

UNLAWFUL DETAINER: DEFAULT JUDGMENT FOR POSSESSION ONLY

SELF-HELP FORM PACKET



SHC-UD-02 (Rev. 01.05.2024)

Self-Help Services can review your completed forms before you file them with the Court. To request review of your completed forms:

1. Complete the attached forms in black ink.
2. Scan your completed forms and save as a single PDF file.
3. Go to [**www.occourts.org/self-help**](http://www.occourts.org/self-help) (click the button labeled *Click Here to Contact Self-Help Services*), attach the PDF, and complete the online request form. Make sure to select LANDLORD/TENANT as the case type on the form.

DEFAULT JUDGMENT CHECKLIST CLERK DEFAULT JUDGMENT – CIVIL

Use this checklist to complete your default judgment prior to filing it with the court. The Default Judgment Checklist is intended to provide a guideline to properly file your Proof of Service, Request for Entry of Default and Clerk Default Judgment.

A clerk may enter a default judgment in a written obligation (e.g., contract or promissory note) action only if the amount due is set forth in the contract or may be determined from the terms of the agreement. The action must state the amount due in the written agreement or must be easily determined without taking evidence. Examples of case types that are typical of a Clerk Default Judgment include: open book accounts (credit cards), bad checks, accounts stated based on statements, and promissory notes for money owed, and collection cases.

A clerk default judgment may be obtained when the defendant fails to file a response to the summons and complaint within the time specified on the summons. Even if the defendant fails to file a response, you will not obtain a default judgment if the named defendant has not been properly served, the party names do not match the names on the complaint or on any subsequent amendments to the complaint, or there are other technical defects such as omitting a signature.

This information is intended as a guide to assist you in processing your default judgment.

1. **Proof of Service.** Use Judicial Council form POS-010. A sheriff or process server may use a similar form that complies with California Rules of Court, rule 2.150.
 - A separate Proof of Service of Summons must be used for each defendant served.
 - The name of the party served is the same as the defendant or cross-defendant named in complaint or in any subsequent amendment.
 - Indicate the name and title of the person authorized to accept service on behalf of a business/entity.
 - If substituted service method was used on a natural person, a Declaration of Due Diligence must be attached to the Proof of Service.
 - If service is done by Notice and Acknowledgment of Receipt – Civil (POS-015), file the Proof of Service of Summons (POS-010) along with the signed Notice and Acknowledgment of Receipt – Civil.

2. **Request for Entry of Default.** Use Judicial Council form CIV-100. This form specifies which sections are required to be completed to obtain default only, or to obtain default and apply for a default judgment. The default cannot be entered if any of the following exists:
 - The time for the defendant to respond, as specified in the summons, has not expired.
 - An answer, demurrer, notice of motion to strike any part of the pleading, notice of motion to transfer, notice of motion to dismiss, notice of motion to quash service of summons or to stay or dismiss the action, or notice of filing a writ of mandate. (Code of Civil Procedure section 585(a)–(c))
 - The POS-010 does not indicate the defendant was properly served.

If any of the following exists, the default of defendant may not be entered:

- The names of the defendant(s), including “aka’s”, are not the same as the names on the complaint or any amendment.
- Proof of service of Statement of Damages (Judicial Council form CIV-050) has not been filed when the complaint is for Personal Injury or Wrongful Death action.
- Proof of service of statement of damages has not been filed when the complaint is requesting punitive damages. Do not use Judicial Council for CIV-050 for this type of statement. (Code of Civil Procedure section 425.115).

3. Clerk Default Judgment. Use Judicial Council form JUD-100.

*Note: If a statement of damages was required, you must proceed with a Court Default Judgment.

Any damages, prejudgment interest, attorney fees, costs or other monetary amounts, if requested, must be stated 1) in the prayer of the complaint, and 2) must be specified on the Request for Entry of Default form (page 1, section 2). The clerk will not calculate the amounts for you.

- Use Judicial Council form CIV-110 – Request for Dismissal, to dismiss any named or doe defendants **not** stated on the judgment.

Costs claimed on the judgment:

- If the case could have been filed in Small Claims Court , you may apply to the court to have costs allowed as part of the judgment.
- If the case could **not** have been filed in Small Claims Court (e.g., assigned claim), submit a declaration stating that the demand letter was mailed to the defendant, notifying them that they are liable for court costs (Code of Civil Procedure section 1033). You must apply to the court to have costs allowed as part of the judgment.

Interest claimed on the judgment:

- Interest is allowed at the legal rate unless the contract allows for a higher rate. This must also be specified in the prayer of the complaint. If the amount exceeds the legal rate, the original contract must be filed with the court.

Attorney Fees claimed on the judgment:

- Attorney fees claimed must comply with any schedule provided for by local court rules.
- If attorney fees are allowed by a specific statute, such as Civil Code section 1717, et seq., this must be specified in a separate declaration or specified in the prayer of the complaint.
- If attorney fees are based on a written agreement, this must be stated in the prayer of the complaint. The original contract must be filed with the court.

Written Agreement:

- Submit the original contract **or** a copy of the contract with a declaration why the original contract cannot be submitted. This must be filed when requesting attorney fees in accordance to the agreement or when requesting interest that is more than the legal limit. You can help expedite your judgment by highlighting the agreement for attorney fees and any interest claimed that exceeds the legal amount. In most instances, the legal amount is 10%.

