

FORMS

All of the mentioned forms, except the Notice to Tenant, are available from the clerk or on the Court's Web-site at: www.occourts.org.

Most commonly used forms:

CM-010 Civil Case Cover Sheet
UD-100 Complaint – Unlawful Detainer
SUM-130 Summons – Unlawful Detainer
POS-010 Proof of Service of Summons
CIV-100 Request for Entry of Default
UD-116 Declaration for Default Judgment by Court (UD-CCP 585(d))
UD-110 Judgment – Unlawful Detainer
UD-150 Request/Counter Request to Set Case for Trial-Unlawful Detainer.
L-1051 Application for Writ of Possession – Unlawful Detainer
EJ-130 Writ of Execution/Possession

INTERPRETERS

The court will provide free interpreter services in Unlawful Detainer matters. If you need free interpreter services, contact the Court Interpreter's office to request an interpreter at: <http://www.occourts.org/directory/cris/LAP> or call (657) 622-6878 and select option 2 and then option 8 on the phone menus.

QUESTIONS

If you have any legal questions, you must contact an attorney or do your own research. The Orange County Law Library is available to the public.

If you have a question regarding the status of your case, you may look online at www.occourts.org or contact the Justice Center where the case is filed.

If you are representing yourself in an Unlawful Detainer action, you are exempt from the mandatory electronic filing rules (Code of Civil Procedure § 1010.6, Orange County Superior Court Rule 352). You may file in person at the proper venue. If you prefer, you may electronically file your forms at www.occourts.org.

All filings must be completed properly and accurately. Any documents needing correction will

be returned. This may delay your judgment and/or writ. If you are filing an exemption please provide a self-addressed, stamped envelope for the return of your documents.

VENUE

You must file in the proper venue. You may ask the clerk for a Court Designation List/Filing Court Locator, or check the Court's Web-site at: www.occourts.org.

COURT FEES

Make checks payable to Clerk of the Court.

Pursuant to the Government Code, the Superior Court must charge for the various documents filed and issued. A current fee schedule is available at the Clerk's Office or at www.occourts.org.

SHERIFF FEES

Make checks payable to Orange County Sheriff.

Check with Sheriff for current fee for the posting of Writ of Possession.

OTHER INFORMATION

ORANGE COUNTY PUBLIC LAW LIBRARY (714) 834-3397
515 N. Flower, Santa Ana
Building 32 (in the Civic Center Plaza)
www.ocpl.org

FAIR HOUSING (800) 698-FAIR or (714) 569-0823
The Fair Housing Council is available to answer landlord-tenant questions, investigate discrimination allegations, and they have a counselor available.

ORANGE COUNTY BAR LAWYER REFERRAL AND INFORMATION (949) 440-6747

O.C. APARTMENT ASSOCIATION (714) 638-5550

COMMUNITY LEGAL AID SOCAL (714) 571-5200
www.communitylegalsocal.org (800) 834-5001
Legal Aid is available to answer landlord-tenant questions through its Hotline, provide community education at the weekly Landlord-Tenant Clinic, assist in preparation of pleadings, and provide representation in certain cases to senior citizens and very low income tenants.



This pamphlet is for general information only and is not a substitute for legal advice.

Form No. L1163 (Rev. Mar. 2019)

Unlawful Detainer Information

DAVID H. YAMASAKI
CLERK OF THE COURT



SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
www.occourts.org

Central Justice Center
700 Civic Center Drive West
Santa Ana, CA 92701
(657) 622-6878

Harbor Justice Center
Newport Beach Facility
4601 Jamboree Road
Newport Beach, CA 92660
(657) 622-5400

North Justice Center
1275 North Berkeley Avenue
Fullerton, CA 92832
(657) 622-5600

West Justice Center
8141 13th Street
Westminster, CA 92683
(657) 622-5900

This information is intended as a procedural guide only. You may wish to seek an attorney's advice. Any errors in following the strict procedural requirements may result in having to start over again and may delay you in obtaining the eviction. If the tenant files an answer, you may have to represent yourself in a court or jury trial.

