

INSTRUCTIONS FOR UNLAWFUL DETAINER (EVICTIION)

Unlawful Detainer is the legal procedure for a landlord to evict a tenant from **Residential** property. These instructions are for landlords without attorneys. This packet is **not** for commercial tenants or Section 8.

Unlawful detainer actions can be complicated and the requirements are strict. If the procedure is not correctly followed the landlord may be sued and/or the court may dismiss the action.

There is an excellent section on Landlord/Tenant issues, including step by step details about the unlawful detainer proceeding at the California Court website <http://www.courtinfo.ca.gov/selfhelp>. If you do not have access to the internet in your home you can visit the Self- Help Center at the Merced Superior Court located at 2260 "N" Street, Room 1400 where there are computers available for public use. The Self-Help Center is open Monday through Friday from 8:00 a.m. until 2:30 p.m. closed for Lunch 11:30 a.m. to 12:00 p.m. You may also access the internet via computers available to the public which are located at the Merced County Law Library, located at 670 W. 22nd Street, Merced.

If you need assistance in completing these forms or have questions about the unlawful detainer procedure you may visit the Self Help Center at the Merced Superior Court for assistance.

HOW TO GET STARTED

Before a Landlord can bring a court action to evict the tenant(s), the landlord must have the tenant(s) properly served with notice (a 3 day, 30 day, 60 day or 90 day notice). This notice must be in writing and contain specific information depending upon the type of notice the Landlord is giving.

3-Day Notice to Pay Rent or Quit

Landlords can use this notice when the tenant is behind on the rent. The notice must:

- Be in writing,
- Say the full name of the tenant or tenants,
- Say the address the notice is about,
- Say exactly how much rent the tenant owes* (the notice can't go back more than 1 year, even if the tenant owes back rent for a longer time),
- Have the dates the overdue rent is for,
- Say that this rent must be paid in full within 3 days of receiving this notice or the tenant must move out,
- Say the days and times the tenant can pay the rent s/he owes, and the address s/he can pay it at,
- If the tenant can pay the back rent by mail, give the address the tenant should send the money to, and

- Have the landlord's signature and the date of the notice.

* The notice must NOT include other money the tenant owes, like late fees, interest, utilities, or damages.

3-Day Notice to Perform Covenants or Quit

Landlords can use this kind of notice if the tenant is breaking the lease or rental agreement and the problem can be fixed. For example, if the tenant is subletting the unit, not keeping the unit clean or some other violation of the agreement, the notice must ask the tenant to correct the violation within 3 days or move out.

The notice must:

- Be in writing
- Say the full name of the tenant or tenants,
- Have the address the notice is about,
- Say what the tenant did to break the lease,
- Say the tenant has the chance to fix the problem or move out in 3 days, and
- Have the landlord's signature and date of the notice.

3-Day Notice to Quit

This kind of notice is used if there have been ongoing problems with the tenant who:

- Causes or allows a "nuisance" on the property,
- Uses the property to do something illegal (like sell drugs),
- Threatens the health and safety of other tenants or the general public, or
- Commits waste that lowers the value of the property significantly.

The notice must:

- Be in writing,
- Say the full name of the tenant or tenants,
- Have the address the notice is about,
- Say everything that the tenant did to break the lease or deserve a 3 day notice to leave, and include details and dates,
- Say clearly that the tenant has to move out as soon as the 3 days are up, and
- Have the landlord's signature and date of the notice.

30-Day or 60-Day Notice to Quit

A landlord can use a 30 day-notice to end a month-to-month tenancy if the tenant has been renting for less than a year. A landlord should use a 60-day notice if the tenant has been renting for more than one year and the landlord wants the tenant to move out.

The notice must:

- Be in writing,

- Say the full name of the tenant or tenants,
- Have the address the notice is about,
- Say that the month-to-month tenancy will end in 30 days if the landlord is giving a 30-day notice or in 60 days if s/he is giving a 60-day notice, and
- Have the landlord's signature and date of the notice.

In rent-controlled cities, a landlord can not cancel a month-to-month tenancy for just any reason. The landlord must find out if the unit is in a rent-controlled city, and if so, whether the landlord has the right to evict the tenant.

90-Day Notice to Quit

A landlord must use this kind of notice if the tenant is in subsidized housing (Section 8). The landlord must explain why she or he is asking the tenant to move out, and the landlord must have good reasons ("just cause") to ask the tenant to leave.

WHO CAN SERVE THE NOTICE/HOW TO SERVE THE NOTICE

The landlord has to serve the notice on the tenant or tenants properly. The landlord can do it him or herself, or s/he can ask a friend to do it. The landlord can also hire a process server. The person who serves the notice must be at least 18 years old.

There are 3 ways to serve the notice:

- **Personal service:** The landlord or someone else gives the notice directly to the tenant in person.
- **Substitute service:** If the tenant isn't home, the landlord can leave the notice with someone else at least 18 who is at the house AND then they **must** mail a second copy to the tenant at the property.
- **"Nail and Mail" (posting) service:** If there is no one home to leave the papers with, the landlord can tape or nail the notice to the front door or somewhere where it can be seen easily, AND then they **must** send a copy by mail to the tenant at the property.

WHAT IS NEXT?

If the tenant does not resolve the issue (depending upon the type of notice) after the time stated in the notice has expired, the landlord can file an Unlawful Detainer action with the court.

WHAT TO PREPARE TO START YOUR CASE

Prepare the following:

- Civil Case Cover Sheet (form CM-010)
- Summons (form SUM-130)
- Complaint (form UD-100)

See the attached step by step instructions for completing these forms. Form numbers can be found in the upper right hand corner of the page. If you need further assistance you may see the Self-Help Center at the court.

WHERE TO FILE/ COST OF FILING/NUMBER OF COPIES

Once you complete your forms you need to make enough copies so that the court will have one, you will have one and each tenant you are suing will have one. For example, if you have one tenant you need to file three copies of each form. If you have two tenants you will need four, etc..

You will file your forms at the Merced Superior Court located at 627 W. 21st Street, Merced, CA. If the property is located in Los Banos you may file your documents at the court there (445 "I" Street, Los Banos, CA 93635).

There is a filing fee which must be paid at the time you file your documents. If you are requesting up to \$10,000 in back rent or damages the filing fee is \$240. If you are requesting between \$10,000 and \$25,000 the filing fee is \$385. If you cannot afford this fee, you can request a Fee Waiver packet from the Clerk's office to see if you are eligible to have the filing fee waived. (Please note that fees quoted are as of 7/1/14. Fees are subject to change in the future.)

WHAT DO I DO AFTER I FILE

Next, the Summons and Complaint and a blank Answer form (UD-105) must be served on **each tenant** named in the complaint in the following manner by **someone other than the Landlord who is over age 18**:

Personal Service:	The server personally gives the tenant the papers in person. If the tenant won't take the papers, the server can tell the tenant that s/he's being served and leave them as close to the tenant as possible.
Substituted Service:	If the tenant is not at home or work when the server comes, the server can give the court papers to an adult in charge where the tenant lives or works. The server must also mail a copy of the Summons and Complaint to the tenant at the address where the papers were left.

The landlord can't use this type of service until the server tries at least 2 or 3 times, on different days and different times of the day, to serve the tenant in person. This is called "due diligence". The server will have to fill out a form that says what days and times s/he tried to serve the tenant in person and that s/he exercised "due diligence."

Posting and mailing:

The landlord can only use this type of service if the court gives him/her permission. To ask the court, the server must first try to serve the tenant in person and by substitute service, and write a declaration for the court explaining that they were not successful.

If the judge lets the landlord serve by posting and mailing, the server has to post a copy of the summons and complaint on the property where the tenant will see it, and send another copy by mail to the property

If you believe there may be other adults living in the residence that are not named in the Complaint you filed with the Court you can also serve a "Prejudgment Claim of Right to Possession". Unlike the Summons and Complaint for named tenants, the law requires that a Sheriff or registered process server serve this form for you. The Sheriff or registered process server must serve the form **in blank** together with the Summons and Complaint on the other unknown adults. Service of this form will extend the time you have to wait (10 days) before proceeding in your case but it will permit you to evict unknown adults living at the residence from the property as well.

After service of the documents on each defendant in the case (and possibly unknown adults), a Proof of Service must be completed by the person serving the documents showing when and how the documents were served and upon whom and that Proof of Service form must be filed with the Court. There is a form attached which can be used for this purpose (POS-010). If the Prejudgment Claim of Right to Possession is served a Proof of Service must be completed by the Sheriff or registered process server and filed with the clerk as well. If a Prejudgment Claim of Right of Possession is completed by one of the unknown adult occupants and filed with the court, the Clerk of Court will notify all named parties by mail of the filing of this claim and addition of the party.

WHAT IS NEXT

The tenant has five (5) days after being served **personally** with your Summons and Complaint to file his/her Answer with the Court. If a tenant was sub-served (papers served on another adult living at the home and subsequently mailed) or served by nailing (and mailing) a copy of the Summons and Complaint to the tenant, then the tenant has an additional 10 days to file his or her answer with the court (i.e. a default Judgment cannot be requested until the 16th day after the papers were served in this manner). If a Prejudgment Claim of Right to Possession was served, the individual served has 10 days to file his/her Claim of Right to Possession with the Court.

