## INSTRUCTIONS FOR UNLAWFUL DETAINER (EVICTION)

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 <a href="http://www.courtinfo.ca.gov/selfhelp">http://www.courtinfo.ca.gov/selfhelp</a>. 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<br>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<br>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 16<sup>th</sup> 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 IF 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").

| r  |   | CM-010   |
|--|---|--|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Ba   | r number, and address):                                   | FOR COURT USE ONLY   |
|  |   |  |
| TELEPHONE NO.: ATTORNEY FOR (Name):  | FAX NO.:  |  |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF  | MERCED  |  |
| street address: 627 W. 21st Stree Mailing address: 627 W. 21st Stree                                   |   |  |
| city and zip code: MERCED, CA 95   |   |  |
| BRANCH NAME: CIVIL DIVISION  | 3.10  |  |
| CASE NAME:   |   |  |
|  | <u></u>   | OAOS MUMPER  |
| CIVIL CASE COVER SHEET   | Complex Case Designation                                  | CASE NUMBER:   |
| Unlimited Limited (Amount (Amount  | Counter Joinder   |  |
| demanded demanded is   | Filed with first appearance by defer                      |  |
| exceeds \$25,000) \$25,000 or less)  |   | <u>'</u>   |
| 1. Check <b>one</b> box below for the case type th   | flow must be completed (see instructions                  | s on page 2).  |
| Auto Tort  | Contract  | Provisionally Complex Civil Litigation   |
| Auto (22)  | Breach of contract/warranty (06)                          | (Cal. Rules of Court, rules 3.400-3.403)   |
| Uninsured motorist (46)  | Rule 3.740 collections (09)                               | Antitrust/Trade regulation (03)  |
| Other PI/PD/WD (Personal Injury/Property<br>Damage/Wrongful Death) Tort                                | Other collections (09)                                    | Construction defect (10)   |
| Asbestos (04)  | Insurance coverage (18)                                   | Mass tort (40)   |
| Product liability (24)   | Other contract (37)  Real Property                        | Securities litigation (28) Environmental/Toxic tort (30)   |
| Medical malpractice (45)   | Eminent domain/Inverse                                    | Insurance coverage claims arising from the   |
| Other PI/PD/WD (23)  | condemnation (14)   | above listed provisionally complex case types (41)   |
| Non-PI/PD/WD (Other) Tort  | Wrongful eviction (33) Other real property (26)           | Enforcement of Judgment  |
| Business tort/unfair business practice (0 Civil rights (08)  | Unlawful Detainer   | Enforcement of judgment (20)   |
| Defamation (13)  | Commercial (31)   | Miscellaneous Civil Complaint  |
| Fraud (16)   | Residential (32)  | RICO (27)  |
| intellectual property (19)   | Drugs (38)  | Other complaint (not specified above) (42)   |
| Professional negligence (25)   | Judicial Review   | Miscellaneous Civil Petition   |
| Other non-PI/PD/WD tort (35) Employment  | Asset forfeiture (05) Petition re: arbitration award (11) | Partnership and corporate governance (21)  |
| Wrongful termination (36)  | Writ of mandate (02)                                      | Other petition (not specified above) (43)  |
| Other employment (15)  | Other judicial review (39)                                |  |
|  |   | Rules of Court. If the case is complex, mark the   |
| factors requiring exceptional judicial mana  |   | or of witnesses  |
| <ul><li>a. Large number of separately represent</li><li>b. Extensive motion practice raising</li></ul> |   | er of witnesses<br>n with related actions pending in one or more courts                              |
| issues that will be time-consumir  |   | nties, states, or countries, or in a federal court   |
| c. Substantial amount of document  | ary evidence f. Substantial                               | postjudgment judicial supervision  |
| 3. Remedies sought (check all that apply): a   | monetary b. nonmonetary;                                  | declaratory or injunctive relief c. punitive   |
| 4. Number of causes of action (specify):   | ,   |  |
|  | ass 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)   | <u> </u>  | (SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)   |
|  | NOTICE  | ,  |
| under the Probate Code, Family Code, or in sanctions.  | Welfare and Institutions Code). (Cal. Ru                  | ing (except small claims cases or cases filed ules of Court, rule 3.220.) Failure to file may result |
| other parties to the action or proceeding  | t seq. of the California Rules of Court, yo               | ou must serve a copy of this cover sheet on all  |
| Unless this is a collections case under ru   | le 3.740 or a complex case, this cover st                 | neet will be used for statistical purposes only.<br>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 plaintiffs designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

#### **Auto Tort**

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

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

Asbestos (04) Asbestos Property Damage Asbestos Personal Injury/

Wrongful Death Product Liability (not asbestos or toxic/environmental) (24)

Medical Malpractice (45) Medical Malpractice-

Physicians & Surgeons

Other Professional Health Care Malpractice

Other PI/PD/WD (23)

Premises Liability (e.g., slip and fall)

Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)

Intentional Infliction of **Emotional Distress** Negligent Infliction of

**Emotional Distress** Other PI/PD/WD

#### Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)

Civil Rights (e.g., discrimination, false arrest) (not civil

harassment) (08) Defamation (e.g., slander, libel)

(13)Fraud (16)

Intellectual Property (19)

Professional Negligence (25)

Legal Malpractice

Other Professional Malpractice (not medical or legal)

Other Non-PI/PD/WD Tort (35)

## **Employment**

Wrongful Termination (36) Other Employment (15)

#### **CASE TYPES AND EXAMPLES**

#### Contract

Breach of Contract/Warranty (06) Breach of Rental/Lease

Contract (not unlawful detainer or wronaful 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 druas, 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

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|   |   | CIVIL CASE COVER SHEET   |  |

## 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.
- The case name is the <u>plaintiff's last name</u> vs. <u>defendant's last name</u>. 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

- 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.
- Your case is not a class action suit. Check the second box.
- Fill in the date, type or print your name on the dotted line, and sign your name on the right.

## INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET To Plaintiffs and Others Filing First Papers To hammans and context heary shares and page 1. This information is not case, you must complete and file, along with your first pages, the Code Case Cover Sheet contained on page 1. This information will be used to accretion statistics about the types and numbers of cases filed. You must check all they do not not be sheet. In file the case they have a first be sheet contained on the sheet. In file the case is the case type has beet described been if the case file the Case file both a general and a more specific type of case steed in dem 1, clave, the more specific one. If the case file has both a general and a more specific type of case is test in not not case file to the case file in the sheet of actions and watching the primary consisted action. To asset go can completely the sheet, consistent of the cases that belong under each case type in dom 1 are provided below. A cover sheet must be filed only with your initial page. You do not seed to action all covers sheet with amended pages. Failure to their architecture of the case filed with the first pages filed in a cord case may subject a party, its counsel, or both to sanctions under rides 201 file) and 227 of the California Pulse of County. To Parties in Complex Cases To complex does not partial sites used the Chiff Case Cover Sheet to designate whether the case is complex. It a plaintiff believes the case is complex and the third the Chiff Case Cover Sheet to designate whether the case is complex appropriate believes the case is complex ander rule 1880 of the Chiff Case Cover and th CASE TYPES AND EXAMPLES Contract Broach for Contract/Management (6) Broach for Contract/Management (6) Broach for Contract/Management (6) Broach for Contract/Management (6) Contract/Management (6) Contract/Management (6) Partial (6) Partial (6) Partial (6) Partial (6) Partial (7) Contract/Management (7) Management (7) Contract/Management (7) Contract/Ma CASE TYPES AND EXAMPLES Provisionally Complex Civil Litigation (Call, Rules of Court Rule 1000-1012) Anterior Trade Regulation (100) Clamb Interior (100) Societies Litigation (28) Troot Total Environmental (30) Insurance Deverage Celetins (200) (201) Complex Call (200) (201) Complex Call (200) (201) Auto Tort Auto (22)-Personal ingury/Proporty Unimogn/Prongful Death Uninsured Mackets| 469 (4 the case survives an ownersand motivate claim subject to attellation chock his item sesses of Auto) Enforcement of Judgment Enforcement of Judgment Enforcement of Judgment (20) Abstleat of Andigment (Out of Abstleat of Andigment (Out of Confessor of Judgment (nongments) (Sales Tisto), Andigment Antimitistation Agency Anema Antimitistation Agency Anema Polison/Confessor of Enry of Judgment on Bapeal Tax Other Enforcement of Judgment Cane Misonetiment (Cane) operty Damages/Wongfu Desthy xt Asbusson (64) x Asbusson Personal regary x Xxxxxy (64) x Xxxxxy (64) x Xxxxy (64) x Xxxxy (64) x Xxxxy (64) x Xxxy (64) x Real Property Emissin Consultativerse Condemnation (33) Wrongial Eveton (33) Other Heal Property (e.g. queel tille) (76) Writ of Processing of Real Property Mortgages Forechouse Canel Till Property (not emission consultation and content of the Property (not emission consultation (and content of the Property (not emission) consultation (and content of the Property (not emission) forechosure) Miscelaneous Civil Compilain FICO (27) Other Compilant and specified abova (42) Declared by Polisel Only Indiamonal Polisel Only Indiamonal Medical Compilation Commiscell Compilation Compilation (1997) Other Commiscell Compilation (1997) of the Compilation (1997) Other Conf. Compilation (1997) Non-PIPD-MOY (Other) Tort Bresnates Cred Inter Business Packets (FI) Con Registe (o.g., descrimination International Control (International Control International (International Control International Control (International Control International Property (19) Franct (o.g.) Seaster, block) (13) Franct (o.g.) Seaster, block (13) Franct (o.g.) Unlayful Detainer Commercel (31) Residentel (32) Drugs (38) if the case involves theget drugs, check this filter otherwise, report as Commercel or Flositiontal ( (1907-Vertison complete) Miscoellaneous Chil Pedition Profites Ship and Corposeld Governmence (2) i) Other Pedition (1907-Vertison International Control of Control o Judicial Review Assel Fortreture (#5) Palson Fe Arbitekter Award (11) Writ of Mandale (#2) Writ - Administrative Mandances Writ - Mandances on Emited Court Class Matter Writ - Offer Limited Court Case Harvier Limited Court nployment Wrongtul Terminalizet (36) Other Employment (15) Raziaw Other Judicial Priview (39) Rousew of Hoalth Officer Order Notice of Appeal-Labor Commissional Appeals -188-150 (Right Judy 5-344KB) CIVIL CASE COVER SHEET

## How to fill out

## CIVIL CASE COVER SHEET

**CM-010** 

-Page 2-

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:<br>(Número del caso): |
|----|---|------------------------------------|
|    |   |                                    |

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

The name, address, and telephone number of plaintiffs 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):

| for compensation give adv     | ases) An <b>unlawful detainer assistant (Bus. &amp; Prof. Code, §§ 6400–6415)</b> did <b>not</b> ice or assistance with this form. (If plaintiff has received <b>any</b> help or advice for pay from an ute item 6 on the next page.)  | L                            |
|-------------------------------|--|------------------------------|
| Date:                         | Clerk, by (Secretario)   | , Deputy<br><i>(Adjunto)</i> |
| (Fecha)                       | (Secretario)   | (Aujunto)                    |
| (Para prueba de entrega de es | mmons, use Proof of Service of Summons (form POS-010).) sta citation 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 416.20 (defunct corporation)  CCP 416.70 (conservation)  CCP 416.90 (authorized) | •                            |

by personal delivery on (date):

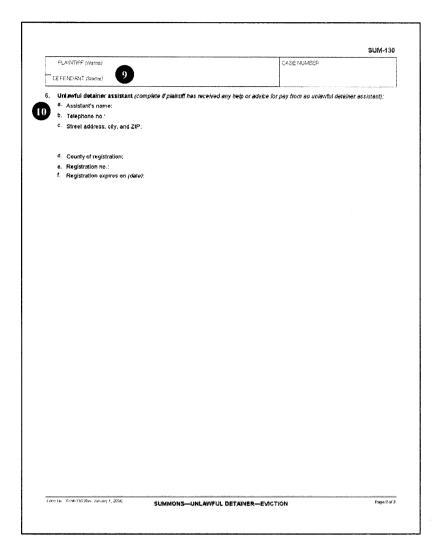
| PLAINTIFF (Name): | CASE NUMBER: |
|-------------------|--------------|
| DEFENDANT (Name): |              |

- 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  | SUM-1  |
|--|--|
|  | (KONG PARA IPKO DE LA CORTE)   |
| (CITACION JUDICIAL)  |  |
| UNLAWFUL DETAINER—EVICTION   |  |
| (RETENCIÓN ILÍCITA DE UNINMUEBLE—DESALOJO)   |  |
| NOTICE TO DEFENDANT:   |  |
| (AVISO AL DEMANDADO):  |  |
| YOU ARE BEING SUED BY PLAINTIFF:<br>(LO ESTÁ DEMANDANDO EL DEMANDANTE):  |  |
| You have 6 CALENDAR DAY'S after this summons and legal papers are served on copy served on the plainfelf. (To calculate the five days, count Saturday and Stunday, falls on a Saturday, Sunday, or a count holdey there you have the next count day for protect you. You written response must be in proper legal from if you want the count (www.countino.com, or served the count (www.countino.com, or served the county of the water the county of the county of the water than the county of th | but do not count other caurt holidays. If the last day is a written response. ] A letter or phone call will not to hear your case. There may be a count form that on the New Your case. There may be a count form that on at the California Counts or Ganes. Self-Hein Center you. If you cannot pay the filing fee, ask the count of scare by default, and your wages, money, and for you do not know an attorney, you may want to call free legal services from a nonprofit legal services as the (www. lawshepcalifornia-go), the California ur local count or county bar association. Self-gales para presentar ungar-sepuesta por escrito er das, cuente los sabados y los domingos pero no los das, cuente los sabados y los domingos pero no los en que la corte esta cervada, filem fasta al proximo fonica no lo protegon. Sir respuesta por escrito sino costilo que ha you an formulario que userde punda con timunitario que userde punda con carrior servicio que userde punda con timunitario que user que un timunitario que timunitario que un timunitario que un timunitario que un timunitario que un timunitario que timunitario que un timunitario que timunitario que un timunitario que timunitario que timunitario qu |
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## SUMMONS – UNLAWFUL DETAINER SUM-130

- Find the number on the sample form. *Example:* •
- 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.
- 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.
- The name and address of the court is: Superior Court of California MERCED COUNTY
  627 W. 21st STREET
  MERCED, CALIFORNIA 95340
- **S** Write your name, address and phone number.
- 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.
- Mark box (c) "as an occupant".



