# LANDLORD'S UNLAWFUL DETAINER CHART

**You want to evict your Tenant**. You have given your Tenant a 3-day, 30-day, 60- day, or 90-day "Notice" in writing.

For the specific contents of the "Notice" go to: http://www.courts.ca.gov/27810.htm

Your Tenant did not comply with the "Notice."

**You must file an UNLAWFUL DETAINER!**

There is a filing fee. If you cannot afford the fee you can complete a Request to Waive Court Fees (FW-001) & Order on Court Fee Waiver (FW-003)

The forms you need are:
1. Summons, Form SUM-130
2. Complaint, form UD-100
3. Civil Case Cover Sheet, Form CM-010
4. Certificate of Counsel, Form RI-030
5. Prejudgment Claim of Right to Possession, Form CP10-5 (OPTIONAL)
6. Proof of Service of Summons, Form POS-010

Once filed, you must serve your Tenant. You can serve by either:
1. Personal Service
2. Substitute Service, or
3. Posting and Mailing (requires court permission)

Your server must be 18 years or older and not a party to the case.

Have your server complete a **Proof of Service of Summons, Form POS-010**, and then file it at the court Clerk's Office.

If your Tenant was personally served, the Tenant has 5 calendar days to file a written response. If served by substitute service or "posting and mailing", the Tenant has 15 days to respond from the date the envelope was postmarked.

If the Tenant responds, file a **Request to Set Case for Trial, Form UD-150** to get a hearing date.

Trial is typically set within 20 days after the Request is filed.

If the Tenant does not respond, you can ask the Court for a **Default Judgment.**

Once your Default Judgment is signed by the Judge, complete & file a **Writ of Possession, Form EJ-130.** Take the filed Writ to the local Sheriff's Department. The Sheriff will serve the Tenant with a Notice to Vacate.

If the Tenant refuses to move, the Sheriff will lock the Tenant out of the property.

Prior to or at your hearing, you and your Tenant can reach an agreement. The form you can use is the **Stipulation for Entry of Judgment-Unlawful Detainer, Form UD-115.**

If no agreement is reached, you must proceed with your hearing.

If you win your case at Trial, you will regain possession of the property. Complete and file a **Writ of Possession, Form EJ-130.** This lets the Sheriff lock the Tenant out of the property. The Sheriff will serve the Tenant with a Notice to Vacate. This gives the Tenant 5 days to move.