

Do You Need to Evict a Tenant?

<input type="checkbox"/> Step 1 Fill out forms	<p>Use blue or black ink:</p> <ul style="list-style-type: none"><input checked="" type="checkbox"/> Civil Case Coversheet (CM-010)<input checked="" type="checkbox"/> Verification by Landlord Regarding Rental Assistance—Unlawful Detainer (UD-120)<input checked="" type="checkbox"/> Summons (SUM-130)<input checked="" type="checkbox"/> Complaint-Unlawful Detainer (UD-100)<input checked="" type="checkbox"/> Attach a copy of the lease, the 3-day, 30-day, 60-day, or 90-day notice, and Proof of Service for Notice<input checked="" type="checkbox"/> Proof of Service of Summons (POS-010) [For use after you file]
<input type="checkbox"/> Step 2 Make copies	<p>Make copies of the above filled out forms:</p> <p>Make 1 copy for you and 1 copy for each tenant, in addition to the original.</p>
<input type="checkbox"/> Step 3 File original & copies There is a filing fee <i>unless the fee is waived..</i>	<p>Turn in the original and copies to the Clerk's office located at: 191 North First Street, San Jose, CA 95113</p> <p>The Clerk's Office opens at 8:30am Monday-Friday, closing times are subject to change, visit www.sscourt.org or call 408-882-2100 for current office hours.</p> <ul style="list-style-type: none"><input type="checkbox"/> If you are not asking for a fee waiver, you will pay the filing fee and get file-stamped copies back when you file.<input type="checkbox"/> If you are asking for a fee waiver, 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.
<input type="checkbox"/> Step 4 Serve Copies 	<p>After the filed copies are returned to you, keep 1 copy for you and 1 filed copy must be served (deliver) on each adult tenant:</p> <p>“Service” means that someone, NOT YOU, who is at least 18 years old, must HAND-DELIVER a copy of your forms onto 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 forms for you or you can look in the yellow pages and hire a “process server” to hand-deliver the papers for you for a fee.</p> <ul style="list-style-type: none"><input type="checkbox"/> After papers are delivered, the server (person who handed the tenant(s) the papers) must complete the POS-010 Proof of Service of Summons form.<input type="checkbox"/> You must file the Proof of Service of Summons form with the Clerk's Office.
<input type="checkbox"/> Step 5 What happens next  	<p>After you properly serve the paperwork:</p> <p>The tenant(s) has/have 10 court days* (after service) to file an Answer with the court clerk. “Court days” means you do not count weekends or judicial holidays.</p> <p>Day 1 starts the day <u>after</u> the tenant is handed the forms.</p> <ul style="list-style-type: none"><input type="checkbox"/> If the tenant does NOT file an Answer on time, you need to file forms to enter the tenant(s)'s default and get a judgment in your favor.<input type="checkbox"/> If the tenant DOES file an Answer you need to file a Request/Counter-Request to Set Case for Trial (UD-150) so you have a trial and the judge decides.

TURN OVER FOR IMPORTANT INFORMATION 

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.

HOW CAN I START AN UNLAWFUL DETAINER ACTION?

You must first give the Tenant(s) written “Notice” that they need to move out. This is either a 3-day, 30-day, 60-day, or 90-day notice. Different notices are for different purposes. Notices have mandatory words they need to say so 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. This can make your case take several months to finish. During that time you are losing rent you may never be able to collect. Consider hiring an attorney who is experienced with the UD procedure so that your case is completed as quickly as possible and you can start receiving rent from a new tenant.
- Watch UD court hearings to learn how to represent yourself in court if your tenant(s) files an Answer. **UD hearings are W, Th and F mornings from 9 am to 12 noon in the courthouse at 191 N. First St.** Check with the Metal Detector or Clerk’s Office to find out which courtroom the hearings are held in. Anyone can watch.
- If you have an unusual case, for example you have people living in the property whose names you don’t know or you created your own notice or you want to give the tenant(s) more than one type of notice, please see a private attorney or visit the law library to research how to handle your case. The Self-Help Center will not be able to help.

