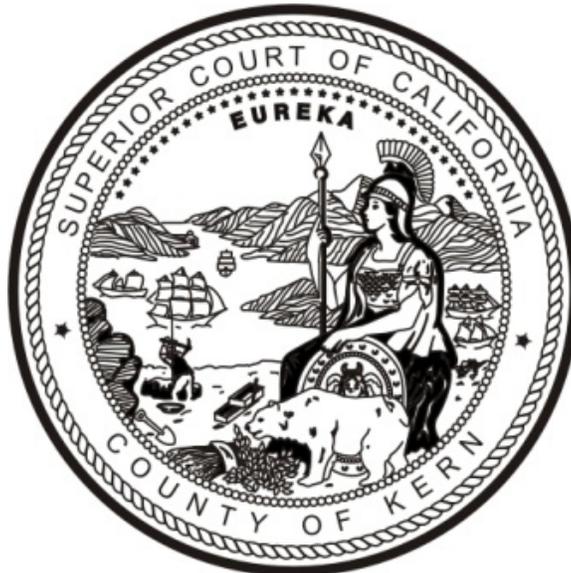


DEFAULT PACKET **UNLAWFUL DETAINERS**

SUPERIOR COURT OF CALIFORNIA **COUNTY OF KERN** **METROPOLITAN DIVISION**



FORMS INCLUDED IN THIS PACKET	
Judicial Council Form CIV-100	Request for Entry of Default
Judicial Council Form UD-110	Judgment
Kern County Local Form	Application for Issuance of Writ of Possession and Affidavit of Daily Rental Value
Judicial Council Form EJ-130	Writ of Execution

Landlord – Tenant Assistance Center funded by the Sargent Shriver Civil Counsel Act
1415 Truxtun Avenue, Bakersfield, CA 93301 (Basement)
Mondays & Wednesdays 8:30 a.m. to 3:00 p.m., Tuesdays & Thursdays 8:30 a.m. to 4:00 p.m.
Closed between 12:00 p.m. and 1:30 p.m.

Fridays Closed all day
www.kern.courts.ca.gov

Rev.
01/14/2020
Page 1 of 4

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	DEFINITIONS
Default	Failure of a party to respond to a lawsuit.
Judgment	The official decision of the Court stating which party won and the terms of the decision.
Writ	A Court order authorizing the Sheriff to enforce and satisfy the Judgment by levying on real or personal property.

WHEN TO FILE A DEFAULT?

HOW WAS THE SUMMONS AND COMPLAINT SERVED?	DEFENDANT	UNNAMED OCCUPANTS
Personally served	5 days	N/A
Substitute Service	15 days	N/A
Posted and Mailed (must be approved by the Court first)	15 days	15 days
<u>RULES ON COUNTING THE DAYS ABOVE:</u>	<ol style="list-style-type: none"> 1. Begin counting the day after the party was served. 2. Count the weekends. 3. Do not count Court holidays. 4. If the last day falls on the weekend or holiday, the deadline gets extended to the next Court business day. 	

COURT FEES

AMOUNT	FOR:	PAYABLE TO:
\$25.00	Writ of Execution	Kern County Superior Court

**If you filed and were granted a Fee Waiver, the fees above will NOT be charged.*

HOW CAN I GET THE FORMS OR MORE HELP AND INFORMATION?

FORMS	MORE INFO	MORE HELP
Attached to this packet. By stopping by LTAC and picking them up in the hallway. Online at the state's website, www.courts.ca.gov . Click on forms. They are PDF fillable forms. Online at the Court's website, www.kern.courts.ca.gov . Click on Civil, then Unlawful Detainers. Here you can find the forms and our samples. They are not fillable forms.	More information is available: CA Judicial Branch: http://www.courts.ca.gov/selfhelp-eviction.htm . CA Department of Consumer Affairs: http://www.dca.ca.gov/publications/legal_guides/index.shtml .	If the process proves to be too difficult or time consuming, you can do any of the following: Hire an attorney to represent you and/or fill out your forms. Hire an Unlawful Detainer Assistant (UDA) to fill out your forms. <i>*UDAs cannot give legal advice nor represent you in court.</i>

STEP 1 of 6: COMPLETE THE FORMS (see samples and instructions for more information)

FORMS	ACTIONS
Request for Entry of Default – CIV-100	<ul style="list-style-type: none"> • Complete and sign both sides. • Serve a copy to each party being defaulted.
Judgment – UD-110	<ul style="list-style-type: none"> • Complete both sides.
Application for Issuance of Writ of Possession and Affidavit of Daily Rental Value	<ul style="list-style-type: none"> • Complete and sign on page 3.
Writ of Execution – EJ-130	<ul style="list-style-type: none"> • Complete all 2 pages.