Fee Waiver has been granted for prevailing party:

- The judgment must include all fees that were waived by the court. Any costs collected must be paid to the court.

4. Basics to check or include before submitting your document to the court.

- Is each document and declaration dated and signed?
- If you are not eFiling or filing by FAX, each document submitted must be an original unless you have applied to the court to accept a copy in lieu of the original.
- Did you include a self-addressed, stamped envelope of sufficient size and with sufficient postage for the clerk to return your file stamped copies to you?

Default Judgment – General Civil Complaints (non-Unlawful Detainer Actions)
General Information

| | |
|---|---|
| <p>Clerk Default Judgment A Clerk Default Judgment may be obtained in an action arising from a contract for the recovery of money or damages where the relief sought is fixed. The judgment may be entered immediately following the entry of default. CCP 585(a)</p> | <p>Samples of Types of Cases that may be Suitable for Clerk Default Judgment Open-book accounts as defined in CCP 337(a) Promissory notes Recovery of money or damages only Breach of Contract Collection cases</p> |
| <p>Court Default Judgment When the Clerk does not have the authority to enter a default judgment, a Court Default Judgment is required.</p> | <p>Samples of Types of Cases not suitable for a Clerk Default Judgment Amount of relief sought is not fixed or determinable from the contract terms; Case did not arise from a contract or judgment; The summons was served by publication; At least one of the defendants is not in default and has not been dismissed.</p> |

Answers to Common Questions

| | |
|--|---|
| <p>What is required to be filed to have a default entered? Proof of Service of Summons (for each party to be defaulted); Request to Enter Default (Judicial Council form CIV-100)</p> | <p>What is required to be filed with my judgment form to obtain a Clerk Default Judgment? Proof of Service of Summons (if not already filed); Request to Enter Default (if not already filed); Declaration pursuant to Code of Civ. Proc. § 1033 (if judgment amount is less than the jurisdiction of Small Claims Court); Original agreement or declaration to accept copy in lieu of original (if applicable).</p> |
| <p>The court has set a Case Management Conference. If I submit a default judgment, will the hearing still be held? The hearing will be held unless your default judgment is processed and entered by the clerk prior to the hearing date. Filing your documents accurately and in a reasonable time prior to the hearing date will help ensure your case is removed from the court calendar.</p> | <p>When is the original agreement required for judgment? When interest exceeds the legal rate When attorney fees are based on written agreement</p> |

Useful Resources

| |
|---|
| <p>Useful resources include forms and California Rules of Court found at www.courts.ca.gov.</p> <ul style="list-style-type: none"> • Case management timelines can impact the filing of your documents. These can be found in California Rules of Court, rule 3.110. This does not apply to Collection cases under rule 3.740(a), unlawful detainer actions, and other proceedings for which different service requirements are prescribed by law. • Cal Code of Civil Procedure, sections 425.11; 415.115; 417.10 et seq.; 579; 585-587; 1033 • Cal Rules of Court, rule 3.1800 – Dismissal of defendants • Cal Rules of Court, rule 3.1806 – Cancellation of original contract by clerk • Civil Code 1717.5 – Open book, attorney fees • Local rules of the court where your case is filed |
|---|

| | |
|---|---------------------------|
| ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name): | FOR COURT USE ONLY |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME: | |
| Plaintiff/Petitioner: Defendant/Respondent: | |
| REQUEST FOR <input type="checkbox"/> Entry of Default <input type="checkbox"/> Clerk's Judgment (Application) <input type="checkbox"/> Court Judgment | CASE NUMBER: |
| Not for use in actions under the Fair Debt Buying Practices Act (Civ. Code, § 1788.50 et seq.); (see form CIV-105) | |

1. TO THE CLERK: On the complaint or cross-complaint filed
- a. on (date):
 - b. by (name):
 - c. Enter default of defendant (names):
 - d. I request a court judgment under Code of Civil Procedure sections 585(b), 585(c), 989, etc., against defendant (names):

(Testimony required. Apply to the clerk for a hearing date, unless the court will enter a judgment on an affidavit under Code Civ. Proc., § 585(d).)
 - e. Enter clerk's judgment
 - (1) for restitution of the premises only and issue a writ of execution on the judgment. Code of Civil Procedure section 1174(c) does not apply. (Code Civ. Proc., § 1169.)
 Include in the judgment all tenants, subtenants, named claimants, and other occupants of the premises. The *Prejudgment Claim of Right to Possession* was served in compliance with Code of Civil Procedure section 415.46.
 - (2) under Code of Civil Procedure section 585(a). *(Complete the declaration under Code Civ. Proc., § 585.5 on the reverse (item 5).)*
 - (3) for default previously entered on (date):

2. **Judgment to be entered.**

| | <u>Amount</u> | <u>Credits acknowledged</u> | <u>Balance</u> |
|------------------------------|---------------|-----------------------------|----------------|
| a. Demand of complaint | \$ | \$ | \$ |
| b. Statement of damages* | | | |
| (1) Special | \$ | \$ | \$ |
| (2) General | \$ | \$ | \$ |
| c. Interest | \$ | \$ | \$ |
| d. Costs (see reverse) | \$ | \$ | \$ |
| e. Attorney fees | \$ | \$ | \$ |
| f. TOTALS | \$ | \$ | \$ |

g. **Daily damages** were demanded in complaint at the rate of: \$ _____ per day beginning (date): _____
 (* Personal injury or wrongful death actions; Code Civ. Proc., § 425.11.)