### **SUM-130**

# Summons-Unlawful Detainer - page two -

- Find the number on the sample form. *Example:*
- 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.

- Write your name after Plaintiff. Write the name of the Defendant(s).
- 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).

UD-100

| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):                             | FOR COURT USE ONLY                      |
|---|---|
|   |   |
|   |   |
| TELEPHONE NO.: FAX NO. (Optional):  |   |
| E-MAIL ADDRESS (Optional):  |   |
| 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:  |   |
|   |   |
| DOES 1 TO   | CASE NUMBER:                            |
| COMPLAINT — UNLAWFUL DETAINER*  | CASE NUMBER.                            |
| COMPLAINT AMENDED COMPLAINT (Amendment Number):   |   |
| Jurisdiction (check all that apply):  ACTION IS A LIMITED CIVIL CASE                                  |   |
| Amount demanded does not exceed \$10,000  |   |
| exceeds \$10,000 but does not exceed \$25,000   |   |
| ACTION IS AN UNLIMITED CIVIL CASE (amount demanded exceeds \$25,000)                                  |   |
| ACTION IS RECLASSIFIED by this amended complaint or cross-complaint (check                            |   |
| from unlawful detainer to general unlimited civil (possession not in issue)                           | from limited to unlimited               |
| from unlawful detainer to general limited civil (possession not in issue)                             | from unlimited to limited               |
| 1. PLAINTIFF (name each):   |   |
| alleges causes of action against DEFENDANT (name each):   |   |
|   |   |
| 2. a. Plaintiff is (1) an individual over the age of 18 years. (4) a partnership.                     |   |
| 2. a. Plaintiff is (1) an individual over the age of 16 years. (4) a partier sinp. (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 tenan                               | cv (specify):                           |
| (1) agreed to form the profittees as a  | ify 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.   | est.                                    |
| (2) plaintiffs agent. (4) other (specify):  |   |
| * NOTE: Do not use this form for evictions after sale (Code Civ. Proc., § 1161a).                     | Page 1 of 3                             |

| _ PL | AIN.     | ITIFF (I                   | Vame):                  |   | CASE NUMBER:  |
|------|----------|----------------------------|-------------------------|---|---|
| DEF  | EN       | DANT(/                     | Vame):                  |   |   |
| 6.   | c.<br>d. |                            | (1) S<br>(2) S<br>(3) S | ants not named in item 6a are subtenants.  assignees.  other (specify):  nent was later changed as follows (specify):   |   |
|      |          |                            | <b>G</b>                |   |   |
|      | e.<br>f. |                            | and labeled             | ne written agreement, including any addenda or attachments that for Exhibit 1. (Required for residential property, unless item 6f is chemital property) A copy of the written agreement is <b>not</b> attached be the written agreement is not in the possession of the landlord or this action is solely for nonpayment of rent (Code Civ. Proc., § 11)  | ecked. See Code Civ. Proc., § 1166.) cause (specify reason): he landlord's employees or agents.   |
| 7. [ |          | ] a.                       | Defendant (             | (name each):  |   |
| 8. a | a.       | b.<br>c.<br>d.<br>e.<br>f. | (1)                     | 30-day notice to quit  60-day notice to quit  61-day notice to quit  65-day notice to quit  62-day notice to quit  63-day notice to quit  64-day notice to quit  65-day notice to quit  66-day notice to quit  67-day notice to quit  68-day notice to quit  69-day notice to quit | e expired at the end of the day.  date.  esidential property. See Code Civ. Proc.,  a different date, or (3) in a different ement providing the information required  vs: |
|      |          |                            | (3) (4) (5) (5) (7)     |   | usiness cannot be ascertained OR<br>be found there.<br>nding a copy by certified or registered  |
|      | b.<br>c. |                            | Information             | on behalf of all defendants who signed a joint written rental agree about service of notice on the defendants alleged in item 7f is stat  | ment.<br>ed in Attachment 8c.   |
|      | d.       |                            | Proof of ser            | vice 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 fixe 10. At the time the 3-day notice to pay rent or quit was served, the amount of <b>rent du</b> 11. The fair rental value of the premises is \$ per day.  12. Defendant's continued possession is malicious, and plaintiff is entitled to statutor Procedure section 1174(b). (State specific facts supporting a claim up to \$600 in A written agreement between the parties provides for attorney fees.  14. Defendant's tenancy is subject to the local rent control or eviction control ordinary and date of passage): | ue was \$ y damages under Code of Civil in Attachment 12.)   |
|  | ated in item 11 from<br>for each day that<br>possession through entry of judgment.<br>to \$600 for the conduct alleged in item 12. |
| 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 fo with this form. (If plaintiff has received any help or advice for pay from an unlawful detain   | or compensation give advice or assistance ner assistant, state:)   |
| a. Assistant's name: c. Telephor   | ne No :  |
| ·  | of registration:   |
| e. Registrat   | tion No.:  |
|  | on (date):   |
| Date:  |  |
| <b>.</b>   |  |
| (TYPE OR PRINT NAME) (SIG  | GNATURE OF PLAINTIFF OR ATTORNEY)  |
| VERIFICATION   | <u> </u>   |
|  | ornaration or nartharabin  |
| (Use a different verification form if the verification is by an attorney or for a collam the plaintiff in this proceeding and have read this complaint. I declare under penalty of particular that the foregoing is true and correct.  |  |
| Date:  |  |
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| (TYPE OR PRINT NAME)   | (SIGNATURE OF PLAINTIFF )  |
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## COMPLAINT – UNLAWFUL DETAINER Form UD-100

- Find the number on the sample form. *Example:* •
- 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.
- Write your name as the Plaintiff, and the names of the other plaintiffs if any. After Defendant, write the name(s) of <u>all adults</u> 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."
- 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 <u>all</u> 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.
- Oheck the first box if you are the owner of the property.
- 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.

| PLANTEY      | *National Control |  |   | NAME OF THE OWNER |
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## COMPLAINT – Unlawful Detainer Form UD-100

- page two -

- Find the number on the sample form. Example:
- 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.
- Write only your name after Plaintiff, and write the name of the primary or main Defendant.
- 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).
- 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).
- 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."

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## COMPLAINT – Unlawful Detainer Form UD-100

- page three -

- Find the number on the sample form. *Example:*
- 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.
- Write only your name after Plaintiff, and write the name of the primary or main Defendant.
- Check 9 if you want the defendants to move out because a lease ended.
- 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.
- 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."
- DO NOT check 13, since by doing this packet yourself, you probably do not have an attorney.
- 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."
- 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.
- 2 Check box 18, if you include attachments with the complaint. Fill in number of pages attached.
- If someone helped you fill out this form and was <u>not paid</u>, check the first box. Check this box even if no one helped you. If someone helped you fill out the form and <u>was paid</u> 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).
- Write the date and print your name on the left. Sign your name on the right.
- 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 ATTO   | RNEY (Name and Address):  | TELEPHONE NO.: | FOR COURT USE ONLY   |
|---|---|----------------|--|
| ATTORNEY FOR (Name):  NAME OF COURT:  STREET ADDRESS:  MAILING ADDRESS:  CITY AND ZIP CODE: | MERCED COUNTY SUPERIOR COUNTY | RT             |  |
| BRANCH NAME: PLAINTIFF:   | CIVIL DIVISION  |                |  |
| DEFENDANT:  |   |                |  |
| PREJUDO   | MENT CLAIM OF RIGHT TO POSSESSION   |                | CASE NUMBER:   |
| 1. You are NOT nam  |   |                | (To be completed by the process server) DATE OF SERVICE: (Date that this form is served or delivered, and posted, and mailed by the officer or process server) |
| I DECLARE THE FOLLO<br>1. My name is (specify):   | WING UNDER PENALTY OF PERJURY:  |                |  |

- 2. I reside at (street address, unit No., city and ZIP code):
- 3. The address of "the premises" subject to this claim is (address):

|                      |                                  | 1  |
|----------------------|----------------------------------|--|
| 4. On (insert date): |                                  | , the landlord or the landlord's authorized agent filed a complaint to |
| recover possessio    | n 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 11. (Response required within five days after you file this form) I understand that I will have  |                            |  |  |
| a response to the Summons and Complaint after I file this Prejudgment Claim of Righ  | , ,                        |  |  |
| <ul> <li>12. Rental agreement. I have (check all that apply to you):</li> <li>a. an oral rental agreement with the landlord.</li> <li>b. a written rental agreement with the landlord.</li> <li>c. an oral rental agreement with a person other than the landlord.</li> <li>d. a written rental agreement with a person other than the landlord.</li> <li>e. other (explain):</li> </ul> I declare under penalty of perjury under the laws of the State of California that the foregone. | oing 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 |  |  |

## - NOTICE TO OCCUPANTS -

against you will be determined at trial. At trial, you may be found liable for rent, costs, and, in

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

some cases, treble damages.

- 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.

# NOTROE : NOME COME WHO STYLES STEED REPORTED AND MAY MAY RECORD BY COME COME REPORTED FOR A PROPERTY COME AND If you have been mile you chould design the best defined this betty within 150 migration who of courses of the best betty part of the mile of the problem of DESCRIPTION PARAJOSAMENT CLAM OF RIGHT TO PORRESSEN Computets this Trans city of A11, of Brace elitibet rets aim Duc. 1. You are RRT increase to the accompanying Residence and Computete. 1. You are supported to prevent on an increase the date of a configuration that the configuration of th Charles that the house is demand to Commercia, and product and manufactly the Manufactly Commercial Services HINOLAND THE POLLOWING ENDER PRINCEY OF PERLEY. 2. This sale of patient electronic and the party electronic courts reason parameters for personal (film task in Reason) brig tiple on Reasons paragraphic Supressor Compared d. Facult pixel free premises or files only the complexit was block juic date in most of 1 three polynomial to dampe. The plant per each pixel. C. Levine of the S. September of agree of the state the complaint was their place have at several I Taken a new boundaries of the position backets i marginal the previous on the size the companion was that previous in If Texas and narrows in the State have and Completed The destruction of the same the same engine processors that he allowed as a destruction to the comment of the control of the c To group play the international Plant Plant up to the second and payor large law of it. The processing of the international of the second country is understand that it is desired the target law of the other would be second to the second country in the second law of the se TOTAL SECTION AND A SECTION PREJUDINESS! CLASH OF RIGHT TO POSSESSION

## How to fill out

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

### **DIRECTIONS**

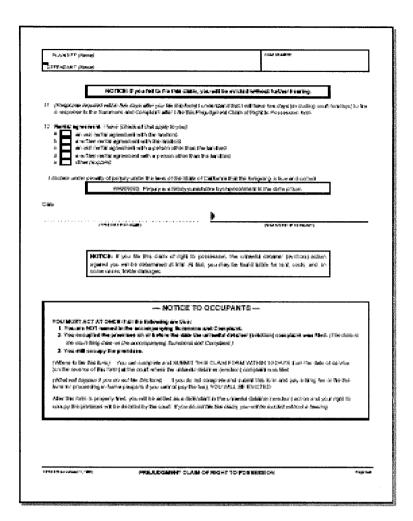
Leave this page blank—Unknown Defendants (if any) fill out this form.

**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 Anser from the date of mailing. A default may still be filed against the <u>named</u> 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.