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, 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 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 then click “**Complete Forms at Home**”
 - Form Review: Email your forms as a PDF file to 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

BLANKS

UD COMPLAINT

Please complete the following
forms in blue or blank ink.

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: TELEPHONE NO.: EMAIL ADDRESS: ATTORNEY FOR (name): Self-Represented	STATE BAR NUMBER: STATE: ZIP CODE: FAX NO.:	FOR COURT USE ONLY
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 Division		
CASE NAME:		
CIVIL CASE COVER SHEET <input type="checkbox"/> Unlimited (Amount demanded exceeds \$35,000) <input checked="" type="checkbox"/> Limited (Amount demanded is \$35,000 or less)	Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	CASE NUMBER: JUDGE: DEPT.:

Items 1–6 below must be completed (see instructions on page 2).

1. Check **one** box below for the case type that best describes this case:

Auto Tort

Auto (22)
 Uninsured motorist (46)

Asbestos

Asbestos (04)

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

Product liability (24)
 Medical malpractice (45)
 Other PI/PD/WD (23)

Non-PI/PD/WD (Other) Tort

Business tort/Unfair business practice (07)
 Civil rights (08)
 Defamation (13)
 Fraud (16)
 Intellectual property (19)
 Professional negligence (25)
 Other non-PI/PD/WD tort (35)

Employment

Wrongful termination (36)
 Other employment (15)

Contract

Breach of contract/warranty (06)
 Rule 3.740 collections (09)
 Other collections (09)
 Insurance coverage (18)
 Other contract (37)

Real Property

Eminent domain/Inverse condemnation (14)
 Wrongful eviction (33)
 Other real property (26)

Unlawful Detainer

Commercial (31)
 Residential (32)
 Drugs (38)

Judicial Review

Asset forfeiture (05)
 Petition re arbitration award (11)
 Writ of mandate (02)
 Other judicial review (39)

Employment Development Department (EDD)

EDD decision review (48)

Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400–3.404)

Antitrust/Trade regulation (03)
 Construction defect (10)
 Mass tort (40)
 Securities litigation (28)
 Environmental/Toxic tort (30)
 Comprehensive groundwater adjudication (47)
 Insurance coverage claims arising from the above listed provisionally complex case types (41)

Enforcement of Judgment

Enforcement of judgment (20)

Miscellaneous Civil Complaint

RICO (27)
 Other complaint (not specified above) (42)

Miscellaneous Civil Petition

Partnership and corporate governance (21)
 Other petition (not specified above) (43)

2. Is this case complex under rule 3.400 of the California Rules of Court? Yes No

If the case is complex, mark the factors requiring exceptional judicial management:

- a. Large number of separately represented parties
- b. Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
- c. Substantial amount of documentary evidence
- d. Large number of witnesses
- e. Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
- 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*): **ONE**

5. Is this case a class action suit? Yes No

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)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 of the California Rules of Court or a complex case, this cover sheet will be used for statistical purposes only.

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 pages 1 and 2. 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 of the California Rules of Court is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$35,000, 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 plaintiff's 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.

SEE PAGE 3 FOR INFORMATION PURPOSES ONLY.

CASE TYPES AND EXAMPLES

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*)

Asbestos

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/Wrongful Death
**Other PI/PD/WD (Personal Injury/
Property Damage/Wrongful Death) Tort**
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)

Contract

Breach of Contract/Warranty (06)
Breach of Rental/Lease Contract (*not
unlawful detainer or wrongful 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)
Collections 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 drugs,
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

Employment Development Department (EDD)

EDD Decision Review (48) (*if the case
involves an Employment Development
Department decision, check this item
instead of Wrongful Termination or Other
Employment*)

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)
Comprehensive Groundwater Adjudication
(47)
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*)
Mechanic's 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

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: TELEPHONE NO.: EMAIL ADDRESS: ATTORNEY FOR (name): Self- Represented	STATE BAR NUMBER: STATE: ZIP CODE: FAX NO.:	FOR COURT USE ONLY
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		
PLAINTIFF: DEFENDANT:		
VERIFICATION BY LANDLORD REGARDING RENTAL ASSISTANCE—UNLAWFUL DETAINER		CASE NUMBER:

This form must be filed by the plaintiff with any request for default judgment in any unlawful detainer action seeking possession of residential property based on nonpayment of rent or any other financial obligation under a lease. It may also be used at other times as appropriate or when requested by a judicial officer.