3. (Check if filed in an unlawful detainer case.) **Legal document assistant or unlawful detainer assistant** information is on the reverse (complete item 4).
 Date: _____

 (TYPE OR PRINT NAME) ▶ _____
 (SIGNATURE OF PLAINTIFF OR ATTORNEY FOR PLAINTIFF)

| | |
|---------------------------|---|
| FOR COURT USE ONLY | (1) <input type="checkbox"/> Default entered as requested on (date): (2) <input type="checkbox"/> Default NOT entered as requested (state reason): |
| Clerk, by _____, Deputy | |

| | |
|--|--------------|
| Plaintiff/Petitioner: Defendant/Respondent: | CASE NUMBER: |
|--|--------------|

4. **Legal document assistant or unlawful detainer assistant (Bus. & Prof. Code, § 6400 et seq.).** A legal document assistant or unlawful detainer assistant did did **not** for compensation give advice or assistance with this form. If declarant has received **any** help or advice for pay from a legal document assistant or unlawful detainer assistant, state:

- | | |
|--|----------------------------|
| 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): |

5. **Declaration under Code Civ. Proc., § 585.5** (for entry of default under Code Civ. Proc., § 585(a)). This action

- a. is is not on a contract or installment sale for goods or services subject to Civ. Code, § 1801 et seq. (Unruh Act).
- b. is is not on a conditional sales contract subject to Civ. Code, § 2981 et seq. (Rees-Levering Motor Vehicle Sales and Finance Act).
- c. is is not on an obligation for goods, services, loans, or extensions of credit subject to Code Civ. Proc., § 395(b).

6. **Declaration of mailing (Code Civ. Proc., § 587).** A copy of this *Request for Entry of Default* was

- a. **not mailed** to the following defendants, whose addresses are unknown to plaintiff or plaintiff's attorney (*names*):
- b. **mailed** first-class, postage prepaid, in a sealed envelope addressed to each defendant's attorney of record or, if none, to each defendant's last known address as follows:
 - (1) Mailed on (date):
 - (2) To (specify names and addresses shown on the envelopes):

I declare under penalty of perjury under the laws of the State of California that the foregoing items 4, 5, and 6 are true and correct.

Date: _____

(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

7. **Memorandum of costs** (required if money judgment requested). Costs and disbursements are as follows (Code Civ. Proc., § 1033.5):

- a. Clerk's filing fees \$
- b. Process server's fees \$
- c. Other (specify): \$
- d. \$
- e. **TOTAL** \$ _____

- f. Costs and disbursements are waived.
- g. I am the attorney, agent, or party who claims these costs. To the best of my knowledge and belief this memorandum of costs is correct and these costs were necessarily incurred in this case.

I declare under penalty of perjury under the laws of the State of California that the foregoing item 7 is true and correct.

Date: _____

(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

| | |
|--|--------------|
| Plaintiff/Petitioner: Defendant/Respondent: | CASE NUMBER: |
|--|--------------|

8. Declaration of nonmilitary status *(required for a judgment).*

No defendant/respondent named in item 1c is in the military service of the United States as defined by either the Servicemembers Civil Relief Act (see 50 U.S.C. § 3911(2)) or California Military and Veterans Code sections 400 and 402(f).

I know that no defendant/respondent named in item 1c is in the U.S. military service because *(check all that apply)*:

- a. the search results that I received from <https://scra.dmdc.osd.mil/> say the defendant/respondent is not in the U.S. military service.
- b. I am in regular communication with the defendant/respondent and know that they are not in the U.S. military service.
- c. I recently contacted the defendant/respondent, and they told me that they are not in the U.S. military service.
- d. I know that the defendant/respondent was discharged from U.S. military service on or about *(date)*:
- e. the defendant/respondent is not eligible to serve in the U.S. military because they are:
 incarcerated a business entity
- f. other *(specify)*:

Note

- U.S. military status can be checked online at <https://scra.dmdc.osd.mil/>.
- If the defendant/respondent is in the military service, or their military status is unknown, the defendant/respondent is entitled to certain rights and protections under federal and state law before a default judgment can be entered.
- For more information, see <https://selfhelp.courts.ca.gov/military-defaults>.