**STEP 2 of 6:
MAKE COPIES**

- Make 1 copy of all your documents.
- Make additional service copies of the Request for Entry of Default. 1 for each party being defaulted.

**STEP 3 of 6:
SERVE A COPY OF
THE REQUEST FOR
ENTRY OF DEFAULT**

- Mail 1 copy of the Request for Entry of Default to each party being defaulted by regular mail to their last known address.
- Each copy must be mailed separately to each party.

**STEP 4 of 6:
FILE YOUR
FORMS**

- Turn in the original plus 1 copy of the *Request for Entry of Default, Judgment, Application for Issuance of Writ of Possession, and the Writ of Executions.*

**STEP 5 OF 6:
FOLLOW UP**

- You are not done yet. The Court has to accept your forms.
- If it was taken in for processing, you must follow up with the Civil Clerk's office in 3-5 business days to make sure it was accepted.
- **If your Answer is not filed on time, the Plaintiff might be able to file a default against you and you may lose your case.**

SHERIFF FEES

AMOUNT	FOR:	PAYABLE TO:
\$125.00	Request to Restore Possession of the premises (Notice to Vacate).	Kern County Sheriff Office

**If you filed and were granted a Fee Waiver, the fees above will NOT be charged. Present them a copy of your Fee Waiver Order.*

**STEP 6 OF 6:
REQUEST FOR
SHERIFF TO
RESTORE
POSSESSION**

How to submit the Sheriff's Instructions with the Writ of Execution:

- Once the Writ of Execution has been processed by the Clerk. Take the original plus 3 copies to the Sheriff's Office Civil Division with the Request to Restore Possession (Add 1 more copy to each additional Defendant).
- The Sheriff will post a Notice to Vacate on the premises stating that they will return on a specific day to assure that the said premises is vacated.
- The Sheriff will notify you by mail on the date and time of the lockout. At that time you or your assigned agent must be present to change the locks.

YOU MUST BE PRESENT DURING THE PHYSICAL EVICTION. DO NOT BE LATE. THE SHERIFF WILL LEAVE AND YOU WILL HAVE TO RESCHEDULE AND PAY ANOTHER SHERIFF'S FEE.

The Sheriff will handle the details of the physical eviction, but you are to be there to take possession of your property. Please follow the Sheriff's instructions completely. **ONCE THE TENANT/S HAVE BEEN REMOVED FROM THE PREMISES, THERE IS NO LEGAL REASON FOR YOU TO ALLOW THEM TO RETURN.**

In approximately ten (10) days the Sheriff will notify the court that the physical eviction has been completed by returning the original Writ of Possession to the court. You may then proceed with the money judgment if you wish.

KERN COUNTY SHERIFF'S OFFICE
Civil Division
 5251 Office Park Drive, Building 300
 Bakersfield, CA 93309

