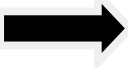



# Are you being Evicted?

<input type="checkbox"/> <b>Step 1</b> Fill out forms	<b>Use blue or black ink:</b> <input checked="" type="checkbox"/> UD-105 Answer-Unlawful Detainer <input checked="" type="checkbox"/> POS-030 Proof of Service by First-Class Mail – Civil ( <b>you only fill out top part</b> )
<input type="checkbox"/> <b>Step 2</b> Make copies	<b>Make copies of the UD-105 Answer:</b> Make <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 copies, in addition to the original.
<input type="checkbox"/> <b>Step 3</b> Serve Copies  	<b>You must “serve” a copy of the Answer.</b> <p>“Service” means that someone, NOT YOU, who is at <b>least 18 years old</b>, must <b>mail</b> a copy of your <i>Answer</i> to the other party in the case or their attorney if they have one.</p> <p>You can ask a friend, relative, etc. to serve the <i>Answer</i> or you can look in the yellow pages and hire a “process server” to mail the papers for you for a fee.</p> <p><b>After the papers are mailed</b>, the <b>server</b> (person who mails the <i>Answer</i>) must complete the POS – 030 <b>Proof of Service by First-Class Mail – Civil</b> and give it to back to you.</p>
<input type="checkbox"/> <b>Step 4</b> File original & copies  There is a filing fee <i>unless the fee is waived.</i>	<b>Turn in the original and copies of the Answer and the Proof of Service to the Clerk’s Office located at:</b> <p style="text-align: center;"><b>191 North First Street, San Jose, CA 95113</b></p> <p>The Clerk’s Office opens at 8:30am Monday-Friday, closing times are subject to change, visit <a href="http://www.scsccourt.org">www.scsccourt.org</a> or call <b>408-882-2100</b> for current office hours.</p> <p><b>Dropbox:</b> If the Clerk’s Office is closed, you may use the dropbox until 5:00 pm Monday through Friday. A check or fee waiver must be submitted with the documents. Documents must be placed in the dropbox <b>by 4pm</b> to be filed the same day.</p> <p><input type="checkbox"/> <b>If you are not asking for a fee waiver</b>, you will pay the filing fee and get filed-stamped copies back when you file.</p> <p><input type="checkbox"/> <b>If you are asking for a fee waiver</b>, your file-stamped copies may be returned immediately, OR you may be asked to return in up to 24 hours, OR your file-stamped forms may be mailed to you. Please check with the clerk who takes your forms.</p>
<input type="checkbox"/> <b>Step 5</b> What happens next...  	After you file your <i>Answer</i> and <i>Proof of Service</i> : <p><b>The landlord can ask the court for a trial.</b> To get a trial date the landlord fills out a <i>Request/Counter-Request to Set Case for Trial-Unlawful Detainer</i>.</p> <p>The trial will be set approximately <b>20 days</b> after the <i>Request</i> is filed.</p> <p>If you disagree with the <i>Request</i>, you have <b>5 court days*</b> to file and serve your own <i>Request/Counter-Request to Set Case for Trial-Unlawful Detainer</i>.</p> <p><small>* “Court days” means you do not count any weekends or judicial holidays.</small></p>

**TURN OVER FOR IMPORTANT INFORMATION** 

## WHAT IS AN UNLAWFUL DETAINER (“EVICTION”) ACTION?

An Unlawful Detainer action is a court process where a landlord asks the court to order that a tenant move out of the place where they live or work. This usually happens when a tenant doesn't pay the rent or stays after his/her lease has ended. The court will decide if the tenant must move out of the landlord's property. In these cases, the landlord is the **plaintiff** and the tenant is the **defendant**.

## CAN THE LANDLORD MAKE ME MOVE OUT?

The main way landlords can legally force you to move out is if they win an Unlawful Detainer case. Then, they can get a “Judgment” for possession (this is a court order stating you must move out). The Sheriff can enforce this Judgment by making you move out.

## CAN THE LANDLORD JUST LOCK ME OUT?

No. It is illegal to try to force you to leave by cutting off your electricity, removing outside windows or doors, changing the locks and/or getting rid of your personal things.

## HOW LONG DOES THE PROCESS TAKE?

Since there are so many possibilities and we cannot know how quickly either party will proceed, we cannot provide a specific estimate as to the length of time the process will take. The tenant has 10 days to file an Answer for cases filed on or after 1/1/2025 and 5 days for cases filed before 1/1/2025.