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

Date:

(TYPE OR PRINT NAME)



(SIGNATURE OF DECLARANT)

| | | |
|---|--|---|
| ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: TELEPHONE NO.: EMAIL ADDRESS: ATTORNEY FOR (name): | STATE BAR NUMBER: STATE: ZIP CODE: FAX NO.: | FOR COURT USE ONLY CASE NUMBER: |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME: | | |
| PLAINTIFF: DEFENDANT: | | |
| VERIFICATION BY LANDLORD REGARDING RENTAL ASSISTANCE—UNLAWFUL DETAINER | | |

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)

| | | | | | | | | | | |
|--|---|---|--|--|--|---|--|---|---|--------------|
| ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(name, state bar number, and address):</i> TELEPHONE NO.: _____ FAX NO. <i>(optional):</i> _____ EMAIL ADDRESS: _____ ATTORNEY FOR <i>(name):</i> _____ | FOR COURT USE ONLY | | | | | | | | | |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME: | | | | | | | | | | |
| PLAINTIFF: DEFENDANT: | | | | | | | | | | |
| <table style="width:100%; border: none;"> <tr> <td colspan="3" style="text-align: center;">JUDGMENT—UNLAWFUL DETAINER</td> </tr> <tr> <td style="width:33%;"><input type="checkbox"/> By Clerk</td> <td style="width:33%;"><input type="checkbox"/> By Default</td> <td style="width:33%;"><input type="checkbox"/> After Court Trial</td> </tr> <tr> <td><input type="checkbox"/> By Court</td> <td><input type="checkbox"/> Possession Only</td> <td><input type="checkbox"/> Defendant Did Not Appear at Trial</td> </tr> </table> | JUDGMENT—UNLAWFUL DETAINER | | | <input type="checkbox"/> By Clerk | <input type="checkbox"/> By Default | <input type="checkbox"/> After Court Trial | <input type="checkbox"/> By Court | <input type="checkbox"/> Possession Only | <input type="checkbox"/> Defendant Did Not Appear at Trial | CASE NUMBER: |
| JUDGMENT—UNLAWFUL DETAINER | | | | | | | | | | |
| <input type="checkbox"/> By Clerk | <input type="checkbox"/> By Default | <input type="checkbox"/> After Court Trial | | | | | | | | |
| <input type="checkbox"/> By Court | <input type="checkbox"/> Possession Only | <input type="checkbox"/> Defendant Did Not Appear at Trial | | | | | | | | |

JUDGMENT

1. **BY DEFAULT**
 - a. Defendant was properly served with a copy of the summons and complaint.
 - b. Defendant failed to answer the complaint or appear and defend the action within the time allowed by law.
 - c. Defendant's default was entered by the clerk upon plaintiff's application.
 - d. **Clerk's Judgment** (Code Civ. Proc., § 1169). For possession only of the premises described on page 2 (item 4).
 - e. **Court Judgment** (Code Civ. Proc., § 585(b)). The court considered
 - (1) plaintiff's testimony and other evidence.
 - (2) plaintiff's or others' written declaration and evidence (Code Civ. Proc., § 585(d)).

2. **AFTER COURT TRIAL.** The jury was waived. The court considered the evidence.
 - a. The case was tried on *(date and time):*
before *(name of judicial officer):*
 - b. Appearances by

| | |
|--|---|
| <input type="checkbox"/> plaintiff <i>(name each):</i> | <input type="checkbox"/> plaintiff's attorney <i>(name each):</i> |
| | (1) |
| | (2) |

 Continued on *Attachment 2b* (form MC-025).

| | |
|--|--|
| <input type="checkbox"/> defendant <i>(name each):</i> | <input type="checkbox"/> defendant 's attorney <i>(name each):</i> |
| | (1) |
| | (2) |

 Continued on *Attachment 2b* (form MC-025).
 - c. Defendant did not appear at trial. Defendant was properly served with notice of trial.
 - d. A statement of decision (Code Civ. Proc., § 632) was not was requested.

| | |
|--------------------------|--------------|
| PLAINTIFF: DEFENDANT: | CASE NUMBER: |
|--------------------------|--------------|

JUDGMENT IS ENTERED AS FOLLOWS BY: **THE COURT** **THE CLERK**

3. Parties. Judgment is

a. for plaintiff (*name each*):

and against defendant (*name each*):

Continued on *Attachment 3a* (form MC-025).

b. for defendant (*name each*):

4. The party entitled to possession of the premises located at (*street address, apartment, city, and county*):

is

plaintiff named in item 3a defendant named in item 3b defendant listed on attached form UD-110P in item 8b1 (Code Civ. Proc. § 1174.27).

5. Judgment applies to all occupants of the premises including tenants, subtenants if any, and named claimants if any (Code Civ. Proc., §§ 715.010, 1169, and 1174.3).

6. Amount and terms of judgment

a. Defendant named in item 3a above must pay plaintiff on the complaint

b. Plaintiff is to receive nothing from defendant named in item 3b.

| | |
|--|-----------|
| (1) <input type="checkbox"/> Past-due rent | \$ |
| (2) <input type="checkbox"/> Holdover damages | \$ |
| (3) <input type="checkbox"/> Attorney fees | \$ |
| (4) <input type="checkbox"/> Costs | \$ |
| (5) <input type="checkbox"/> Other (<i>specify</i>): | \$ |
| (6) TOTAL JUDGMENT | \$ |

Defendant named in item 3b is to recover costs: \$
 and attorney fees: \$

c. The rental agreement is canceled. The lease is forfeited.

7. **Conditional judgment.** Plaintiff has breached the agreement to provide habitable premises to defendant as stated in *Judgment—Unlawful Detainer Habitable Premises Attachment* (form UD-110H), which is attached.

8. **Judgment for partial eviction.** A partial eviction is issued as stated in *Judgment—Unlawful Detainer Partial Eviction Attachment* (form UD-110P), which is attached.

