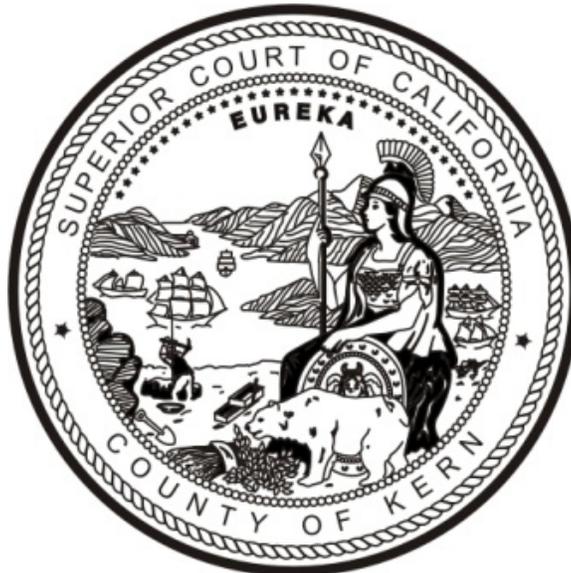


# **DEFAULT PACKET** **UNLAWFUL DETAINERS**

## **SUPERIOR COURT OF CALIFORNIA COUNTY OF KERN**



<b>FORMS INCLUDED IN THIS PACKET</b>	
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

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](http://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 3<sup>rd</sup> 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
<b><u>RULES ON COUNTING THE DAYS ABOVE:</u></b>	<ol style="list-style-type: none"> <li>1. Begin counting the day after the party was served.</li> <li>2. Count the weekends.</li> <li>3. Do not count Court holidays.</li> <li>4. If the last day falls on the weekend or holiday, the deadline gets extended to the next Court business day.</li> </ol>	

**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, <a href="http://www.courts.ca.gov">www.courts.ca.gov</a> . Click on forms. They are PDF fillable forms. Online at the Court's website, <a href="http://www.kern.courts.ca.gov">www.kern.courts.ca.gov</a> . 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: <a href="http://www.courts.ca.gov/selfhelp-eviction.htm">http://www.courts.ca.gov/selfhelp-eviction.htm</a> . CA Department of Consumer Affairs: <a href="http://www.dca.ca.gov/publications/legal_guides/index.shtml">http://www.dca.ca.gov/publications/legal_guides/index.shtml</a> .	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"> <li>• Complete and sign both sides.</li> <li>• Serve a copy to each party being defaulted.</li> </ul>
Judgment – UD-110	<ul style="list-style-type: none"> <li>• Complete both sides.</li> </ul>
Application for Issuance of Writ of Possession and Affidavit of Daily Rental Value	<ul style="list-style-type: none"> <li>• Complete and sign on <b>page 3</b>.</li> </ul>
Writ of Execution – EJ-130	<ul style="list-style-type: none"> <li>• Complete all 2 pages.</li> </ul>