- If the tenant does not file an Answer, the landlord can obtain a judgment by default. Since this does not require a hearing, it usually makes the process quicker.
- If the tenant files an Answer, the landlord must request a trial to obtain a judgment, since parties must go to a hearing, it usually makes the process slower.

Once a judgment is entered, the landlord must request a Writ of Possession and request the Sheriff's Office to service a Notice to Vacate. The Notice to Vacate will have the required move out date listed.

## 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: These forms may be reviewed in person at the Restraining Order Help Center located at 201 N. First Street, San Jose, CA 95113, visit [www.scscourt.org](http://www.scscourt.org) for current office hours. Since there are strict deadlines in eviction cases, you should go to the Self Help Center as soon as possible.
  - 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

## What to Expect at an Unlawful Detainer (Eviction) Trial

UD trials are set **Wednesdays through Fridays at 8:45 a.m. in Department 4 of the Civil Division at Downtown Superior Court located at 191 N. First Street, San Jose, CA 95113.**

<b>Mediation</b>	If both sides are present, you will have an opportunity to talk to the other side, or mediate, with the assistance of volunteer mediators and rental assistance agencies (if case is about non-payment of rent). This is different than a “meet and confer,” where the other party talks to you before court, without a mediator. You may be able to settle the case without the need for an evidentiary hearing (or trial) if an agreement is reached.
<b>What to Bring</b>	Make sure to bring all paperwork, your current employment information, paystubs, and any witnesses to court with you.
<b>During the Hearing</b>	<p>At trial, the Plaintiff (Landlord) bears the burden to prove all the elements of a “Prima Facie,” case, which includes the following:</p> <ul style="list-style-type: none"> <li>• Standing of the Plaintiff (Landlord, owner, management company with authority to sue)</li> <li>• Existence of tenancy</li> <li>• Default/Breach by tenant</li> <li>• Proper Notice to Quit (NTQ) and service thereof</li> <li>• Tenant’s failure to comply</li> <li>• Monetary damages (if requested)</li> </ul> <p>After Plaintiff presents their case at trial, Defendant (Tenant) has the opportunity to present affirmative defenses (legal reasons) as to why the Plaintiff should not prevail in, or win, their case. Defendant can also present showing why the Plaintiff did not meet their burden of proof on one or more of the Prima Facie elements in their case.</p>

**The court may issue a judgment and/or order without you being present. If you miss your court date, contact the Self Help Center ASAP for more options.**

Superior Court, County of Santa Clara  
**Self-Help Center/Family Law Facilitator’s Office**  
 201 N. First St., San Jose, CA 95113

**VISIT US ONLINE:**  
[santaclara.courts.ca.gov/](http://santaclara.courts.ca.gov/)  
[www.courts.ca.gov/selfhelp](http://www.courts.ca.gov/selfhelp)

**EMAIL US:**  
[santaclara.courts.ca.gov/](mailto:santaclara.courts.ca.gov)  
 click “Self-Help” then click “Contact  
 the Self-Help Center”

**CALL US:**  
 408-882-2926 Option 3  
 8:30am – 1:30pm  
 Mondays, Tuesdays & Thursdays

# **Trial Tips for Unlawful Detainer Cases**

## **You have a right to talk to the Judge**

After the Tenant files an *Answer* (form UD-105) and the Landlord (and, possibly, the Tenant) files a *Request/Counter-Request to Set Case for Trial* (form UD-150) the Tenant and Landlord will receive a letter in the mail notifying them of their Trial date. Normally, this is a Trial by a judge (unless a jury trial was requested). Many people do not know that they have a right to talk to the judge about their case when they go to court. Even if you speak to the other party, or their attorney, and they tell you that you do not need to talk to the judge, **DO NOT** leave the court without talking to the judge about what you and the other party agree or don't agree about.

## **If you and the other party agree, you still need to talk to the Judge about your agreement**

The Judge will ask you and the other party to step outside the courtroom to discuss your case to see if you can come to an agreement without a trial. If you agree about how to resolve your case, return to the courtroom and wait for your name to be called. **DO NOT** leave the court without talking to the judge about what you both agreed to.