If you are evicting a lodger from the home you own and reside in, this may not be the procedure for you. You should seek legal advice as there may be a quicker and less costly method of eviction.

FILING STEPS

There are several steps. Each step must be completed and the appropriate time must elapse before continuing.

NOTICE TO TENANT

- Several types of notices are available at office supply stores. You must choose the appropriate one for your situation.
- Notice must be properly served to the tenant prior to initiating a case with the Court.
- A proof of service then must be completed after the notice is served.
- A copy of the Notice to Pay or Quit and proof of service must be attached to the complaint.

SUMMONS AND COMPLAINT

1. If you are representing yourself you may file your Unlawful Detainer Summons, Unlawful Detainer Complaint, and a Civil Case Cover Sheet in person at the court of proper venue. Or if you prefer, you may file your documents electronically. Filing information and service providers can be found at www.occourts.org.
2. Pay current filing fee at the time of filing.
3. You are now the plaintiff and the party you sued becomes the defendant.

If you file electronically, you will receive a copy of your complaint and issued summons that includes a case number from your Electronic Filing Service Provider. The clerk may mail a notice for an Order

to Show Cause Hearing re: Dismissal to you at a later date if you do not pursue your case.

SERVICE

A copy of the Summons and Unlawful Detainer Complaint must be served on each defendant. The person doing the service must complete and file a separate Proof of Service for each defendant served. Service may be done by the sheriff, a legal process server, or someone 18 years of age or older who is not a party to the action. Check the California Code of Civil Procedure for more information regarding service of the summons.

DEFAULT JUDGMENT

Immediate Possession of Property

If the defendant fails to properly respond within the time allotted on the summons plus any additional time required depending on the method of service used, then the clerk will enter a default upon your filing of a properly executed "Request for Entry of Default." To obtain a default judgment you must file the following forms: Proof of Service, Request for Entry of Default, Judgment–Unlawful Detainer, and Application for Writ of Possession, and a Writ of Possession along with the fee to issue a Writ.

DEFAULT JUDGMENT

For Possession of Property and Money

This type of default judgment can be for the total rent owed to you *after* you have obtained possession of the property or you may choose to have a judgment for possession *and* rent owed. This type of judgment can be done by declaration or by appearing before a judge at a "Prove-up" hearing. Find Default Prove-Up calendaring information at www.occourts.org. There is no fee.

The forms required for a Court Default Judgment for rent *after* obtaining possession are: Declaration in Lieu of Testimony (or a prove-up hearing) and Judgment.

The forms required for Court Judgment for Possession *and* rent, simultaneously, are all of the above, plus: Proof of Service for each defendant, Request for Entry of Default, Application for Writ of

Possession, and the Writ of Possession, plus the fee to issue the Writ.

TRIAL AND JUDGMENT

Once the defendant has filed a written answer, either party may request a trial date by filing a Request/Counter-Request to Set Case for Trial. A trial date is set by the clerk on the earliest date available within the statutory time; usually within 20 days of filing the request. When requesting a trial date, either party may request a jury trial. Jury fees must then be posted with the court at least five (5) days prior to the trial date.

At the trial, one of several things could happen. If both parties are present, the case *will* be tried so be ready! If only the plaintiff is present and wishes to proceed, the case may be tried as an uncontested trial, and it may proceed to judgment based on the proof you have offered. If, on the other hand, the defendant is the only party to appear, he or she may ask to have the case dismissed.

If the court orders judgment for you and requests that you, the plaintiff, are to prepare the judgment, you may use the form, Judgment After Trial. Submit your judgment along with an Application for Writ of Possession, and the Writ of Possession, plus the fee to issue a Writ.

SHERIFF INSTRUCTIONS

The Writ of Possession is a court order that directs the Sheriff to evict the tenant after you have obtained judgment. Your form instructions for the Sheriff along with the required fee will need to be submitted to the Sheriff's Department along with the issued writ of possession. Check with the Sheriff for current fees.

The Sheriff may be contacted at the following telephone numbers. The correct Sheriff for service is the one in the venue area of where the property is located.

Central and North: (714) 569-3700

Harbor-Newport Beach: (949) 476-4820