**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

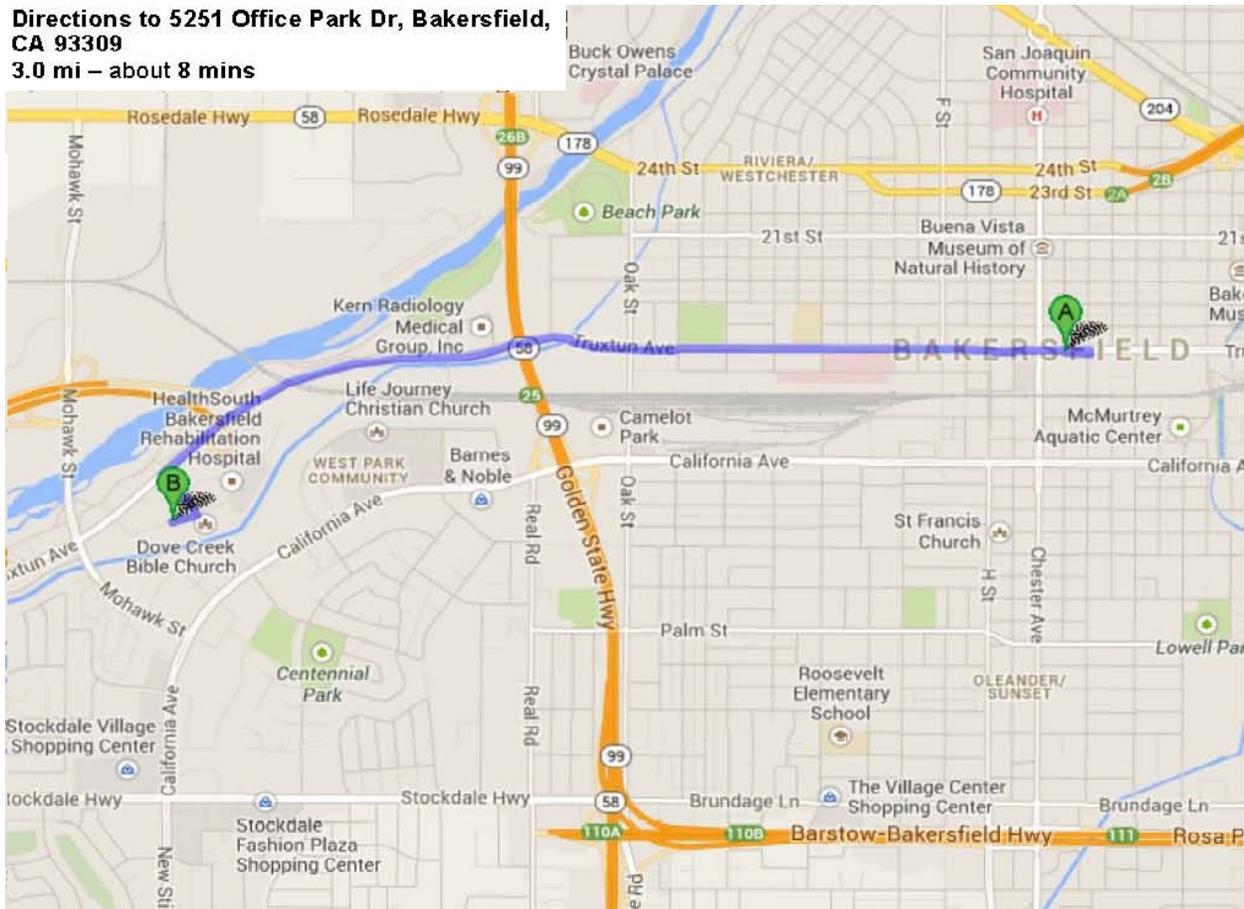
(661) 635-1300  
 (661) 635-1320 Fax  
 Office: 9:00 a.m. to 4:00 p.m.  
 Telephone: 8:00 am to 4:00 pm  
 Monday – Friday (except holidays)  
 civil@kernsheriff.com

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

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

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

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**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/PETITIONER: **NAME OF PLAINTIFF/S**  
 DEFENDANT/RESPONDENT: **NAME OF DEFENDANT/S**

---

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

CASE NUMBER:  
**YOUR FULL CASE NUMBER**

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.....	\$ <b>POSSESSION</b>	\$ <b>ONLY</b>	\$ <b>PUT N/A OR LEAVE BLANK IF THERE ARE NO AMOUNTS/DATE ON #11 AND #17f OF YOUR COMPLAINT</b>
b. Statement of damages *			
(1) Special .....	\$	\$	\$
(2) General .....	\$	\$	\$
c. Interest .....	\$	\$	\$
d. Costs (see reverse) .....	\$	\$	\$
e. Attorney fees .....	\$	\$	\$
f. <b>TOTALS</b> .....	\$	\$	\$
g. <b>Daily damages</b> were demanded in complaint at the rate of: \$ <b>#11 ON COMPLAINT</b> per day beginning (date): <b>#17f ON COMPLAINT</b> (* <i>Personal injury or wrongful death actions</i> ; 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: **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: <b>NAME OF PLAINTIFF/S</b>	CASE NUMBER:
DEFENDANT/RESPONDENT: <b>NAME OF DEFENDANT/S</b>	<b>YOUR FULL CASE NUMBER</b>

