

# UNLAWFUL DETAINER (EVICTION) INSTRUCTIONS

AFTER you have served the tenant(s) with a valid 3-day, 30-day or 60-day notice, you can start an Unlawful Detainer to evict the tenant(s).

These are the forms you will need. You can find them at [www.courtinfo.ca.gov](http://www.courtinfo.ca.gov) or [www.placer.courts.ca.gov](http://www.placer.courts.ca.gov)

Civil Case Cover Sheet (CM-010)  
Complaint-Unlawful Detainer (UD-100)  
Summons-Unlawful Detainer (SUM-130)  
Prejudgment Claim of Right to Possession (CP 10.5) [Located under Miscellaneous Forms]  
Answer-Unlawful Detainer (UD-105)  
Notice of Restricted Access [Local Form]  
Proof of Service of Summons (POS-010)  
Request for Entry of Default (CIV-100)  
Judgment – Unlawful Detainer (UD-110)  
Declaration for Default Judgment by Court - Unlawful Detainer (UD-116)  
Writ of Execution (EJ-130)  
Request to Set Case for Trial (UD-150)  
Notice of Time and Place of Trial [Local Form]

## STEP 1: Fill Out the Forms

Civil Case Cover Sheet (CM-010): This form must be completed with the first paper filed in the Unlawful Detainer Action.

Complaint-Unlawful Detainer (UD-100): Be sure to include a copy of the three-day or thirty day notice with this. You should also attach a copy of your rental agreement, if you have one.

Summons-Unlawful Detainer (SUM-130): this lets the tenant(s) know that they are being sued and that they have 5 days to respond to the complaint, otherwise the landlord may get a default judgment against them.

Prejudgment Claim of Right to Possession (CP 10.5): include this blank form when you serve the named parties if you think there might be other adults that you do not know by name living in the household.

Answer-Unlawful Detainer (UD-105): Include this blank form when you serve the named parties.

Notice of Restricted Access [Local Form]: Fill out the title of the case above, and the addresses at the bottom. This document is to be submitted at the time of filing your complaint.

Request for Entry of Default (CIV-100): Fill out if a party did not respond timely. Fill out when you request Judgment.

Judgment – Unlawful Detainer (UD-110): You will need this document signed by a Judge to get your Writ.

Declaration for Default Judgment by Court - Unlawful Detainer (UD-116): This document will explain your request for Default Judgment.

Writ of Execution (EJ-130): Will be submitted with the Judgment amounts on it. (Or for possession only)

Request to Set Case for Trial (UD-150): If all parties have answered then you request a hearing date for trial.

Notice of Time and Place of Trial [Local Form]: You must fill this form out at the top and put the addresses of all parties that will be qualified to appear at trial at the bottom. See Local Rule 20.1.6 (F)

## STEP 2: File the Forms

Make 2 copies of the forms. Pull a number for “Civil Law” at the kiosk on the 1<sup>st</sup> floor of the Courthouse. Your number will be directed to a window. Give your forms to a clerk at that window. There is a \$220.00 fee. Checks should be made out to Placer County Superior Court. If you cannot afford to pay

the filing fee, request a fee waiver from the Clerk. You will also need to provide stamped envelopes addressed to each individual tenant, along with a stamped envelope addressed to “All Occupants” with the address of the premises you are evicting the tenants from.

The Court is located at: The Bill Santucci Justice Center, 10820 Justice Center Drive, Roseville, CA 95678.

### **STEP 3: Serve the Tenant**

You must serve a copy of all the forms on the Tenant. Anyone other than you over 18 can give the copies to the Tenant. Or, you can hire a process server or ask the Sheriff to serve them for a fee. Each adult in the residence must be served individually.

### **STEP 4: File the Proof of Service**

The person who serves the copies to the tenant(s) needs to fill out the attached Proof of Service of Summons (POS-010). Be sure to have him or her fill out the whole form. The Proof of Service needs to be filed with the court before your court date or before your judgment is entered.

### **STEP 5: Wait 5 days**

You must give the tenant(s) 5 days to file an answer to your complaint. If they DO NOT file an answer, your next step will be to get a Default Judgment. If they DO file an answer, your next step will be to get a trial date.