1. The landlord of the property at issue in this case is (name):
2. All of the following statements are true:
 - a. Landlord has not received rental assistance or other financial compensation from any other source corresponding to the amount demanded in the notice underlying the complaint in this action.
 - b. Landlord has not received rental assistance or other financial compensation from any other source for rent accruing after the date of the notice underlying the complaint in this action.
 - c. Landlord does not have any pending application for rental assistance or other financial compensation from any other source corresponding to the amount demanded in the notice underlying the complaint in this action.
 - d. Landlord does not have any pending application for rental assistance or other financial compensation from any other sources for rent accruing after the date of the notice underlying the complaint in this action.

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)

(TITLE—provide if signing on behalf of corporation or other business entity)

SUMMONS—EVICTION
(CITACIÓN JUDICIAL—DESAZOJO)

SUM-130

UNLAWFUL DETAINER / FORCIBLE DETAINER / FORCIBLE ENTRY
(RETENCIÓN ILÍCITA DE UN INMUEBLE / RETENCIÓN FORZOSA / ENTRADA FORZOSA)

*FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)*

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 10 days. You have 10 DAYS, not counting Saturdays and Sundays and other judicial holidays, 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.

If this summons was served through the Secretary of State's Safe at Home address confidentiality program, you have 15 days from the date of service, not counting Saturdays and Sundays and other judicial holidays, to respond.

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 Self-Help Guide to the California Courts (selfhelp.courts.ca.gov), your county law library, or the courthouse nearest you. 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 website (www.lawhelpca.org), the Self-Help Guide to the California Courts (selfhelp.courts.ca.gov), or by contacting your local court or county bar association.

FEE WAIVER: If you cannot pay the filing fee, ask the clerk for a fee waiver form. **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.

AVISO! Usted ha sido demandado. Si no responde dentro de 10 días, el tribunal puede emitir un fallo en su contra sin una audiencia. Una vez que le entreguen esta citación y papeles legales, solo tiene 10 DÍAS, sin contar sábado y domingo y otros días feriados del tribunal, para presentar una respuesta por escrito en este tribunal y hacer que se entregue una copia al demandante.

Si la presente citación le ha sido entregado a través del programa de dirección confidencial del Secretario del Estado Seguro en Casa, tiene 15 días después de la fecha de entrega, sin contar sábado y domingo y otros días feriados del tribunal, para responder.

Una carta o una llamada telefónica no lo protege. 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 la Guía de Ayuda de las Cortes de California (selfhelp.courts.ca.gov/es), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no presenta su respuesta a tiempo, puede perder el caso por falta de comparecencia y se 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.lawhelpca.org/es), en la Guía de Ayuda de las Cortes de California (selfhelp.courts.ca.gov/es), o poniéndose en contacto con la corte o el colegio de abogados local.

EXENCIÓN DE CUOTAS: 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. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos con un gravamen sobre cualquier monto de \$10,000 ó más recibido 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 desestimar el caso.

1. The name and address of the court is:
(*El nombre y dirección de la corte es*):
Superior Court of California, County of Santa Clara
191 North First Street, San Jose, CA 95113

CASE NUMBER (número de caso):

(Your Full Legal Name)

(Your Street Address) (Apt #)

(City)

(Zip)



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

3. (Must be answered in all cases) An **unlawful detainer assistant** (Bus. & Prof. Code, §§ 6400–6415) did not did for compensation give advice or assistance with this form. (If plaintiff has received any help or advice for pay from an unlawful detainer assistant, complete item 4 below.)