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:
- b. Street address, city, and zip code:
- c. Telephone no.:
- d. County of registration:
- e. Registration no.:
- f. Expires on (date):

5.  **Declaration under Code of Civil Procedure Section 585.5 (required 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 YOU ARE DEFAULTING AND THEIR ADDRESS INDIVIDUALLY**

<b>Example: John Doe</b>	<b>Jane Doe</b>
123 Main Street	123 Main Street
Bakersfield, CA 93301	Bakersfield, CA 93301

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**

**PRINT 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:

\_\_\_\_\_ **PLAINTIFF/S SIGN HERE** \_\_\_\_\_  
(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 so as to be entitled to the benefits of the Servicemembers Civil Relief Act (50 U.S.C. App. § 501 et seq.).

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 PLAINTIFF/S** \_\_\_\_\_ **PLAINTIFF/S SIGN HERE** \_\_\_\_\_  
(TYPE OR PRINT NAME) (SIGNATURE OF DECLARANT)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): <b>YOUR NAME AND THE NAMES OF ANY OTHER PLAINTIFF'S FILING WITH YOU</b> <b>YOUR ADDRESS</b> <b>YOUR CITY, STATE, AND ZIP CODE</b> TELEPHONE NO.: <b>YOUR PHONE NUMBER</b> FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): <b>Plaintiff, In Pro Per</b>	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF KERN</b> STREET ADDRESS: <b>ADDRESS OF THE COURT YOU FILED IN</b> MAILING ADDRESS: <b>SAME</b> CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF: <b>NAME OF PLAINTIFF/S</b>  DEFENDANT: <b>NAME OF DEFENDANT/S</b>	
<div style="text-align: center;"><b>JUDGMENT - UNLAWFUL DETAINER</b></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: <b>YOUR FULL CASE NUMBER</b>

**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"/> Continued on Attachment 2b (form MC-025). <input type="checkbox"/> Defendant (name each) :	<input type="checkbox"/> Plaintiff's attorney (name each) : (1) (2)  <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, 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.:  
 E-MAIL ADDRESS:  
 ATTORNEY FOR (Name): **Plaintiff, In Pro Per**  
 ATTORNEY FOR  JUDGMENT CREDITOR  ASSIGNEE OF RECORD

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

PLAINTIFF: **NAME OF PLAINTIFF/S**  
 DEFENDANT: **NAME OF DEFENDANT/S**

WRIT OF  EXECUTION (Money Judgment)  POSSESSION OF  Personal Property  Real Property  SALE

CASE NUMBER: **YOUR FULL CASE NUMBER**  
 Limited Civil Case  Small Claims Case  
 Unlimited Civil Case  Other

1. To the Sheriff or Marshal of the County of: **KERN**  
 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 accord with CCP 699.080 or CCP 715.040.
3. (Name): **NAME OF PLAINTIFF/S**  
 is the  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 stated in judgment if not a natural person, and last known address):  
**NAME OF DEFENDANT/S**  
**ADDRESS OF FIRST DEFENDANT**
- CHECK ONLY IF THERE ARE ADDITIONAL DEFENDANTS YOU ARE LISTING**
- Additional judgment debtors on next page
5. Judgment entered on (date):  
**LEAVE BLANK IF SUBMITTING W/ JUDGMENT**
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.
9.  See next page for information on real or personal property to be delivered under a writ of possession or sold under a writ of sale.
10.  This writ is issued on a sister-state judgment.
11. Total judgment ..... \$ **LEAVE #11-#20**
12. Costs after judgment (per filed order or memo CCP 685.090) ..... \$ **BLANK**
13. Subtotal (add 11 and 12) ..... \$ \_\_\_\_\_
14. Credits ..... \$ \_\_\_\_\_
15. Subtotal (subtract 14 from 13) ..... \$ \_\_\_\_\_
16. Interest after judgment (per filed affidavit CCP 685.050) (not on GC 6103.5 fees) .. \$ \_\_\_\_\_
17. Fee for issuance of writ ..... \$ \_\_\_\_\_
18. Total (add 15, 16, and 17) ..... \$ \_\_\_\_\_
19. Levying officer:  
 (a) Add daily interest from date of writ (at the legal rate on 15) (not on GC 6103.5 fees) of ..... \$ \_\_\_\_\_  
 (b) Pay directly to court costs included in 11 and 17 (GC 6103.5, 68637; CCP 699.520(i)) ..... \$ \_\_\_\_\_
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]