If the tenant files an Answer with the Court, you will request a trial with the Court by using UD-150. If no Answer is timely filed with the Court then you follow the next set of procedures.

CONCLUDING YOUR CASE WHEN NO ANSWER IS FILED

First, the landlord must make sure that the tenant's time to respond is over.

Then, the landlord must ask the court to make an order in his/her favor. This is called a "default judgment" and it means the tenant won't be able to fight the case in court.

To do this, the landlord must fill out and file these forms:

- " Request for Entry of Default (form CIV-100)
- Judgment-Unlawful Detainer (form UD-110)
- Writ of Execution (or Writ of Possession)(form EJ-130)

If there is more than one defendant in the case, the landlord can ask for a default against the ones that have not responded.

If the landlord wants to get an order giving him/her possession of the property right away, s/he can first just ask for a Clerk's Judgment for Possession. The landlord can do that on form UD-110.

The landlord won't be able to include back rent in this Clerk's Judgment, but if the clerk confirms that the landlord has done everything correctly, s/he can process it and give it to the landlord very quickly. With the Judgment for Possession, the landlord can get the Writ of Execution, which is the document that s/he gives to the Sheriff to evict the tenant.

The landlord can later ask for a Judgment that includes back rent and court costs. See the Self-Help Center for direction.

Alert! If the landlord doesn't ask for a "default judgment" as soon as the tenant's time to answer is up, the tenant will have more time to answer. The tenant will be able to file a response as long as the landlord doesn't file the Request for Entry of Default.

See the attached step by step instructions for completing most of these forms. If you need further assistance you may see the Self-Help Center at the court.

Reminder: When completing your forms, the people identified as Plaintiff and Defendant **never** changes. The Plaintiff is always the same person (the Landlord) and the defendant is always the same person (the tenant) no matter who files the documents. The court knows who the filing party is by looking at the box on the top, left of the form (i.e. "Attorney or party without Attorney").

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 MERCED		
STREET ADDRESS: 627 W. 21st Street		
MAILING ADDRESS: 627 W. 21st Street		
CITY AND ZIP CODE: MERCED, CA 95340		
BRANCH NAME: CIVIL DIVISION		
CASE NAME:		
CIVIL CASE COVER SHEET	Complex Case Designation	CASE NUMBER:
<input type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000)	<input type="checkbox"/> Counter Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	JUDGE:
<input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)	<input type="checkbox"/> Joinder	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:

<p>Auto Tort</p> <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) <p>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</p> <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) <p>Non-PI/PD/WD (Other) Tort</p> <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) <p>Employment</p> <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	<p>Contract</p> <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) <p>Real Property</p> <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) <p>Unlawful Detainer</p> <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) <p>Judicial Review</p> <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)	<p>Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)</p> <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) <p>Enforcement of Judgment</p> <input type="checkbox"/> Enforcement of judgment (20) <p>Miscellaneous Civil Complaint</p> <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) <p>Miscellaneous Civil Petition</p> <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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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 | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | 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 |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | 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

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
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)

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

CM-010

<p>1 ATTORNEY'S ADDRESS WITHOUT ATTORNEY (2000, 2005, 2008, 2010, and 2012)</p> <p>TELEPHONE NO. _____ FAX NO. _____</p> <p>ATTORNEY'S NAME _____</p> <p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____</p> <p>JURISDICTION _____</p> <p>CITY AND ZIP CODE _____</p> <p>BROCHURE NAME _____</p> <p>CASE NAME _____</p>	<p>FOR COURT USE ONLY</p>												
<p>3 CIVIL CASE COVER SHEET</p> <p>4 <input type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000)</p> <p><input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)</p>	<p>Complex Case Designation</p> <p><input type="checkbox"/> Counter <input type="checkbox"/> Joinder</p> <p>Filed with first appearance by defendant (Cal. Rules of Court, rules 1811)</p>												
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<p>2 This case <input type="checkbox"/> is <input type="checkbox"/> is not complex under rule 1800 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:</p> <p>a <input type="checkbox"/> Large number of separately represented parties d <input type="checkbox"/> Large number of witnesses</p> <p>b <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve e <input type="checkbox"/> Coordination with related actions pending in case or other courts in other counties, states or countries, or in a federal court</p> <p>c <input type="checkbox"/> Substantial amount of documentary evidence f <input type="checkbox"/> Substantial post-judgment judicial supervision</p>													
<p>3 Type of remedies sought (check all that apply).</p> <p>a <input type="checkbox"/> monetary b <input type="checkbox"/> nonmonetary, declaratory or injunctive relief c <input type="checkbox"/> punitive</p>													
<p>4 Number of causes of action (Specify): _____</p>													
<p>5 This case <input type="checkbox"/> is <input type="checkbox"/> is not a class action suit</p>													
<p>6 Date _____</p>													
<p>10 _____</p>													
<p>NOTICE</p> <p>• 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, Family, or Welfare and Institutions Code). (Cal. Rules of Court, rule 201.8.) Failure to file may result in sanctions.</p> <p>• File this cover sheet in addition to any cover sheet required by local court rule.</p> <p>• If this case is complex under rule 1800 of sect. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.</p> <p>• Unless this is a complex case, this cover sheet will be used for statistical purposes only.</p>													

How to fill out CIVIL CASE COVER SHEET

CM-010

DIRECTIONS

- ▶ Find the number on the sample form.
Example: 1
- ▶ Go to the same number below to find out how to fill out the form.
- ▶ Type or print in black ink.
- ▶ Leave the case number box blank. The clerk will give you a case number.

- 1 Write your name and address. Write your phone number, and fax number if you have one.
- 2 If not filled in for you, write **MERCED** after COUNTY OF. Write the address of the court location where you are filing your papers.
- 3 The case name is the plaintiff's last name vs. defendant's last name. If there is more than one plaintiff or defendant, use the name of the primary or main person in the case. Examples:
Correct: Smith vs. Johnson *Wrong: Smith, Jones and Lewis vs. Johnson and Carlson*
- 4 Check "Limited."
- 5 Check "Residential" under the category "Unlawful Detainer."
- 6 Your case should not be complex. Check the second box. Do not check boxes a. through f.
- 7
 - Check a. (monetary) if you are seeking money (such as back rent).
 - Check b. (nonmonetary) if you want other help (such as an eviction).
 - You may check a. and b., but do not check c. (punitive).
- 8 Write "1" (one) where asked to specify number of actions.
- 9 Your case is not a class action suit. Check the second box.
- 10 Fill in the date, type or print your name on the dotted line, and sign your name on the right.

How to fill out CIVIL CASE COVER SHEET

CM-010

-Page 2-

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 check all five items 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. You do not need to submit a cover sheet with amended papers. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 201.8(c) and 222 of the California Rules of Court.

To Parties in Complex Cases

In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 1800 of the California 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 (40) (if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)

Other PIP/DWD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (14)
Asbestos Property Damage
Asbestos Personal Injury/Wrongful Death
Product Liability (not asbestos or face-orthopedic) (24)
Medical Malpractice (45)
Medical Malpractice—Physicians & Surgeons
Other Professional Health Care Malpractice
Other PIP/DWD (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/PI/DWD (e.g., assault, vandalism)
Intentional Infliction of Emotional Distress
Negligent Infliction of Emotional Distress
Other PIP/DWD

Non-PIP/DWD (Other) Tort

Business, Trade/Infr. Business Practice (17)
Civil Rights (e.g., discrimination, false arrest) (not civil harassment) (18)
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-PIP/DWD Tort (26)

Employment

Wrongful Termination (26)
Other Employment (15)

Contract

Breach of Contract/Warranty (16)
Breach of Frontier case
Contract (not insurance, realtor 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) (19)
Collection Case—Seller/Plaintiff
Other Professional Malpractice
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) (27)
Writ of Possession of Real Property
Mortgage Foreclosure
Quiet Title
Other Real Property (not eminent domain, condemnation, or foreclosure)

Unlawful Detainer

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

Judicial Review

Asset Forfeiture (65)
Petition for Arbitration Award (11)
Writ of Mandate (62)
Writ—Dispositive 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 Rule 1800-1812)
Antitrust/Trade Regulation (63)
Construction Defect (10)
Claims Involving Mass. Tort (40)
Securities Litigation (28)
Toxic, Bad Environmental (38)
Insurance Coverage Claims (arising from provisionally complex case type listed above) (41)

Enforcement of Judgment

Enforcement of Judgment (29)
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 Tax
Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RIOD (27)
Other Complaint (not specified above) (42)
Declaratory Relief Only
Injunctive Relief Only (non harassment)
Mechanics Lien
Other Commercial Complaint Case (not tort/non complex)
Other Civil Complaint (non-tort/non complex)

Miscellaneous Civil Petition

Partnership and Co-ownership Governance (21)
Other Petition (not specified above) (43)
Civil Harassment
Domestic Violence
Elder-Exposed Adult Abuse
Election Contest
Petition for Name Change
Petition for Relief from Late Claim
Other Civil Petition

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

**SUMMONS
(CITACION JUDICIAL)**

UNLAWFUL DETAINER—EVICTION

(RETENCIÓN ILÍCITA DE UN INMUEBLE—DESALOJO)

**NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):**

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

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

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

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

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

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

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

CASE NUMBER:
(Número del caso):

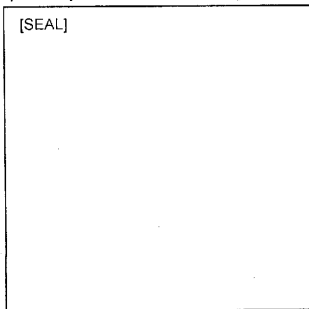
Superior Court of California, County of Merced 627 W. 21st Street, Merced CA, 95340

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: _____ Clerk, by _____, Deputy
(Fecha) (Secretario) (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)).