## 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 WITHO              | OUT ATTORNEY (Name, State Bar number, and address):                       |                                       | FOR COURT USE ONLY  |
|--------------------------------------|---|---------------------------------------|---|
|                                      |   |                                       |   |
|                                      |   |                                       |   |
| TELEPHONE NO.:                       | FAX NO. (Optional):   |                                       |   |
| E-MAIL ADDRESS (Optional):           |   |                                       |   |
| ATTORNEY FOR (Name):                 |   |                                       |   |
| SUPERIOR COURT OF<br>STREET ADDRESS: | CALIFORNIA, COUNTY OF MERCED 627 W. 21st Street                           | )                                     |   |
| MAILING ADDRESS:                     | 627 W. 21st Street  |                                       |   |
| CITY AND ZIP CODE:                   | Merced, CA 95340  |                                       |   |
| BRANCH NAME:                         | CIVIL DIVISION  |                                       |   |
| PLAINTIFF/PETITIOI                   | NER:  |                                       | CASE NUMBER:  |
| DEFENDANT/RESPOND                    | ENT:  |                                       |   |
| DEFENDANT/RESPOND                    | EIN1.   |                                       |   |
|                                      | PROOF OF SERVICE OF SUMMON  | IS.                                   | Ref. No. or File No.:   |
|                                      |   | iS                                    |   |
|                                      | (Separate proof of service is   | required for each party ser           | ved.)   |
|                                      | ce I was at least 18 years of age and not a                               | a party to this action.               |   |
| 2. I served copies of:               |   |                                       |   |
| a summo                              | ons   |                                       |   |
| b compla                             | int   |                                       |   |
| c. Alterna                           | tive Dispute Resolution (ADR) package                                     |                                       |   |
| d. Civil Ca                          | ase Cover Sheet (served in complex cases                                  | s only)                               |   |
| e. cross-c                           | complaint   |                                       |   |
| f other (s                           | specify documents):   |                                       |   |
| 3. a. Party served (sg               | pecify name of party as shown on docume                                   | nts served):                          |   |
| o. a. raity octived (o)              | seems that the or party as shown on accumen                               | nio dorvou).                          |   |
|                                      |   |                                       |   |
|                                      | other than the party in item 3a) served on b                              |                                       |   |
| under iter                           | m 5b on whom substituted service was ma                                   | ide) (specify name and reia           | tionsnip to the party named in item 3a):                        |
| 4 Address where the                  | porty was sorved:   |                                       |   |
| 4. Address where the                 | party was served.   |                                       |   |
| 5. I served the party (              | check proper box)   |                                       |   |
|                                      | <b>sonal service.</b> I personally delivered the d                        |                                       |   |
| receive                              | service of process for the party (1) on (da                               | ,                                     | (2) at (time):  |
|                                      | stituted service. On (date):  | ' '                                   | eft the documents listed in item 2 with or                      |
| in the p                             | resence of (name and title or relationship                                | to person indicated in item           | 3):   |
| (4)                                  | T (business) a narrow at least 10 years                                   | of any apparently in abara            | a at the office or your place of business                       |
| (1)                                  | of the person to be served. I informed                                    | · · · · · · · · · · · · · · · · · · · | e at the office or usual place of business ature of the papers. |
|                                      | ·   | -                                     |   |
| (2)                                  | (home) a competent member of the hopace of abode of the party. I informed |                                       |   |
| /o\                                  | , , ,   |                                       | apparently in charge at the usual mailing                       |
| (3)                                  |   |                                       | ostal Service post office box. I informed                       |
|                                      | him or her of the general nature of the                                   |                                       |   |
| (4)                                  | I thereafter mailed (by first-class, post                                 |                                       | documents to the person to be served                            |
|                                      | at the place where the copies were lef                                    | t (Code Civ. Proc., § 41 <u>5.2</u>   | 0). I mailed the documents on                                   |
|                                      | (date): from (city):  | or                                    | a declaration of mailing is attached.                           |
| (5)                                  | I attach a declaration of diligence st                                    | ating actions taken first to a        | 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 paraddress shown in item 4, by first-class mail, postage prepaid,   |  |  |
| (1) on (date): (2) from (  | •,   |  |
| <ul> <li>(3) with two copies of the Notice and Acknowledgment of Rection to me. (Attach completed Notice and Acknowledgement (4) to an address outside California with return receipt reque</li> </ul>   | of Receipt.) (Code Civ. Proc., § 415.30.)  |  |
| d. <b>by other means</b> (specify means of service and authorizing code se   | ction):  |  |
| 416.20 (defunct corporation) 416.60 416.30 (joint stock company/association) 416.70 416.40 (association or partnership) 416.90   | 5 (business organization, form unknown)<br>0 (minor)<br>0 (ward or conservatee)<br>0 (authorized person)<br>6 (occupant) |  |
| 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  (3) a registered California process server:  (i) owner employee independent contract  (ii) Registration No.:  (iii) County: | section 22350(b).  |  |
| 8. I declare under penalty of perjury under the laws of the State of Californ  | ia that the foregoing is true and correct.   |  |
| or   |  |  |
| 9. I am a California sheriff or marshal and I certify that the foregoing is to   | rue and correct.   |  |
| Date:  |  |  |
| •  |  |  |
| (NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)  | (SIGNATURE )   |  |

|   |  | PO5-019  |  |  |  |  |
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| (27) AMC 309 1,000<br>36(AMC) 1984  | •  |  |  |  |  |  |
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| CHEROMETER SPECIFICAL   | MI:  |  |  |  |  |  |
|   | PROOF OF SERVICE OF SUMMONS  | Simple finding and Primer Machine  |  |  |  |  |
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| s direction   | t  |  |  |  |  |  |
| 3. a. Party served (spe   | only range of party as shown on documents assembly:  |  |  |  |  |  |
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| <b>1</b> 0 □  |  |  |  |  |  |  |
| (3)   |  |  |  |  |  |  |
| £26   | (2)  |  |  |  |  |  |
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| (5)   | interior declaration of different states actions to  | en fint le abendi personal service.  |  |  |  |  |
| Farm. And a yeard has belt references than<br>An Straight Common a 10 Conference<br>Frield Straight (Common Company) (Fig. 1) | PROOF OF SERVICE OF SUM  | Pagaria 3  Onda of Code Strong-bour, § 147-56  Annual of Code Strong-bour, § 147-56  Annual of Code Strong-Bour, Care- proved Strong-Bour, Care- |  |  |  |  |

## PROOF OF SERVICE OF SUMMONS (POS-010)

- Find the number on the sample form. *Example:*
- 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.

- 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.
- Fill in the names of the Plaintiff and Defendant. (The Plaintiff is the person that starts a case against another person, the Defendant.)
- 1 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.
- 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:  |   | CASE NUMBER  |  |  |  |
|--|---|--|--|--|--|
| DEFENDANT/RESPONDENT:  | w   |  |  |  |  |
|  |   |  |  |  |  |
|  | c by mall and acknowledgment of receipt of service. I mailed the documents stated in item 2 to the perty, to the address shown in Item 4, by first-class mail, postage prepaid; |  |  |  |  |
| (1) on (data):   | (2) from (city):  |  |  |  |  |
| (3) with two copies of the Notice and Acknowled<br>envelope addressed to me. (Attach complet<br>(Code Civ. Proc., § 415.30.)   | igment of Receipt (fe<br>ed Notice and Ackn   | orm 982(a)(4)) and a postage-paid return<br>owledgement of Receipt (form 982(a)(4).) |  |  |  |
| (4) to an address outside California with return   | receipt requested (   | (Code Civ. Proc., § 415.40.)   |  |  |  |
| d. by other means (specify means of service and authori  | zing code section);   |  |  |  |  |
| <b>6</b>   |   |  |  |  |  |
| Additional page describing service is attached.  |   |  |  |  |  |
| The "Notice to the Person Served" (on the summons) was complete.   | ted as follows:   |  |  |  |  |
| a es an individual defendant.  |   |  |  |  |  |
| b as the person sued under the fictitious name of (specific  | w: <b>13</b>  |  |  |  |  |
| c. On behalf of (specify):   |   |  |  |  |  |
| under the following Code of Civil Procedure section  | _   |  |  |  |  |
| 418.10 (comporation)   |   | neas organization, form unknown)   |  |  |  |
| 416.20 (defunct corporation)   | 416.60 (mino  |  |  |  |  |
| <ul> <li>416.30 (joint stock company/association)</li> <li>416.40 (association or partnership)</li> </ul>  |   |  |  |  |  |
| 416.50 (public entity)   | 416.90 (auth  |  |  |  |  |
| i.i.s. 416.30 (paddic #Hay)  | other   | pant,  |  |  |  |
| 7. Person who served papers a. Name: b. Address. c. Teliophone numbor: d. The fee for service wae: \$ e. I am: (1) not a registered California process server.   |   |  |  |  |  |
| (2) exempt from registration under Business and Profe (3) registered California process server: (I) Employee or independent contractor. (II) Registration No.:   | esione code section   | 1 2233U(U).  |  |  |  |
| (iii) County:  |   |  |  |  |  |
| I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.  or  I am a California sheriff or marshal and 1 certify that the foregoing is true and correct. |   |  |  |  |  |
| Date:  |   |  |  |  |  |
|  |   |  |  |  |  |
|  | <u>}</u>  |  |  |  |  |
| Charge of Person Who Served Papers/Shiffilipe on Marshall  |   | (SICHATUFE);   |  |  |  |
|  |   |  |  |  |  |
|  |   |  |  |  |  |
|  |   |  |  |  |  |
|  |   |  |  |  |  |
| POS-010 (Per Jerusty 1 2004) PROOF OF SERVICE  | OF SUMMONS  | Page 2 of 2  |  |  |  |
|  |   |  |  |  |  |

## PROOF OF SERVICE OF SUMMONS (POS-010)

- page two -

- Find a number on the sample form *Example:*
- 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.

- 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.
- 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).
- 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.
- 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.
- *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.
- Check first box if you are NOT a California sheriff or marshal. Check second box if you are a sheriff or marshal in California.
- Date the form. Type or print your name on the left. Sign your name on the right.

|                                |  |   |  | CD 100   |
|--------------------------------|--|---|--|--|
| ATTOR                          | RNEY OR PARTY V                                      | MTHOUT ATTORNEY (Name, State Bar numb   | er, and address):  | FOR COURT USE ONLY   |
|                                |  |   |  |  |
| E-MAII                         | PHONE NO.:<br>L ADDRESS:<br>RNEY FOR ( <i>Name</i> ) | ):  | FAX NO.:   |  |
| SUP!<br>STRE<br>MAIL<br>CITY A |  | T OF CALIFORNIA, COUNTY OF<br>627 W. 21st Street<br>627 W. 21st Street<br>MERCED, CA 95340<br>CIVIL DIVISION  | MERCED   |  |
|                                | Plaintiff:<br>Defendant:                             |   |  |  |
|                                |  | ANSWER-UNLAWF   | UL DETAINER  | CASE NUMBER:   |
|                                | efendant (ea<br>igns):                               | ach defendant for whom this ans   | swer is filed must be named and must sign  | n this answer unless his or her attorney   |
|                                | Check ONLY Def \$1,0                                 | 000.)<br>endant admits that all of the sta  | tements of the complaint are true EXCEP statements of the complaint are false sta  | this box if the complaint demands more than  T:  ate paragraph numbers from the complaint  MC-025, titled as Attachment 2b(1).                                     |
|                                | (2)  | them (state paragraph number  | or belief that the following statements of the statements of the statements of the statement of the statemen | he complaint are true, so defendant denies on form MC-025):  |
| а                              | (noi   | npayment of rent only) Plaintiff h  | n box checked, you must state brief facts that breached the warranty to provide hab  |  |
| b<br>c<br>d<br>e<br>f.         | not (not) (not) the Plai Plai By: defe               | give proper credit.  npayment of rent only) On (date rent due but plaintiff would not a intiff waived, changed, or cance intiff served defendant with the reserving defendant with the notice endant in violation of the Consti | e): before the no  | otice to pay or quit expired, defendant offered liate against defendant. arbitrarily discriminating against the California.  |
| h<br>i.                        | n. Pla<br>Plai<br>don<br>resi                        | intiff accepted rent from defenda<br>intiff seeks to evict defendant ba<br>nestic violence, sexual assault.   | stalking, human trafficking, or abuse of ar<br>or police report not more than 180 days o   | e the notice to quit expired. ber of defendant's household that constitute n elder or a dependent adult. (A temporary old is required naming you or your household |
| j.                             | . Dth  | ner affirmative defenses are stat   | ted in item 3k.  | Page 1 of 2  |

|     |  |  | UD-10   |
|-----|--|--|---|
|     |  |  | CASE NUMBER:  |
|     |  |  |   |
| 3   | AFFIRMATIVE DEFENSES (cont'd)  |  |   |
|     |  |  | ch item by its letter from page 1 below or on form  |
| 4.  | OTHER STATEMENTS  a. Defendant vacated the premises of the premises of the premise Explanation is on MC-025, times the premise of the premise | es alleged in the complaint is exce                                  | essive (explain below or on form MC-025):   |
|     | c. Other (specify below or on form MC-   | ·  |   |
| 5.  | e. Other (specify below or on form MC  | e repairs and correct the condition the monthly rent to a reasonable | ns that constitute a breach of the warranty to provide rental value until the conditions are corrected. |
| 6.  | Number of pages attached:  |  |   |
| 7   |  | ASSISTANT (Bus. & Prof. Code   |   |
| ٠.  | assistance with this form. (If defendant has re  | eceived <b>any</b> help or advice for pa                             | not did for compensation give advice or<br>y from an unlawful detainer assistant, state):               |
|     | a. Assistant's name:   | b. Tele  | ephone No.:   |
|     | c. Street address, city, and zip code:   |  |   |
|     | d. County of registration:   | e. Registration No.:   | f. Expires on (date):   |
| (Eá | ach defendant for whom this answer is filed mu   | ust be named in item 1 and must                                      | sign this answer unless his or her attorney signs.)  (SIGNATURE OF DEFENDANT OR ATTORNEY)               |
|     | (TYPE OR PRINT NAME)   | <b>7</b>   | (SIGNATURE OF DEFENDANT OR ATTORNEY)  |
|     | (THE OILL MAIL)  |  | (   |