4. **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):

Date:
(Fecha)

Clerk, by
(Secretario)

, Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons (form POS-010).)

[SEAL]

5. **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 416.60 (minor).
 CCP 416.20 (defunct corporation). CCP 416.70 (conservatee).
 CCP 416.40 (association or partnership). CCP 416.90 (authorized person).
 CCP 415.46 (occupant). other (specify): _____
- e. by personal delivery on (date): _____

ATTORNEY OR PARTY WITHOUT ATTORNEY		STATE BAR NUMBER:		FOR COURT USE ONLY
NAME:				
FIRM NAME:				
STREET ADDRESS:				
CITY:		STATE:	ZIP CODE:	
TELEPHONE NO.:		FAX NO.:		
EMAIL ADDRESS:				
ATTORNEY FOR (name):				
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				
PLAINTIFF:				
DEFENDANT:				
<input type="checkbox"/> DOES 1 TO				
COMPLAINT—UNLAWFUL DETAINER*				
<input checked="" type="checkbox"/> COMPLAINT <input type="checkbox"/> AMENDED COMPLAINT (Amendment Number):				
CASE NUMBER:				

Jurisdiction (check all that apply): **ACTION IS A LIMITED CIVIL CASE (amount demanded does not exceed \$35,000)**Amount demanded does not exceed \$10,000
 exceeds \$10,000 **ACTION IS AN UNLIMITED CIVIL CASE (amount demanded exceeds \$35,000)** **ACTION IS RECLASSIFIED by this amended complaint or cross-complaint (check all that apply):** 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 public agency. (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. a. The venue is the court named above because defendant named above is in possession of the premises located at (street address, apartment number, city, zip code, and county):
- b. The premises in 3a are (check one)
 - (1) within the city limits of (name of city):
 - (2) within the unincorporated area of (name of county):
- c. The premises in 3a were constructed in (approximate year):
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.

*** NOTE:** Do not use this form for evictions after sale (Code Civ. Proc., § 1161a).

PLAINTIFF:	CASE NUMBER:
DEFENDANT:	

6. a. On or about (date):
defendant (name each):

(1) agreed to rent the premises as a month-to-month tenancy other tenancy (specify):
 (2) agreed to pay rent of \$ payable monthly other (specify 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.
 (2) plaintiff's agent. (4) Other (specify):

c. The defendants not named in item 6a are
 (1) subtenants.
 (2) assignees.
 (3) Other (specify):

d. The agreement was later changed as follows (specify):

e. A copy of the written agreement, including any addenda or attachments that form the basis of this complaint, is attached and labeled Exhibit 1. (Required for residential property, unless item 6f is checked. See Code Civ. Proc., § 1166.)

f. (For residential property) A copy of the written agreement is not attached because (specify reason):
 (1) the written agreement is not in the possession of the landlord or the landlord's employees or agents.
 (2) this action is solely for nonpayment of rent (Code Civ. Proc., § 1161(2)).

7. The tenancy described in item 6 (check 7a or 7b)

a. is not subject to the Tenant Protection Act of 2019 (Civil Code, § 1946.2). The specific subpart supporting why tenancy is exempt is (specify):
 b. is subject to the Tenant Protection Act of 2019.

8. (Complete only if item 7b is checked. Check all applicable boxes.)

a. The tenancy was terminated for at-fault just cause (Civil Code, § 1946.2(b)(1)).
 b. The tenancy was terminated for no-fault just cause (Civil Code, § 1946.2(b)(2)) and the plaintiff (check one)
 (1) waived the payment of rent for the final month of the tenancy, before the rent came due, under section 1946.2(d)(2), in the amount of \$
 (2) provided a direct payment of one month's rent under section 1946.2(d)(3), equaling \$ to (name each defendant and amount given to each):

c. Because defendant failed to vacate, plaintiff is seeking to recover the total amount in 8b as damages in this action.

