

How to Get a Trial Date When a Response Had Been Filed in Your Case (Unlawful Detainer)

Step 1	Complete the following forms in blue or black ink: <input checked="" type="checkbox"/> Request to Set Date for Trial-Unlawful Detainer (UD-150)
Step 2	Service on the Other Party: Make one copy of your completed and unfiled UD-150, including an unsigned copy of the proof of service. Then have someone who is 18 or older, NOT YOU, mail the copy to the other party. Then have the server complete the Proof of Service by Mail on page 2 of UD-150.
Step 3	Copies: Make a copy of form FL-150 with the completed Proof of Service by Mail.
Step 4	File: Turn in the original and copy to the Clerk's office located at: 191 North First Street, San Jose, CA 95113 The Clerk's Office opens at 8:30am Monday-Friday, closing times are subject to change, visit www.scscourt.org or call 408-882-2100 for current office hours. The clerk will keep the original and return your copy. Keep the copy for your record.
Step 5	Trial Date: The Court will send you the trial date in the mail.
Step 6	Go to your Court hearing: Go to your trial date prepared to present your case.

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

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

Your Name
Your Address

TELEPHONE NO.: _____ FAX No. (Optional): _____

E-MAIL ADDRESS (Optional): _____

ATTORNEY FOR (Name): **Self-Represented**

FOR COURT USE ONLY

SAMPLE ONLY

Do not write on this copy!

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**

PLAINTIFF: **Name of the Party Who Started the Case [or Landlord]**

DEFENDANT: **Name of the Other Party [Person Who is Renting]**

Select who you are

REQUEST TO SET CASE FOR TRIAL - UNLAWFUL DETAINER

COUNTER-REQUEST

Plaintiff **Defendant**

CASE NUMBER:

Your Court Case # Here

1. **Plaintiff's request.** I represent to the court that I have not had a default or dismissal entered against the defendant in this case and they've file a written response/answer.
2. **Trial preference.** The premises concerning this case are located at (street address, apartment number, city, zip code, and county):

- Check one
- a. To the best of my knowledge, the right to possession of the premises is still in issue. This case is entitled to legal preference under Code of Civil Procedure section 1179a.
- b. To the best of my knowledge, the right to possession of the premises is no longer in issue. No defendant or other person is in possession of the premises.
3. **Jury or nonjury trial.** I request a jury trial a nonjury trial. **Check one**
4. **Estimated length of trial.** I estimate that the trial will take (check one):
- a. days (specify number): _____ b. hours (specify if estimated trial is less than one day): _____
5. **Trial date.** I am not available on the following dates (specify dates and reasons for unavailability):

List any dates that you are unavailable to come to court and explain why you are not available on those dates.

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

6. (Complete in all cases.) An unlawful detainer assistant did not did for compensation 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: _____ c. Telephone no.: _____
- b. Street address, city, and zip code: _____ d. County of registration: _____
- e. Registration no.: _____ f. Expires on (date): _____

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

Date: **Today's Date**

Print Your Name Here (TYPE OR PRINT NAME) **Sign Your Name Here** (SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- An unlawful detainer case must be set for trial on a date not later than **20 days after the first request** to set the case for trial is made (Code Civ. Proc., § 1170.5(a)).
- If a jury is requested, \$150 must be deposited with the court 5 days before trial (Code Civ. Proc., § 631).
- Court reporter and interpreter services vary. Check with the court for availability of services and fees charged.
- If you cannot pay the court fees and costs, you may apply for a fee waiver. Ask the court clerk for a fee waiver form.

PLAINTIFF: Name of the Party Who Started the Case [or Landlord]	CASE NUMBER:
DEFENDANT: Name of the Other Party [Person Who is Renting]	Your Court Case # Here

PROOF OF SERVICE BY MAIL

Instructions: After having the parties served by mail with the Request/Counter-Request to Set Case for Trial - Unlawful Detainer, (form UD-150), have the person who mailed the form UD-150 complete this Proof of Service by Mail. An **unsigned** copy of the Proof of Service by Mail should be completed and served with form UD-150. Give the Request/Counter-Request to Set Case for Trial - Unlawful Detainer (form UD-150) and the completed Proof of Service by Mail to the clerk for filing. If you are representing yourself, someone else must mail these papers and sign the Proof of Service by Mail.

