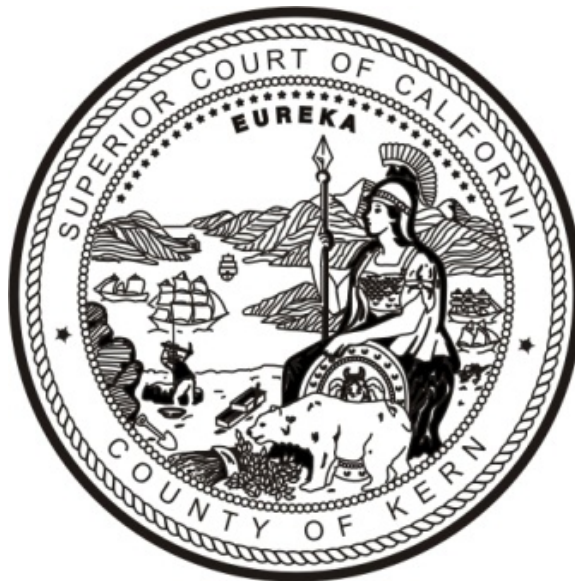


REQUEST FOR TRIAL PACKET UNLAWFUL DETAINERS

SUPERIOR COURT OF CALIFORNIA COUNTY OF KERN METROPOLITAN DIVISION



FORMS INCLUDED IN THIS PACKET	
Judicial Counsel Form UD-150	Request/Counter-Request To Set Case for Trial – Unlawful Detainer
	Eviction Worksheet

Please be advised that court employees may not give legal advice. It is recommended that you seek legal advice or do your own legal research if you are not familiar with this legal process. Additional information is available on the Superior Court's website, www.kern.courts.ca.gov, and the Judicial Council's self-help website, <http://www.courts.ca.gov/selfhelp-housing.htm>

Should you have any questions or concerns, please do not hesitate to contact the **Landlord-Tenant Assistance Center** (LTAC) located down past the Civil Department near the stairs. LTAC is a Court pilot project between the Kern County Superior Court and **Greater Bakersfield Legal Assistance** (GBLA), and is funded by the Sargent Shriver Civil Counsel Act (GC§68650). LTAC is designed to assist you in common landlord or tenant issues. In addition, you may seek information at the Kern County Law Library located on the 3rd floor at 1415 Truxtun Avenue, Bakersfield, CA 93301.

KEY TERMS AND DEFINITIONS

TERMS	DEFINITION
Trial	The date your case is examined and determined by a judge (or other judicial officer) with authority to hear the matter
Exhibit	A document, paper or item of physical/tangible quality offered as evidence
Witness	A person who testifies under oath that he/she has seen, heard, or observed something

COMPLETING THE FORM

FORM	ACTION
<ul style="list-style-type: none"> Request/Counter-Request to Set Case for Trial – Unlawful Detainer – UD-150 	<ul style="list-style-type: none"> Complete and sign page 1. Have someone at least 18 years of age that is not a party to the case, complete page 2. The person who signs page 2 is stating under penalty of perjury that he/she will mail a copy of the Request to the Defendant or the Defendant's attorney. Make 2 copies of this form.

DISTRIBUTING COPIES

- Have the second copy of the Request mailed to the Defendant or the Defendant's attorney by the person who signed page 2.

FILING YOUR REQUEST

How to file the request with the court:

- Take the original request and a copy to the civil clerk's office of the court location marked on your paperwork to be filed.

TRIAL NOTIFICATION

The Clerk in the Civil Division will set the trial date and notify you by mail. It is your responsibility to keep the court informed of your current address.

Note: Due to drastic budget cuts, trials are set later than 20 days past the date of filing the 1st Request for Trial.

INTERPRETER

Note: If needed, you may request for interpreter services for your trial hearing at no charge. The court will not provide this resource for you or your witnesses automatically and availability may be limited. It must be requested prior to the trial hearing by filling out and filing a Court Interpreter Services form. Please inquire at window 8 or the Civil Division for a copy of the form.

COURT REPORTER

The Court does not provide a Court Reporter in Unlawful Detainer cases.

If you would like a Court Reporter for your hearing, you must obtain one on your own by going to www.kern.courts.ca.gov. Select Court Reporters on the Quick Information bar, then select Court Approved List of Reporters Pro Tempore. Choose one from the list and contact them for pricing and availability.

TRIAL PREPARATION

There are several ways to prepare for trial.