Issued on (date): \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy

**NOTICE TO PERSON SERVED: SEE NEXT PAGE FOR IMPORTANT INFORMATION.**

**WRIT OF EXECUTION**

PLAINTIFF: <b>NAME OF PLAINTIFF/S</b>	CASE NUMBER: <b>YOUR FULL CASE NUMBER</b>
DEFENDANT: <b>NAME OF DEFENDANT/S</b>	

-Items continued from page 1-

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

**FILL IN ONLY IF THERE IS MORE THAN ONE DEFENDANT**

**NAME OF SECOND DEFENDANT, IF ANY**      **NAME OF THIRD DEFENDANT, IF ANY**  
**ADDRESS OF SECOND DEFENDANT**      **ADDRESS OF THIRD DEFENDANT**

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

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

\_\_\_\_\_

c.  additional costs against certain joint debtors (itemize):

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): \_\_\_\_\_

DATE COMPLAINT WAS FILED WITH COURT

(Check (1) or (2)):

(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.

(a) \$ \_\_\_\_\_ was the daily rental value on the date the complaint was filed.

(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. Description of property: **ADDRESS OF THE SUBJECT PROPERTY CITY ST 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**

CHOOSE ONE. SEE INSTRUCTIONS FOR MORE INFO

**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 make a demand upon you for 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.

▶ A Claim of Right to Possession form accompanies this writ (unless the Summons was served in compliance with CCP 415.46).

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):    TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF KERN</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF/PETITIONER:  DEFENDANT/RESPONDENT:	
<b>REQUEST FOR</b> <input type="checkbox"/> <b>Entry of Default</b> <input type="checkbox"/> <b>Clerk's Judgment</b> <b>(Application)</b> <input type="checkbox"/> <b>Court Judgment</b>	CASE NUMBER: _____

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. <b>TOTALS</b> .....	\$ _____	\$ _____	\$ _____	

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)

<b>FOR COURT USE ONLY</b>	(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:	CASE NUMBER:
DEFENDANT/RESPONDENT:	

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 of Civil Procedure Section 585.5** (required 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 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 so as to be entitled to the benefits of the Servicemembers Civil Relief Act (50 U.S.C. App. § 501 et seq.).

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)



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> ): _____	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF KERN</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF:  DEFENDANT:	
<div style="text-align: center;"><b>JUDGMENT - UNLAWFUL DETAINER</b></div> <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**

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)
  
  - 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:	CASE NUMBER:
DEFENDANT:	

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

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:

(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> ):	\$
<b>(6) TOTAL JUDGMENT</b>		\$

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

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 Attachment* (form UD-110S), which is attached.