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

| l am a citize        | en of the United States and a resident of the Coun  | ty of                       |
|----------------------|---|-----------------------------|
|                      | of eighteen years and not a party to the within ent |                             |
|                      | , I served the within                               |                             |
| In said action, by p | lacing a true copy thereof enclosed in a sealed en  | velope with postage         |
| thereon full pre-pa  | nid, in the United States mail at                   |                             |
| California addresse  | ed as follows:                                      |                             |
| Ι,                   |   | _, declare under penalty of |
| perjury, the forego  | ing is true and correct.                            |                             |
| Executed on          | , at  | , California.               |
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|  | TELEPHONE NO.: FOR COUR  | TUSE ONLY   |
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| RITORNEY FOR (Watto):  | -  |   |
| NAME OF COUNT:   |  |   |
| STREET ACCRESS:  |  |   |
| MAILING ADDRESS;   |  |   |
| CITY AND ZIP CGGE:   |  | •   |
| BRANCH NAME:   |  |   |
| FLAINTIEF:   |  |   |
|  |  |   |
| DEFENDANT:   |  |   |
|  |  |   |
|  | CASE MONOBR  | ····  |
| ANSWER—Unlawful Detainer   |  |   |
| Another Cinawith Detainer  |  |   |
| **************************************   |  |   |
| . Defendant (names):   |  |   |
|  |  |   |
| answers the complaint as follows:  |  |   |
| anamera ina compianicas ionora.  |  |   |
| . Check ONLY ONE of the next two boxes:  |  |   |
|  |  |   |
| <ul> <li>Defendant generally denies each statement of the con</li> </ul>   | plaint. (Do not check this box if the complaint  | demands more  |
| than \$1,000).   |  |   |
| <ul> <li>Defendant admits that all of the statements of the com</li> </ul>   | laint are true EXCEPT  |   |
| (1) Defendant claims the following statements of the o   | emolaint ara falsa Ama naragoagh aventora fe   | am the enmetalet  |
|  | implant are laise (uso paragraph fullibers in  | жи ине сотприяти  |
| or explain);   |  |   |
|  |  |   |
|  |  |   |
|  |  |   |
| Continued on Attachment 2b(1).   |  |   |
| (2) Defendant has no information or belief that the following  | wing statements of the complaint are true, so  | defendant denies  |
| them (use paragraph numbers from the complaint   |  |   |
|  |  |   |
|  |  |   |
| Continued on Attachment 2b(2).   |  |   |
|  |  |   |
|  |  |   |
|  | and mount where trains founds to account 2 in the annual 2   |   |
| AFFIRMATIVE DEFENSES (NOTE: For each box checked, )  | ou must state brief facts to support it in the sp  | ace provided at the   |
| AFFIRMATIVE DEFENSES (NOTE: For each box checked, y top of page two (item 3j).)  |  | ace provided at the   |
| AFFIRMATIVE DEFENSES (NOTE: For each box checked, y top of page two (item 3j).) a (nonpeyment of rent only) Plaintiff has breached the w   | rranty to provide habitable premises.  |   |
| AFFIRMATIVE DEFENSES (NOTE: For each box checked, y lop of page two (fiem 3]).) a (nonepyment of rent only) Plaintiff has breached tree w b (nanepyment of rent only) Defendant made needed re.  | rranty to provide habitable premises.  |   |
| AFFIRMATIVE DEFENSES (NOTE: For each box checked, y top of page two (item 3j).) a (nonpeyment of rent only) Plaintiff has breached the w   | rranty to provide habitable premises.  |   |
| AFFIRMATIVE DEFENSES (NOTE: For each box checked, y lop of page two (fiem 3]).) a (nonepyment of rent only) Plaintiff has breached tree w b (nanepyment of rent only) Defendant made needed re.  | rranty to provide habitable premises.<br>airs and properly deducted the cost from the  | rent, and plaintiff did   |
| AFFIRMATIVE DEFENSES (NOTE: For each box checked, y a. (nonpeyment of rent only) Plaintiff has breached the w b. (numpeyment of rent only) Defendant made needed reind (siy proper credit. c. (nonpeyment of rent only) On (data):   | rranty to provide habitable premises.  | rent, and plaintiff did   |
| AFIRMATIVE DEFENSES (NOTE: For each box checked, you for page two (item 3)).  a. [nonopyment of rent only) Plaintiff has breached the wind in the proper credit.  not give proper credit.  c. [nonopyment of rent only) On (dato): offered the rent due but plaintiff would not accept it.   | rranty to provide habitable premises.<br>airs and properly deducted the cost from the<br>, before the notice to pay or qui   | rent, and plaintiff did   |
| AFIRMATIVE DEFENSES (NOTE: For each box checked, y top of page two (item 3)].  a. (nonpeyment of rent only) Plaintiff has breached fine w b. (numpeyment of rent only) Defendant made needed rent of the proper credit.  c. (nonpeyment of rent only) On (data): offered the rent due but plaintiff would not accept it.  d. (Plaintiff walved, changed, or canceled the notice to qui   | rranky to provide habitable premises.<br>airs and properly deducted the cost from the<br>, before the notice to pay or qui   | rent, and plaintiff did   |
| AFIRMATIVE DEFENSES (NOTE: For each box checked, y on page two (item 3]).  a. [nonpayment of rent only) Plaintiff has breached the w b. [nunpayment of rent only) Defendant made needed rent of the page of the proper credit.  c. [nonpayment of rent only) On (date):  | rranky to provide habitable premises.  ains and properly deducted the cost from the  before the notice to pay or qui  the complaint to retailate against defendant.  | rent, and plaintiff did<br>t expired, defendant                                   |
| AFFIRMATIVE DEFENSES (NOTE: For each box checked, y top of page two (filem 3jl.) a. [nanpsyment of rent only) Plaintiff has breached the w b. [nanpsyment of rent only) Defendant made needed re; not give proper credit. c. [nonpsyment of rent only) On (dato): offered the rent due but plaintiff would not accept it. d. Plaintiff walved, changed, or canceted the notice to quit or filer to. By serving delendant with the notice toq quit or filer to. By serving delendant with the notice toq quit or filer to.  | rranty to provide habitable premises.  ains and properly deducted the cost from the  , before the notice to pay or qui  the complaint to rotaliole against defendant, complaint, plaintiff is arbitrarily discriminating.  | rent, and plaintiff did<br>t expired, defendant                                   |
| AFIRMATIVE DEFENSES (NOTE: For each box checked, y top of page two (fiem 3]).  a. [ (nonpayment of rent only) Plaintiff has breached the w b. [ (nunpayment of rent only) Defendant made needed rent) give proper credit.  c. [ (nonpayment of rent only) On (data): offered the rent due but plaintiff would not accept it.  d. [ Plaintiff walved, changed, or canceted the notice to quit or filter filter.  f. [ By serving delendant with the notice to quit or filter defendant in violation or flavs of the constitution or laws of the defendant in violation of the Constitution or laws of the   | rranky to provide habitable premises.  ains and property deducted the cost from the income to pay or quitthe complaint to retailate against defendant.  complaint to retailate against defendant.  complaint, plaintiff is arbitrarily discriminating hitted States or California.   | rent, and plaintiff did<br>t expired, defendant<br>against the                    |
| AFIRMATIVE DEFENSES (NOTE: For each box checked, y on of page two (riem 3]).  a. [nonopsyment of rent only) Plaintiff has breached the w b. [numpsyment of rent only) Defendant made needed rent give proper credit.  c. [nonpsyment of rant only] On (dato): offered the rent due but plaintiff would not accept it.  d. Plaintiff walved, changed, or canceled the notice to quit of the Plaintiff severed defendant with the notice to quit or filing the defendant in which the constitution or laws of the Plaintiffs demand for processions violates the local rend.  g. Plaintiff s demand for processions violates the local rend.   | rranky to provide habitable premises.  ains and property deducted the cost from the income to pay or quitthe complaint to retailate against defendant.  complaint to retailate against defendant.  complaint, plaintiff is arbitrarily discriminating hitted States or California.   | rent, and plaintiff did<br>t expired, defendant<br>against the                    |
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| AFFIRMATIVE DEFENSES (NOTE: For each box checked, y lop of page two (item 3j.)  a. (nonpsyment of rent only) Plaintiff has breached the b. (numpsyment of rent only) Defendant made needed event of the proper credit.  c. (nonpsyment of rent only) On (data): offered the rent due but plaintiff would not accept it. d. Plaintiff walved, changed, or canceted the notice to quit. Plaintiff served defendant with the notice to quit or filler b. By serving defendant with the notice to quit or filler b. defendant in violation of the Condition or laws of the g. Plaintiff's domand for posseson violates the local rent of ordinance, and date of passagn;  (Also, briefly state the facts showing violation of the ord  | rranty to provide habitable premises, ains and properly deducted the cost from the before the notice to pay or qui the complaint to retailible against defendant, complaint, plaintiff is arbitrarily discriminating United States or California, control or eviction control ordinance of (city or control or eviction control ordinance of (city or control in tiem 3j.)                                       | rent, and plaintiff did<br>t expired, defendant<br>against the<br>r county, title |
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| AFFIRMATIVE DEFENSES (NOTE: For each box checked, y lop of page two (item 3).]  a. (nonpayment of rent only) Plaintiff has breached the w b. (numpayment of rent only) Defendant made needed rent of the property of the control of the property of the control of cont | rranty to provide habitable premises, ains and properly deducted the cost from the characteristics of the complaint to retail a gainst defendant, complaint, plaintiff is arbitrarily discriminating united States or California. Control or eviction control ordinance of (city of control in tiem 3j.)  of time after the date the notice to quit expire   | rent, and plaintiff did<br>t expired, defendant<br>against the<br>r county, title |
| AFFIRMATIVE DEFENSES (NOTE: For each box checked, y lop of page two (item 3)].  a. (nonpayment of rent only) Plaintiff has breached the w b. (numpayment of rent only) Defendant made needed rent of the property of the control of the property of the control of cont | rranty to provide habitable premises, ains and properly deducted the cost from the before the notice to pay or qui the complaint to retailible against defendant, complaint, plaintiff is arbitrarily discriminating United States or California, control or eviction control ordinance of (city or control or eviction control ordinance of (city or control in tiem 3j.)                                       | rent, and plaintiff did<br>t expired, defendant<br>against the<br>r county, title |
| AFFIRMATIVE DEFENSES (NOTE: For each box checked, y and page two (item 3)].  a. (nonpeyment of rent only) Plaintiff has breached fixe w b. (nonpeyment of rent only) Defendant made needed rent of the proper credit.  c. (nonpeyment of ran only) On (data): offered the rent due but plaintiff would not accept it.  d. Plaintiff walved, changed, or canceted the notice to quit or filter Plaintiff served defendant with the notice to quit or filter by serving defendant with notice to quit or filter filter than the content of the constitution of two of the g. Plaintiff's domain for possession violates the local rent of ordinance, and deter of passager):  (Also, birelly state the feats showing violation of the or Plaintiff accepted runt from defendant to cover a period of the call time to the constitution of the ordinance, and determined the constitution of the ordinance, and determined the constitution of the ordinance and determined the ordinance and determined the constitution of the ordinance and determined the constitution of the ordinance and determined the ordinance and deter | rranty to provide habitable premises.  ains and properly deducted the cost from the characters of the complaint to retaillate against defendant. complaint to retaillate against defendant. complaint, plaintiff is arbitrarily discriminating Inited States or California. control or evicilion control ordinance of (city or instead in them 3j.) of time after the date the notice to quit expire on reverse) | rent, and plaintiff did<br>t expired, defendant<br>against the<br>r county, title |

## ANSWER – Unlawful Detainer UD-105

## **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 (Name, S   | State Bar number, and address):  | FOR COURT USE ONLY   |
|---|--|--|
| _   |  |  |
| TELEPHONE NO  | <b>-</b>   |  |
| TELEPHONE NO.:  E-MAIL ADDRESS (Optional):  ATTORNEY FOR (Name):                                  | FAX No. (Optional):  |  |
| SUPERIOR COURT OF CALIFORNIA, CO  | UNTY OF MERCED   |  |
| STREET ADDRESS: 627 W. 21st Street  |  |  |
| MAILING ADDRESS: 627 W. 21st Stre   |  |  |
| BRANCH NAME: CIVIL DIVISIO  |  |  |
| PLAINTIFF:  | 11   |  |
| DEFENDANT:  |  |  |
| REQUES  | ST COUNTER-REQUEST   | CASE NUMBER:   |
| TO SET CASE FO  | R TRIAL—UNLAWFUL DETAINER  |  |
| Plaintiff   | Defendant  |  |
|   | ent to the court that all parties have been served                                       |  |
|   | against them. I request that this case be set for  |  |
| <ol><li>Trial preference. The premises co</li></ol>   | ncerning this case are located at (street addres   | ss, apartment number, city, zip code, and county):                             |
| a. To the best of my knowle   | edge, the right to possession of the premises is   | still in issue. This case is entitled to legal                                 |
| preference under Code of  | of Civil Procedure section 1179a.  | suil in issue. This case is entitled to legal                                  |
| b. To the best of my knowle person is in possession of  | edge, the right to possession of the premises is of the premises.                        | no longer in issue. No defendant or other                                      |
| 3. Jury or nonjury trial. I request   | a jury trial a nonjury trial.  |  |
| 4. Estimated length of trial. I estimat   | e that the trial will take (check one):  |  |
| a. days (specify number):   | b. hours (specify if estim   | nated trial is less than one day):   |
| 5. <b>Trial date.</b> I am not available on the   | e following dates (specify dates and reasons for   | r unavailability):   |
| IINI AWEI   | JL DETAINER ASSISTANT (Bus. & Prof. 0  | Codo 88 6400_6415)   |
|   |  | ,  |
| <ol><li>(Complete in all cases.) An unlawfu<br/>assistance with this form. (If declaral</li></ol> | I detainer assistant did <b>not</b> did not has received any help or advice for pay from | for compensation give advice or an unlawful detainer assistant, complete a–f.) |
| a. Assistant's name:  | c. Tele  | phone no.:   |
| b. Street address, city, and zip code   | e: d. Cour   | nty of registration:   |
|   | e. Reg   | istration no.:   |
|   | f. Expi  | ires on <i>(date):</i>   |
|   | the laws of the State of California that the foreg                                       | going is true and correct.   |
| Date:   |  |  |
| (TYPE OR PRINT NAME)  | (SIGNAT  | TURE OF PARTY OR ATTORNEY FOR PARTY)   |
|   | NOTIOE   |  |
|   | NOTICE   |  |
| <ul> <li>An unlawful detainer case mu<br/>for trial is made (Code Civ. Pr</li> </ul>              | ist be set for trial on a date not later than <b>20 da</b> y<br>roc                      | ys after the first request to set the case                                     |
|   | ust be deposited with the court 5 days before tri  | ial (Code Civ. Proc., § 631).  |
| Court reporter and interpreter  | services vary. Check with the court for availab  | oility 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:   |   | CASE NUMBER:   |
|--|---|--|
| DEFENDANT:   |   |  |
| PROOF (  | OF SERVICE BY MAIL  |  |
| Instructions: After having the parties served by mail with the (form UD-150), have the person who mailed the form UD-15 Service by Mail should be completed and served with form UM-150) and the completed Proosomeone else must mail these papers and sign the Proof of | 60 complete this Proof of Service<br>JD-150. Give the Request/Coun<br>f of Service by Mail to the clerk f | by Mail. An <b>unsigned</b> copy of the Proof of ter-Request to Set Case for Trial |
| <ol> <li>I am over the age of 18 and not a party to this case. I a</li> <li>My residence or business address is (specify):</li> </ol>  | am a resident of or employed in t   | he county where the mailing took place.  |
| I served the Request/Counter-Request to Set Case for The addressed to each person whose name and address are   |   | 0-150) by enclosing a copy in an envelope  |
| a. depositing the sealed envelope in the United S fully prepaid.   | States mail on the date and at the  | e place shown in item 3c with the postage  |
| b. placing the envelope for collection and mailing business practices. I am readily familiar with thi mailing. On the same day that correspondence of business with the United States Postal Service.  | s business's practice for collectir<br>is placed for collection and maili                                 | ng and processing correspondence for ng, it is deposited in the ordinary course    |
| c. (1) Date mailed:  |   |  |
| (2) Place mailed (city and state):   |   |  |
| I declare under penalty of perjury under the laws of the Stat  | e 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 FACI   | L DEDOON TO MULOM NOT   | 05 W40 W4U 5D  |
| NAME AND ADDRESS OF EACH   |   |  |
| <u>Name</u>  | Address (number, stre   | et, city, and zip code)  |
| 4.   |   |  |
| 5.   |   |  |
| 6.   | ,   |  |
| 7.   |   |  |
| 8.   |   |  |
| 9.   |   |  |
| List of names and addresses continued on a sepa<br>Mail.   | Larate attachment or form MC-025  | 5, titled Attachment to Proof of Service by  |

| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Ber number   | er, and address)  |  |  |   | 982(a)   |
|--|---|--|--|---|--|
| _  | a, ora addressy.  |  |  |   |  |
|  |   |  |  |   |  |
| •  |   |  |  |   |  |
| TELEPHONE NO.:<br>E-MAIL ADDRESS (Optional).   | FAX NO (Optional).  |  |  |   |  |
| ATTORNEY FOR (Name)  |   |  |  |   |  |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF  |   |  |  |   |  |
| STREET ADDRESS:  |   |  |  |   |  |
| MAILING ADDRESS  CITY AND ZIP CODE:  |   |  |  |   |  |
| BRANCH NAME:   |   |  |  |   |  |
| PLAINTIFF/PET/TIONER:  |   |  |  |   |  |
| DEFENDANT/RESPONDENT: 3  |   |  |  |   |  |
| REQUEST FOR Entry of De  | fault Clerk'  | s Judgment   | CASE NUMBER  |   |  |
| (Application) Court Judge  |   | o oddgillerit  | (  |   |  |
| TO THE CLERK: On the complaint or cross-complaint or cross-compla  |   |  |  | _   |  |
| a. on (date):  |   |  |  |   |  |
| b. by (name):  |   |  |  |   |  |
| <ul> <li>Enter default of defendant (names):</li> </ul>  |   |  |  |   |  |
| d. I request a court judgment under Code   |   |  |  |   |  |
| (Testimony required. Apply to the clark Code Civ. Proc., § 595(d).)  Enter clark's judgment  (1) for restitution of the premises section 1174(c) does not app  | s only and issue a writ of<br>ply. (Code Civ. Proc., § 1  | execution on t   | he judgment. (   | Code of Ci  | vil Procedure  |
| e Code Ok. Proc., \$ 585(d).  e Ener clerk's judgment  (1) for restitution of the premise section 1174(c) does not app include in the judgmen The Prejudgment Claim scion 415.48.  (2) under Code of Civil Procedu   | s only and issue a writ of<br>ply. (Code Civ. Proc., § 1<br>t all tenants, subtenants,<br>n of Right to Possession<br>re section 585(a). (Comp.   | execution on t<br>169.)<br>named claima<br>was served in   | he judgment. Onto<br>nts, and other<br>compliance wit  | Code of Ci<br>occupants<br>h Code of  | vil Procedure<br>of the premises.<br>Civil Procedure                                       |
| e. Enter derk's judgment  o. Enter derk's judgment  (1) for restitution of the premise section 1174(c) does not app include in the judgmen  The Prejudgment Claim section 415.46.  (2) under Code of Civil Procedu reviews (flem 5))  (3) for default previously entered   | s only and issue a writ of ply. (Code Civ. Proc., § 1 t all fenants, subtenants, n of Right to Possession re section 585(a). (Comp. d on (date):  | execution on t<br>169.)<br>named claima<br>was served in<br>plete the declar   | he judgment. (<br>nts, and other<br>compliance wit<br>ation under Co   | Code of Ci<br>occupants<br>h Code of  | vil Procedure<br>s of the premises.<br>Civil Procedure<br>roc., § 585,5 on th              |
| e. Enter derk's judgment  e. Enter derk's judgment  (1) for restitution of the premise section 1174(c) does not any section 1174(c) does not any include in the judgmen The Projudgment Claim (2) under Code of Chill Procedu riverses (fam 5))  (3) for default previously enteret 2. Judgment to be entered.   | s only and issue a writ of ply. (Code Civ. Proc., § 1 all tenants, subtenants, n of Right to Possession re section 585(a). (Comp. d on (date):  Amount  | execution on t<br>169.)<br>named claima<br>was served in<br>plete the declar   | he judgment. Onto<br>nts, and other<br>compliance wit  | Code of Ci<br>occupants<br>h Code of  | vil Procedure<br>of the premises.<br>Civil Procedure                                       |
| e. Code Civ. Proc., \$ 585(d).  Enter clerk's judgment  (1) for restitution of the premise section 1174(c) does not app include in the judgment. The Prejudgment Claim Section 415.46.  (2) under Code of Civil Procedu nevers (fem 5))  (3) for default previously entered.  2. Judgment to be entered.  a. Demand of complaint \$ b. Statement of damages.*  | s only and issue a writ of<br>only. (Code Civ. Proc., § 1<br>all linants, sublemants,<br>or of Right to Possession<br>re section 585(a). (Comp<br>of the Comp<br>Amount   | execution on t<br>169.)<br>named claima<br>was served in<br>olete the declar<br>Credits ac   | he judgment. (<br>nts, and other<br>compliance wit<br>ation under Co   | Code of Ci<br>occupants<br>In Code of<br>ode Civ. Pi  | vil Procedure<br>s of the premises.<br>Civil Procedure<br>roc., § 585,5 on th              |
| e Code Civ. Proc., \$ 585(d).  e Enter clerk s judgment  (1) for restitution of the premise section 1174(c) does not applicate in the judgment of the premise section 145.46.  (2) funder Code of Civil Procedure (fem 5).  (3) for default previously entered.  2. Judgment to be entered.  a. Demand of complaint \$  b. Statement of damages *  (1) Special \$ \$   | s only and issue a writ of<br>oly, (Code Civ. Proc., § 1<br>t all tenants, subtenants,<br>n of Right to Possession<br>re section 585(a). (Comp.<br>d no (date):<br>Amount   | execution on the second of the | he judgment. (<br>nts, and other<br>compliance wit<br>ation under Co   | Code of Ci<br>occupants<br>In Code of<br>ode Civ. Pi  | vil Procedure<br>s of the premises.<br>Civil Procedure<br>roc., § 585,5 on th              |
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| e. Code Civ. Proc., \$ 585(d).  Enter clerk s judgment  (1)  | s only and issue a writ of<br>ply. (Code Civ. Proc., § 1<br>t all tenants, subtenants,<br>or of Right to Possession<br>re section 585(a). (Comp.<br>d on (date):<br>Amount  | execution on the second of the | he judgment. (<br>nts, and other<br>compliance wit<br>ation under Co   | Code of Ci<br>occupants<br>h Code of<br>ide Civ. Pi<br>\$<br>\$<br>\$<br>\$<br>\$<br>\$             | vil Procedure<br>s of the premises.<br>Civil Procedure<br>roc., § 585,5 on th              |
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| e. Code Civ. Proc., § 585(di.)  e. Enter clerk's judgment  (1) for restitution of the premise section 1174(c) does not applicate the project procedure section 1174 (c) the project proviously enteror 2. Judgment to be entered.  a. Demand of complaint \$  b. Statement of damages *  (1) Special \$  c) Interest \$  d. Costs (see reverse) \$  e. Altoney fees \$  f. TOTALS \$  g. Daily damages were demanded in complair (*Personal injury or wrongful death ections; Co.)  3   | s only and issue a writ of only. (Code Civ. Proc., § 1 tall tenants, subtenants, or of Right to Possession re section 585(a). (Comp. d on (date):  Amount  at the rate of: \$ de Civ. Proc., § 425.11.)   | execution on 1 169.) named claima was served in incredits ac Credits ac S S S S S S S S S S S S S S S S S S  | he judgment. Onts, and other compliance wit with the compliance wi | Code of Ci occupants h Code of de Civ. P) \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$  | vil Procedure of the premises. Civil Procedure roc. § 585.5 on th Balance                  |
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| e. ☐ Code Civ. Proc., § 585(di.)  Enter clerk is judgment  (1) ☐ for restitution of the premise section 1174(c) does not any include in the judgment of the prejudgment of the prejudgment Claim section 415.46.  (2) ☐ under Code of Civil Procedureves (farm 5).  (3) ☐ for default previously entered.  a. Demand of complaint . \$  b. Statement of damages *  (1) Special . \$  (2) General . \$  c. Interest . \$  d. Costs (see reverse) . \$  e. Altorney fees . \$  f. TOTALS . \$  g. Daily damages were demanded in complain (*Personal injury or wrongful death actions; Co.)  (Check if filled in an unlewful detainer case the reverse (complete tem 4).  Date:  | s only and issue a writ of ply. (Code Civ. Proc., § 1 tall tenants, subtenants, or of Right to Passession re section 585(a). (Comp. d on (date):  Amount  at the rate of: \$ de Civ. Proc., § 425.11.)  Legal document assi:  | execution on the 1693) named claima was served in lote the declar Credits acc S S S S S S S S S S S S S S S S S S  | he judgment. Onts, and other compliance wit with the compliance wi | Code of Ci occupants h Code of ide Civ. Pi \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ | vil Procedure of the premises. Ctvil Procedure oc., § 585.5 on the Balance                 |
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| Code Civ. Proc., § 585(di.)  e. Enter clerk's judgment  (1) for restitution of the premise section 1174(c) does not applicate the project process of the project process of the project process (flem 5).  (2) for default previously entered.  2. Judgment to be entered. 3. Demand of complaint . \$  5. Statement of damages *  (1) Special . \$  (2) General . \$  d. Costs (see reverse) . \$  e. Altomey fees . \$  f. TOTALS . \$  Judgment death actions; Co.  Judgment of damages *  (1) Special . \$  Costs (see reverse) . \$  e. Altomey fees . \$  f. Tothaus . \$  Judgment of damages *  (2) General . \$  Judgment of damages *  (1) Special . \$  Judgment of between . \$  d. Costs (see reverse) . \$  e. Altomey fees . \$  Judgment of damages *  (2) General . \$  Judgment of complete . \$  J | s only and issue a writ of ply. (Code Civ. Proc., § 1 tall tenants, subtenants, or of Right to Passession re section 585(a). (Comp. d on (date):  Amount  at the rate of: \$ de Civ. Proc., § 425.11.)  Legal document assi:  | execution on 1 169.) named claima was served in 169.) Credits ac S S S S S S S S S S S S S S S S S S   | he judgment. Cinis, and other compliance will attend under Co strowledged arrivation under Co strowledged arr day beginning full detailner a   | Code of Ci occupants h Code of ide Civ. Pi \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ | vil Procedure of the premises. Chil Procedure ore. § 585.5 on the Balance                  |
| e. Code Civ. Proc., § 585(di.)  Enter clerk is judgment  (1) for restitution of the premise section 1174(c) does not applicate the prejudgment of the premise section 1174(c) does not applicate the prejudgment Claim section 1154.86.  (2) under Code of Civil Procedureverse (farm 5).  (3) for default previously entered:  a. Demand of complaint \$  b. Statement of damages *  (1) Special \$  (2) General \$  c. Interest \$  d. Costs (see reverse) \$  e. Altomey fees \$  f. TOTALS \$  g. Daily damages were demanded in complaint (*Personal injury or wrongful death actions; Co.)  (1) Check if filed in an unlawful detainer case the reverse (compilete tem 4).  Date:  | s only and issue a writ of phy. (Code Civ. Proc., § 1 tall tenants, subtenants, or fixight to Possession te section 585(a). (Comp. Amount)  and at the rate of: \$ de Civ. Proc., § 425.11.) b) Legal document assistated to the computer of th | execution on the test of the t | he judgment. Cinis, and other compliance will attend under Co strowledged arrivation under Co strowledged arr day beginning full detailner a   | Code of Ci occupants h Code of ide Civ. Pi \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ | vil Procedure of the premises. CMI Procedure oc., § 585.5 on the Balance information is on |
| e. Code Civ. Proc., § 585(di.)  Enter clerk is judgment  (1) for restitution of the premise section 1174(c) does not applicate the project procedure section 415-46.  (2) under Code of Civil Procedures (firm 5).  (3) for default previously entered.  2. Judgment to be entered.  a. Demand of complaint \$  5. Statement of damages *  (1) Special \$  (2) General \$  c. Interest \$  d. Costs (see reverse) \$  s. Attorney fees \$  f. TOTALS \$  g. Daily damages were demanded in complaint Personal injury or wrongful death actions; Co.  3 (Check if filed in an unlawful detainer case the reverse (complete item 4).  Date:  | s only and issue a writ of hy. (Code Civ. Proc., § 1 tall tenants, subtenants, or of Right to Possession re section 585(a). (Comp. d on (date):  Amount  at at the rate of: \$ de Civ. Proc., § 425.11.) b) Legal document assistants of the control of | execution on on 169) named claima was served in Credits ac \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$  | he judgment. Cinis, and other compliance will attend under Co strowledged arrivation under Co strowledged arr day beginning full detailner a   | Code of Ci occupants h Code of ide Civ. Pi \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ | vil Procedure of the premises. Chil Procedure ore. § 585.5 on the Balance                  |

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

- Find the number on the sample form.