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):

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

FOR COURT USE ONLY
(NO USAR PARA USOS DE LA CORTE)

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO): 1

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE): 2

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.

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.courtinfo.ca.gov/selfhelp), en la biblioteca de leyes de su condado o en la corte que le quedó más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le de un formulario de exención de pago de costas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte lo 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.courtinfo.ca.gov/selfhelp) o poniéndose en contacto con la corte o el colegio de abogados locales.

1. The name and address of the court is:
(El nombre y dirección de la corte es): 4

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): 5

3. (Must be answered in all cases) An unlawful detainer assistant (Bus. & Prof. Code, §§ 6400-6415) did not did 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.) 6

Date: _____ Clerk, by _____ 7 Deputy _____

(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).)

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 8

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): _____ Page 1 of 2

How to fill out

**SUMMONS –
UNLAWFUL DETAINER
SUM-130**

DIRECTIONS

- ▶ Find the number on the sample form.
Example: 1
- ▶ Go to the same number below to find out how to fill out the form.
- ▶ Type or print in black ink.
- ▶ Leave the case number box blank. The clerk will give you a case number and add this to your copies.

- 1 Write the name of the person(s) you are suing (Defendant).
- 2 You are the Plaintiff. Write your name here.
- 3 There is nothing to fill out. This is information for the Defendant, but you should read it also.
- 4 The name and address of the court is: Superior Court of California **MERCED COUNTY**
- 5 Write your name, address and phone number. **627 W. 21st STREET**
- 6
 - If you filled out this form, or if someone helped you fill out this form and was not paid, check the first box.
 - If someone helped you fill out the form and was paid check the second box.
- 7 Do nothing. The court clerk signs and dates the form here. **MERCED, CALIFORNIA 95340**
- 8 Mark box (c) "as an occupant".

How to fill out

SUM-130

**Summons—Unlawful
Detainer
- page two -**

DIRECTIONS

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

PLAINTIFF (Name)	CASE NUMBER
DEFENDANT (Name) 9	

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

10 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):

Form 130 - SUM-130 (Rev. January 1, 2016) **SUMMONS—UNLAWFUL DETAINER—EVICTION** Page 2 of 2

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

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): _____ TELEPHONE NO.: _____ FAX NO. (<i>Optional</i>): _____ E-MAIL ADDRESS (<i>Optional</i>): _____ ATTORNEY FOR (<i>Name</i>): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF MERCED STREET ADDRESS: 627 W. 21st Street MAILING ADDRESS: 627 W. 21st Street CITY AND ZIP CODE: MERCED, CA 95340 BRANCH NAME: CIVIL DIVISION	
PLAINTIFF: DEFENDANT: <input type="checkbox"/> DOES 1 TO _____	
COMPLAINT — UNLAWFUL DETAINER* <input type="checkbox"/> COMPLAINT <input type="checkbox"/> AMENDED COMPLAINT (<i>Amendment Number</i>): _____	CASE NUMBER: _____
Jurisdiction (check all that apply): <input type="checkbox"/> ACTION IS A LIMITED CIVIL CASE Amount demanded <input type="checkbox"/> does not exceed \$10,000 <input type="checkbox"/> exceeds \$10,000 but does not exceed \$25,000 <input type="checkbox"/> ACTION IS AN UNLIMITED CIVIL CASE (amount demanded exceeds \$25,000) <input type="checkbox"/> ACTION IS RECLASSIFIED by this amended complaint or cross-complaint (check all that apply): <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	

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*): _____

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

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) 3-day notice to pay rent or quit (4) 3-day notice to perform covenants or quit
- (2) 30-day notice to quit (5) 3-day notice to quit
- (3) 60-day notice to quit (6) 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):	CASE NUMBER:
DEFENDANT (Name):	

- 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

- | | |
|---|--|
| <ul style="list-style-type: none"> a. possession of the premises. b. costs incurred in this proceeding: c. <input type="checkbox"/> past-due rent of \$ d. <input type="checkbox"/> reasonable attorney fees. e. <input type="checkbox"/> forfeiture of the agreement. | <ul style="list-style-type: none"> 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. g. <input type="checkbox"/> statutory damages up to \$600 for the conduct alleged in item 12. h. <input type="checkbox"/> other (specify): _____ |
|---|--|

- 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:)

- | | |
|--|--|
| <ul style="list-style-type: none"> a. Assistant's name: b. Street address, city, and zip code: | <ul style="list-style-type: none"> 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)
----------------------	--------------------------

How to fill out

COMPLAINT – UNLAWFUL DETAINER Form UD-100

DIRECTIONS

- ▶ Find the number on the sample form.
Example: 1
- ▶ Go to the same number below to find out how to fill out the form.
- ▶ Type or print in black ink.
- ▶ Leave the box for the case number blank. The clerk will give you a case number.

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

COMPLAINT – Unlawful Detainer Form UD-100

- page two -

DIRECTIONS

- ▶ Find the number on the sample form.
Example: 11
- ▶ Go to the same number below to find out how to fill out the form.
- ▶ Type or print in black ink.
- ▶ Leave the case number box blank. The clerk will give you a case number.

The image shows a sample of Form UD-100, 'COMPLAINT—UNLAWFUL DETAINER'. The form is divided into several sections with numbered callouts:

- 11**: Points to the 'Plaintiff Name' and 'Defendant Name' boxes at the top.
- 12**: Points to the 'Other Tenants' section (8a) and the 'Agreement' section (d).
- 13**: Points to the 'Notice' section (7), specifically the 'Type of Notice' options (1-5).
- 14**: Points to the 'Proof of Service' section (9), specifically the 'Type of Service' options (1-5).

The form contains various checkboxes and text boxes for providing details about the tenancy, notices, and service of process.

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

COMPLAINT – Unlawful Detainer Form UD-100

- page three -

DIRECTIONS

- ▶ Find the number on the sample form.
Example: 15
- ▶ Go to the same number below to find out how to fill out the form.
- ▶ Type or print in black ink.
- ▶ Leave the case number box blank. The clerk will give you a case number.

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

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

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

CLAIMANT OR CLAIMANT'S ATTORNEY (<i>Name and Address</i>):	TELEPHONE NO.:	FOR COURT USE ONLY
ATTORNEY FOR (<i>Name</i>):		
NAME OF COURT: MERCED COUNTY SUPERIOR COURT		
STREET ADDRESS: 627 W. 21st Street		
MAILING ADDRESS: 627 W. 21st Street		
CITY AND ZIP CODE: MERCED, CA 95340		
BRANCH NAME: CIVIL DIVISION		
PLAINTIFF:		
DEFENDANT:		
PREJUDGMENT CLAIM OF RIGHT TO POSSESSION	CASE NUMBER:	

<p>Complete this form only if ALL of these statements are true:</p> <ol style="list-style-type: none"> 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. 	<p><i>(To be completed by the process server)</i></p> <p>DATE OF SERVICE:</p> <p><i>(Date that this form is served or delivered, and posted, and mailed by the officer or process server)</i></p>
---	---

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

(Continued on reverse)

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

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

11. (Response required within five days after you file this form) 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.

12. **Rental agreement.** I have (check all that apply to you):
- a. an oral rental agreement with the landlord.
 - b. a written rental agreement with the landlord.
 - c. an oral rental agreement with a person other than the landlord.
 - d. a written rental agreement with a person other than the landlord.
 - e. other (explain):

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 of right to possession, the unlawful detainer (eviction) action against you will be determined at trial. At trial, you may be found liable for rent, costs, and, in some cases, treble damages.

— NOTICE TO OCCUPANTS —

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

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

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

(What will happen if you do not file this form) If you do not complete and submit this form and pay a filing fee or file the form for proceeding in forma pauperis if you cannot pay the fee, YOU WILL BE EVICTED.

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

How to fill out

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

DIRECTIONS

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

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

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

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

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

Plaintiff (Name) DEFENDANT (Name)	Case Number
--------------------------------------	-------------

NOTICE: If you fail to file this claim, you will lose your right to possess the premises.

11. (Check one) I have received notice that I am being evicted and I am filing this claim in order to stay in my home. I am filing this claim in order to stay in my home. I am filing this claim in order to stay in my home.

12. (Check one) I have received notice that I am being evicted and I am filing this claim in order to stay in my home. I am filing this claim in order to stay in my home. I am filing this claim in order to stay in my home.

I declare under penalty of perjury that the facts stated in this claim are true and correct.

WARNING: If you do not file this claim, you may lose your right to possess the premises.

Date: _____

NOTICE: If you do not file this claim, you may lose your right to possess the premises.

--- NOTICE TO OCCUPANTS ---

YOU MUST ACT AT ONCE IF YOU ARE FOLLOWING THE CLERK'S ORDER TO EVICT YOU FROM THE PREMISES.