8.  **Other** (*specify*):

Continued on *Attachment 8* (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

SUPERIOR COURT  
COUNTY OF KERN, STATE OF CALIFORNIA

) )  
) )  
) )  
Plaintiff(s) ) Number: \_\_\_\_\_  
) )  
VS ) )  
) )  
) )  
) )  
) )  
) )  
Defendant(s) ) )  
) )  
) )

**APPLICATION FOR ISSUANCE OF WRIT  
OF POSSESSION AND AFFIDAVIT OF  
DAILY RENTAL VALUE**

I am the Judgment Creditor, the following Interlocutory Judgment was entered against  
\_\_\_\_\_. That a Writ of Possession be issued in favor of the  
(Defendant(s))  
Plaintiff(s), \_\_\_\_\_ to Kern County.  
(Plaintiff(s))

Affiant further hereby declares that the daily rental value of the property as of the date the  
complaint for Unlawful Detainer was filed is \$\_\_\_\_\_ per day starting \_\_\_\_\_  
(Date)  
until possession of the premises of which is located at \_\_\_\_\_.  
(Address)

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

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number and address):     TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (Name): <input type="checkbox"/> ATTORNEY FOR <input type="checkbox"/> JUDGMENT CREDITOR <input type="checkbox"/> ASSIGNEE OF RECORD	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF KERN</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF:  DEFENDANT:	
<b>WRIT OF</b> <input type="checkbox"/> EXECUTION (Money Judgment) <input type="checkbox"/> POSSESSION OF <input type="checkbox"/> Personal Property <input type="checkbox"/> Real Property <input type="checkbox"/> SALE	CASE NUMBER: _____  <input type="checkbox"/> Limited Civil Case <input type="checkbox"/> Small Claims Case <input type="checkbox"/> Unlimited Civil Case <input type="checkbox"/> Other _____

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 accord with CCP 699.080 or CCP 715.040.
3. (Name):  
 is the  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 stated in judgment if not a natural person, and last known address):  
 Additional judgment debtors on next page
5. **Judgment entered on** (date): \_\_\_\_\_
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.
9.  See next page for information on real or personal property to be delivered under a writ of possession or sold under a writ of sale.
10.  This writ is issued on a sister-state judgment.
11. Total judgment ..... \$ \_\_\_\_\_
12. Costs after judgment (per filed order or memo CCP 685.090) ..... \$ \_\_\_\_\_
13. Subtotal (add 11 and 12) ..... \$ \_\_\_\_\_
14. Credits ..... \$ \_\_\_\_\_
15. Subtotal (subtract 14 from 13) ..... \$ \_\_\_\_\_
16. Interest after judgment (per filed affidavit CCP 685.050) (not on GC 6103.5 fees) .. \$ \_\_\_\_\_
17. Fee for issuance of writ ..... \$ \_\_\_\_\_
18. **Total** (add 15, 16, and 17) ..... \$ \_\_\_\_\_
19. Levying officer:
  - (a) Add daily interest from date of writ (at the legal rate on 15) (not on GC 6103.5 fees) of ..... \$ \_\_\_\_\_
  - (b) Pay directly to court costs included in 11 and 17 (GC 6103.5, 68637; CCP 699.520(i)) ..... \$ \_\_\_\_\_
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]

Issued on (date): \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy

**NOTICE TO PERSON SERVED: SEE NEXT PAGE FOR IMPORTANT INFORMATION.**

**WRIT OF EXECUTION**

PLAINTIFF:  DEFENDANT:	CASE NUMBER:
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**-Items continued from page 1-**

21.  **Additional judgment debtor** (*name, type of legal entity stated in judgment 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 ( <i>date</i> ):<br>b. name, type of legal entity stated in judgment if not a natural person, and last known address of joint debtor:<br>_____ | a. on ( <i>date</i> ):<br>b. name, type of legal entity stated in judgment if not a natural person, and last known address of joint debtor:<br>_____ |
|--|--|
- \_\_\_\_\_
- c.  additional costs against certain joint debtors (*itemize*):
- \_\_\_\_\_
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)):**
- (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.  
(a) \$ \_\_\_\_\_ was the daily rental value on the date the complaint was filed.  
(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.  
 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. Description of property:

**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 make a demand upon you for 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.

▶ A Claim of Right to Possession form accompanies this writ (unless the Summons was served in compliance with CCP 415.46).