses in Court:* Plaintiff (Landlord) immediately submits the Judgment – Unlawful Detainer Form UD-110 (attached) for signature by the Judge and Clerk. If both the Plaintiff and Defendant stipulate (agree) to a Judgment, a Stipulation for Entry of Judgment UD-115 must be signed by both parties and the Judge.

***If the Defendant does not file an Answer to the Complaint:* Plaintiff (Landlord) submits the Judgment – Unlawful Detainer Form UD-110 (attached) to the Court with the appropriate box checked for signature by the Clerk.

STEP 7: ENFORCING THE JUDGMENT: After a Judgment has been rendered, a Writ of Execution for Possession of Real Property (attached) may be issued. *A Writ is an order issued from the Court requiring the performance of a specified act, or ordering to have it done.* This is the authority upon which forcible eviction of the Defendant (tenant) may be made. ONLY the Marshal or sheriff of the county shall enforce a Writ. If the Writ is brought to the Marshal for enforcement, the following is required:

A) (1) original and (7) copies of the Writ
B) Letter of Instruction (see Marshal's Office or Clerk's Office)
C) $145.00 Marshal's fee (Writ of Possession)

15 DAYS Custody of all personal property of the tenant remaining on the premises at the time of *forcible* eviction is temporarily given to the Plaintiff (Landlord) who must store it in a place of safekeeping. The tenant may redeem their personal property upon payment of reasonable costs of storage. If the landlord stores the personal property on the premises, the cost of storage shall be the fair rental value of the space reasonably required for such storage for the term of the storage. Claims of Exemption and Third Party Claims on the defendant's property cannot be filed with the Marshal.