  Example:
- 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.
- 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.
- Check "Entry of Default" to get an eviction. In most cases if you check this box, also check "Clerk's Judgment."
  - <u>OR</u> check "Court Judgment" if your want the defendant to pay back rent.
- 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.
- 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."
- 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.
- 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.
- DO NOT WRITE IN THIS SECTION.

| PLASTIFF PETTENER  | CAGENDAGER   |
|--|--|
| DEFENDANT/RESPONDENT   | ***  |
| Legal document assistant or unlawful detainer assistant (Bu or unlawful detainer assistant   | empensation give advice or assistance with this form   |
| Assistant's name     Street address, city, and zup code:   | Tellisphosie stor.     d. Country of registration:     e. Registration no.     f. Expires on (obto):   |
| a is is not on a contract or installment sale for go   | 5 (required for early of definit under Code Ciz. Proc., § 583/ari)<br>ods or services subject to Div. Code, § 1801 et seq. (Uniuh Act).<br>to Div. Code, § 7981 at seq. (Rees Levrang Motor Vehicle Rales  |
| c is is is sext can an exhigation for goods, services, to  | ans, or extensions of credit subject to Code Civ. Proc_§ 395(b).   |
| 6 Declaration of mailing (Code Giv. Proc., § 587). A copy of this  | Request for Entry of Default was   |
| a I not mailed to the following defendants, whose address  | es are unknown to plaintiff or plaintiff's atterney (names):   |
| b malted first class, postage prepaid, in a sealed envelop<br>to each defendant's last lexivin address as follows  | e addressed to each defendant's attempy of record or, if none,   |
| (1) Mailed on (data):  | (2) To (specify names and addresses shown on the envelopes)  |
| I declare under possily of perjury under the laws of the State of Calif<br>Date  | <u> </u>   |
|  | ornip that the toxegoing dems. 4, 5, and 6 are true and corned.  GROWING GROUNDS   |
| Date  The constant susses  7. Memorandum of costs (unquired if stoney judgment requested) § 1003.5).   | COSCAPATIONE OF DECISIONATED   |
| The consistent russes  7. Memorandum of costs (skytureed d money pudgment requested) § 1033.5).  a Clarks Bling leas.  \$  | COSCAPATIONE OF DECISIONATED   |
| Date  The consent Name  7. Memorandum of costs (sixpused if money judgment requested) § 1033.5). a Clerk's filing face  \$ Process server's faces \$   | COSCAPATIONE OF DECISIONATED   |
| Date  ### Opening Content (Content (Con | COSCAPATIONE OF DECISIONATED   |
| Date  #DITE OF EAST NAME)  7. Memorandum of costs (sequized if above) subgreent requestedly \$1903.5.) a. Clark's filing fees. b. Procass servor's fees. c. Other (speedy) d. S.   | COSCAPATIONE OF DECISIONATED   |
| Date  Type design state)  7. Memorandum of costs (sixpuzed d money judgment requested) § 1033.5).  a Clerk's filing (see \$ \$ b Process server's fees \$ \$ c. Other (speedy) \$ \$ d \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$   | CSCLARITIME OF DECISARATED   |
| Date  The person bases  7. Memorandum of costs (sequend d above) pedgment requested) § 1933.5), a Clarks filing (sees \$ b Process server's Nees \$ c. Other (speedy) \$ d \$ f TOTAL \$ f Costs and disbursements are waived.   | Costs and disbursements are as follows (Code Civ. Pruc.)   |
| TOTAL  TOTAL  Total sand disbutsements are waived  1 am the atterney, agent, or persign who determs the second. To correct and these obsta. To correct and these costs. To correct and these costs were necessarily insurrect in this case.  | Costs and disbursements are as follows (Code Civ. Proc.)  15  the best of my knewledge and belief this memozandum of costs as  |
| Date    Type (in report subset)   Type (in report subset)  | Costs and disbursements are as follows (Code Civ. Proc.)  15  the best of my knewledge and belief this memozandum of costs as  |
| Date  The operator NAME  7. Memorandum of costs (sequized di troney judgment requested) \$ 1933.5).  a Clark's filing fees.  5 Process server's fees.  5 Cotter (speedy)  5  6 TOTAL  5  1 Costs and disbursements are waived.  9 Lam the atterney, agent, or party who claims those costs. To correct and these costs were necessarily incrined in this case.  1 Geoda's united penalty of pentry united the laws of the State of Calif   | Costs and disbursements are as follows (Code Civ. Proc.)  15  the best of my knewledge and belief this memozandum of costs as  |
| Date  The operator NAME  7. Memorandum of costs (sequized di troney judgment requested) \$ 1933.5).  a Clark's filing fees.  5 Process server's fees.  5 Cotter (speedy)  5  6 TOTAL  5  1 Costs and disbursements are waived.  9 Lam the atterney, agent, or party who claims those costs. To correct and these costs were necessarily incrined in this case.  1 Geoda's united penalty of pentry united the laws of the State of Calif   | Costs and disbursements are as follows (Code Civ. Proc.)  15  the best of my knewledge and belief this memozandum of costs as  |
| Date  The conspirations  7. Memorandum of costs (singured d increay pidgment requested) § 1933.5), a Clarks filing fees. \$ b Process server's fees. \$ c. Other (speedy). \$ d. \$ f. Costs and disbursements are valved.  9. Lam the alterney, agent, or party who claims these costs. To corred and these costs were necessarily incurred in this case. I declare under penalty of perjury under the laws of the State of Calif. Date.  The content on the costs.  The content of the costs.  The costs and disbursements are valued.   | Costs and disbursements are as follows (Code Civ. Proc.,  15  the best of my knewledge and belief this memorandum of costs is cortia that the foregoing is true and correct.   |
| Date  The conspirations  7. Memorandum of costs (singured d increay pidgment requested) § 1933.5), a Clarks filing fees. \$ b Process server's fees. \$ c. Other (speedy). \$ d. \$ f. Costs and disbursements are valved.  9. Lam the alterney, agent, or party who claims these costs. To corred and these costs were necessarily incurred in this case. I declare under penalty of perjury under the laws of the State of Calif. Date.  The content on the costs.  The content of the costs.  The costs and disbursements are valued.   | Costs and disbursements are as felbres (Code Civ. Pruc.)  15  the best of my knowledge and belief this memorandum of costs as cruia that the tongoing is true and correct.  16  Secretises or occurates  ports. No defendant issued in stem to of the application is in the recommenders. Chil Relief Act (50 U.S.C. App. § 501 et.seq.) |
| Date  The conservation  7. Memorandum of costs (inquired if troney judgment requested)  § 1003.5.).  a Clarks filing fees.  \$  b. Process server's fees.  \$  c. Other speedly)  \$  e. TOTAL  §  TOTAL  §  Costs and disbursements are valved.  9. I am the atterney, agent, or party who claims those costs. To correct and base costs were necessarily incurred in this case.  I decider under penalty of pergury under the laws of the State of Calif.  Date  Declaration of normalitary status (required for a pudgmentary service so as to be entitled to the benefits of the State of Calif.   | Costs and disbursements are as felbres (Code Civ. Pruc.)  15  the best of my knowledge and belief this memorandum of costs as cruia that the tongoing is true and correct.  16  Secretises or occurates  ports. No defendant issued in stem to of the application is in the recommenders. Chil Relief Act (50 U.S.C. App. § 501 et.seq.) |

## REQUEST FOR ENTRY OF DEFAULT

(Application to Enter Default) CIV-100

- page two -

- Find the number on the sample form. *Example:* (5)
- 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.
- Write your name (Plaintiff) vs. the name of the primary or main Defendant. Example: Smith vs. Johnson
- If someone helped you fill out this form and was <u>not paid</u>, 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.
- 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 <u>actual day</u> you mailed the copies under (1).
- 11 Date the form. Type or print your name on the left. Sign your name on the right.
- 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.
- 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.

|   |                               |                             | 011 100                  |
|---|-------------------------------|-----------------------------|--------------------------|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and addr  | ess):                         | FOR COUR                    | RT USE ONLY              |
|   |                               |                             |                          |
|   |                               |                             |                          |
| TELEPHIONE NO.  | 2 (Ontionally                 |                             |                          |
| TELEPHONE NO.: FAX N  E-MAIL ADDRESS (Optional):  | O. (Optional):                |                             |                          |
| ATTORNEY FOR (Name):  |                               |                             |                          |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF MER   | CED                           |                             |                          |
| 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 Entry of Default  | Clerk's Judgmen               | t CASE NUMBER:              |                          |
| (Application) Court Judgment  |                               | •                           |                          |
| TO THE CLERK: On the complaint or cross-complaint   | filed                         |                             |                          |
| a. on (date):   | mod                           |                             |                          |
| 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., agains   | t defendant (names):     |
|   |                               |                             |                          |
| (Testimony required. Apply to the clerk for a he  | earing date, unless the court | will enter a iudament on    | an affidavit under Code  |
| Civ. Proc., § 585(d).)  | ,                             | , ,                         | ,                        |
| e. Enter clerk's judgment   |                               |                             |                          |
| (1) for restitution of the premises only a<br>1174(c) does not apply. (Code Civ. I                                  |                               | in the judgment. Code of    | Civil Procedure section  |
| Include in the judgment all tens  |                               | mants, and other occupa     | nts of the premises. The |
| Prejudgment Claim of Right to 415.46.   | Possession was served in co   | ompliance with Code of 0    | Civil Procedure section  |
| (2) under Code of Civil Procedure section   | on 585(a). (Complete the dec  | alaration under Code Civ.   | . Proc., § 585.5 on the  |
| reverse (item 5).)  |                               |                             | -                        |
| (3) for default previously entered on (da<br>2. <b>Judgment to be entered.</b> A                                    | •                             | acknowledged                | Balance                  |
| a. Demand of complaint\$  | s S                           | *                           | <u>Dalance</u>           |
| b. Statement of damages *   | Ψ                             | Φ                           |                          |
| (1) Special\$   | \$                            | \$                          |                          |
| (2) General\$   | \$                            | \$                          |                          |
| c. Interest \$  | \$                            | \$                          |                          |
| d. Costs (see reverse) \$   | \$                            | \$                          |                          |
| e. Attorney fees \$   | \$                            | \$                          |                          |
| f. TOTALS \$  | \$                            | \$_                         |                          |
| g. <b>Daily damages</b> were demanded in complaint at the (* Personal injury or wrongful death actions; Code Civ. ) |                               | per day beginning (date     | e):                      |
| 3. (Check if filed in an unlawful detainer case) Legal  |                               | awful detainer assistar     | nt information is on     |
| the reverse (complete item 4).  Date:   |                               |                             |                          |
| (TYPE OR PRINT NAME)  | / (SIGNA                      | TURE OF PLAINTIFF OR ATTORN | EY FOR PLAINTIFF)        |
| Default entered as requested  | on (date):                    |                             |                          |
| (1) Default entered as requested (2) Default NOT entered as requested   |                               |                             |                          |
| FOR COURT   |                               |                             |                          |
| USE ONLY  | Clerk, by                     |                             | , Deputy                 |

