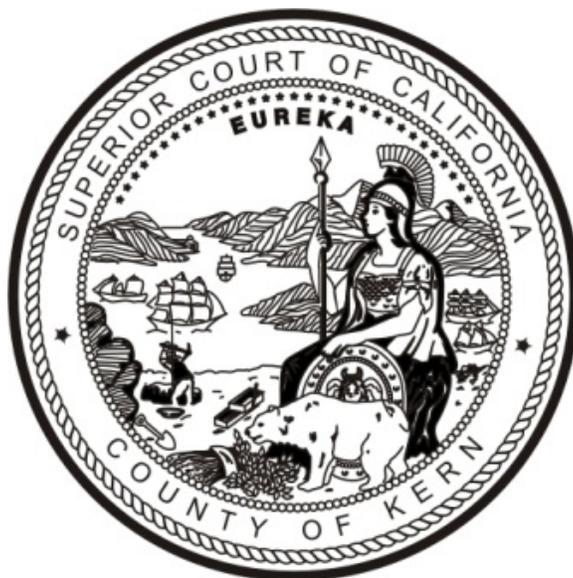


# **EVICTION PACKET**

## **UNLAWFUL DETAINERS**

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



<b>FORMS INCLUDED IN THIS PACKET</b>	
Judicial Council Form CM-010	Civil Case Cover Sheet
Judicial Council Form SUM-130	Summons
Judicial Council Form UD-100	Complaint
Judicial Council Form CP10.5 (if needed)	Prejudgment Claim of Right to Possession
Judicial Council Form POS-010	Proof of Service of Summons

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.

**WHO CAN EVICT A TENANT?**

- The owner of the property; OR
- A property manager. A property manager can evict a tenant ONLY if they have a written agreement with the tenant; OR
- A tenant. A tenant can evict a sub-tenant ONLY if the tenant is the principal signer on the rental agreement. Does not apply if the sub-tenant is a co-signer on the rental agreement.

**HOW CAN I START AN UNLAWFUL DETAINER ACTION?**

You must first give the Tenant(s) written "Notice" that they need to move out. This is a 3-day, 30-day, 60-day, or 90-day notice. Different notices are for different purposes. Notices have mandatory words they need to say so refer to an attorney or LTAC for a form that will work for you. Notices are not court forms so you will not find them on the State's self-help website. If the tenant does not move out at the end of the notice time period, you can file a UD action with the court.

**KEY TERMS AND DEFINITIONS**

TERMS	DEFINITIONS
Unlawful Detainer	The formal name for an eviction.
Plaintiff	The party that initiates the lawsuit and files the Complaint.
Defendant	The party or person sued in the lawsuit that may respond to the Complaint.
Summons	The official document issued by the Court summoning the Defendant to a lawsuit and has instructions as to the need to file a response to the complaint within a certain time (such as 5 days after service).
Complaint	The lawsuit filed in the Court.
Does 1 to 10	A fictitious name used for a possible Defendant/s whose names are unknown at the time a complaint is filed.
Order to Show Cause (OSC)	A hearing automatically scheduled by the Court for status on your case. It is scheduled far in advance. At that point, if you haven't completed your case, the Court would like to know why they shouldn't dismiss the case.
Service	The delivery of copies of legal documents to the opposing party or other person to whom the documents are directed.
Trial	The date your case is examined and determined by a judge (or other judicial officer) with authority to hear the matter. <b>A trial will only take place if a Defendant answers your complaint and you request for a trial.</b>
Exhibit	A document, paper or item of physical/tangible quality offered as evidence.
Default	Failure of a party to respond to a lawsuit, or to follow proper procedure to prevent entry of Judgment against them.
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.

**FEES**  
(Usually \$240.00)

A fee is required to file an Unlawful Detainer Complaint. To determine the amount of the fee, refer to the current version of the Fee Schedule available on the Courts website at: [http://www.kern.courts.ca.gov/pdf/local\\_fee\\_schedule\\_07012014.pdf](http://www.kern.courts.ca.gov/pdf/local_fee_schedule_07012014.pdf).