9. Other (*specify*):

Continued on *Attachment 9* (form MC-025).

Date: _____ _____
JUDICIAL OFFICER

Date: _____ Clerk, by _____, Deputy

(SEAL)

CLERK'S CERTIFICATE (*Optional*)

I certify that this is a true copy of the original judgment on file in the court.

Date:

Clerk, by _____, Deputy

| | |
|---|--|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): TELEPHONE NO.: _____ FAX NO. (<i>Optional</i>): _____ E-MAIL ADDRESS (<i>Optional</i>): _____ ATTORNEY FOR (<i>Name</i>): _____ | FOR COURT USE ONLY |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE JUSTICE CENTER: Central – 700 Civic Center Dr. West, Santa Ana, CA 92701-4045 Harbor – 4601 Jamboree Rd., Newport Beach, CA 92660-2595 North – 1275 N. Berkeley Ave., P.O. Box 5000, Fullerton, CA 92838-0500 West – 8141 13 th St., Westminster, CA 92683-4593 | |
| PLAINTIFF: DEFENDANT: | CASE NUMBER: |
| APPLICATION FOR WRIT OF POSSESSION UNLAWFUL DETAINER | Unlimited civil actions only. Case assigned to: Judge: Department: Date complaint filed: Hearing/trial date: |

I am the _____ plaintiff _____ plaintiff's attorney in the above entitled action and hereby apply for a Writ of Possession under Sections 712.010 and 715.010 of the Code of Civil Procedure.

The daily rental value of the property at issue as of the date the complaint for unlawful detainer was filed is \$_____.

A Prejudgment Claim of Right to Possession has been served in compliance with Section 415.46 of the Code of Civil Procedure. The writ shall apply to all tenants, subtenants, named claimants, and other occupants of the premises.

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)

| | |
|--|--|
| ATTORNEY OR PARTY WITHOUT ATTORNEY: _____ STATE BAR NO.: _____ NAME: FIRM NAME: STREET ADDRESS: CITY: _____ STATE: _____ ZIP CODE: _____ TELEPHONE NO.: _____ FAX NO.: _____ EMAIL ADDRESS: ATTORNEY FOR (name): <input type="checkbox"/> ATTORNEY FOR <input type="checkbox"/> ORIGINAL JUDGMENT CREDITOR <input type="checkbox"/> ASSIGNEE OF RECORD | FOR COURT USE ONLY |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF Orange STREET ADDRESS: 700 Civic Center Drive MAILING ADDRESS: CITY AND ZIP CODE: Santa Ana, CA 92701 BRANCH NAME: Central Justice Center | |
| PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT: | CASE NUMBER: |
| <input type="checkbox"/> EXECUTION (Money Judgment) WRIT OF <input type="checkbox"/> POSSESSION OF <input type="checkbox"/> Personal Property <input type="checkbox"/> SALE <input type="checkbox"/> Real Property | <input type="checkbox"/> Limited Civil Case (including Small Claims) <input type="checkbox"/> Unlimited Civil Case (including Family and Probate) |

1. **To the Sheriff or Marshal of the County of:**

You are directed to enforce the judgment described below with daily interest and your costs as provided by law.

2. **To any registered process server:** You are authorized to serve this writ only in accordance with CCP 699.080 or CCP 715.040.

3. (Name):

is the original judgment creditor assignee of record whose address is shown on this form above the court's name.

4. **Judgment debtor** (name, type of legal entity if not a natural person, and last known address):

Additional judgment debtors on next page

9. Writ of Possession/Writ of Sale information on next page.

10. This writ is issued on a sister-state judgment.

For items 11–17, see form MC-012 and form MC-013-INFO.

- 11. Total judgment (as entered or renewed) \$ _____
- 12. Costs after judgment (CCP 685.090) \$ _____
- 13. Subtotal (add 11 and 12) \$ _____
- 14. Credits to principal (after credit to interest) \$ _____
- 15. Principal remaining due (subtract 14 from 13) \$ _____
- 16. Accrued interest remaining due per CCP 685.050(b) (not on GC 6103.5 fees) \$ _____
- 17. Fee for issuance of writ (per GC 70626(a)(I)) \$ _____
- 18. **Total amount due** (add 15, 16, and 17) \$ _____

5. **Judgment entered** on (date):
(See type of judgment in item 22.)

6. Judgment renewed on (dates):

7. **Notice of sale** under this writ:

- a. has not been requested.
- b. has been requested (see next page).

8. Joint debtor information on next page.

19. Levying officer:

- a. Add daily interest from date of writ (at the legal rate on 15) (not on GC 6103.5 fees) \$ _____
- b. Pay directly to court costs included in 11 and 17 (GC 6103.5, 68637; CCP 699.520(j)) \$ _____

20. The amounts called for in items 11–19 are different for each debtor. These amounts are stated for each debtor on Attachment 20.

[SEAL]

Date: _____ Clerk, by _____, Deputy

NOTICE TO PERSON SERVED: SEE PAGE 3 FOR IMPORTANT INFORMATION.

| | |
|--|--------------|
| Plaintiff/Petitioner: Defendant/Respondent: | CASE NUMBER: |
|--|--------------|

21. Additional judgment debtor(s) (name, type of legal entity if not a natural person, and last known address):

| | | | |
|--|--|--|--|
| | | | |
| | | | |

22. The judgment is for (check one):

- a. wages owed.
- b. child support or spousal support.
- c. other.