1. You must act at once if you are following the clerk's order to evict you from the premises.
2. You must act at once if you are following the clerk's order to evict you from the premises.
3. You must act at once if you are following the clerk's order to evict you from the premises.

Follow the Clerk's Order: You must comply and submit this claim form within 10 days of the date of delivery of the order of the court. If you do not comply, the clerk will evict you from the premises.

Follow the Clerk's Order: You must comply and submit this claim form within 10 days of the date of delivery of the order of the court. If you do not comply, the clerk will evict you from the premises.

Follow the Clerk's Order: You must comply and submit this claim form within 10 days of the date of delivery of the order of the court. If you do not comply, the clerk will evict you from the premises.

PREJUDGMENT CLAIM OF RIGHT TO POSSESSION
 Form CP10.5

PREJUDGMENT CLAIM OF RIGHT TO POSSESSION – UNLAWFUL DETAINER

Form CP10.5

- page two -

DIRECTIONS

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

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

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF MERCED STREET ADDRESS: 627 W. 21st Street MAILING ADDRESS: 627 W. 21st Street CITY AND ZIP CODE: Merced, CA 95340 BRANCH NAME: CIVIL DIVISION	
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:	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)
--	---	----------------------

How to fill out

PROOF OF SERVICE OF SUMMONS (POS-010)

DIRECTIONS

- ▶ Find the number on the sample form. *Example:* ①
- ▶ Go to the same number below to find out how to fill out the form.
- ▶ Type or print in black ink
- ▶ Fill out one proof of service form for each defendant.

1 Plaintiff's Name, Address, Phone, and Fax Number		Case Number	
2 SUPERIOR COURT OF CALIFORNIA, COUNTY OF COUNTY OF MERCED CITY AND ZIP CODE		3 Plaintiff's Name Defendant's Name	
4 Plaintiff's Address Defendant's Address		5 Date of Service Time of Service	
6 Method of Service		7 Signature of Server	
8 Declaration of Diligence		9 Other Documents Served	

(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. summonses
 - b. complaints
 - c. Alternative Dispute Resolution (ADR) package
 - d. Civil Case Cover Sheet (checked in completed cases only)
 - e. cross-complaint
 - f. other (specify document(s))
3. a. Party served (specify name of party as shown on documents served):
 - b. Person served: party in item 3a. other (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 document(s) 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 document(s) listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3a):
 - (1) (business) a person at least 18 years of age apparently in charge of 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 of 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., § 413.20). I mailed the documents on (date): from (city): or I attached a declaration of mailing to attached.
 - (5) I attach a declaration of diligence stating actions taken first to attempt personal service.

Page 1 of 2
Form Approved by the State Bar of California
POS-010 (Rev. July 2009)
PROOF OF SERVICE OF SUMMONS
Date of Civil Procedure: § 413.20
Revised from POS-010
www.courtinfo.ca.gov

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

PLAINTIFF/PETITIONER: DEPENDENT/RESPONDENT:	10 CASE NUMBER
--	--------------------------

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.

11 (1) on (date): (2) from (city):
(3) with two copies of the *Notice and Acknowledgment of Receipt* (form 982(a)(4)) and a postage-paid return envelope addressed to me. (Attach completed *Notice and Acknowledgment of Receipt* (form 982(a)(4)) (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):

12 Additional page describing service is attached.

8. 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): **13**
c. On behalf of (specify):
under the following Code of Civil Procedure section

<input type="checkbox"/> 416.10 (corporation)	<input type="checkbox"/> 415.85 (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"/> 416.80 (authorized person)
<input type="checkbox"/> 416.50 (public entity)	<input type="checkbox"/> 415.48 (occupant)
	<input type="checkbox"/> other

7. Person who served papers **14**

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) registered California process server:
(i) Employee or independent contractor.
(ii) Registration No.:
(iii) County:

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

or **15**
9. I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: **16**

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

POS-010 (Rev. January 7, 2004) Page 2 of 2

PROOF OF SERVICE OF SUMMONS (POS-010)

- page two -

DIRECTIONS:

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

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

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF MERCED STREET ADDRESS: 627 W. 21st Street MAILING ADDRESS: 627 W. 21st Street CITY AND ZIP CODE: MERCED, CA 95340 BRANCH NAME: CIVIL DIVISION	
Plaintiff: Defendant:	
ANSWER—UNLAWFUL DETAINER	CASE NUMBER: _____

1. Defendant (each defendant for whom this answer is filed must be named and must sign this answer unless his or her attorney signs):

answers the complaint as follows:

2. **Check ONLY ONE of the next two boxes:**

- a. Defendant generally denies each statement of the complaint. (Do not check this box if the complaint demands more than \$1,000.)
- b. Defendant admits that all of the statements of the complaint are true EXCEPT:
- (1) Defendant claims the following statements of the complaint are false state paragraph numbers from the complaint or explain below or on form MC-025): Explanation is on MC-025, titled as Attachment 2b(1).
- (2) Defendant has no information or belief that the following statements of the complaint are true, so defendant denies them (state paragraph numbers from the complaint or explain below or on form MC-025):
 Explanation is on MC-025, titled as Attachment 2b(2).

3. **AFFIRMATIVE DEFENSES (NOTE: For each box checked, you must state brief facts to support it in item 3k (top of page 2).)**

- a. (nonpayment of rent only) Plaintiff has breached the warranty to provide habitable premises.
- b. (nonpayment of rent only) Defendant made needed repairs and properly deducted the cost from the rent, and plaintiff did not give proper credit.
- c. (nonpayment of rent only) On (date): _____ before the notice to pay or quit expired, defendant offered the rent due but plaintiff would not accept it.
- d. Plaintiff waived, changed, or canceled the notice to quit.
- e. Plaintiff served defendant with the notice to quit or filed the complaint to retaliate against defendant.
- f. By serving defendant with the notice to quit or filing the complaint, plaintiff is arbitrarily discriminating against the defendant in violation of the Constitution or the laws of the United States or California.
- g. Plaintiff's demand for possession violates the local rent control or eviction control ordinance of (city or county, title of ordinance, and date of passage): _____

(Also, briefly state in item 3k the facts showing violation of the ordinance.)
- h. Plaintiff accepted rent from defendant to cover a period of time after the date the notice to quit expired.
- i. Plaintiff seeks to evict defendant based on acts against defendant or a member of defendant's household that constitute domestic violence, sexual assault, stalking, human trafficking, or abuse of an elder or a dependent adult. (A temporary restraining order, protective order, or police report not more than 180 days old is required naming you or your household member as the protected party or a victim of these crimes.)
- j. Other affirmative defenses are stated in item 3k.

CASE NUMBER:

3. AFFIRMATIVE DEFENSES (cont'd)

k. Facts supporting affirmative defenses checked above (*identify facts for each item by its letter from page 1 below or on form MC-025*):

Description of facts is on MC-025, titled as Attachment 3k.

4. OTHER STATEMENTS

a. Defendant vacated the premises on (*date*):

b. The fair rental value of the premises alleged in the complaint is excessive (*explain below or on form MC-025*):

Explanation is on MC-025, titled as Attachment 4b.

c. Other (*specify below or on form MC-025 in attachment*):

Other statements are on MC-025, titled as Attachment 4c.

5. DEFENDANT REQUESTS

a. that plaintiff take nothing requested in the complaint.

b. costs incurred in this proceeding.

c. reasonable attorney fees.

d. that plaintiff be ordered to (1) make repairs and correct the conditions that constitute a breach of the warranty to provide habitable premises and (2) reduce the monthly rent to a reasonable rental value until the conditions are corrected.

e. Other (*specify below or on form MC-025*):

All other requests are stated on MC-025, titled as Attachment 5e.

6. Number of pages attached: _____

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

7. (*Must be completed in all cases.*) An **unlawful detainer assistant** did not did for compensation give advice or assistance with this form. (*If defendant has received **any** help or advice for pay from an unlawful detainer assistant, state:*)

a. Assistant's name:

b. Telephone No.:

c. Street address, city, and zip code:

d. County of registration:

e. Registration No.:

f. Expires on (*date*):

(*Each defendant for whom this answer is filed must be named in item 1 and must sign this answer unless his or her attorney signs.*)

(TYPE OR PRINT NAME)

(SIGNATURE OF DEFENDANT OR ATTORNEY)

(TYPE OR PRINT NAME)

(SIGNATURE OF DEFENDANT OR ATTORNEY)

VERIFICATION

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

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

(TYPE OR PRINT NAME)

(SIGNATURE OF DEFENDANT)

PROOF OF SERVICE BY MAILING CCP 1023A, 2015.5

I am a citizen of the United States and a resident of the County of _____.

I am over the age of eighteen years and not a party to the within entitled action. My address is

_____.

On _____, I served the within _____

In said action, by placing a true copy thereof enclosed in a sealed envelope with postage

thereon full pre-paid, in the United States mail at _____,

California addressed as follows:

I, _____, declare under penalty of

perjury, the foregoing is true and correct.

Executed on _____, at _____, California.