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

Server's Address

3. I served the *Request/Counter-Request to Set Case for Trial - Unlawful Detainer* (form UD-150) by enclosing a copy in an envelope addressed to each person whose name and address are shown below AND
 - a. **depositing** the sealed envelope in the United States mail on the date and at the place shown in item 3c with the postage fully prepaid.
 - b. **placing** the envelope for collection and mailing on the date and at the place shown in item 3c following 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.
 - c. (1) Date mailed: Server fills in date the form is mailed here
 - (2) Place mailed (city and state): Server fills in the city and state they mailed the forms from

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

Date: Server dates this form

Server prints their name here

(TYPE OR PRINT NAME)

Server signs their name here

(SIGNATURE OF PERSON WHO MAILED FORM UD-150)

NAME AND ADDRESS OF EACH PERSON TO WHOM NOTICE WAS MAILED

Name

Address (number, street, city, and zip code)

	List name(s) of person(s) to whom this form was mailed	List address of where a copy of this form was mailed
4.		
5.		
6.		
7.		
8.		
9.		

List of names and addresses continued on a separate attachment or form MC-025, titled Attachment to Proof of Service by Mail.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX No. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): Self-Represented	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	
PLAINTIFF: DEFENDANT:	
<input checked="" type="checkbox"/> REQUEST <input type="checkbox"/> COUNTER-REQUEST TO SET CASE FOR TRIAL - UNLAWFUL DETAINER <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant	CASE NUMBER:

1. **Plaintiff's request.** I represent to the court that all parties have been served with process and have appeared or have had a default or dismissal entered against them. I request that this case be set for trial.
2. **Trial preference.** The premises concerning this case are located at (*street address, apartment number, city, zip code, and county*):
 - a. To the best of my knowledge, the right to possession of the premises is still in issue. This case is entitled to legal preference under Code of Civil Procedure section 1179a.
 - b. To the best of my knowledge, the right to possession of the premises is no longer in issue. No defendant or other person is in possession of the premises.
3. **Jury or nonjury trial.** I request a jury trial a nonjury trial.
4. **Estimated length of trial.** I estimate that the trial will take (*check one*):
 - a. days (*specify number*):
 - b. hours (*specify if estimated trial is less than one day*):
5. **Trial date.** I am not available on the following dates (*specify dates and reasons for unavailability*):

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

6. (*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.*)

<ol style="list-style-type: none"> a. Assistant's name: b. Street address, city, and zip code: 	<ol style="list-style-type: none"> c. Telephone no.: d. County of registration: e. Registration no.: f. Expires on (<i>date</i>):
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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 PARTY OR ATTORNEY FOR PARTY)

NOTICE

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PLAINTIFF: DEFENDANT:	CASE NUMBER:
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1. I am over the age of 18 and **not a party to this case**. I am a resident of or employed in the county where the mailing took place.
2. My residence or business address is (specify):

3. I served the *Request/Counter-Request to Set Case for Trial - Unlawful Detainer* (form UD-150) by enclosing a copy in an envelope addressed to each person whose name and address are shown below AND
 - a. **depositing** the sealed envelope in the United States mail on the date and at the place shown in item 3c with the postage fully prepaid.
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 - c. (1) Date mailed:
(2) Place mailed (city and state):

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 PERSON WHO MAILED FORM UD-150)

NAME AND ADDRESS OF EACH PERSON TO WHOM NOTICE WAS MAILED

Name

Address (number, street, city, and zip code)

4.		
5.		
6.		
7.		
8.		
9.		

List of names and addresses continued on a separate attachment or form MC-025, titled Attachment to Proof of Service by Mail.