23. Notice of sale has been requested by (name and address):

| | | | |
|--|--|--|--|
| | | | |
| | | | |

24. Joint debtor was declared bound by the judgment (CCP 989-994)

- | | |
|---|---|
| <ul style="list-style-type: none"> a. on (date): b. name, type of legal entity if not a natural person, and last known address of joint debtor: | <ul style="list-style-type: none"> a. on (date): b. name, type of legal entity if not a natural person, and last known address of joint debtor: |
|---|---|

| | | | |
|--|--|--|--|
| | | | |
| | | | |

c. Additional costs against certain joint debtors are itemized: below on Attachment 24c.

25. (Writ of Possession or Writ of Sale) **Judgment** was entered for the following:

- a. Possession of real property: The complaint was filed on (date):
(Check (1) or (2). Check (3) if applicable. Complete (4) if (2) or (3) have been checked.)
 - (1) The *Prejudgment Claim of Right to Possession* was served in compliance with CCP 415.46. The judgment includes all tenants, subtenants, named claimants, and other occupants of the premises.
 - (2) The *Prejudgment Claim of Right to Possession* was NOT served in compliance with CCP 415.46.
 - (3) The unlawful detainer resulted from a foreclosure sale of a rental housing unit. (An occupant not named in the judgment may file a *Claim of Right to Possession* at any time up to and including the time the levying officer returns to effect eviction, regardless of whether a *Prejudgment Claim of Right to Possession* was served.) (See CCP 415.46 and 1174.3(a)(2).)
 - (4) If the unlawful detainer resulted from a foreclosure (item 25a(3)), or if the *Prejudgment Claim of Right to Possession* was not served in compliance with CCP 415.46 (item 25a(2)), answer the following:
 - (a) The daily rental value on the date the complaint was filed was \$
 - (b) The court will hear objections to enforcement of the judgment under CCP 1174.3 on the following dates (specify):

Item 25 continued on next page

| | |
|--|--------------|
| Plaintiff/Petitioner: Defendant/Respondent: | CASE NUMBER: |
|--|--------------|

- 25. b. Possession of personal property.
 - If delivery cannot be had, then for the value (*itemize in 25e*) specified in the judgment or supplemental order.
- c. Sale of personal property.
- d. Sale of real property.
- e. The property is described below on Attachment 25e.

NOTICE TO PERSON SERVED

WRIT OF EXECUTION OR SALE. Your rights and duties are indicated on the accompanying *Notice of Levy* (form EJ-150).

WRIT OF POSSESSION OF PERSONAL PROPERTY. If the levying officer is not able to take custody of the property, the levying officer will demand that you turn over the property. If custody is not obtained following demand, the judgment may be enforced as a money judgment for the value of the property specified in the judgment or in a supplemental order.

WRIT OF POSSESSION OF REAL PROPERTY. If the premises are not vacated within five days after the date of service on the occupant or, if service is by posting, within five days after service on you, the levying officer will remove the occupants from the real property and place the judgment creditor in possession of the property. Except for a mobile home, personal property remaining on the premises will be sold or otherwise disposed of in accordance with CCP 1174 unless you or the owner of the property pays the judgment creditor the reasonable cost of storage and takes possession of the personal property not later than 15 days after the time the judgment creditor takes possession of the premises.

EXCEPTION IF RENTAL HOUSING UNIT WAS FORECLOSED. If the residential property that you are renting was sold in a foreclosure, you have additional time before you must vacate the premises. If you have a lease for a fixed term, such as for a year, you may remain in the property until the term is up. If you have a periodic lease or tenancy, such as from month-to-month, you may remain in the property for 90 days after receiving a notice to quit. A blank form *Claim of Right to Possession and Notice of Hearing* (form CP10) accompanies this writ. You may claim your right to remain on the property by filling it out and giving it to the sheriff or levying officer.

EXCEPTION IF YOU WERE NOT SERVED WITH A FORM CALLED PREJUDGMENT CLAIM OF RIGHT TO POSSESSION. If you were not named in the judgment for possession and you occupied the premises on the date on which the unlawful detainer case was filed, you may object to the enforcement of the judgment against you. You must complete the form *Claim of Right to Possession and Notice of Hearing* (form CP10) and give it to the sheriff or levying officer. A blank form accompanies this writ. You have this right whether or not the property you are renting was sold in a foreclosure.



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Instructions: Each county in California has a sheriff (and sometimes a marshal's office) that can serve different types of court papers, including restraining orders. Note that the sheriff cannot guarantee that they will be successful in finding the person you need served, but they will try to serve based on the information you put on this form.

- Complete this form for each set of papers you need served. You must complete a separate form for each person you need served.
- Find out where the person you need served is located. Give your papers to the sheriff or marshal's office in that county.
- You may have to pay for service of some court papers. For more information, see page 5 of this form, or go to <https://selfhelp.courts.ca.gov/sheriff-serves>.
- Do not use this form if you are asking the sheriff to enforce a wage garnishment order on an employer. Instead, use forms WG-001, *Application for Earnings Withholding Order*, and WG-035, *Confidential Statement of Judgment Debtor's Social Security Number*.
- If you want the sheriff to enforce a writ or levy, complete this form and form SER-001A, *Special Instructions for Writs and Levies—Attachment*.