How to fill out

ANSWER – Unlawful Detainer UD-105

ATTORNEY OR PARTY WITHOUT ATTORNEY (Print 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:		
ANSWER—Unlawful Detainer		CASE NUMBER:

1. Defendant (names):
answers the complaint as follows:

2. Check **ONLY ONE** of the next two boxes:

a. Defendant generally denies each statement of the complaint. (Do not check this box if the complaint demands more than \$1,000).

b. Defendant admits that all of the statements of the complaint are true EXCEPT
(1) Defendant claims the following statements of the complaint are false (use paragraph numbers from the complaint or explain):

Continued on Attachment 2b(1).

(2) Defendant has no information or belief that the following statements of the complaint are true, so defendant denies them (use paragraph numbers from the complaint or explain):

Continued on Attachment 2b(2).

3. AFFIRMATIVE DEFENSES (NOTE: For each box checked, you must state brief facts to support it in the space provided at the top of page two (Item 3).)

a. (nonpayment of rent only) Plaintiff has breached the warranty to provide habitable premises.

b. (nonpayment of rent only) Defendant made needed repairs and properly deducted the cost from the rent, and plaintiff did not give proper notice.

c. (nonpayment of rent only) On (date) _____, before the notice to pay or quit expired, defendant offered the rent due but plaintiff would not accept it.

d. Plaintiff waived, changed, or canceled the notice to quit.

e. Plaintiff served defendant with the notice to quit or filed the complaint to retaliate against defendant.

f. By serving defendant with the notice to quit or filing the complaint, plaintiff is arbitrarily discriminating against the defendant in violation of the Constitution or laws of the United States or California.

g. Plaintiff's demand for possession violates the local rent control or eviction control ordinance of (city or county, title of ordinance, and date of passage): _____

h. (Also, briefly state the facts showing violation of the ordinance in item 3.)
Plaintiff accepted rent from defendant to cover a period of time after the date the notice to quit expired.

i. Other affirmative defenses are stated in item 3.

(Continued on reverse)

Form Approved by the
Judicial Council of California
892 (05) (Rev. January 1, 1977)

ANSWER—Unlawful Detainer

WEST GROUP
Official Printshop

Civil Code, § 194C et seq.
Code of Civil Procedure, § 425.12

DIRECTIONS

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

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

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): TELEPHONE NO.: _____ FAX No. (<i>Optional</i>): _____ E-MAIL ADDRESS (<i>Optional</i>): _____ ATTORNEY FOR (<i>Name</i>): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF MERCED STREET ADDRESS: 627 W. 21st Street MAILING ADDRESS: 627 W. 21st Street CITY AND ZIP CODE: Merced, CA 95340 BRANCH NAME: CIVIL DIVISION	
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: 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

	<u>Name</u>	<u>Address (number, street, city, and zip code)</u>
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.

How to fill out

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

DIRECTIONS

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

Form with sections 1-9, including fields for attorney information, court address, plaintiff/defendant names, request type (Entry of Default or Court Judgment), judgment table, and signature lines.

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

PLAINTIFF/RESPONDENT **10** 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 defendant has received any help or advice for pay from a legal document assistant or unlawful detainer assistant, state)

11 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): _____

5. Declaration under Code of Civil Procedure Section 585.5 (required for entry of default under Code Civ. Proc., § 582(a)). The action:

12 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, § 2901 et seq. (Rees-Loring 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:

13 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: _____ **14**

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	_____ \$

15 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: _____ **16**

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 so as to be entitled to the benefits of the Servicemembers Civil Relief Act (50 U.S.C. App. § 501 et seq.).

17 I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
Date: _____ **18**

TYPE OR PRINT NAME: _____ SIGNATURE OF DECLARANT: _____

Revised 09/09 February 22, 2002 REQUEST FOR ENTRY OF DEFAULT (Application to Enter Default) Page 2 of 2

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

- page two -

DIRECTIONS

- ▶ Find the number on the sample form. Example: **15**
- ▶ Go to the same number below to find out how to fill out the form.
- ▶ Type or print in black ink.
- ▶ Write the case number where circled above.

- 10** Write your name (Plaintiff) vs. the name of the primary or main Defendant. Example: *Smith vs. Johnson*
- 11**
 - If someone helped you fill out this form and was not paid, check the first box. Check this box even if no one helped you.
 - If someone helped you fill out the form and was paid check the second box.
 - Fill out the rest of this section ONLY if you received help for pay. Write this person's name, address and phone number. After d, write the county where the assistant is registered (example: Fresno). Write their registration number (e) and the date (f) their registration expires (ends).
- 12** Check box 5. For a, b and c, "is not" is usually checked for all unlawful detainer cases.
- 13** Do not check box a. Check box b instead, and then list all persons to whom you mailed a copy of this form under (2). List the actual day you mailed the copies under (1).
- 14** Date the form. Type or print your name on the left. Sign your name on the right.
- 15** The court will not pay for your legal costs, but may award them in your judgment. You cannot get money awarded to you at the time of a Clerk's Judgment. Complete lines a through f as needed.
- 16** Date the form. Type or print your name on the left. Sign your name on the right.
- 17** Check box 8, if **none of the defendants in this case are in the military**. If any of the tenants are in the military, you cannot enter a default without certain requirements being met. Seek advice from an attorney.
- 18** Date the form. Type or print your name on the left. Sign your name on the right.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF MERCED STREET ADDRESS: 627 W. 21st Street MAILING ADDRESS: 627 W. 21st Street CITY AND ZIP CODE: Merced, CA 95340 BRANCH NAME: CIVIL DIVISION	
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	
REQUEST FOR (Application) <input type="checkbox"/> Entry of Default <input type="checkbox"/> Clerk's Judgment <input type="checkbox"/> Court Judgment	CASE NUMBER:

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: | c. Telephone no.: |
| b. Street address, city, and zip code: | d. County of registration: |
| | e. Registration no.: |
| | f. Expires on (date): |

5. **Declaration under Code of Civil Procedure Section 585.5** (required 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 (<i>specify</i>): | \$ |
| 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 so as to be entitled to the benefits of the Servicemembers Civil Relief Act (50 U.S.C. App. § 501 et seq.).

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): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF MERCED STREET ADDRESS: 627 W. 21st Street MAILING ADDRESS: 627 W. 21st Street CITY AND ZIP CODE: Merced, CA 95340 BRANCH NAME: CIVIL DIVISION	
PLAINTIFF (Name): _____ DEFENDANT (Name): _____	
DECLARATION FOR DEFAULT JUDGMENT BY COURT (Unlawful Detainer—Code Civil Proc., § 585(d))	CASE NUMBER: _____

1. My name is (specify):
 - a. I am the plaintiff in this action.
 - b. I am
 - (1) an owner of the property
 - (2) a manager of the property
 - (3) an agent of the owner
 - (4) other (specify): _____
2. The property concerning this action is located at (street address, apartment number, city, and county): _____
3. Personal knowledge. I personally know the facts stated in this declaration and, if sworn as a witness, could testify competently thereto. I am personally familiar with the rental or lease agreement, defendant's payment record, the condition of the property, and defendant's conduct.
4. Agreement was written oral as follows:
 - a. On or about (date): _____ defendant (name each): _____
 - (1) agreed to rent the property for a month-to-month tenancy other tenancy (specify): _____
 - (2) agreed to pay rent of \$ _____ payable monthly other (specify frequency): _____
with rent due on the first of the month other day (specify): _____
 - b. Original agreement is attached (specify): to the original complaint.
 to the *Application for Immediate Writ of Possession*. to this declaration, labeled Exhibit 4b.
 - c. Copy of agreement with a declaration and order to admit the copy is attached (specify):
 to the *Application for Immediate Writ of Possession*. to this declaration, labeled Exhibit 4c.
5. Agreement changed.
 - a. More than one change in rent amount (specify history of all rent changes and effective dates up to the last rent change) on Attachment 5a (form MC-025).
 - b. Change in rent amount (specify last rent change). The rent was changed from \$ _____ to \$ _____, which became effective on (date): _____ and was made
 - (1) by agreement of the parties and subsequent payment of such rent.
 - (2) by service on defendant of a notice of change in terms pursuant to Civil Code section 827 (check item 5d).
 - (3) pursuant to a written agreement of the parties for change in terms (check item 5e or 5f).
 - c. Change in rent due date. Rent was changed, payable in advance, due on (specify day): _____
 - d. A copy of the notice of change in terms is attached to this declaration, labeled Exhibit 5d.
 - e. Original agreement for change in terms is attached (specify): to the original complaint.
 to the *Application for Immediate Writ of Possession*. to this declaration, labeled Exhibit 5e.
 - f. Copy of agreement for change in terms with a declaration and order to admit the copy is attached (specify):
 to the *Application for Immediate Writ of Possession*. to this declaration, labeled Exhibit 5f.