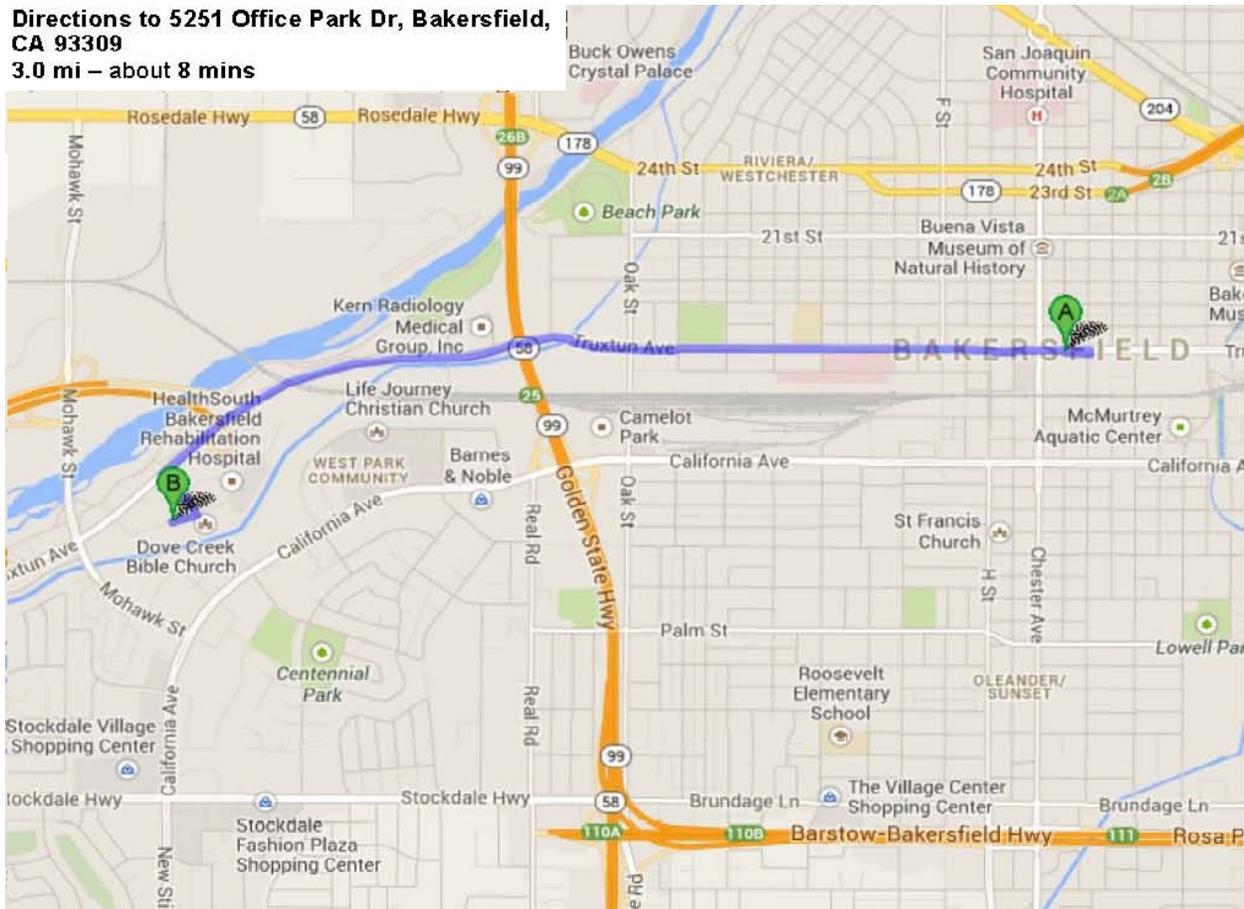
(661) 635-1300
 (661) 635-1320 Fax
 Office: 9:00 a.m. to 4:00 p.m.
 Telephone: 8:00 am to 4:00 pm
 Monday – Friday (except holidays)
 civil@kernsheriff.com

Mailing address:
 P. O. Box 70127
 Bakersfield, CA
 93387

Point A: 1415 Truxtun Avenue, Bakersfield, CA 93301-5215

	1. Start point west on Truxtun Avenue towards Chester Avenue <i>About 6 minutes</i>	go 2.3 Miles <i>total 2.3 miles</i>
	2. Slight left to stay on Truxtun Avenue	go 0.4 miles <i>total 2.7 miles</i>
	3. Turn left onto Commercial Way <i>About 54 seconds</i>	go 0.2 miles <i>total 2.9 miles</i>
	4. Turn right onto Office Park Drive <i>Destination will be on the left</i>	go 371 feet <i>total 3.0 miles</i>
	7. Point B: 5251 Office Park Drive, Building 300 is on the left.	

Directions to 5251 Office Park Dr, Bakersfield, CA 93309
 3.0 mi – about 8 mins



ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO:
 NAME: **YOUR NAME AND THE NAMES OF ANY OTHER PLAINTIFFS**
 FIRM NAME:
 STREET ADDRESS: **YOUR ADDRESS**
 CITY: **YOUR CITY, STATE, AND ZIP CODE** STATE: ZIP CODE:
 TELEPHONE NO.: **YOUR PHONE NUMBER** FAX NO.:
 E-MAIL ADDRESS:
 ATTORNEY FOR (name): **IN PRO PER**

FOR COURT USE ONLY
 CASE NUMBER:
YOUR CASE NUMBER

SUPERIOR COURT OF CALIFORNIA, COUNTY OF
 STREET ADDRESS: **ADDRESS OF THE COURT WHERE YOU FILED**
 MAILING ADDRESS:
 CITY AND ZIP CODE:
 BRANCH NAME:

Plaintiff/Petitioner: **NAME OF PLAINTIFF/S**
 Defendant/Respondent: **NAME OF DEFENDANT/S**

REQUEST FOR Entry of Default Clerk's Judgment
 (Application) Court Judgment

Not for use in actions under the Fair Debt Buying Practices Act (Civ. Code, § 1788.50 et seq.)(see CIV-105)

1. TO THE CLERK: On the complaint or cross-complaint filed
 a. on (date): **DATE THE COMPLAINT WAS FILED WITH THE COURT**
 b. by (name): **NAME OF PLAINTIFF/S**
 c. Enter default of defendant (names): **NAME OF DEFENDANT/S YOU ARE DEFAULTING**
 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.

