

3-Day Notice to Pay or Quit

Step 1	Use blue or black ink to complete the top portion of the 3-Day Notice to Pay or Quit (see sample). <ul style="list-style-type: none">○ You must indicate the days and times that you are available to accept payment.○ If your tenant is renting a room in your home, write the room number or area they are renting (e.g. living room).
Step 2	Make 1 copy of the 3-day Notice to Pay or Quit.
Step 3	Give the copy of the notice to the tenant. You will keep the original.
Step 4	After a copy of the 3 Day Notice to Pay or Quit 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.
Step 5	<p>If the tenant pays you the amount owed in full within 3 court days* of being served this notice, they get to stay in the property. If you still want them out, you may choose to serve them a 30, 60 or 90 day notice at the same time. Ask staff for help determining which notices apply to you.</p> <p>If the tenant does not pay the amount owed to you in full within 3 court days*, you may start an Unlawful Detained (Eviction) case. You may contact the Self Help Center for assistance with starting your case. You must have the completed, original 3-Day Notice to Pay or Quit and the lease agreement (if you have one).</p> <p>* “Court days” means you do not count any weekends or judicial holidays.</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.

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

Three-Day Notice to Pay or Quit

To: (name/s) _____

Tenants in possession of the premises at

Street address Apartment number City

County of Santa Clara, California.

PLEASE TAKE NOTICE that the rent on these premises occupied by you, in the total amount of \$ _____ for the following periods:

Date Due	Amount Due	Date Due	Amount Due	Date Due	Amount Due
	\$		\$		\$
	\$		\$		\$
	\$		\$		\$
	\$		\$		\$

YOU ARE HEREBY REQUIRED to pay this amount within THREE (3) days (Excluding Saturdays, Sundays, and other Judicial Holidays) from the date of service on you of this notice or to vacate and surrender possession of the premises. In the event you fail to do so, legal proceedings will be instituted against you to recover possession of the premises, declare the forfeiture of the rental agreement or lease under which you occupy the premises, and recover rents, damages, and costs of suit.

RENT IS TO BE PAID TO:

- The undersigned, or
- The following person: _____

AT THE FOLLOWING ADDRESS:

Street address Apartment number City

Phone

IN THE FOLLOWING MANNER:

- In person. Usual days and hours for rent collection are
- By mail to the person and address indicated above.
- By deposit to account (#) _____ at (bank name), _____ a financial institution located 5 miles of your rental at (address) _____, California.
- By electronic funds transfer procedure previously established.

Date

Landlord/Manager

Proof of Service

I, the undersigned, being at least 18 years of age, served this 3-Day Notice and Notice, of which this is a true copy, on

(name) _____ one of the occupants listed above, as follows:

- On (date) _____, I delivered the notice to the occupant personally.
- On (date) _____, I delivered the notice to the person of suitable age and discretion at the occupant's residence/business after having attempted personal service at the occupant's residence, and business if known. On (date) _____, I mailed a second copy to the occupant at his or her residence.
- On (date) _____, 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 (date) _____, I mailed a second copy to the occupant at his or her residence.

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

Date: _____

Server PRINTS name here

Server SIGNS name here