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

6. Notice to quit.
- a. Defendant was served with a
- | | |
|--|--|
| (1) <input type="checkbox"/> 3-day notice to pay rent or quit | (4) <input type="checkbox"/> 3-day notice to quit |
| (2) <input type="checkbox"/> 3-day notice to perform covenants or quit | (5) <input type="checkbox"/> 30-day notice to quit |
| (3) <input type="checkbox"/> Other (specify): | (6) <input type="checkbox"/> 60-day notice to quit |
- b. The 3-day notice to pay rent or quit demanded rent due in the amount of (specify): \$ _____ for the rental period beginning on (date) _____ and ending on (date) _____.
- c. The total rent demanded in the 3-day notice under item 6b is different from the agreed rent in item 4a(2) (specify history of dates covered by the 3-day notice and any partial payments received to arrive at the balance) on Attachment 6c (form MC-025).
- d. The original or copy of the notice specified in item 6a is attached to (specify): the original complaint.
 this declaration, labeled Exhibit 6d. (The original or a copy of the notice MUST be attached to this declaration if not attached to the original complaint.)
7. Service of notice.
- a. The notice was served on defendant (name each):
- (1) personally on (date):
 - (2) by substituted service, including a copy mailed to the defendant, on (date):
 - (3) by posting and mailing on (date mailed):
- b. A prejudgment claim of right to possession was served on the occupants pursuant to Code of Civil Procedure section 415.46.
8. Proof of service of notice. The original or copy of the proof of service of the notice in item 6a is attached to (specify):
- a. the original complaint.
 - b. this declaration, labeled Exhibit 8b. (The original or copy of the proof of service MUST be attached to this declaration if not attached to the original complaint.)
9. Notice expired. On (date): _____ the notice in item 6 expired at the end of the day and defendant failed to comply with the requirements of the notice by that date. No money has been received and accepted after the notice expired.
10. The fair rental value of the property is \$ _____ per day, calculated as follows:
- a. (rent per month) x (0.03288) (12 months divided by 365 days)
 - b. rent per month divided by 30
 - c. other valuation (specify):
11. Possession. The defendant
- a. vacated the premises on (date):
 - b. continues to occupy the property on (date of this declaration):
12. Holdover damages. Declarant has calculated the holdover damages as follows:
- a. Damages demanded in the complaint began on (date):
 - b. Damages accrued through (date specified in item 11):
 - c. Number of days that damages accrued (count days using the dates in items 12a and 12b):
 - d. Total holdover damages ((daily rental value in item 10) x (number of days in item 12c)): \$ _____
13. Reasonable attorney fees are authorized in the lease or rental agreement pursuant to paragraph (specify): _____ and reasonable attorney fees for plaintiff's attorney (name): _____ are \$ _____
14. Court costs in this case, including the filing fee, are \$ _____

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

15. Declarant requests a judgment on behalf of plaintiff for:
 a. A money judgment as follows:

(1)	<input type="checkbox"/>	Past-due rent (<i>item 6b</i>)	\$
(2)	<input type="checkbox"/>	Holdover damages (<i>item 12d</i>)	\$
(3)	<input type="checkbox"/>	Attorney fees (<i>item 13</i>)*	\$
(4)	<input type="checkbox"/>	Costs (<i>item 14</i>)	\$
(5)	<input type="checkbox"/>	Other (<i>specify</i>):	\$
(6)		TOTAL JUDGMENT	\$

* Attorney fees are to be paid by (name) only.

- b. Possession of the premises in item 2 (*check only if a clerk's judgment for possession was not entered*).
 c. Cancellation of the rental agreement. Forfeiture of the lease.

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

Date:

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

Summary of Exhibits

16. Exhibit 4b: Original rental agreement.
17. Exhibit 4c: Copy of rental agreement with declaration and order to admit the copy.
18. Exhibit 5d: Copy of notice of change in terms.
19. Exhibit 5e: Original agreement for change of terms.
20. Exhibit 5f: Copy of agreement for change in terms with declaration and order to admit copy.
21. Exhibit 6d: Original or copy of the notice to quit under item 6a (*MUST be attached to this declaration if it is not attached to original complaint*).
22. Exhibit 8b: Original or copy of proof of service of notice in item 6a (*MUST be attached to this declaration if it is not attached to original complaint*).
23. Other exhibits (*specify number and describe*):

How to fill out

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

DIRECTIONS

- ▶ Find the number on the sample form.
Example: 1
- ▶ Go to the same number below to find out how to fill out the form.
- ▶ Type or print in black ink.
- ▶ **NOTE: ONLY USE THIS FORM FOR COURT JUDGMENTS FOR MONEY DAMAGES**

- 1** Write your name and address. You may also write your phone, fax and email address, but this is your choice.
- 2** If not filled in for you, write **MERCED** after **COUNTY OF**. Write the address of the court location where you are filing your papers.
- 3** Write your name as the Plaintiff, and the names of the other plaintiffs if any. After Defendant, write the name(s) of all adults living in the residence (house, apartment). If there are adults living in the residence whose names you do not know, write “And DOES 1 TO _____” and fill in the number of additional defendants.
- 4** Write the case number.
- 5** Check box 1a. For b, check the box that best describes the plaintiff(s).
- 6** Write the address of the property and include the zip code. This is very important.
- 7** Mark the box “written” if the lease agreement was in writing, or the box indicating an “oral” agreement. Write the date the agreement occurred. List all the names of all the defendants. Then, write how rent was to be paid according to the agreement, and how much rent.
- 8** Mark box 4b. Mark “to the original complaint” if you attached a copy of the agreement to the complaint when you started this case. If you did not, check the box and attach the agreement to this form and mark it “Exhibit 4b.”
- 9** For item 5, mark this box if the agreement has changed since it was first made. Then complete items a through f by checking the boxes that apply and supply the information requested on the form. If additional space is needed, attach a sheet of paper and write “Attachment 5a” at the top.

Plaintiff Name: 10	Case Number: 11
---	--

6. NOTICE TO DEFENDANT

12 **6.1** I am the Plaintiff and I am the only party to this case.

6.2 I am the Plaintiff and I am not the only party to this case. I am the Plaintiff and I am not the only party to this case. I am the Plaintiff and I am not the only party to this case.

6.3 I am the Plaintiff and I am not the only party to this case. I am the Plaintiff and I am not the only party to this case. I am the Plaintiff and I am not the only party to this case.

7. SERVICE OF NOTICE

13 **7.1** I served the defendant with a copy of the complaint and summons on the following date(s):

7.2 I served the defendant with a copy of the complaint and summons on the following date(s):

7.3 I served the defendant with a copy of the complaint and summons on the following date(s):

8. PROOF OF SERVICE

14 **8.1** I attached a copy of the Proof of Service of the notice to the complaint and summons.

8.2 I attached a copy of the Proof of Service of the notice to the complaint and summons.

8.3 I attached a copy of the Proof of Service of the notice to the complaint and summons.

9. NOTICE TO DEFENDANT

15 **9.1** The defendant has received a copy of the complaint and summons on the following date(s):

9.2 The defendant has received a copy of the complaint and summons on the following date(s):

9.3 The defendant has received a copy of the complaint and summons on the following date(s):

10. DAMAGES

16 **10.1** I am requesting money damages. The amount of money I am requesting is \$_____.

10.2 I am requesting money damages. The amount of money I am requesting is \$_____.

10.3 I am requesting money damages. The amount of money I am requesting is \$_____.

11. PROPERTY

17 **11.1** The defendant has vacated the property and the date defendant left the property is _____.

11.2 The defendant has vacated the property and the date defendant left the property is _____.

11.3 The defendant has vacated the property and the date defendant left the property is _____.

12. DAMAGES

18 **12.1** I am requesting money damages. The amount of money I am requesting is \$_____.

12.2 I am requesting money damages. The amount of money I am requesting is \$_____.

12.3 I am requesting money damages. The amount of money I am requesting is \$_____.

13. COURT COSTS

19 **13.1** I am requesting court costs, including the filing fee you paid for this action. The amount of court costs is \$_____.

13.2 I am requesting court costs, including the filing fee you paid for this action. The amount of court costs is \$_____.

13.3 I am requesting court costs, including the filing fee you paid for this action. The amount of court costs is \$_____.

DECLARATION FOR DEFAULT JUDGMENT BY COURT
(Unlawful Detainer—Code Civ. Proc., § 862.02)

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

- page two -

DIRECTIONS

- ▶ Find the number on the sample form.
Example: 10
- ▶ Go to the same number below to find out how to fill out the form.
- ▶ Type or print in black ink.
- ▶ **NOTE: ONLY USE THIS FORM FOR COURT JUDGMENTS FOR MONEY DAMAGES**

- 10** Write only your name after Plaintiff, and write the name of the primary or main Defendant.
- 11** Write the case number
- 12** Mark box 6 and mark the box that describes the type of notice that was served on the defendant(s).
- 13** For number 7, write the names of all defendants. For boxes (1-3) mark the box describing each defendant was served. Make sure to write the date that each defendant was served.
- 14** For box 8, mark the appropriate box describing to which form you attached the Proof of Service of the notice.
- 15** For box 9, write the date the Notice expired.
- 16** For box 10, if you requested money on your complaint, complete this section by marking the box that indicates how you calculated the money owed. Note: the amount shown here must not exceed the amount requested on the complaint.
- 17** Mark box a if the defendant has vacated the property and the date defendant left the property. If the defendant continues to reside at the property, mark box b and write today's date.
- 18** If you are requesting money damages, check box 12 and write the answers at the end of a through d.
- 19** Do not mark this box because if you have an attorney, you should not be using this packet.
- 20** If you are requesting court costs, including the filing fee you paid for this action, write that amount after the dollar sign.

PLAINTIFF (Name): **21** DEFENDANT: **22**

23 I am not the landlord and I am filing this on behalf of the landlord and you are requesting a money judgment mark box 15. If you are requesting a money judgment, mark box a, and complete the appropriate boxes and dollar amounts.