	Amount		Credits acknowledged		Balance
a. Demand of complaint	\$	POSSESSION	\$	ONLY	\$ 0.00
b. Statement of damages*					
(1) Special	\$		\$		
(2) General	\$		\$		
c. Interest	\$		\$		
d. Costs (see reverse)	\$		\$		
e. Attorney fees	\$		\$		
f. TOTALS	\$	0.00	\$	0.00	\$ 0.00
g. Daily damages were demanded in complaint at the rate of: \$ #11 ON COMPLAINT per day beginning (date): #17f ON COMPLAI					

(* Personal injury or wrongful death actions; Code Civ. Proc., § 425.11.)

PUT N/A OR LEAVE BLANK IF THERE ARE NO AMOUNTS/DATE ON #11 AND #17f OF YOUR COMPLAINT

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: **TODAY'S DATE**
PRINT NAME OF PLAINTIFF/S **PLAINTIFF/S SIGN HERE**

(TYPE OR PRINT NAME)

(SIGNATURE OF PLAINTIFF OR ATTORNEY FOR PLAINTIFF)

FOR COURT USE ONLY (1) Default entered as requested on (date):
 (2) 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): DATE MAILED	(2) To (specify names and addresses shown on the envelopes):	
NAME EACH DEFENDANT	EXAMPLE: JOHN DOE	JANE DOE
YOU ARE DEFAULTING AND	123 MAIN ST	123 MAIN ST
THEIR ADDRESS INDIVIDUALLY	CITY, STATE, ZIP	CITY, STATE, ZIP

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: **TODAY'S DATE**

NAME OF PLAINTIFF/S	▶	PLAINTIFF/S SIGN HERE
(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.

LEAVE ALL OF #7 BLANK

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 is true and correct.

Date:	▶	
(TYPE OR PRINT NAME)		(SIGNATURE OF DECLARANT)

8. **Declaration of nonmilitary status** (required for a judgment). No defendant named in item 1c of the application is in the military service as that term is defined by either the Servicemembers Civil Relief Act, 50 U.S.C. App. § 3911(2), or California Military and Veterans Code sections 400 and 402(f).

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	▶	PLAINTIFF/S SIGN HERE
PRINT NAME OF PLAINTIFF/S		
(TYPE OR PRINT NAME)		(SIGNATURE OF DECLARANT)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): YOUR NAME AND THE NAMES OF ANY OTHER PLAINTIFF'S FILING WITH YOU YOUR ADDRESS YOUR CITY, STATE, AND ZIP CODE TELEPHONE NO.: YOUR PHONE NUMBER FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Plaintiff, In Pro Per	FOR COURT USE ONLY
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/S DEFENDANT: NAME OF DEFENDANT/S	
<div style="text-align: center;">JUDGMENT - UNLAWFUL DETAINER</div> <input checked="" type="checkbox"/> By Clerk <input checked="" type="checkbox"/> By Default <input type="checkbox"/> After Court Trial <input type="checkbox"/> By Court <input checked="" type="checkbox"/> Possession Only <input type="checkbox"/> Defendant Did Not Appear at Trial	CASE NUMBER: YOUR FULL CASE NUMBER

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) : **LEAVE ALL OF #2 BLANK**
 - b. Appearances by:

<input type="checkbox"/> Plaintiff (name each) :	<input type="checkbox"/> Plaintiff's attorney (name each) :
	(1)
	(2)
<input type="checkbox"/> Continued on Attachment 2b (form MC-025). <input type="checkbox"/> Defendant (name each) :	<input type="checkbox"/> Defendant's attorney (name each) :
	(1)
	(2)
 - 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.