To Court Clerk: Do not file this form.

Sheriff File Number (for sheriff to complete, if needed):

Fill in case number:

Court Case Number:

All information is required unless it is listed as optional or does not apply to your case.

① **To the Sheriff or Marshal of (name of county):** _____

② **Your Information**

a. Your name (party requesting service): _____

b. Your lawyer's information (if you have one)

Name: _____

Firm name: _____

c. Court case name: _____

(example: Garcia v. Smith)

d. Contact information for the sheriff or marshal to reach you

(Give an address where you can receive mail regularly, like a post office box, a Safe at Home address, or another safe address. If you have a lawyer, give the lawyer's information.)

Address to receive mail: _____

City: _____ State: _____ Zip: _____

Telephone number (optional): _____ Email address (optional): _____

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3 Information About Person or Entity You Want Served

(Check a or b)

a. I ask the sheriff to serve a person (complete section below)

(1) Name of person: _____
Nicknames or aliases (optional): _____

(2) Telephone number (optional): _____

(3) Can you describe the person?

No, I do not have any information about the person's description.

Yes (complete the section below with any information you have):

Gender: Male Female Nonbinary

Height: _____ Weight: _____ Hair color: _____ Eye color: _____

Date of birth or age (give estimate, if unknown): _____

Race/Ethnicity: _____

Special marks or features (tattoos, scars, etc.): _____

Vehicle (type, model, year, color, plate number): _____

Check here if you are including a picture of the person.

(4) Do you know of any safety or accessibility issues?

No

Yes (complete the section below with any information you have):

The person (check all that apply):

Has a gun or other weapon.

Is on probation or parole.

Has a history of violence or abuse.

Has an aggressive animal.

Has special training (examples: military, first responder).

Has mental health issues.

Is deaf or hard of hearing.

Does not speak English (list language): _____

Add any other information about safety or accessibility that you know about:

b. I ask the sheriff to serve an entity (examples: business or government agency)

(1) Name and type of entity: _____
Telephone number (optional): _____

(2) If there is a specific person who should be served, give name: _____

(3) If there is an agent for service of process, give name: _____

(4) List any safety or accessibility issues (examples: weapons, aggressive animals, language barrier):

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4 Address Where Person or Entity Should Be Served

(The sheriff typically serves during normal business hours. Check with the sheriff's office for the exact times.)

Address: _____ Home Business

City: _____ State: _____ Zip: _____

Gate code or special instructions: _____

Best time to serve at this address *(example: 8 a.m.–noon)*: _____

Check here if the person is in jail or prison *(give name of facility)*: _____

Alternate address (optional)

(If the person cannot be found at the address listed above, some sheriffs may try a second address if it's in the same county. If you have a second address for the person you want served, complete the section below.)

Address: _____ Home Business

City: _____ State: _____ Zip: _____

Gate code or special instructions: _____

Best time to serve at this address *(example: 8 a.m.–noon)*: _____

5 Information About Your Request

a. What type of court papers are you giving the sheriff to serve *(examples: summons, restraining order, eviction, small claims, bank levy, or writ of attachment)*?

b. List all forms or court papers you want served on the person in **3** a. *(optional)*.

(Note: You can list each form by its form number (example: FL-100, SC-100). If there is no form number, give the title of the document. The court may have ordered you to serve certain papers. Look at the court's order and list all forms required. If you do not know which papers you need to serve, ask a lawyer, or contact your local self-help center for free information.)

c. Is there a court hearing (court date)?

I don't know

No

Yes *(if yes, give date of hearing)*: _____

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5 d. Is there a deadline for service?
 I don't know
 No
 Yes (if yes, give deadline): _____

e. Has the court allowed you to serve your court papers in another way besides personal service (example: substituted service)?
 I don't know
 No
 Yes (if yes, include a copy of the order allowing another type of service)

f. Is there any other information you want or need to give to the sheriff to serve your court papers?
 No
 Yes (if yes, give information below):

6 Enforcement of Writ or Levy

If you want the sheriff to enforce a writ or levy, you must complete form SER-001A, Special Instructions for Writs and Levies—Attachment, and turn it in with this form.

(Only complete this section if you want the sheriff to enforce a writ or levy.)

Do you want the sheriff to both serve your court papers and act as levying officer?
 Yes
 No. I only want the sheriff to act as levying officer. A registered process server has or will serve my papers.