## **If you and the other party agree, don't leave the courthouse without a filed copy of the agreement.**

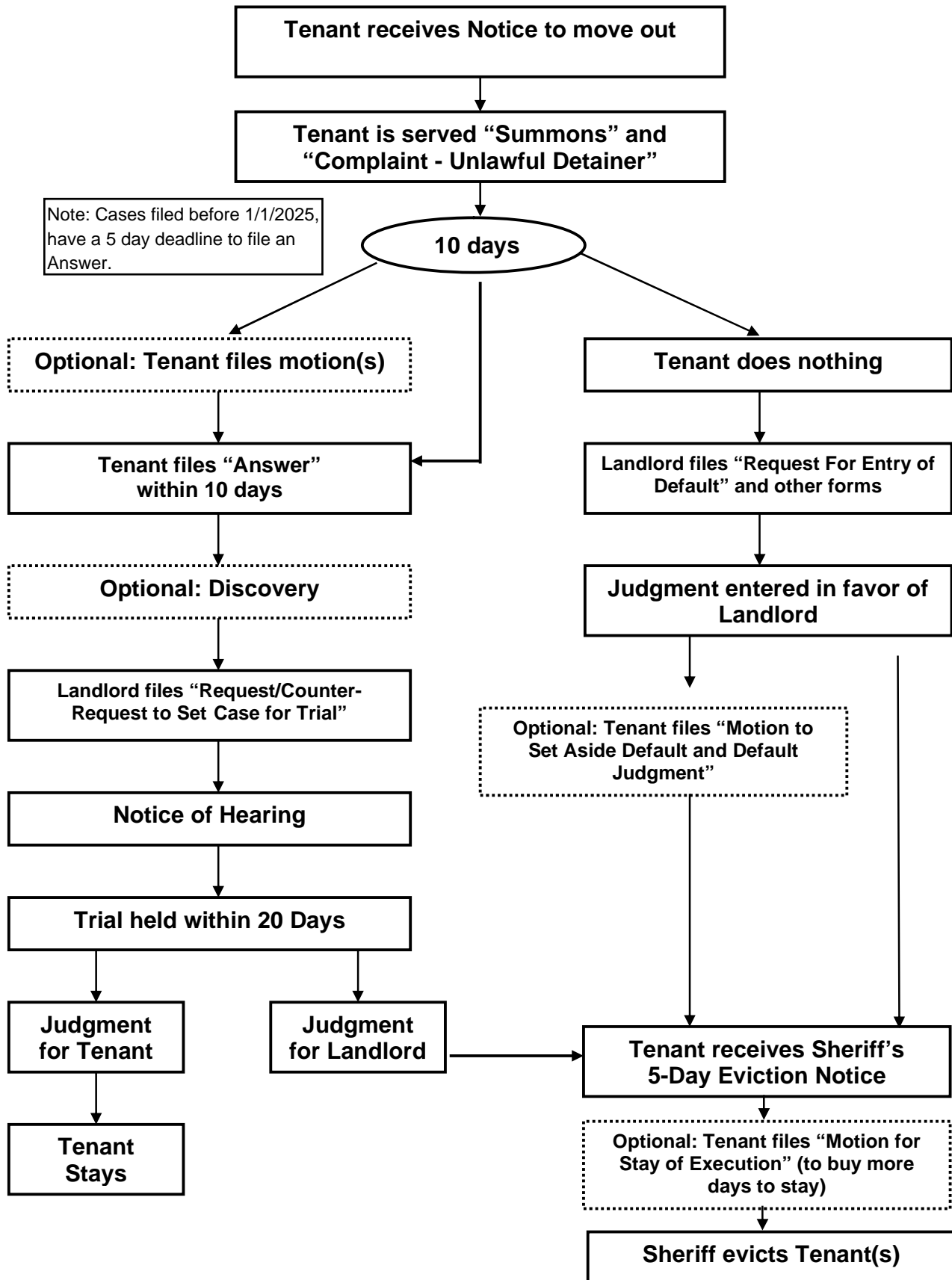
If you settle your case and you and the other party, or their attorney, make an agreement, **DO NOT** leave the court without a copy of the agreement. Don't wait to get a copy of the agreement in the mail. Tell the other party that you will wait in the courtroom for a copy. Having a copy helps to prevent misunderstandings during a stressful time.