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: PLAINTIFF'S NAME STATE BAR NO.: _____ FIRM NAME: _____ ADDRESS: PLAINTIFF'S ADDRESS CITY: _____ STATE: _____ ZIP CODE: _____ E-MAIL ADDRESS (Optional): _____ TELEPHONE NO.: _____ ATTORNEY FOR (Name): IN PRO PER FAX NO. (Optional): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF KERN <input checked="" type="checkbox"/> 1415 Truxtun Avenue Bakersfield, CA 93301 Metropolitan Division <input type="checkbox"/> Shafter/Wasco Branch 325 Central Valley Highway Shafter, CA 93263 North Division <input type="checkbox"/> Delano/McFarland Branch 1122 Jefferson Street Delano, CA 93215 North Division <input type="checkbox"/> Arvin/Lamont Branch 12022 Main Street Lamont, CA 93241 South Division <input type="checkbox"/> Taft/Maricopa Branch 311 Lincoln Street Taft, CA 93268 South Division <input type="checkbox"/> Mojave Branch 1773 Highway 58 Mojave, CA 93501 East Division <input type="checkbox"/> Ridgecrest Branch 132 East Coso Avenue Ridgecrest, CA 93555 East Division	
PLAINTIFF: PLAINTIFF'S NAME DEFENDANT: DEFENDANT'S NAME	
APPLICATION FOR ISSUANCE OF WRIT OF POSSESSION OF REAL PROPERTY (Unlawful Detainer)	
CASE NUMBER: _____ CASE #	

I am the Plaintiff and Judgment creditor Plaintiff's attorney, in the above entitled action. I/we hereby apply for an issuance of a Writ of Possession of the real property located at: _____
#3 in UD-100

The daily rental value of the property as of the date the Complaint for Unlawful Detainer was filed is:
 \$ **#11 in UD-100** starting **#17 f in UD-100** _____
 (date)

A Prejudgment Claim of Right to Possession was served on the occupant/s pursuant to Code of Civil Procedure section 415.46. Pursuant to Code of Civil Procedure sections 715.010 and 1174.3, this application for writ applies to all tenants, subtenants, if any; named claimants, if any; and any 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.

Dated: TODAY'S DATE

Print Name: PLAINTIFF'S NAME

PLAINTIFF'S SIGNATURE
Signature

APPLICATION FOR ISSUANCE OF WRIT OF POSSESSION OF REAL PROPERTY (Unlawful Detainer)

Plaintiff: NAME OF PLAINTIFF/S Defendant: NAME OF DEFENDANT/S	CASE NUMBER: YOUR FULL CASE NUMBER
--	--

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

FILL IN ONLY IF THERE IS MORE THAN ONE DEFENDANT

CHECK ONLY IF THERE IS MORE THAN ONE DEFENDANT AND LIST THEM BELOW

NAME OF SECOND DEFENDANT, IF ANY
ADDRESS OF SECOND DEFENDANT

NAME OF THIRD DEFENDANT, IF ANY
ADDRESS OF THIRD DEFENDANT

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

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

- a. on (date):
- b. name, type of legal entity if not a natural person, and last known address of joint debtor:

- 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 23c

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

DATE COMPLAINT WAS FILED WITH COURT

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.)

CHOOSE ONE. SEE INSTRUCTIONS FOR MORE INFO

- 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.
- The Prejudgment Claim of Right to Possession was NOT served in compliance with CCP 415.46.
- 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 24a(3)), or if the Prejudgment Claim of Right to Possession was not served in compliance with CCP 415.46 (item 24a(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):

AMOUNT IN #11 ON PAGE 3 OF YOUR COMPLAINT IF APPLICABLE

- b. Possession of personal property.
 - If delivery cannot be had, then for the value (itemize in 24e) 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 24e
- ADDRESS OF THE SUBJECT PROPERTY, CITY, STATE, ZIP CODE**

FOR EXAMPLE: A guest house located at 1234 Main Street, Bakersfield, CA 93301. Entry to the guest house is through the side door.

Plaintiff: NAME OF PLAINTIFF/S	CASE NUMBER:
Defendant: NAME OF DEFENDANT/S	YOUR FULL CASE NUMBER

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.

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 KERN STREET ADDRESS: 1415 Truxtun Avenue MAILING ADDRESS: SAME CITY AND ZIP CODE: Bakersfield, CA 93301 BRANCH NAME: Metropolitan Division	
PLAINTIFF: DEFENDANT:	
<div style="text-align: center;">JUDGMENT - UNLAWFUL DETAINER</div> <input checked="" type="checkbox"/> By Clerk <input checked="" type="checkbox"/> By Default <input type="checkbox"/> After Court Trial <input type="checkbox"/> By Court <input checked="" type="checkbox"/> Possession Only <input type="checkbox"/> Defendant Did Not Appear at Trial	CASE NUMBER: BCL-

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)
<input type="checkbox"/> Continued on <i>Attachment 2b</i> (form MC-025).	
<input type="checkbox"/> Defendant (<i>name each</i>) :	<input type="checkbox"/> Defendant's attorney (<i>name each</i>) : (1) (2)
<input type="checkbox"/> Continued on <i>Attachment 2b</i> (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.

