

# 30 Day Notice to Move Out

(Tenant has a month to month tenancy & has lived in the home for less than 1 year.)

<b>Step 1</b>	Use blue or black ink to complete the top portion of the 30 Day Notice of Termination of Tenancy (see sample). Note: You do not need to write an explanation for the notice.
<b>Step 2</b>	Make 1 copy of the 30 Day Notice to Move Out.
<b>Step 3</b>	Give the <b>copy</b> of the notice to the tenant. You will keep the original.
<b>Step 4</b>	After a copy of the 30 Day Notice to Move Out has been given to the tenant, complete the bottom portion of the notice to say who the notice was given to and when it was given to them.
<b>Step 5</b>	<p>If the tenant moves out within 30 days, you do not need to take any other action.</p> <p>If the tenant does not move within 30 days, you may contact the Self Help Center for assistance on the 31<sup>st</sup> day or thereafter. You must have the completed, original 30 Day Notice of Termination of Tenancy and the lease agreement (if you have one).</p>

## WHAT IS AN UNLAWFUL DETAINER ACTION?

An Unlawful Detainer (“UD”) action is a special court proceeding where a landlord asks the court to order someone to move out of a property (“evict” them). This usually happens when a tenant stops paying the rent or stays after they have been given notice by the landlord to move out. The court will decide if the tenant has to move out of the landlord’s property. In these cases, the landlord is the **plaintiff** and the tenant is the **defendant**.

## HOW CAN I MAKE THE TENANT MOVE OUT?

The only way you can legally force your tenant to move out is to win your UD case. Then you can get a “Judgment” for possession (this means the court makes an order that the tenant has to move out and return the property to you). The Sheriff can enforce this Judgment by making the tenant move out. It is illegal to force your tenant to leave by cutting off their electricity, changing the locks and/or getting rid of the tenant’s personal property.

You must first give the Tenant(s) written “Notice” that they need to move out. This may be a 3-day to pay or quit, 30-day, 60-day, or 90-day notice (if the tenant has a section 8 housing voucher).

Different notices are for different purposes. Notices have mandatory words they need to say so you may want to refer to an attorney for a form that will work for you. Notices are not court forms so you will not find them on the State’s self-help website. If the tenant does not move out at the end of the notice time period, you can file a UD action with the court.

## WHAT ELSE SHOULD I KNOW?

UD cases have very strict requirements for the landlord. If you do even a small thing wrong, you may lose your case and have to start over completely. So it is important that you complete the attached notice properly and follow the instructions above.

**TURN OVER FOR IMPORTANT INFORMATION** 

## HOW CAN I GET HELP?

Here are some ways to get help:

- Go to <http://www.calbar.ca.gov/Public>, then click on “Lawyer Referral services” to hire or consult with a private attorney.
- For free legal advice and information, see our “Do-It-Yourself Resources” flyer. Go to [www.scscourt.org](http://www.scscourt.org), click on “Self-Help” then “Self-Help Flyers”.
- The Self Help Center/Family Law Facilitator – See our information flyer:
  - Contact us: Go to [www.scscourt.org](http://www.scscourt.org) then click “**Contact the Self Help Center**”. Walk-in assistance is limited to emergencies so contact us remotely first.
  - Obtain Forms: Go to [www.scscourt.org](http://www.scscourt.org) then click “**Complete Forms at Home**”
  - Form Review: Email your forms as a PDF file to [SHCDocReview@scscourt.org](mailto:SHCDocReview@scscourt.org).
  - Note: We **cannot** help people who have attorneys.

Superior Court, County of Santa Clara  
**Self Help Center/Family Law Facilitator's Office**  
201 N. First Street, San Jose, CA 95113  
408-882-2926

Full Names of All Adult Tenants (& write "all unknown occupants" if there are adults living there whose names you don't know) that you want to evict  
(Name)

All tenants, subtenants, adult occupants, and others in possession of the premises at

Street Address of Property Where Tenant(s) Reside (Street address) Apartment # or Room # (if only renting a room) City of City Where Property is Located (City)

County of SANTA CLARA, California. (County)

YOU ARE HEREBY NOTIFIED that effective 30 DAYS from the date of service on you of this notice, the periodic tenancy by which you hold possession of the premises is terminated, at which time you are required to vacate and surrender possession of the premises. If you fail to do so, legal proceedings will be instituted against you to recover possession of the premises, damages, and costs of suit.

State law permits former tenants to reclaim abandoned personal property left at the former address of the tenant, subject to certain conditions. You may or may not be able to reclaim property without incurring additional costs, depending on the cost of storing the property and the length of time before it is reclaimed. In general, these costs will be lower the sooner you contact your former landlord after being notified that property belonging to you was left behind after you moved out.

Sign Your Name Here (Landlord/Manager) Today's Date (Date)

\*\*STOP HERE: Make a copy of this notice to be served on the other party. After you give the other party a copy of this form, complete the next section and keep this completed original notice.

Name of Tenant who was given the 30 day notice served this notice, of which this is a true copy, on, one of the occupants listed above as follows:

- On Date tenant was given 30 Day Notice 20, I delivered the notice to the occupant personally.
On, 20, I delivered the notice to a person of suitable age and discretion at occupant's residence/business after having attempted personal service at the occupant's residence, and business, if known. On, 20, I mailed a second copy to the occupant at his or her residence.
On, 20, I posted the notice in a conspicuous place on the property, after having attempted personal service at the occupant's residence, and business, if known, and after having been unable to find there a person of suitable age and discretion. On, 20, I mailed a second copy to the occupant at the property.

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

Server signs name here (Signature) Server signs here (Date)



**Notice of Termination of Tenancy**

To: \_\_\_\_\_,  
(Name)

All tenants, subtenants, adult occupants, and others in possession of the premises at

\_\_\_\_\_, \_\_\_\_\_, City of \_\_\_\_\_  
(Street address) (Apt. # or Room #) (City)

County of **SANTA CLARA**, California.  
(County)

YOU ARE HEREBY NOTIFIED that effective **30** DAYS from the date of service on you of this notice, the periodic tenancy by which you hold possession of the premises is terminated, at which time you are required to vacate and surrender possession of the premises. If you fail to do so, legal proceedings will be instituted against you to recover possession of the premises, damages, and costs of suit.

State law permits former tenants to reclaim abandoned personal property left at the former address of the tenant, subject to certain conditions. You may or may not be able to reclaim property without incurring additional costs, depending on the cost of storing the property and the length of time before it is reclaimed. In general, these costs will be lower the sooner you contact your former landlord after being notified that property belonging to you was left behind after you moved out.

\_\_\_\_\_  
(Landlord/Manager) (Date)



**Proof of Service**

I, the undersigned, being at least eighteen years of age, served this notice, of which this is a true copy, on \_\_\_\_\_, one of the occupants listed above as follows:

- On \_\_\_\_\_, 20\_\_\_\_\_, I delivered the notice to the occupant personally.
- On \_\_\_\_\_, 20\_\_\_\_\_, I delivered the notice to a person of suitable age and discretion at occupant's residence/business after having attempted personal service at the occupant's residence, and business, if known.  On \_\_\_\_\_, 20\_\_\_\_\_, I mailed a second copy to the occupant at his or her residence.
- On \_\_\_\_\_, 20\_\_\_\_\_, I posted the notice in a conspicuous place on the property, after having attempted personal service at the occupant's residence, and business, if known, and after having been unable to find there a person of suitable age and discretion. \_\_\_\_\_, 20\_\_\_\_\_, I mailed a second copy to the occupant at the property.

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

\_\_\_\_\_  
(Signature) (Date)