## **If you and the other party cannot agree, go back to the Courtroom and wait to talk to the Judge**

If you do not want to agree to the terms the other party or their attorney is offering, you will need to see the judge. Go back into the courtroom and let the deputy know that you do not agree and are ready for the judge. Then wait for your name to be called by the clerk or judge for your Trial. If you do not hear your name called, go back to the deputy and let him know that your case has not been called yet. **DO NOT** leave the courtroom until you have spoken to the judge about your case. You have the right to a Trial.

It is important to get legal advice before your Trial so you are prepared to tell the Judge how the law supports what you are asking for. The Judge has to follow the law when making a Judgment.

# The Eviction Process





# BLANKS

UD ANSWER

Please complete the following forms in blue or blank ink.

After you fill these out, you will make copies of the completed form(s).

You must have 1 copy served by mail, but you cannot serve it yourself. After this is served, you will file this original and remaining copies and filled out Proof of Service by First Class Mail to the Clerk's Office.





answers the complaint as follows.

a. ☐ **General Denial** (Do not check this box if the complaint demands more than \$1,000.)  
Defendant generally denies each statement of the complaint and of *Mandatory Cover Sheet and Supplemental Allegations—Unlawful Detainer* (form UD-101).

b. ☐ **Specific Denials** (Check this box and complete (1) and (2) below if complaint demands more than \$1,000.)  
Defendant admits that all the statements of the complaint and of *Mandatory Cover Sheet and Supplemental Allegations—Unlawful Detainer* (form UD-101) are true EXCEPT:

(a) Defendant claims the following statements of the complaint are false (*state paragraph numbers from the complaint or explain below or, if more room needed, on form MC-025*):

☐ Explanation is on form MC-025, titled as Attachment 2b(1)(a).

(b) Defendant has no information or belief that the following statements of the complaint are true, so defendant denies them (state paragraph numbers from the complaint or explain below or, if more room needed, on form MC-025):

☐ Explanation is on form MC-025, titled as Attachment 2b(1)(b).

(a) ☐ Defendant did not receive plaintiff's *Mandatory Cover Sheet and Supplemental Allegations* (form UD-101). (If not checked, complete (b) and (c), as appropriate.)

(b) Defendant claims the following statements on *Mandatory Cover Sheet and Supplemental Allegations—Unlawful Detainer* (form UD-101) are false (*state paragraph numbers from form UD-101 or explain below or, if more room needed, on form MC-025*): ☐ Explanation is on form MC-025, titled as Attachment 2b(2)(b).