Page 1 of 2

| PLAINTIFF/PETITIONER:   | CASE NUMBER:  |
|---|---|
| DEFENDANT/RESPONDENT:   |   |
| or unlawful detainer assistant did did <b>not</b> f   | (Bus. & Prof. Code, § 6400 et seq.). A legal document assistant for compensation give advice or assistance with this form. egal 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):   |
| This action   | 585.5 (required for entry of default under Code Civ. Proc., § 585(a)).  r goods or services subject to Civ. Code, § 1801 et seq. (Unruh Act).   |
|   | epject to Civ. Code, § 2981 et seq. (Rees-Levering Motor Vehicle Sales  |
| c. is is not on an obligation for goods, service  | s, loans, or extensions of credit subject to Code Civ. Proc., § 395(b).   |
|   | this Request for Entry of Default was resses are <b>unknown</b> to plaintiff or plaintiff's attorney (names): elope addressed to each defendant's attorney of record or, if none, to  |
| each defendant's last known address as follows:   | clope addressed to each deteridant's attorney of record of, if notic, to  |
| (1) Mailed on <i>(date):</i>  | (2) To (specify names and addresses shown on the envelopes):  |
|   | California that the foregoing items 4, 5, and 6 are true and correct.   |
| I declare under penalty of perjury under the laws of the State of ODate:  (TYPE OR PRINT NAME)  | California that the foregoing items 4, 5, and 6 are true and correct.   |
| Date:  (TYPE OR PRINT NAME)   | (SIGNATURE OF DECLARANT)  |
| Date:   | (SIGNATURE OF DECLARANT)  |
| Date:  (TYPE OR PRINT NAME)  7. Memorandum of costs (required if money judgment request   | (SIGNATURE OF DECLARANT)  |
| Type or print NAME)  7. Memorandum of costs (required if money judgment request § 1033.5):  a. Clerk's filing fees \$  b. Process server's fees \$  | (SIGNATURE OF DECLARANT)  |
| 7. Memorandum of costs (required if money judgment request § 1033.5):  a. Clerk's filing fees \$  | (SIGNATURE OF DECLARANT)  |
| Type or print Name)  7. Memorandum of costs (required if money judgment request § 1033.5):  a. Clerk's filing fees \$  b. Process server's fees \$  c. Other (specify): \$  d. \$   | (SIGNATURE OF DECLARANT)  |
| Type or print Name)  7. Memorandum of costs (required if money judgment request § 1033.5):  a. Clerk's filing fees \$  b. Process server's fees \$  c. Other (specify): \$  | (SIGNATURE OF DECLARANT)  |
| Type or print Name)  7. Memorandum of costs (required if money judgment request § 1033.5):  a. Clerk's filing fees \$  b. Process server's fees \$  c. Other (specify): \$  d. \$   | (SIGNATURE OF DECLARANT)  |
| 7. Memorandum of costs (required if money judgment request § 1033.5):  a. Clerk's filing fees \$  b. Process server's fees \$  c. Other (specify): \$  d. \$  e. TOTAL \$  f. Costs and disbursements are waived.   | (SIGNATURE OF DECLARANT)  Red). Costs and disbursements are as follows (Code Civ. Proc.,  To the best of my knowledge and belief this memorandum of costs is case.  |
| Type or print Name)  7. Memorandum of costs (required if money judgment request § 1033.5):  a. Clerk's filing fees \$  b. Process server's fees \$  c. Other (specify): \$  d. \$  e. TOTAL \$  f. Costs and disbursements are waived.  9. I am the attorney, agent, or party who claims these costs. correct and these costs were necessarily incurred in this company.  | (SIGNATURE OF DECLARANT)  Red). Costs and disbursements are as follows (Code Civ. Proc.,  To the best of my knowledge and belief this memorandum of costs is case.  |
| Date:  (TYPE OR PRINT NAME)  7. Memorandum of costs (required if money judgment request § 1033.5):  a. Clerk's filing fees \$ b. Process server's fees \$ c. Other (specify): \$ d. \$ e. TOTAL \$ f. Costs and disbursements are waived.  9. I am the attorney, agent, or party who claims these costs. correct and these costs were necessarily incurred in this coll declare under penalty of perjury under the laws of the State of Comments and Control of the State of Contro | (SIGNATURE OF DECLARANT)  Red). Costs and disbursements are as follows (Code Civ. Proc.,  To the best of my knowledge and belief this memorandum of costs is case.  |
| Date:  (TYPE OR PRINT NAME)  7. Memorandum of costs (required if money judgment request § 1033.5):  a. Clerk's filing fees \$ b. Process server's fees \$ c. Other (specify): \$ d. \$ e. TOTAL \$ f. Costs and disbursements are waived.  9. I am the attorney, agent, or party who claims these costs. correct and these costs were necessarily incurred in this coll declare under penalty of perjury under the laws of the State of Comments and Control of the State of Contro | (SIGNATURE OF DECLARANT)  Red). Costs and disbursements are as follows (Code Civ. Proc.,  To the best of my knowledge and belief this memorandum of costs is case.  |
| Date:  (TYPE OR PRINT NAME)  7. Memorandum of costs (required if money judgment request § 1033.5):  a. Clerk's filing fees \$ b. Process server's fees \$ c. Other (specify): \$ d. \$ e. TOTAL \$ f. Costs and disbursements are waived.  9. I am the attorney, agent, or party who claims these costs. correct and these costs were necessarily incurred in this countries. I declare under penalty of perjury under the laws of the State of Countries.  (TYPE OR PRINT NAME)  8. Declaration of nonmilitary status (required for a judgment).   | (SIGNATURE OF DECLARANT)  red). Costs and disbursements are as follows (Code Civ. Proc.,  To the best of my knowledge and belief this memorandum of costs is case.  California that the foregoing is true and correct.  |
| Date:  (TYPE OR PRINT NAME)  7. Memorandum of costs (required if money judgment request § 1033.5):  a. Clerk's filing fees \$ b. Process server's fees \$ c. Other (specify): \$ d. \$ e. TOTAL \$ f. Costs and disbursements are waived.  9. I am the attorney, agent, or party who claims these costs. correct and these costs were necessarily incurred in this countries. I declare under penalty of perjury under the laws of the State of Countries.  (TYPE OR PRINT NAME)  8. Declaration of nonmilitary status (required for a judgment).   | (SIGNATURE OF DECLARANT)  To the best of my knowledge and belief this memorandum of costs is case.  California that the foregoing is true and correct.  (SIGNATURE OF DECLARANT)                                  |
| Date:  (TYPE OR PRINT NAME)  7. Memorandum of costs (required if money judgment request § 1033.5):  a. Clerk's filing fees \$ b. Process server's fees \$ c. Other (specify): \$ d. \$ e. TOTAL \$ f. Costs and disbursements are waived.  9. I am the attorney, agent, or party who claims these costs. correct and these costs were necessarily incurred in this cold declare under penalty of perjury under the laws of the State of Companies.  (TYPE OR PRINT NAME)  8. Declaration of nonmilitary status (required for a jumilitary service so as to be entitled to the benefits of the I declare under penalty of perjury under the laws of the State of Companies.  | (SIGNATURE OF DECLARANT)  To the best of my knowledge and belief this memorandum of costs is case.  California that the foregoing is true and correct.  (SIGNATURE OF DECLARANT)  (SIGNATURE OF DECLARANT)  (Adgment). No defendant named in item 1c of the application is in the e Servicemembers Civil Relief Act (50 U.S.C. App. § 501 et seq.). |

|   | OD-110   |
|---|--|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):   | FOR COURT USE ONLY   |
|   |  |
| TELEPHONE NO.: FAX NO. (Optional):  |  |
| E-MAIL ADDRESS (Optional):  |  |
| ATTORNEY FOR (Name):  |  |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF 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:   |
| My name is (specify):   |  |
| a. I am the plaintiff in this action.   |  |
| b. lam  |  |
| (1) an owner of the property (3) an agent of the ow (2) a manager of the property (4) other (specify):  | ner  |
| <ol> <li>The property concerning this action is located at (street address, apartment number, city,</li> </ol>  | and county):   |
| property contenting the action is located at (electric address, apartition, humber, only,   | and sounty).   |
| <ol> <li>Personal knowledge. I personally know the facts stated in this declaration and, if sworn a thereto. I am personally familiar with the rental or lease agreement, defendant's payment defendant's conduct.</li> </ol> | as a witness, could testify competently record, the condition of the property, and |
|   |  |
| 4. Agreement was written oral as follows: a. On or about (date): defendant (name each):   |  |
| (2) agreed to pay rent of \$ payable monthly  | other tenancy (specify): 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 <i>Application for Immediate Writ of Possession</i> . to this declar. Copy of agreement with a declaration and order to admit the copy is attached (s  | ration, labeled Exhibit 4b.  |
|   | ration, labeled Exhibit 4c.  |
| 5. Agreement changed.   |  |
| <ul> <li>a. More than one change in rent amount (specify history of all rent changes<br/>change) on Attachment 5a (form MC-025).</li> </ul>   | and effective dates up to the last rent  |
| b. Change in rent amount (specify last rent change). The rent was changed which became effective on (date):   | from \$ to \$ ,<br>vas made  |
| (1) by agreement of the parties and subsequent payment of suc   | h rent.  |
| (2) by service on defendant of a notice of change in terms pursu  | uant 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 o   |  |
| d. A copy of the notice of change in terms is attached to this declaration, lat   |  |
| e. Original agreement for change in terms is attached (specify): to the   | e original complaint.  |
|   | is declaration, labeled Exhibit 5e.  |
| f. Copy of agreement for change in terms with a declaration and order to a to the Application for Immediate Writ of Possession. to the  | idmit the copy is attached <i>(specity):</i> is declaration, labeled Exhibit 5f.   |
| ——————————————————————————————————————  |  |

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

| PLAINTIFF (Name):  | CASE NUMBER:   |
|--|--|
| DEFENDANT (Name):  |  |
| 15. Declarant requests a judgment on behalf of plaintiff for:  a. A money judgment as follows: |  |
| (1) Past-due rent (item 6b)  | \$   |
| (2) Holdover damages (item 12d)  | \$   |
| (3) Attorney fees (item 13)*   | \$ Attorney fees are to be paid by (name) only.  |
| (4) Costs (item 14)  | (name) only.   |
| (5) Other (specify):   | \$   |
| (6) TOTAL JUDGMENT   | \$   |
|  | v if a clerk's judgment for possession was <b>not</b> entered).  feiture of the lease. |
| - Canoniation of the femal agreement.  | letture of the lease.  |
|  |  |
| I declare under penalty of perjuny under the laws of the State of Calif                        | forming that the foregoing in true and assured   |
| I declare under penalty of perjury under the laws of the State of Calif                        | ionila that the loregoing is true and correct.   |
| Date:  |  |
|  | }  |
| (TYPE OR PRINT NAME)   | (SIGNATURE OF DECLARANT)   |
| Summary of   | of Exhibits  |
| 16. Exhibit 4b: Original rental agreement.   | <u> </u>   |
| 17. Exhibit 4c: Copy of rental agreement with declaration ar                                   | nd 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 o                                   | declaration and order to admit copy.   |
| 21. Exhibit 6d: Original or copy of the notice to quit under ite to original complaint).       | em 6a (MUST be attached to this declaration if it is not attached                      |
| 22. Exhibit 8b: Original or copy of proof of service of notice to original complaint).         | in item 6a (MUST be attached to this declaration if it is not attached                 |
| 23. Other exhibits (specify number and describe):  |  |
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#### How to fill out

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

- 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
- 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.
- 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.
- Write the case number.
- 6 Check box 1a. For b, check the box that best describes the plaintiff(s).
- Write the address of the property and include the zip code. This is very important.
- 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."
- 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.

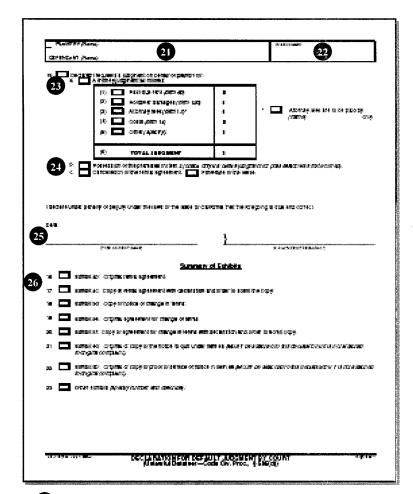
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# DECLARATION FOR DEFAULT JUDGMENT BY COURT – Unlawful Detainer

# Unlawful Detainer Form UD-116

- page two -

- Find the number on the sample form. Example:
- 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
- Write only your name after Plaintiff, and write the name of the primary or main Defendant.
- Write the case number
- Mark box 6 and mark the box that describes the type of notice that was served on the defendant(s).
- 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.
- For box 8, mark the appropriate box describing to which form you attached the Proof of Service of the notice.
- For box 9, write the date the Notice expired.
- 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.
- 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.
- B If you are requesting money damages, check box 12 and write the answers at the end of a through d.
- Do not mark this box because if you have an attorney, you should not be using this packet.
- If you are requesting court costs, including the filing fee you paid for this action, write that amount after the dollar sign.



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

- page three -

- Find the number on the sample form. *Example:*
- 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
- Write only your name after Plaintiff, and write the name of the primary or main Defendant.
- 22 Write the case number.
- If you are not the landlord and you are filing this on behalf of the landlord and you are re2questing a money judgment mark box 15. If you are requesting a money judgment, mark box a, and complete the appropriate boxes and dollar amounts.
- 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.
- Write the date and print your name on the left. Sign your name on the right.
- 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 WITHOU                        | JT ATTORNEY (Name, state bar number, and address):                               |                                     | FOR COURT USE ONLY                       |
|---|--|-------------------------------------|--|
|   |  |                                     |  |
| TELEPHONE NO.:                                  | FAX NO. (Optional):  |                                     |  |
| E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): |  |                                     |  |
|   | CALIFORNIA, COUNTY OF MERCEI<br>627 W. 21st Street                               | )                                   | -  |
| STREET ADDRESS: MAILING ADDRESS:                | 627 W. 21st Street<br>627 W. 21st Street   |                                     |  |
| CITY AND ZIP CODE:                              | Merced, CA 95340   |                                     |  |
| BRANCH NAME:                                    | CIVIL DIVISION   |                                     | _  |
| PLAINTIFF:                                      |  |                                     |  |
| DEFENDANT:                                      |  |                                     |  |
|   | JUDGMENT—UNLAWFUL DETAIN   | 1                                   | CASE NUMBER:                             |
| By Clerk By Court                               | By Default Possession Only   | After Court Trial Defendant Did Not |  |
|   |  | Appear at Trial                     |  |
|   |  |                                     |  |
| 1. BY DEFAULT                                   |  | JDGMENT                             |  |
|   | t was properly served with a copy of the   | summons and complaint.              |  |
|   | t failed to answer the complaint or appea  |                                     | hin the time allowed by law.             |
|   | t's default was entered by the clerk upon  k's Judgment (Code Civ. Proc. § 1169) |                                     | e premises described on page 2 (item 4). |
|   | rt Judgment (Code Civ. Proc., § 585(b)   |                                     | promises assemble on page 2 (nom 1).     |
| (1)   | plaintiff's testimony and other evide  | nce.                                |  |
| (2)   | plaintiff's or others' written declaration                                       | on and evidence (Code Civ.          | . Proc., § 585(d)).                      |
| 2. AFTER COUR                                   | OT TOLAL. The jung week weighted. The ex   | ourt considered the evidence        | •  |
|   | RT TRIAL. The jury was waived. The co<br>vas tried on <i>(date and time):</i>    | ourt considered the evidence        | e.                                       |
|   | me of judicial officer):   |                                     |  |
| b. Appearance                                   |  |                                     |  |
|   | iff (name each):   | Pla                                 | aintiff's attorney <i>(name each):</i>   |
|   |  | (1)                                 |  |
|   |  | (2)                                 |  |
|   |  | (-)                                 | ·  |
| Conti   | nued on Attachment 2b (form MC-025).   |                                     |  |
| Defer   | ndant (name each):   | De                                  | efendant's attorney (name each):         |
|   |  | (1                                  | )  |
|   |  | (2                                  | )  |
| Conti   | inued on <i>Attachment</i> 2b (form MC-025).                                     |                                     |  |
|   |  |                                     |  |
| c. Defer  | ndant did not appear at trial. Defendant   | was properly served with no         | otice of trial.                          |
| d. A sta  | atement of decision (Code Civ. Proc., § 6  | 632) was not                        | was requested.                           |
|   |  |                                     |  |