*\*As of July 1, 2014, the filing fee for each Unlawful Detainer up to \$10,000 is \$240.00.*

**WHAT IF I CANNOT AFFORD THE COURT FEES?**

If you think you cannot afford to pay the Court fees, refer to the Information Sheet on Waiver of Superior Court Fees and Costs (Judicial Council Form FW-001-INFO). If you feel that you may qualify for a waiver according to the guidelines, complete the Request to Waive Court Fees (Judicial Council Form FW-001) and Order on Court Fee Waiver (Judicial Council Form FW-003), also known as a “fee waiver.” Submit the fee waiver with your forms to the Court.

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

FORMS	MORE INFO	MORE HELP
<ul style="list-style-type: none"> <li>Attached to this packet.</li> <li>By stopping by LTAC and picking them up in the hallway.</li> <li>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.</li> <li>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.</li> </ul>	<p>More information is available:</p> <ul style="list-style-type: none"> <li>CA Judicial Branch: <a href="http://www.courts.ca.gov/selfhelp-eviction.htm">http://www.courts.ca.gov/selfhelp-eviction.htm</a>.</li> <li>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>.</li> </ul>	<p>If the process proves to be too difficult or time consuming, you can do any of the following:</p> <ul style="list-style-type: none"> <li>Hire an attorney to represent you and/or fill out your forms.</li> <li>Hire an Unlawful Detainer Assistant (UDA) to fill out your forms. <i>*UDAs cannot give legal advice nor represent you in court.</i></li> </ul>

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

FORMS	ACTIONS
<ul style="list-style-type: none"> <li>Civil Case Cover Sheet – CM-10</li> </ul>	<ul style="list-style-type: none"> <li>Complete and sign <b>page 1</b>.</li> </ul>
<ul style="list-style-type: none"> <li>Summons – SUM-130</li> </ul>	<ul style="list-style-type: none"> <li>Complete page one and parts of <b>page 2</b>.</li> </ul>
<ul style="list-style-type: none"> <li>Complaint – UD-100</li> </ul>	<ul style="list-style-type: none"> <li>Complete all 3 pages, verify and sign in two places on <b>page 3</b>.</li> </ul>

\*A step-by-step video on how to fill out the Complaint is available at <http://pd.global.playstream.com/courtvtsh/progressive/flash/UD-100.html>

**STEP 2 of 6: ATTACH YOUR EXHIBITS AND/OR ATTACHMENTS**

<ul style="list-style-type: none"> <li><b>Exhibit 1</b>, Rental Agreement/Lease – If you have a written agreement, attach it to the Complaint and label it at the bottom, Exhibit 1.</li> <li><b>Exhibit 2</b>, Notice – If you served a notice (3-Day Notice to Pay or Quit, 30-Day Notice, etc.), attach it to the Complaint and label it Exhibit 2.</li> <li><b>Exhibit 3</b>, Proof of Service of Notice – If you filled out a proof of service for the notice, attach it to the Complaint and label it Exhibit 3.</li> <li><b>Prejudgment Right to Possession</b> – attach a blank Prejudgment Right to Possession only if you are including Does 1 to 10 in your Summons and Complaint.</li> </ul>
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**STEP 3 of 6: MAKE A COPY**

Make 1 copy of all your documents.
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**STEP 4 of 6: FILE THE EVICTION**

<ul style="list-style-type: none"> <li>Turn in the original and the copy of the <i>Civil Case Cover Sheet</i>, <i>Summons</i>, and the <i>Complaint</i> with its <i>Exhibit</i> and/or attachments.</li> <li><b>If you are <u>not</u> asking for a fee waiver</b>, you will pay the filing fee and get filed stamped copies back <u>usually</u> when you file.</li> <li><b>If you are asking for a fee waiver</b>, your file-stamped copies may be returned immediately, OR you may be asked to return up to 24 hours, OR your file stamped forms may be mailed to you. Please check with the clerk who takes your forms.</li> </ul>
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**NOTICE OF ORDER TO APPEAR AND SHOW CAUSE**

Once the eviction has been filed, the Civil Division mails you a Notice of Order to Appear and Show Cause Why this Matter Should not be Dismissed. It is a hearing set approximately 3 months in advance. On this date, the Court will **NOT** discuss the merits of your case. It is to determine whether or not your case should remain open for lack of completion. If a judgment, dismissal, or stipulation is entered by then (which would complete the case), the Civil Department will take that hearing off calendar and you will not have to appear.