PLAINTIFF: DEFENDANT:	CASE NUMBER:
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2. b. (2) (c) Defendant has no information or belief that the following statements on *Mandatory Cover Sheet and Supplemental Allegations—Unlawful Detainer* (form UD-101) are true, so defendant denies them (*state paragraph numbers from form UD-101 or explain below or, if more room needed, on form MC-025*):
- ☐ Explanation is on form MC-025, titled as Attachment 2b(2)(c).
3. **DEFENSES AND OBJECTIONS** (NOTE: For each box checked, you must state brief facts to support it in item 3t (on page 3) or, if more room is needed, on form MC-025. You can learn more about defenses and objections at [www.courts.ca.gov/selfhelp-eviction.htm](http://www.courts.ca.gov/selfhelp-eviction.htm).)
- a. ☐ (Nonpayment of rent only) Plaintiff has breached the warranty to provide habitable premises.
- b. ☐ (Nonpayment of rent only) Defendant made needed repairs and properly deducted the cost from the rent, and plaintiff did not give proper credit.
- c. ☐ (Nonpayment of rent only) On (date): \_\_\_\_\_ before the notice to pay or quit expired, defendant offered the rent due but plaintiff would not accept it.
- d. ☐ (Nonpayment of rent only) Plaintiff's demand for possession is based on nonpayment of rent due more than one year ago.
- e. ☐ Plaintiff waived, changed, or canceled the notice to quit.
- f. ☐ Plaintiff served defendant with the notice to quit or filed the complaint to retaliate against defendant.
- g. ☐ By serving defendant with the notice to quit or filing the complaint, plaintiff is arbitrarily discriminating against the defendant in violation of the Constitution or the laws of the United States or California.
- h. ☐ Plaintiff's demand for possession violates the local rent control or eviction control ordinance of (city or county, title of ordinance, and date of passage): \_\_\_\_\_  
(Also, briefly state in item 3t the facts showing violation of the ordinance.)
- i. ☐ Plaintiff's demand for possession is subject to the Tenant Protection Act of 2019, Civil Code section 1946.2 or 1947.12, and is not in compliance with the act. (Check all that apply and briefly state in item 3t the facts that support each.)
- (1) ☐ Plaintiff failed to state a just cause for termination of tenancy in the written notice to terminate.
- (2) ☐ Plaintiff failed to provide an opportunity to cure any alleged violations of terms and conditions of the lease (other than payment of rent) as required under Civil Code section 1946.2(c).
- (3) ☐ Plaintiff failed to comply with the relocation assistance requirements of Civil Code section 1946.2(d).
- (4) ☐ Plaintiff has raised the rent more than the amount allowed under Civil Code section 1947.12, and the only unpaid rent is the unauthorized amount.
- (5) ☐ Plaintiff violated the Tenant Protection Act in another manner that defeats the complaint.
- j. ☐ Plaintiff accepted rent from defendant to cover a period of time after the date the notice to quit expired.
- k. ☐ Plaintiff seeks to evict defendant based on an act—against defendant, defendant's immediate family member, or a member of defendant's household—that constitutes domestic violence, sexual assault, stalking, human trafficking, abuse of an elder or a dependent adult, or a crime that caused bodily injury, involved a deadly weapon, or used force or threat of force. (This defense requires one of the following, which may be included with this form: (1) **a temporary restraining order, protective order, or police report** that is not more than 180 days old; (2) **a signed statement from a qualified third party** (e.g., a doctor, domestic violence or sexual assault counselor, human trafficking caseworker, psychologist, or a victim of violent crime advocate concerning the injuries or abuse resulting from these acts); or (3) **another form of documentation or evidence that verifies that the abuse or violence occurred.**)
- (1) ☐ The abuse or violence was committed by a person who does not live in the dwelling unit.
- (2) ☐ The abuse or violence was committed by a person who lives in the dwelling unit and defendant claims protection from eviction under Code of Civil Procedure section 1161.3(d)(2).
- l. ☐ Plaintiff seeks to evict defendant based on defendant or another person calling the police or emergency assistance (e.g., ambulance) by or on behalf of a victim of abuse, a victim of crime, or an individual in an emergency when defendant or the other person believed that assistance was necessary.
- m. ☐ Plaintiff's demand for possession of a residential property is based on nonpayment of rent or other financial obligations and (check all that apply)
- (1) ☐ plaintiff received or has a pending application for rental assistance from a governmental rental assistance program or some other source relating to the amount claimed in the notice to pay rent or quit. (Health & Saf. Code, §§ 50897.1(d)(2)(B) and 50897.3(e)(2).)

PLAINTIFF: DEFENDANT:	CASE NUMBER:
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3. m. (2) ☐ plaintiff received or has a pending application for rental assistance from a governmental rental assistance program or some other source for rent accruing since the notice to pay rent or quit. (Health & Saf. Code, §§ 50897.1(d)(2)(B) and 50897.3(e)(2).)
- (3) ☐ plaintiff's demand for possession is based only on late fees for defendant's failure to provide landlord payment within 15 days of receiving governmental rental assistance. (Health & Saf. Code, § 50897.1(e)(2)(B).)
- n. ☐ Plaintiff violated the COVID-19 Tenant Relief Act (Code Civ. Proc., § 1179.01 et seq.) or a local COVID-19–related ordinance regarding evictions in some other way (*briefly state facts describing this in item 3t*).
- o. ☐ The property is covered by the federal CARES Act and the plaintiff did not provide 30 days' notice to vacate. (*Property covered by the CARES Act means property where the landlord*
- *is participating in a covered housing program as defined by the Violence Against Women Act;*
  - *is participating in the rural housing voucher program under section 542 of the Housing Act of 1949; or*
  - *has a federally backed mortgage loan or a federally backed multifamily mortgage loan.*)
- p. ☐ Plaintiff improperly applied payments made by defendant in a tenancy that was in existence between March 1, 2020, and September 30, 2021 (Code Civ. Proc., § 1179.04.5), as follows (*check all that apply*):
- (1) ☐ Plaintiff applied a security deposit to rent, or other financial obligations due, without tenant's written agreement.
- (2) ☐ Plaintiff applied a monthly rental payment to rent or other financial obligations that were due between March 1, 2020, and September 30, 2021, other than to the prospective month's rent, without tenant's written agreement.
- q. ☐ Plaintiff refused to accept payment from a third party for rent due. (Civ. Code, § 1947.3; Gov. Code, § 12955.)
- r. ☐ Defendant has a disability and plaintiff refused to provide a reasonable accommodation that was requested. (Cal. Code Regs., tit. 2, § 12176(c).)
- s. ☐ Other defenses and objections are stated in item 3t.
- t. (*Provide facts for each item checked above, either below or, if more room needed, on form MC-025*):
- ☐ Description of facts or defenses are on form MC-025, titled as Attachment 3t.