9. a. Defendant (name each):

was served the following notice on the same date and in the same manner:

(1) <input checked="" type="checkbox"/> 3-day notice to pay rent or quit	(6) <input type="checkbox"/> 3-day notice to perform covenants or quit (not applicable if item 7b checked)
(2) <input type="checkbox"/> 30-day notice to quit	(7) <input type="checkbox"/> 3-day notice to quit under Civil Code, § 1946.2(c). Prior required notice to perform covenants served (date):
(3) <input type="checkbox"/> 60-day notice to quit	
(4) <input type="checkbox"/> 3-day notice to quit	(8) <input type="checkbox"/> Other (specify):
(5) <input type="checkbox"/> 30-day notice to vacate under the federal CARES Act (15 U.S.C. § 9058(c))	

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9. b. (1) On (date): the period stated in the notice checked in 9a expired at the end of the day.
 (2) Defendants failed to comply with the requirements of the notice by that date.
 c. All facts stated in the notice are true.
 d. The notice included an election of forfeiture.
 e. A copy of the notice is attached and labeled Exhibit 2. (*Required for residential property. See Code Civ. Proc., § 1166. When Civil Code section 1946.2(c) applies and two notices are required, provide copies of both.*)
 f. One or more defendants were served (1) with the prior required notice under Civil Code section 1946.2(c), (2) with a different notice, (3) on a different date, or (4) in a different manner, as stated in Attachment 10c. (*Check item 10c and attach a statement providing the information required by items 9a–e and 10 for each defendant and notice.*)

10. a. The notice in item 9a was served on the defendant named in item 9a as follows:
 (1) By personally handing a copy to defendant on (date):
 (2) By leaving a copy with (name or description):
 a person of suitable age and discretion, on (date): at defendant's
 residence business AND mailing a copy to defendant at defendant's place of residence
 on (date): because defendant cannot be found at defendant's residence or usual place of business.
 (3) By posting a copy on the premises on (date):
 AND giving a copy to a person found residing at the premises AND mailing a copy to defendant at the premises
 on (date):
 (a) because defendant's residence and usual place of business cannot be ascertained OR
 (b) because no person of suitable age or discretion can be found there.
 (4) (*Not for 3-day notice; see Civil Code section 1946 before using*) By sending a copy by certified or registered mail
 addressed to defendant on (date):
 (5) (*Not for residential tenancies; see Civil Code section 1953 before using*) In the manner specified in a written
 commercial lease between the parties
 b. (Name):
 was served on behalf of all defendants who signed a joint written rental agreement.
 c. Information about service of notice on the defendants alleged in item 9f is stated in Attachment 10c.
 d. Proof of service of the notice in item 9a is attached and labeled Exhibit 3.

11. **Statements regarding rental assistance** (*Required in all actions based on nonpayment of rent or any other financial obligation. Plaintiff must complete items 11a–d and, if later seeking a default judgment, will also need to file Verification Regarding Rental Assistance—Unlawful Detainer (form UD-120).*)

a. Plaintiff has received has not received rental assistance or other financial compensation from any other source corresponding to the amount demanded in the notice underlying the complaint.
 b. Plaintiff has received has not received rental assistance or other financial compensation from any other source for rent accruing *after* the date of the notice underlying the complaint.
 c. Plaintiff has does not have any pending applications for rental assistance or other financial compensation from any other source corresponding to the amount demanded in the notice underlying the complaint.
 d. Plaintiff has does not have any pending applications for rental assistance or other financial compensation from any other source for rent accruing *after* the date on the notice underlying the complaint.

12. Plaintiff demands possession from each defendant because of expiration of a fixed-term lease.

13. At the time the 3-day notice to pay rent or quit was served, the amount of **rent due** was \$ _____

14. The fair rental value of the premises is \$ _____ per day.

15. Defendant's continued possession is malicious, and plaintiff is entitled to statutory damages under Code of Civil Procedure section 1174(b). (*State specific facts supporting a claim up to \$600 in Attachment 14.*)

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16. A written agreement between the parties provides for attorney fees.

