

Unlawful Detainer Answer Forms

Form #	Form Name
<u>UD-105</u>	Answer – Unlawful Detainer
<u>UD-104</u>	Cover Sheet for Declaration of COVID-19-Related Financial Distress
<u>UD-104(A)</u>	Attachment – Declaration of COVID-19-Related Financial Distress
<u>UD-115</u>	Stipulation for Entry of Judgment
<u>UD-150</u>	Request/Counter-Request to Set Case for Trial
<u>POS-020</u>	Proof of Personal Service
<u>POS-030</u>	Proof of Service by First-Class Mail
<u>VN-147</u>	Notice of Motion and Motion for Order
<u>VN-148</u>	Order Granting Motion
<u>POS-040</u>	Proof of Service

FILING AN ANSWER TO A COMPLAINT

If you are filing an Answer to a Complaint in an Unlawful Detainer action, you **MUST** each file an Answer *separately*.

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 **FILING THE ANSWER:** After receipt of the Complaint (*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*) and Summons (*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 30 days*), you may file an ANSWER – Unlawful Detainer (attached). *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, in other words, your response to the Complaint filed against you.* If the Complaint is against more than one tenant, each tenant must file their own answer. If you don't, a default judgment can be made against the tenants who don't file an Answer. Should you choose to file an Answer, it must be filed with the Court **within 5 DAYS** from the date of service. To calculate the five days, count Saturday and Sunday, but do not count Court holidays. If the last day to file is a Saturday or Sunday, you have until the end of the next business day. If you don't file your answer on time, you can: lose the case, be evicted, and have your salary, money, and property taken by the landlord without warning. You **MUST** file an Answer, even if you leave the property. A filing fee is required upon filing the Answer. The amount of the filing fee depends 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 2: SERVICE OF THE ANSWER: Upon filing your Answer, you MUST have the Plaintiff (Landlord) served with a copy of your Answer *before* you file it with the Court. This means that someone, not you, gives a copy of the Answer and Proof of Service to the landlord or their lawyer. This can be done in person by anyone over the age of 18 and not a party to the action, or by certified mail. If done by certified mail, a receipt must be attached to the Proof of Service. After the Answer is received by the Plaintiff (Landlord), the person who served the Answer must fill out the Proof of Service by Mail or Proof of Personal Service (depending on how your Answer was served) and bring the original Proof of Service to the Court for filing. THE COURT WILL NOT FILE YOUR ANSWER WITHOUT A SIGNED PROOF OF SERVICE FORM.

STEP 3: AT ISSUE MEMORANDUM: If the Answer was filed timely and the case has not entered into default, the Plaintiff (Landlord) will file an At-Issue Memorandum with the Court. An At-Issue Memorandum is a document that places your case on the Court's calendar for hearing. You will be notified by the Court of the date, time and place of hearing.