(a) <input type="checkbox"/> RENTAL FEES	\$
(b) <input type="checkbox"/> SECURITY DEPOSIT	\$
(c) <input type="checkbox"/> ATTORNEY'S FEES	\$
(d) <input type="checkbox"/> COURT COSTS	\$
(e) <input type="checkbox"/> OTHER DAMAGES	\$
TOTAL DOLLARS	\$

ADDITIONAL TO BE PAID BY COURT

24 FOR BOX B, CHECK THIS BOX ONLY IF A CLERK'S JUDGMENT FOR POSSESSION WAS NOT ENTERED PREVIOUSLY IN THIS CASE. MARK BOX C IF YOU WOULD LIKE THE COURT TO CANCEL THE RENTAL AGREEMENT OR IF YOU WANT THE COURT TO ORDER FORFEITURE OF THE LEASE.

25 DATE: _____

PLAINTIFF'S NAME: _____ DEFENDANT'S NAME: _____

26 Summary of Exhibits

76 I have attached copies of the following:

77 I have attached copies of the following: copies of the lease agreement and other documents relating to the lease.

78 I have attached copies of the following: copies of the lease agreement and other documents relating to the lease.

79 I have attached copies of the following: copies of the lease agreement and other documents relating to the lease.

80 I have attached copies of the following: copies of the lease agreement and other documents relating to the lease.

81 I have attached copies of the following: copies of the lease agreement and other documents relating to the lease.

82 I have attached copies of the following: copies of the lease agreement and other documents relating to the lease.

83 I have attached copies of the following: copies of the lease agreement and other documents relating to the lease.

84 I have attached copies of the following: copies of the lease agreement and other documents relating to the lease.

85 I have attached copies of the following: copies of the lease agreement and other documents relating to the lease.

86 I have attached copies of the following: copies of the lease agreement and other documents relating to the lease.

87 I have attached copies of the following: copies of the lease agreement and other documents relating to the lease.

88 I have attached copies of the following: copies of the lease agreement and other documents relating to the lease.

89 I have attached copies of the following: copies of the lease agreement and other documents relating to the lease.

90 I have attached copies of the following: copies of the lease agreement and other documents relating to the lease.

91 I have attached copies of the following: copies of the lease agreement and other documents relating to the lease.

92 I have attached copies of the following: copies of the lease agreement and other documents relating to the lease.

93 I have attached copies of the following: copies of the lease agreement and other documents relating to the lease.

94 I have attached copies of the following: copies of the lease agreement and other documents relating to the lease.

95 I have attached copies of the following: copies of the lease agreement and other documents relating to the lease.

96 I have attached copies of the following: copies of the lease agreement and other documents relating to the lease.

97 I have attached copies of the following: copies of the lease agreement and other documents relating to the lease.

98 I have attached copies of the following: copies of the lease agreement and other documents relating to the lease.

99 I have attached copies of the following: copies of the lease agreement and other documents relating to the lease.

100 I have attached copies of the following: copies of the lease agreement and other documents relating to the lease.

DECLARATION FOR DEFAULT JUDGMENT BY COURT
Unlawful Detainer—Code Civ. Proc., § 410.2

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

- page three -

DIRECTIONS

- ▶ Find the number on the sample form.
Example: 21
- ▶ Go to the same number below to find out how to fill out the form.
- ▶ Type or print in black ink.
- ▶ **NOTE: ONLY USE THIS FORM FOR COURT JUDGMENTS FOR MONEY DAMAGES**

- 21** Write only your name after Plaintiff, and write the name of the primary or main Defendant.
- 22** Write the case number.
- 23** If you are not the landlord and you are filing this on behalf of the landlord and you are requesting a money judgment mark box 15. If you are requesting a money judgment, mark box a, and complete the appropriate boxes and dollar amounts.
- 24** For box b, check this box only if a clerk's judgment for possession was not entered previously in this case. Mark box c if you would like the court to cancel the rental agreement or if you want the court to order forfeiture of the lease.
- 25** Write the date and print your name on the left. Sign your name on the right.
- 26** If you have attached documents to this form, you must mark the appropriate boxes informing the court that you have done so and what each attachment (exhibit) is.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF MERCED STREET ADDRESS: 627 W. 21st Street MAILING ADDRESS: 627 W. 21st Street CITY AND ZIP CODE: Merced, CA 95340 BRANCH NAME: CIVIL DIVISION	
PLAINTIFF: DEFENDANT:	
<p style="text-align: center;">JUDGMENT—UNLAWFUL DETAINER</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	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 (name each):	<input type="checkbox"/> Plaintiff's attorney (name each):
	(1)
	(2)

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

<input type="checkbox"/> Defendant (name each):	<input type="checkbox"/> 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:	CASE NUMBER:
DEFENDANT:	

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

3. **Parties.** Judgment is

a. for plaintiff (*name each*):

and against defendant (*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

(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

UD-110

1. Name and address (including phone, fax, and email).

2. Superior Court of California, County of (e.g., MERCED).

3. Plaintiff and Defendant names.

4. Case number.

5. Judgment type: BY CLERK (possession only), BY COURT (money judgment).

6. Judgment type: BY DEFAULT, POSSESSION ONLY.

7. Judgment type: BY DEFAULT.

8. Judgment type: d. (if By Clerk), e. and (2). (if By Court).

9. Leave remainder of page blank.

How to fill out

JUDGMENT UNLAWFUL DETAINER

Form UD-110

DIRECTIONS

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

- ① Write your name and address. You may also write your phone, fax and email address, but this is your choice.
- ② If not filled in for you, write **MERCED** after COUNTY OF. Write the address of the court location where you are filing your papers.
- ③ Write your name as the Plaintiff, and the names of the other plaintiffs if any. After Defendant, write the name(s) of all adults living in the residence (house, apartment). If there are adults living in the residence whose names you do not know, write "And DOES 1 TO ____" and fill in the number of additional defendants.
- ④ Write the case number.
- ⑤ Check the box "By Clerk" if you are seeking a judgment for **possession only** of the residence (house, apartment). Check the box "By Court" if you are seeking a money judgment. A money Judgment is obtained for past-due rent, holdover damages, costs and other fees incurred by you. You cannot obtain a Judgment for attorney's fees if an attorney does not represent you. If an attorney represents you in this case, you should not be using this packet.
- ⑥ Check box "By Default." Check box "Possession Only" if you are only seeking a judgment for possession of the residence (house, apartment). If you obtain a Judgment for possession of the residence only, you have 4 months to request a money Judgment by Default.
- ⑦ Check box 1 next to the words "BY DEFAULT".
- ⑧ If you checked box "By Clerk" at item 5 above for possession only, check box d. If you checked box "By Court" for a money judgment, check box e and box (2).
- ⑨ Leave the remainder of this page blank because this packet is designed for an uncontested action. If you had a hearing, you should consult with an attorney prior to completing this form.

PLAINTIFF **10** DEFENDANT **11**

JUDGMENT TO BE ENTERED AS FOLLOWS: THE COURT **12** THE CLERK

13 1. PERSONAL JUDGMENT
 a. ALL PARTIES COMING TO COURT
 AND A LIST OF DEFENDANTS (SEE INSTRUCTIONS)
 b. DEFENDANT OR DEFENDANTS AT (PARTY RESIDENCE)
 DEFENDANT OR DEFENDANTS AT (ADDRESS)

14 2. PLAINTIFF DEFENDANT IS SEEKING TO REPOSSESS OR REPOSSESS POSSESSION OF (PROPERTY, APARTMENT, CITY, COUNTY AND ZIP CODE)

15 3. JUDGMENT REQUESTED FOR REPOSSESSION OF THE PREMISES INCLUDING RENTALS, RENTALS AND OTHER CHARGES (SEE INSTRUCTIONS FOR PROCEDURE FOR THE COURT, THE CLERK, THE COURT)

16 4. **AMOUNT AND TYPE OF JUDGMENT**
 a. DEFENDANT OWES MONEY TO PLAINTIFF OR DEFENDANT OWES MONEY TO PLAINTIFF
 b. PLAINTIFF IS REQUESTING MONEY FROM DEFENDANT
 (PLEASE PRINT AMOUNTS)

(A) DEFENDANT OWES	\$
(B) PLAINTIFF OWES	\$
(C) AMOUNT OWED	\$
(D) COURT COSTS	\$
(E) OTHER AMOUNTS	\$
(F) TOTAL JUDGMENT	\$

 c. PLAINTIFF IS REQUESTING CANCELLATION OF RENTAL AGREEMENT
 PLAINTIFF IS REQUESTING FORFEITURE OF LEASE
 PLAINTIFF IS REQUESTING FORFEITURE OF DEPOSIT
 PLAINTIFF IS REQUESTING FORFEITURE OF RENT

17 5. THE COURT THE CLERK IS REQUESTING

18 6. COURT ORDER JUDGMENT. PLEASE BE SURE TO SIGN THE AGREEMENT TO CANCEL RENTAL AGREEMENT OR FORFEITURE OF LEASE OR JUDGMENT—COURT ORDER JUDGMENT (FORM UD-110), WHICH IS BEHIND THIS FORM.

DATE _____

DATE _____ COURT, OR _____ **CITY** _____ **STATE** _____

CLERK'S CERTIFICATE (SEE INSTRUCTIONS)
 I HAVE BY THIS ORDER IN THIS CASE OF THE ORIGINAL JUDGMENT FOR THE COURT.