#### 4. OTHER STATEMENTS

- a. ☐ Defendant vacated the premises on (*date*):
- b. ☐ The fair rental value of the premises alleged in the complaint is excessive (*explain below or, if more room needed, on form MC-025*).
- ☐ Explanation is on form MC-025, titled as Attachment 4b.
- c. ☐ Other (*specify below or, if more room needed, on form MC-025*):
- ☐ Other statements are on form MC-025, titled as Attachment 4c.

#### 5. DEFENDANT REQUESTS

- a. that plaintiff take nothing requested in the complaint.
- b. costs incurred in this proceeding.
- c. ☐ reasonable attorney fees.

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

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

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

6. Number of pages attached: \_\_\_\_\_

**UNLAWFUL DETAINER ASSISTANT (Bus. & Prof. Code, §§ 6400–6415)**

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

a. assistant's name:

b. telephone number:

c. street address, city, and zip code:

d. county of registration:

e. registration number:

f. expiration date:

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

\_\_\_\_\_  
(TYPE OR PRINT NAME)



\_\_\_\_\_  
(SIGNATURE OF DEFENDANT OR ATTORNEY)

\_\_\_\_\_  
(TYPE OR PRINT NAME)



\_\_\_\_\_  
(SIGNATURE OF DEFENDANT OR ATTORNEY)

\_\_\_\_\_  
(TYPE OR PRINT NAME)



\_\_\_\_\_  
(SIGNATURE OF DEFENDANT OR ATTORNEY)

**VERIFICATION**

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

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

Date:

\_\_\_\_\_  
(TYPE OR PRINT NAME)



\_\_\_\_\_  
(SIGNATURE OF DEFENDANT)

Date:

\_\_\_\_\_  
(TYPE OR PRINT NAME)



\_\_\_\_\_  
(SIGNATURE OF DEFENDANT)

Date:

\_\_\_\_\_  
(TYPE OR PRINT NAME)



\_\_\_\_\_  
(SIGNATURE OF DEFENDANT)

# Proof of Service

## UD ANSWER

### **Applicant:**

You must find an adult to mail your Answer directly to the other party you are responding to. **You cannot serve the UD - Answer yourself.**

### **Server:**

**You must mail the copy of the (UD-105) Answer to the other person or their attorney directly.** You will have to put the document into an envelope and address it to them along with proper postage. You must place the envelope in a mail box or give to the Post Office to mail it to them.

After you have mailed a copy, you must fill out the **Proof of Service by Mail** and put your address (street address, city, state, zip), the date (mm/dd/yyyy) and the City and State you mailed it from.

You must write the name and address (street address, city, state, zip) of the person (people) you mailed it to.

You must print your name (first and last), sign your name (must be you) and date it (date you signed it).



**FOR COURT USE ONLY**

**(Your Full Legal Name)**

**CA**

**(Your Street Address)**

(Apt #)

(City)

(Zip)

TELEPHONE NO.: \_\_\_\_\_ FAX NO. (Optional): \_\_\_\_\_

E-MAIL ADDRESS (Optional):

ATTORNEY FOR (Name): SELF-REPRESENTED

SUPERIOR COURT OF CALIFORNIA, COUNTY OF **SANTA CLARA**

STREET ADDRESS: 191 N. First Street

MAILING ADDRESS: 191 N. First Street

CITY AND ZIP CODE: San Jose, CA 95113

BRANCH NAME: Civil Courthouse - DTS

PETITIONER/PLAINTIFF:

RESPONDENT/DEFENDANT:

**PROOF OF SERVICE BY FIRST-CLASS MAIL - CIVIL**

CASE NUMBER:

***(Do not use this Proof of Service to show service of a Summons and Complaint.)***

1. I am over 18 years of age and **not a party to this action**. I am a resident of or employed in the county where the mailing took place.
2. My residence or business address is:

(Server's Street Address)

(Apt #)

(City)

(State)

(Zip)

3. On (date): \_\_\_\_\_ I mailed from (city and state): \_\_\_\_\_  
(Date Server Mailed MM/DD/YYYY) (City and State server mailed from)

the following **documents** (specify):

**ANSWER-UNLAWFUL DETAINER**

- ☐ The documents are listed in the *Attachment to Proof of Service by First-Class Mail - Civil (Documents Served)* (form POS-030(D)).

4. I served the documents by enclosing them in an envelope and (*check one*):
- a. ☒ **depositing** the sealed envelope with the United States Postal Service with the postage fully prepaid.
- b. ☐ **placing** the envelope for collection and mailing following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.

5. The envelope was addressed and mailed as follows:
- a. **Name** of person served: \_\_\_\_\_
- b. **Address** of person served: \_\_\_\_\_ (First and Last Name of Person Served)

**(Street Address)**

(Apt #)

(City)

(State)

(Zip)

- ☐ The name and address of each person to whom I mailed the documents is listed in the *Attachment to Proof of Service by First-Class Mail-Civil (Persons Served)* (POS-030(P)).

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

Date: \_\_\_\_\_  
(Date Server Signs this form)

(TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM)  
(Server's First and Last Name)

(SIGNATURE OF PERSON COMPLETING THIS FORM)  
(Server's Signature)

## INFORMATION SHEET FOR PROOF OF SERVICE BY FIRST-CLASS MAIL - CIVIL

(This information sheet is not part of the Proof of Service and does not need to be copied, served, or filed.)

**NOTE:** This form should **not** be used for proof of service of a summons and complaint. For that purpose, use *Proof of Service of Summons* (form POS-010).

Use these instructions to complete the *Proof of Service by First-Class Mail - Civil* (form POS-030).

A person over 18 years of age must serve the documents. There are two main ways to serve documents: (1) by personal delivery and (2) by mail. Certain documents must be personally served. You must determine whether personal service is required for a document. Use the *Proof of Personal Service - Civil* (form POS-020) if the documents were personally served.

The person who served the documents by mail must complete a proof of service form for the documents served. **You cannot serve documents if you are a party to the action.**

### INSTRUCTIONS FOR THE PERSON WHO SERVED THE DOCUMENTS

The proof of service should be printed or typed. If you have Internet access, a fillable version of the Proof of Service form is available at [www.courtinfo.ca.gov/forms](http://www.courtinfo.ca.gov/forms).

*Complete the top section of the proof of service form as follows:*

First box, left side : In this box print the name, address, and telephone number of the person *for* whom you served the documents.

Second box, left side : Print the name of the county in which the legal action is filed and the court's address in this box. The address for the court should be the same as on the documents that you served.

Third box, left side : Print the names of the Petitioner/Plaintiff and Respondent/Defendant in this box. Use the same names as are on the documents that you served.

First box, top of form, right side : Leave this box blank for the court's use.

Second box, right side : Print the case number in this box. The case number should be the same as the case number on the documents that you served.

*Complete items 1-5 as follows:*

1. You are stating that you are over the age of 18 and that you are not a party to this action. You are also stating that you either live in or are employed in the county where the mailing took place.
2. Print your home or business address.
3. Provide the date and place of the mailing and list the name of each document that you mailed. If you need more space to list the documents, check the box in item 3, complete the *Attachment to Proof of Service by First-Class Mail - Civil (Documents Served)* (form POS-030(D)), and attach it to form POS-030.
4. For item 4:  
Check box a if you personally put the documents in the regular U.S. mail.  
Check box b if you put the documents in the mail at your place of business.
5. Provide the name and address of each person to whom you mailed the documents. If you mailed the documents to more than one person, check the box in item 5, complete the *Attachment to Proof of Service by First-Class Mail - Civil (Persons Served)* (form POS-030(P)), and attach it to form POS-030.

**At the bottom, fill in the date on which you signed the form, print your name, and sign the form. By signing, you are stating under penalty of perjury that all the information you have provided on form POS-030 is true and correct.**