- Observe a trial.** Unlawful Detainer trials are usually held Mondays, Tuesdays, and Thursdays at 1:30 p.m. in Department 12, and Wednesdays at 10:30 a.m.
- Review your Complaint.** Make sure you know what you are requesting and be able to respond to any of the Court's questions.
- Calculate the damages.** Know exactly how much you are requesting, if any. This will include the rent the tenant/s owe on the notice, court fees spent, and daily damages.
- Read "Going to Court."** <http://www.courts.ca.gov/1094.htm>. This link will take you to the Judicial Council's web page that informs you on how to prepare for trial.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): YOUR NAME YOUR ADDRESS YOUR CITY, STATE, AND ZIP CODE		FOR COURT USE ONLY SAMPLE
TELEPHONE NO.: YOUR PHONE NUMBE FAX No. (Optional):	E-MAIL ADDRESS (Optional):	
ATTORNEY FOR (Name): Plaintiff, In Pro Per		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF KERN STREET ADDRESS: ADDRESS OF THE COURT YOU FILED IN MAILING ADDRESS: SAME CITY AND ZIP CODE: BRANCH NAME:		
PLAINTIFF: NAME OF PLAINTIFF		CASE NUMBER: YOUR CASE NUMBER
DEFENDANT: NAME OF DEFENDANT/S		
<input checked="" type="checkbox"/> REQUEST TO SET CASE FOR TRIAL - UNLAWFUL DETAINER <input type="checkbox"/> COUNTER-REQUEST <input checked="" type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant		

- 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.
- Trial preference.** The premises concerning this case are located at (street address, apartment number, city, zip code, and county):
THE PROPERTY ADDRESS AND COUNTY WHERE IT IS LOCATED
 - 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.
 - 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.
- Jury or nonjury trial.** I request a jury trial a nonjury trial. Choose one option
- Estimated length of trial.** I estimate that the trial will take (check one):
 - days (specify number):
 - hours (specify if estimated trial is less than one day): **0.5**
- Trial date.** I am not available on the following dates (specify dates and reasons for unavailability):
IF YOU ARE NOT AVAILABLE FOR TRIAL ON A DATE, STATE IT HERE.
Choose one option **UNLAWFUL DETAINER ASSISTANT (Bus. & Prof. Code, §§ 6400-6415)**
- (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.)
 - Assistant's name:
 - Street address, city, and zip code:
 - Telephone no.:
 - County of registration:
 - Registration no.:
 - Expires on (date):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
Date: **TODAY'S DATE**

PRINT YOUR NAME _____ **► SIGN HERE** _____
(TYPE OR PRINT NAME) (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: PLAINTIFF'S NAME DEFENDANT: DEFENDANT/S NAME/S	CASE NUMBER: YOUR CASE NUMBER
--	---

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):
ADDRESS OF THE PERSON WHO MAILED THIS FORM. MUST BE SOMEONE THAT IS 18 AND NOT A PARTY TO THIS CASE. READ INSTRUCTIONS ABOVE
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. Choose one option
 - 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: **DATE THIS WAS MAILED**
 (2) Place mailed (city and state): **CITY AND STATE THIS FORM WAS MAILED FROM**

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct:
 Date: **TODAY'S DATE**

PRINT NAME OF THE PERSON THAT MAILED THIS FORM _____
 (TYPE OR PRINT NAME)

SIGNATURE OF THE PERSON WHO MAILED THIS FORM _____
 (SIGNATURE OF PERSON WHO MAILED FORM UD-150)

NAME AND ADDRESS OF EACH PERSON TO WHOM NOTICE WAS MAILED

	<u>Name</u>	<u>Address (number, street, city, and zip code)</u>
4.	NAME OF EACH DEFENDANT	DEFENDANT'S MAILING ADDRESS
5.	NAME OF EACH DEFENDANT (IF MORE)	
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): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF KERN STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
PLAINTIFF: _____ DEFENDANT: _____	
<input checked="" type="checkbox"/> REQUEST <input type="checkbox"/> COUNTER-REQUEST TO SET CASE FOR TRIAL - UNLAWFUL DETAINER <input checked="" 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): **0.5**
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.)
 - 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): _____

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

- 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: DEFENDANT:	CASE NUMBER:
------------------------------	----------------------

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*):

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:
(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.

EVICTION WORKSHEET

THE FOLLOWING INFORMATION WILL BE REQUESTED BY
THE COURT

(The court does NOT calculate the total amount you are requesting)

Have your Complaint on hand for these calculations.

1) **PAST DUE RENT**

(Amount requested in #10 on page 3 of your complaint)

\$ _____

2) **HOLD OVER DAMAGES:**

a. Date in #19g on page 4 of complaint

b. How many days since the date above
has the tenant/s occupied the premises?
Counting today.

c. Fair daily market value:
(See #13 on page 3 of your complaint)

\$ _____

d. $\frac{\text{_____}}{\text{Amount in 2b}} \times \frac{\text{_____}}{\text{Amount in 2c}} =$

\$ _____

3) **COSTS**

a. Filing Fee (if it was not waived)

\$ _____

b. Amount Paid to have the
Summons and Complaint served

\$ _____

GRAND TOTAL:

\$ _____