17. Defendant's tenancy is subject to the local rent control or eviction control ordinance of (city or county, title of ordinance, and date of passage):

Plaintiff has met all applicable requirements of the ordinances.

18. Other allegations are stated in Attachment 17.

19. Plaintiff accepts the jurisdictional limit, if any, of the court.

20. PLAINTIFF REQUESTS

- a. possession of the premises.
- b. costs incurred in this proceeding:
- c. past-due rent of \$ _____
- d. reasonable attorney fees.
- e. forfeiture of the agreement.
- f. damages in the amount of waived rent or relocation assistance as stated in item 8: \$ _____
- g. damages at the rate stated in item 13 from date: _____ for each day that defendants remain in possession through entry of judgment.
- h. statutory damages up to \$600 for the conduct alleged in item 14.
- i. other (specify): _____

21. Pages attached (specify number of pages):

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

22. (Complete in all cases.) An unlawful detainer assistant did not did for compensation give advice or assistance with this form. (If declarant has received any help or advice for pay from an unlawful detainer assistant, complete a–f.)

- a. Assistant's name:
- b. Street address, city, and zip code:
- c. Telephone no.:
- d. County of registration:
- e. Registration no.:
- f. Expires on (date):

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF PLAINTIFF OR ATTORNEY)

VERIFICATION

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

I am the plaintiff in this proceeding and have read this complaint. 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 PLAINTIFF)

PROOF OF SERVICE

**TO BE COMPLETED BY THE SERVER
(SEE INSTRUCTIONS FOR DETAILS)**

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) :

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

PLAINTIFF/PETITIONER:

CASE NUMBER:

DEFENDANT/RESPONDENT:

PROOF OF SERVICE OF SUMMONS

Ref. No. or File No.:

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
 - a. summons
 - b. complaint
 - c. Alternative Dispute Resolution (ADR) package
 - d. Civil Case Cover Sheet (*served in complex cases only*)
 - e. cross-complaint
 - f. other (*specify documents*) : CM-010; UD-120
3. a. Party served (*specify name of party as shown on documents served*) :
 - b. Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (*specify name and relationship to the party named in item 3a*):
4. Address where the party was served: _____

(Street Address)
(Apt #)
(City)
(Zip)
5. I served the party (*check proper box*)
 - a. **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date) : _____ (2) at (time) : _____
 - b. **by substituted service.** On (date) : _____ at (time) : _____ I left the documents listed in item 2 with or in the presence of (*name and title or relationship to person indicated in item 3*) :
 - (1) (**business**) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) (**home**) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) (**physical address unknown**) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date) : _____ from (city) : _____ or a declaration of mailing is attached.
 - (5) I attach a **declaration of diligence** stating actions taken first to attempt personal service.

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5. c. **by mail and acknowledgment of receipt of service.** I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,

(1) on (date) : (2) from (city) :

(3) with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (*Attach completed* Notice and Acknowledgment of Receipt.) (Code Civ. Proc., § 415.30.)

(4) to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)

d. **by other means (specify means of service and authorizing code section) :**

Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

a. as an individual defendant.

b. as the person sued under the fictitious name of (specify) :

c. as occupant.

d. On behalf of (specify) :

under the following Code of Civil Procedure section:

416.10 (corporation)
 416.20 (defunct corporation)
 416.30 (joint stock company/association)
 416.40 (association or partnership)
 416.50 (public entity)

415.95 (business organization, form unknown)
 416.60 (minor)
 416.70 (ward or conservatee)
 416.90 (authorized person)
 415.46 (occupant)
 other:

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 section 22350(b).

(3) registered California process server:

(i) owner employee independent contractor.

(ii) Registration No.:

(iii) County:

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

or

9. I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date:

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)

(SIGNATURE)