Your Signature (party asking for service, or their lawyer)

Date: _____

Type or print your name



Sign your name (may be electronic)

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Your Next Steps

- Find out if you need to pay a fee for service by asking the court's self-help center, a lawyer, or the sheriff's office. Here are some situations where you **do not** need to pay for service:
 - If you have a fee waiver in your case (fee waiver granted by a judge on form FW-003 or FW-005).
 - If you are serving a domestic violence, elder abuse, or gun violence restraining order.
 - If you have a civil harassment, workplace violence, or school violence restraining order based on a credible threat of violence or stalking.
- Give this form and a copy of all the court papers you need served to the sheriff or marshal, including a copy of a fee waiver (if you have one). If you do not have to pay a fee to the sheriff, you can send your papers electronically. If you have to pay a fee, contact the sheriff to find out your options for turning in your request. Note that you can always turn in your request in person.
- You should get a form back from the sheriff.
 - If the sheriff was able to serve your court papers, you should receive a form (called a proof of service). **Make sure you get a copy from the sheriff and file it with the court.** Note that if there is a court stamp at the top right corner of the first page, it has already been filed and you do not need to file it with the court.
 - If the sheriff was unable to serve your court papers, you should receive a form (sometimes called declaration of due diligence) that tells you that service was unsuccessful and will give details about when the sheriff tried to serve the person. If the sheriff was unable to serve your papers, you can ask a lawyer or court's self-help center about your next steps.
- To find your local court self-help center, go to www.courts.ca.gov/selfhelp. Self-help center staff will not act as your lawyer but may be able to give you information to help you decide what to do in your case. Services are free.

To Sheriff or Marshal

- This form is confidential and must not be made public.
- Any papers submitted with this form should be served and listed on the applicable proof of service form.
- Note that (5) b is optional and may help to identify documents that should have been submitted but were not received by your office.
- Under Government Code section 26666.2, once you've received a completed copy of this form and forms for service, you must attempt service unless:
 - Any order submitted does not have a judge's signature or other representation of a judge's signature; clerk's endorsement; or court stamp, seal, or other court endorsement; or
 - A court case number is not listed on the order, summons, or other notice.

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Sheriff File Number (for sheriff to complete, if needed):

Fill in case number:

Court Case Number:

Instructions

Generally, you **will not** need to complete this form if you are asking the sheriff to serve a complaint (unless with a writ of attachment) or a restraining order.

- Complete this form if you want the sheriff or marshal to enforce a writ. You must complete this form and form SER-001, *Request for Sheriff to Serve Court Paper*, and turn both forms in to the sheriff or marshal.
- You must include any writ and related order you want the sheriff to enforce.

This form is attached to form SER-001, *Request for Sheriff to Serve Court Papers*.

All information is required unless it is listed as optional or does not apply to your case.

For more information about what may be required in your case, go to <https://selfhelp.courts.ca.gov/sheriff-serves>.

1 Additional Information About You (Person Requesting Service)

Are you a judgment creditor (person awarded money or property by the court)?

Yes

No (complete the section below):

(a) What is your role in the case?: _____

(b) Is there a judgment creditor in your case?

No

Yes (list the names of all judgment creditors):

2 Additional Information About Person or Entity You Want Served

The person or entity you want served (listed in item ③ of form SER-001):
(check one)

Owes you money in this case (judgment debtor).

Is not a party in this case but has the property.

Is a person who lives on the property.

Other (explain):

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3 Information About the Writ and Judgment

- a. Date writ was issued: _____
- b. The writ included with this request is (*check one*):
 - An original writ.
 - A copy of the original writ issued by the court as an electronic record and has not already been given to the levying officer (sheriff or marshal).
 - A copy of the original writ that has already been given to the levying officer (sheriff or marshal).
- c. Has a judgment been issued by the court?
 - No
 - Yes (*complete section below*):
 - (1) Date judgment was issued: _____
 - (2) If it is a money judgment, give amount: _____
 - (3) List all judgment debtors (*people who owe money*) if there are any in this case:
If the judgment debtor is not a person, also include the type of organization (*example: corporation*).

4 Information About the Property to Levy

- a. Describe the property in as much detail as possible. For example:
 - For bank accounts, give account number (if known).
 - For personal property, describe property and give the address where property is located.
 - For vehicles, give license plate number and address where vehicle is located.
 - For evictions, give address, and any information needed to access the property.
 - For real property (other than evictions), give legal description, address, and assessor’s parcel number.
 - If requester is not the person receiving the property, give clear instructions on who will receive the property and how.

- Check here if you are including a map or other document to describe property.

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4 b. Is the property in the judgment debtor’s name?

Yes

No (list the names of owners and explain their interest in the property, including any leasehold interest):

(Note: You may also need to have the people listed above served with your court papers. Check the Code of Civil Procedure for service requirements or talk with a lawyer. Your local court self-help center provides help for free and may be able to help you. To find your local self-help center, go to www.selfhelp.courts.ca.gov/find.)

c. Are you asking the sheriff to levy on property that is a dwelling (a place someone can live in)?

No

Yes (complete the section below):

The dwelling is (check one):

Real property (examples: house, condo, other building attached to land)

Personal property (examples: house boat, RV)

5 **Special Instructions for Sheriff**

In some situations, you will have to give detailed instructions on how you want the sheriff to enforce the order. Use the space below to list any instructions. Some examples of when instructions may be needed include:

- Instructions to serve the summons and complaint with a writ of attachment, if not previously served (see Code of Civil Procedure section 488.020(c)).
- Instructions that the levying officer must place a keeper in charge of the property (see Code of Civil Procedure sections 700.070 and 700.080).
- Instructions to seize personal property from a private place (see Code of Civil Procedure section 699.030).

Check here if you need more space to list instructions. Use a separate piece of paper and write “SER-001A, Special Instructions for Sheriff” at the top. Turn it in with this form.

CONFIDENTIAL

This is not a court form. Do not file with the court.