| PLAINTIFF:                                  |   |  |  | CASE NUMBER:                                |                |
|---|---|--|--|---|----------------|
| DEFENDANT:                                  |   |  |  |   |                |
| JUDGMENT IS                                 | ENTERED AS FOLLO                              | WS BY: THE   | COURT [  | THE CLERK                                   |                |
| 3. Parties. Judgment is                     |   |  |  |   |                |
| a for plaintiff <i>(na</i>                  | me each):                                     |  |  |   |                |
| and against de                              | efendant (name each):                         |  |  |   |                |
| b. for defendant (                          | d on <i>Attachment</i> 3a (fo<br>'name each): | rm MC-025).  |  |   |                |
| 4. Plaintiff De                             | efendant is entitled to                       | possession of the premise                            | s located at (st   | reet address, apartment, city               | , and county): |
| 5. Judgment applies t<br>Proc., §§ 715.010, | · · · · · · · · · · · · · · · · · · ·         | oremises including tenants,                          | subtenants if ar   | ny, and named claimants if ar               | ıy (Code Civ.  |
| 6. Amount and terms of j                    | udgment                                       |  |  |   |                |
|   | ed in item 3a above mu                        | ust pay plaintiff on the                             |  | ff is to receive nothing from d             | efendant       |
| complaint:                                  |   |  |  | I in item 3b.<br>Defendant named in item 3b | is to recover  |
|   | Past-due rent                                 | \$   |  | costs: \$                                   | 3 10 1000 101  |
|   | Holdover damages                              | \$   | [  | and attorney fees: \$                       | •              |
|   | Attorney fees                                 | \$   |  |   |                |
| (4)   | Costs   | \$   |  |   |                |
| (5)   | Other (specify):                              | \$   |  |   |                |
| (6) TOTAL                                   | . JUDGMENT                                    | \$   |  |   |                |
| c The rental agre                           | ement is canceled.                            | The lease is forfeited.                              |  |   |                |
|   |   |  |  |   |                |
|   |   | ched the agreement to prove (form UD-110S), which is |  | remises to defendant as state               | ed in          |
| 8. Other (specify):                         |   |  |  |   |                |
|   | Attachment 8 (form MC-                        | 025)   |  |   |                |
| Date:                                       | maonment o (10111 Me                          |  |  |   |                |
| Date.                                       |   |  | JUDICIAL   | OFFICER                                     | _              |
| Date:                                       |   | Clerk, by  | M. A. Property of the Control of the |   | , Deputy       |
| (SEAL)                                      | CL  | ERK'S CERTIFICATE (                                  | Optional)  |   |                |
|   | I certify that this is a                      | a true copy of the original ju                       | dgment on file i   | n the court.                                |                |
|   | Date:   |  |  |   |                |
|   |   |  |  |   |                |
|   |   | Clerk, by  |  |   | , Deputy       |
|   |   | -  |  |   |                |
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## How to fill out

# JUDGMENT UNLAWFUL DETAINER Form UD-110

- Find the number on the sample form.

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

- 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.
- 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.
- Write the case number.
- 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.
- 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.
- Check box 1 next to the words "BY DEFAULT".
- 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).
- Deave 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.

| - 4.67       |  | ID .                                    |                                     |                      | 0   |                             |
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# JUDGMENT UNLAWFUL DETAINER Form UD-110

- page two -

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

- Write only your name after Plaintiff, and write the name of the primary or main Defendant.
- Write the case number.
- 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.
- Mark box 3a and write the name of each petitioner. Below that, write the name of each defendant.
- 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.
- 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.
- 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.
- 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.

Page 1 of 2

| PLAINTIFF:   | CASE NUMBER:   | <u> </u>   |
|--|--|------------|
|  |  |            |
| 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):                            | -  |            |
|  |  | ı          |
|  |  |            |
|  |  |            |
|  |  | 1          |
| 22. Notice of sale has been requested by (name and address):                             | -  |            |
| The same that same that same that same and data same.                                    | -  |            |
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|  |  |            |
|  | _  |            |
| 23. <b>Joint debtor</b> was declared bound by the judgment (CCP 989–994)                 |  |            |
|  | (date):  |            |
|  | me, type of legal entity stated in judgment if n                                   |            |
| natural person, and last known address of joint debtor: a n                              | natural person, and last known address of joir<br>-                                | it deptor: |
|  |  | I          |
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|  |  |            |
|  |  |            |
| c. additional costs against certain joint debtors (itemize):                             | -  |            |
|  |  |            |
| 24. (Writ of Possession or Writ of Sale) Judgment was entered for the follow             | ing:   |            |
| a. Possession of real property: The complaint was filed on (date):                       |  |            |
| (Check (1) or (2)):  |  |            |
| (1) The Prejudgment Claim of Right to Possession was se                                  | erved in compliance with CCP 415.46.   |            |
| The judgment includes all tenants, subtenants, named                                     |  | ises.      |
| (2) The Prejudgment Claim of Right to Possession was N                                   | •  |            |
| (a) \$ was the daily rental value (b) The court will hear objections to enforcement of t | on the date the complaint was filed.<br>he judgment under CCP 1174 3 on the follow | /ina       |
| dates (specify):   | no jaagmont andor oor 1174.0 or the follow   | 9          |
| b. Possession of personal property.  |  |            |
| If delivery cannot be had, then for the value (itemize in 24                             | e) 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).

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## How to fill out

# WRIT OF EXECUTION EJ-130

#### **DIRECTIONS**

- Find the number on the sample form.

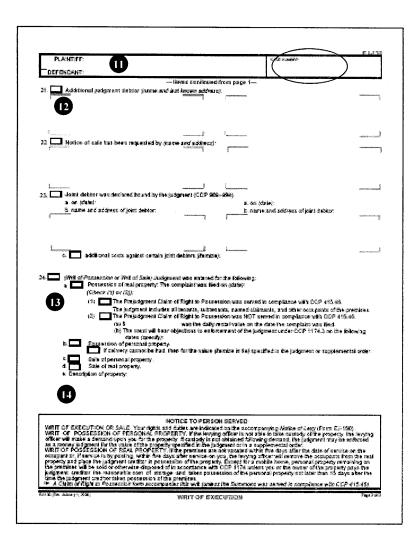
  Example:
- Go to the same number below to find out how to fill out the form.
- ▶ Type or print in black ink.

- 1 Write your name and address. 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."
- 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.
- 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:*
- 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.

- Write your name (Plaintiff) vs. the primary or main Defendant's name. Example: Smith vs. Johnson
- 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.

- 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.
- Describe the property by writing the <u>complete address</u>. Include the <u>zip code</u> 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):   |   |
|---|---|
| ,   | FOR COURT USE ONLY  |
| TEL ERIOUS VIO  |   |
| TELEPHONE NO.: FAX NO. (Optional):  E-MAIL ADDRESS (Optional):  |   |
| ATTORNEY FOR (Name):  |   |
| MEDGER  |   |
| 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   | s a method of return is provided with the document.   |
| This form may not be used for dismissal of a derivative acclass action. (Cal. Rules of Court, rules 3.760 and 3.770.)   | ction or a class action or of any party or cause of action in a   |
| 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 <i>(date</i> ):  |
| (4) Cross-complaint filed by <i>(name)</i> :  | on (date):  |
| (5) Entire action of all parties and all causes of action   |   |
| (6) Other (specify):*   |   |
| <ol> <li>(Complete in all cases except family law cases.)         The court did did not waive court fees and costs the clerk. If court fees and costs were waived, the declaration Date:     </li> </ol>                  | for a party in this case. (This information may be obtained from n on the back of this form must be completed). |
| (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. <b>TO THE CLERK:</b> Consent to the above dismissal is hereby gi Date:   | iven.**   |
| (TYPE OR PRINT NAME OF ATTORNEY PARTY WITHOUT ATTORNEY)   | (SIGNATURE)   |
| ** If a cross-complaint – or Response (Family Law) seeking affirmative  | Attorney or party without attorney for:   |
| 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).  | 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 <b>not entered</b> 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 a copy to be conformed means to retu   |   |
| Date: Cler  | k, by, Deputy   |

Page 1 of 2

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|                       | 014-110      |
|-----------------------|--------------|
| PLAINTIFF/PETITIONER: | CASE NUMBER: |
| DEFENDANT/RESPONDENT: |              |

#### **COURT'S RECOVERY OF WAIVED COURT FEES AND COSTS**

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

|        | Declaration Concerning Waived Court Fees   |
|--------|--|
| 1.     | The court waived court fees and costs in this action for (name):   |
| 3.     | 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.)  All court fees and court costs that were waived in this action have been paid to the court (check one): Yes No. |
| I deci | lare under penalty of perjury under the laws of the State of California that the information above is true and correct.  |
| Date:  |  |
|        | <b>•</b>   |
| (TYPE  | OR PRINT NAME OF ATTORNEY PARTY MAKING DECLARATION) (SIGNATURE)  |

| ITORNEY OR PARTY WITHOUT ATTORNEY (Name: State Bar number: and address)   | CIV-110 FOR COURT USE ONLY   |             |
|---|--|-------------|
| PAUL SAMPLE 2036 DONNER DRIVE SACRAMENTO, CA 95826 ELEPHONE NO 916-123-4567 FAX NO (Ophonish)   | Your name, address, and phone number. "In Pro Per" means you are representing yourself.                |             |
| MAIL ADDRESS (Optional)  TTORNEY FOR (Name) IN PRO PER  | В со и постоя по постоя по постоя по постоя по                     |             |
| STREET ADDRESS MAILING ADDRESS MAILING ADDRESS BRANCH NAME  MERCED, CALIFORNIA 95340  | Court name, address, and branch.   |             |
| PLAINTIFF/PETITIONER: PAUL SAMPLE   | Your name and the defendant's name   |             |
| EFENDANT/RESPONDENT:PETER PERPETRATOR   | as they appear on the complaint.   |             |
| REQUEST FOR DISMISSAL  Personal Injury, Property Damage, or Wrongful Death  Motor Vehicle  Tamily Law  Eminent Domain  Chook "  | Case NUMBER  Case N  Other" and specify "Contract."  | lumber      |
| Other (specify):  - A conformed copy will not be returned by the clerk unless   |  |             |
| TO THE CLERK: Please dismiss this action as follows:  |  |             |
|   | k either "With preiudice" or "Without preiudice"   |             |
| 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   | on (date):<br>on (date):   |             |
|   | Check "Other" and "DOES 1 to x ONLY"   |             |
| the declaration on the back of this form must be completed). te: 5/23/2011 Print vour name and date: check  |  |             |
| (TYPE OR PRINT NAME OF ATTORNEY PARTY WITHOUT ATTORNEY) dismissal requested is of specified parties only and peofied causes of ction only, or of specified cross-complaints only, so state and identify the parties, causes of action, or cross-complaints to be dismissed.       | (SIGNATURE) Sign and check Plaintiff/Petitioner Cross-Complainant  Sign and check Defendant/Respondent | "Plaintiff' |
| TO THE CLERK: Consent to the above dismissal is hereby given.** te:   |  |             |
| (TYPE OR PRINT NAME OF ATTORNEY PARTY WITHOUT ATTORNEY) If a cross-complaint - or Response (Family Law) seeking affirmative releft - is on file, the attorney for the cross-complainant (respondent) must sign this consent if required by Code of Civil Procedure section 551(i) | (SIGNATURE)  Attorney or party without attorney for:  Plaintiff/Petitioner  Defendant/Respondent       |             |
| ose and conson a required by coole or Give Frocedure access 2011/   | Cross-Complainant  |             |
| be completed by clerk) Dismissal entered as requested on (date): Dismissal entered on (date): Dismissal not entered as requested for the following reasons (state):  a. Attorney or party without attorney notified on (date):  | y failed to provide  |             |
| b. Attorney or party without attorney not notified. Filing party  a copy to be conformed means to return confo  | w  |             |
| b. Attorney or party without attorney not notified. Filing party  | w  |             |

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

| DEFENDANT/RESPONDENT: PETER PERPETRATOR  | CASE NUMBER:   | Case Number             |
|--|----------------|-------------------------|
| Declaration Concerning Waiv  | /ed Court Fees |                         |
| The court has a statutory lien for waived fees and costs on a settlement, compromise, arbitration award, mediation settlembe paid before the court will dismiss the case.  | ment, or othe  | rson whose fees were wa |
| b. Is of 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 ite. 3. All court fees and costs that were waived in this action have be |                |                         |
| E. Pro Court tood and Judio Materials Waves in the Sultan have a   |                |                         |
| I declare under penalty of perjury under the laws of the State of California<br>Date: 5/23/2011  |                | Signature               |

SENTIA FIRMS\*