Date: _____

Clerk, by _____, Deputy

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

CLERK'S CERTIFICATE (Optional)

(SEAL)

Date: _____

Date: _____

Continued on Attachment 8 (form MC-025).

JUDICIAL OFFICER _____

Clerk, by _____, Deputy

8. Other (specify) : _____
7. Conditional judgment. Plaintiff has breached the agreement to provide habitable premises to defendant as stated in Judgment-Unlawful Detainer Attachment (form UD-110S), which is attached.
- c. The rental agreement is canceled. The lease is forfeited.

	(6) TOTAL JUDGMENT
<input type="checkbox"/> Past-due rent	\$
<input type="checkbox"/> Holdover damages	\$
<input type="checkbox"/> Attorney fees	\$
<input type="checkbox"/> Costs	\$
<input type="checkbox"/> Other (specify) :	\$
(6) TOTAL JUDGMENT	\$

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

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).
4. Plaintiff Defendant is entitled to possession of the premises located at (street address, apartment, city, and county): _____

- b. for defendant (name each) : _____
- Continued on Attachment 3a (form MC-025).
- and against defendant (name each) : _____
- a. for plaintiff (name each) : _____
3. Parties. Judgment is

JUDGMENT IS ENTERED AS FOLLOWS BY: THE COURT THE CLERK

PLAINTIFF: _____	DEFENDANT: _____
CASE NUMBER: BCL- _____	

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: _____ STATE BAR NO.: _____ FIRM NAME: _____ ADDRESS: _____ CITY: _____ STATE: _____ ZIP CODE: _____ E-MAIL ADDRESS (Optional): _____ TELEPHONE NO.: _____ ATTORNEY FOR (Name): IN PRO PER FAX NO. (Optional): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF KERN <input checked="" type="checkbox"/> 1415 Truxtun Avenue Bakersfield, CA 93301 Metropolitan Division <input type="checkbox"/> Shafter/Wasco Branch 325 Central Valley Highway Shafter, CA 93263 North Division <input type="checkbox"/> Delano/McFarland Branch 1122 Jefferson Street Delano, CA 93215 North Division <input type="checkbox"/> Arvin/Lamont Branch 12022 Main Street Lamont, CA 93241 South Division <input type="checkbox"/> Taft/Maricopa Branch 311 Lincoln Street Taft, CA 93268 South Division <input type="checkbox"/> Mojave Branch 1773 Highway 58 Mojave, CA 93501 East Division <input type="checkbox"/> Ridgecrest Branch 132 East Coso Avenue Ridgecrest, CA 93555 East Division	
PLAINTIFF: _____ DEFENDANT: _____	
APPLICATION FOR ISSUANCE OF WRIT OF POSSESSION OF REAL PROPERTY (Unlawful Detainer)	
CASE NUMBER: _____	

I am the Plaintiff and Judgment creditor Plaintiff's attorney, in the above entitled action. I/we hereby apply for an issuance of a Writ of Possession of the real property located at: _____

The daily rental value of the property as of the date the Complaint for Unlawful Detainer was filed is:
 \$ _____ starting _____
 (date)

A Prejudgment Claim of Right to Possession was served on the occupant/s pursuant to Code of Civil Procedure section 415.46. Pursuant to Code of Civil Procedure sections 715.010 and 1174.3, this application for writ applies to all tenants, subtenants, if any; named claimants, if any; and any 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.

Dated: _____

Print Name: _____

 Signature

**APPLICATION FOR ISSUANCE OF WRIT OF POSSESSION OF REAL PROPERTY
 (Unlawful Detainer)**

WRIT OF EXECUTION

Plaintiff: _____ Defendant: _____	CASE NUMBER: _____
--------------------------------------	--------------------

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

--	--

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

--	--

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

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 23c _____

24. (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 24a(3)), or if the Prejudgment Claim of Right to Possession was not served in compliance with CCP 415.46 (item 24a(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): _____

b. Possession of personal property.

c. Sale of personal property.

d. Sale of real property.

e. The property is described: Below On Attachment 24e _____

Plaintiff: Defendant:	CASE NUMBER:
--------------------------	--------------

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.