DATE _____

CLERK, OF _____ **CITY** _____ **STATE** _____

JUDGMENT—UNLAWFUL DETAINER

JUDGMENT UNLAWFUL DETAINER Form UD-110

- page two -

DIRECTIONS

- ▶ Find the number on the sample form.
Example: **10**
- ▶ Go to the same number below to find out how to fill out the form.
- ▶ Type or print in black ink.

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

PLAINTIFF:	CASE NUMBER:
DEFENDANT:	

— Items continued from page 1—

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

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

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

a. on (<i>date</i>): b. name, type of legal entity stated in judgment if not a natural person, and last known address of joint debtor:	a. on (<i>date</i>): b. name, type of legal entity stated in judgment if not a natural person, and last known address of joint debtor:
_____	_____

c. additional costs against certain joint debtors (*itemize*):

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)):

(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.
 (a) \$ _____ was the daily rental value on the date the complaint was filed.
 (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. Description of property:

NOTICE TO PERSON SERVED

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

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

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

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

How to fill out

WRIT OF EXECUTION EJ-130

DIRECTIONS

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

The image shows a sample form for a Writ of Execution (EJ-130) with ten numbered callouts (1-10) pointing to specific fields. The form is divided into two columns. The left column contains fields for the creditor's information (1), the court (2), the plaintiff (3), and the defendant (4). The right column contains a case number field (5). Below these fields are checkboxes for the type of writ (6) and the type of property (7). The bottom section of the form contains a table for judgment details (8-10), a section for judgment entry date (9), and a section for court fees (10). At the bottom, there are fields for the clerk's name and a notice to the debtor.

- ① Write your name and address. Write your phone to the right.
- ② If not filled in for you, write **MERCED** after COUNTY OF. The address is: **627 W. 21st STREET
MERCED, CALIFORNIA 95340**
- ③ Write your name after Plaintiff. Write the name of the primary or main Defendant.
- ④ Check “possession of” and “real property.” “Execution (Money Judgment)” can also be checked if a money judgment was awarded.
- ⑤ Write the case number here.
- ⑥ Write “Fresno” after County of (where circled).
- ⑦ Write your name and check “judgment creditor.” (Plaintiff is the judgment creditor.)
- ⑧ Write the names of each defendant and their last known address. (Defendant is the judgment debtor.) If more than two defendants, check “additional judgment debtors on reverse.”
- ⑨ Enter the day judgment was entered if known (if the case went to a court trial the date would be known). If you turn in this form along with a Request for Entry of Default, leave the date blank and the clerk will fill in the date.
- ⑩ Skip to the right column and check box 9. If a Court Judgment was obtained, money amounts may be filled in. If this writ is to take possession of property, do not fill in money amounts.

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

WRIT OF EXECUTION EJ-130

- page two -

DIRECTIONS

- ▶ Find the number on the sample form.
Example: 11
- ▶ Go to the same number below to find out how to fill out the form.
- ▶ Type or print in black ink.
- ▶ Fill in the case number where circled above.

PLAINTIFF: 11 DEFENDANT: 11	Case Number: 11
----- Items continued from page 1 -----	
21 <input type="checkbox"/> Additional judgment debtor (name and full known address): 12	_____ _____
22 <input type="checkbox"/> Notice of sale has been requested by (name and address): _____ _____	_____ _____
23 <input type="checkbox"/> Joint debtor was declared bound by the judgment (CCP 909.004): a. on (date): _____ a. on (date): _____ b. name and address of joint debtor: _____ b. name and address of joint debtor: _____ _____ _____	_____ _____
24 <input type="checkbox"/> (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)): 13	(1) <input type="checkbox"/> 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) <input type="checkbox"/> The Prejudgment Claim of Right to Possession was NOT served in compliance with CCP 415.46. (a) \$ _____ was the daily rental value on the date the complaint was filed. (b) The court will hear objections to enforcement of the judgment order (CCP 417.3) on the following date (specify): _____ b. Eviction of personal property: <input type="checkbox"/> If delivery cannot be had, file for the value (specify in \$) specified in the judgment or supplemental order: _____ c. Sale of personal property: _____ d. Sale of real property: _____ e. Description of property: _____
14	_____ _____
NOTICE TO PERSON SERVED WRIT OF EXECUTION OR SALE. Your rights and duties are indicated on the accompanying Notice of Levy (Form EJ-130). WRIT OF POSSESSION OF PERSONAL PROPERTY. If the levying officer is not able to take custody of the property, the levying officer will make a demand upon you for the property. If custody is not obtained following demand, the judgment may be enforced as a money judgment for the value of the property specified in the judgment or in a supplemental order. WRIT OF POSSESSION OF REAL PROPERTY. If the premises are not vacated within five days after the date of service on the occupant or, if necessary by posting, within five days after service on you, the levying officer will remove the occupants from the real property and place the judgment order 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 417. The seller of the property paid the judgment order the reasonable cost of storage and sales possession of the personal property not later than 15 days after the date the judgment order takes possession of the premises. If a Claim of Right to Possession form accompanies this writ (unless the filer served in compliance with CCP 415.46).	

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

DO NOT fill out 7 and 8.
- 13**
 - Check box 24, and check a. Fill in the date you filed the Complaint.
 - Read (1) and (2). Decide which best describes your situation then check (1) or (2), but not both.
 - If you choose (1), a "proof of service on a prejudgment claim of right to possession" must be filed with the court.
 - If you check (2) fill in the daily rental value (a) and the court date (b) if known.
- 14** Describe the property by writing the complete address. Include the zip code and street references such as North (N), South (S), East (E) or West (W). Also include the apartment or unit number if any.

Example of complete address: Not complete:

1234 S. Main Street #10
Fresno, CA 93700

1234 Main
Fresno, CA

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF MERCED STREET ADDRESS: 627 W. 21st Street MAILING ADDRESS: 627 W. 21st Street CITY AND ZIP CODE: MERCED, CA 95340 BRANCH NAME: CIVIL DIVISION	
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
- b. (1) Complaint (2) Petition
- (3) Cross-complaint filed by (name): _____ on (date): _____
- (4) Cross-complaint filed by (name): _____ on (date): _____
- (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)

*If dismissal requested is of specified parties only 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: _____

(TYPE OR PRINT NAME OF ATTORNEY PARTY WITHOUT ATTORNEY)

(SIGNATURE)

** 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: 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)

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

FOR COURT USE ONLY

PAUL SAMPLE
2036 DONNER DRIVE
SACRAMENTO, CA 95826
TELEPHONE NO 916-123-4567

Your name, address, and phone number. "In Pro Per" means you are representing yourself.

E-MAIL ADDRESS (Optional)

ATTORNEY FOR (Name) IN PRO PER

SUPERIOR COURT OF CALIFORNIA, COUNTY OF MERCED

Court name, address, and branch.

STREET ADDRESS 627 W. 21st STREET
MAILING ADDRESS
CITY AND ZIP CODE MERCED, CALIFORNIA 95340
BRANCH NAME

PLAINTIFF/PETITIONER: PAUL SAMPLE
DEFENDANT/RESPONDENT: PETER PERPETRATOR

Your name and the defendant's name as they appear on the complaint.

REQUEST FOR DISMISSAL

CASE NUMBER:

Case Number

- Personal Injury, Property Damage, or Wrongful Death
- Motor Vehicle Other
- Family Law Eminent Domain
- Other (specify):

Check "Other" and specify "Contract."

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

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

- a. (1) With prejudice (2) Without prejudice

Check either "With prejudice" or "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):* DOES 1-10 ONLY

Check "Other" and "DOES 1 to x ONLY"

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

- Court fees and costs were waived for a party in this case. (This information may be obtained from the clerk. If this box is checked, the declaration on the back of this form must be completed).

Date: 5/23/2011

Print your name and date: check "Party Without Attorney"

PAUL SAMPLE

(TYPE OR PRINT NAME OF ATTORNEY PARTY WITHOUT ATTORNEY)

(SIGNATURE)

Sign and check "Plaintiff"

* If dismissal requested is of specified parties only, 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.

- 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)

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

- 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: _____, Deputy Clerk, by _____, Deputy Page 1 of 2

Check if your court fees were waived, and if so, complete declaration on back of page.

Your name and the defendant's name as they appear on the complaint

PLAINTIFF/PETITIONER: PAUL SAMPLE
DEFENDANT/RESPONDENT: PETER PERPETRATOR

CIV-110
CASE NUMBER:

Case Number

Declaration Concerning Waived Court Fees

The court has a statutory lien for waived fees and costs on any recovery of \$10,000 or more in value by settlement, compromise, arbitration award, mediation settlement, or other means. The court's fee must be paid before the court will dismiss the case.

Name of person whose fees were waived

1. The court waived fees and costs in this action for (name): PAUL SAMPLE

2. The person in item 1 (check one):

a. is not recovering anything of value by this action.

b. is recovering less than \$10,000 in value by this action.

c. is 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 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: 5/23/2011

PAUL SAMPLE

Signature

TYPE OR PRINT NAME OF



ATTORNEY



PARTY MAKING DECLARATION

(SIGNATURE)

Mark box 2a

Print name and date; check "Party Making Declaration"