**STEP 5 of 6:  
SERVE THE  
EVICTION**

Service: **You must “serve” the copy of all your forms on each defendant.**

- “**Service**” means that someone, NOT YOU, who is at least 18 years old, must personally serve a copy of your forms to each named defendant. You can ask a friend, relative, etc. to serve these forms for you or you can look in the yellow pages and hire a “process server” to serve the papers for you for a fee or you can use the Kern County Sheriff’s Office for a fee (the Sheriff’s Office fee may be waived if you filed and was granted a fee waiver in your case).
- After the papers are personally served, the server (person who handed the forms) must complete the Proof of Service by First Class Mail – Civil – POS-030. The Sheriff’s Office completes their own and then mail you a copy.

**STEP 6 of 6:  
FILE YOUR  
PROOF OF  
SERVICE**

FORM	ACTIONS
<ul style="list-style-type: none"> <li>• Proof of Service of Summons – POS-010</li> </ul>	<ul style="list-style-type: none"> <li>• Complete the caption portion of this form.</li> <li>• Have someone at least 18 years of age that is not a party to the case complete this form.</li> <li>• The person who signs <b>page 2</b> is stating under penalty of perjury that he/she personally delivered the eviction.</li> </ul>

**WHAT  
HAPPENS  
NEXT?**

- After you properly serve the paperwork, the tenant(s) has/have 5 calendar days after service to serve you with a copy of the Answer and file it with the court clerk. Day 1 starts the day after the tenant is handed the forms.
- If the fifth day falls on a Saturday, Sunday or a holiday, the tenant has until end of the work day Monday to file an Answer. If the fifth day is a court holiday, the tenant has until the next court day to file an Answer.
- If the tenant does NOT file an Answer on time, you need to file forms to enter the tenant(s)’s default and get a judgment in your favor.
- If the tenant DOES file an Answer you need to file a Request / Counter-Request to Set Case for Trial (UD-150) so you have a trial and the judge decides.
- A private attorney or the Self-Help Center can help you with the next step.

**HOW CAN I  
MAKE THE  
TENANT MOVE  
OUT?**

The only way you can legally force your tenant to move out is to win your UD case. Then you can get a “Judgment” for possession (this means the court makes an order that the tenant has to move out and return the property to you). The Sheriff can enforce this Judgment by making the tenant move out. It is illegal to force your tenant to leave by cutting off their electricity, changing the locks and/or getting rid of the tenant’s personal property.

**WHAT ELSE  
SHOULD I  
KNOW?**

- UD cases have very strict requirements for the landlord. If you do even a small thing wrong, you may lose your case and have to start over completely. This can make your case take several months to finish. During that time you are losing rent you may never be able to collect. Consider hiring an attorney who is experienced with eviction procedures so that your case is completed as quickly as possible and you can start receiving rent from a new tenant.
- Watch UD court hearings to learn how to represent yourself in court if your tenant(s) files an Answer. Eviction hearings are usually heard Mondays through Thursday at 1:30 p.m. in Department 12 in the courthouse at 1415 Truxtun Avenue, Bakersfield, CA. It is open to the public. Anyone can watch.
- If you have an unusual case, for example, you have people living in the property whose names you don’t know or you created your own notice or you want to give the tenant(s) more than one type of notice, please see a private attorney or visit us to research on how to handle your case. The Self-Help Center will not be able to help.

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.:  
 ATTORNEY FOR (Name): **Petitioner, 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:  
 CITY AND ZIP CODE:  
 BRANCH NAME:

CASE NAME: **YOUR LAST NAME v. THEIR LAST NAME**

**CIVIL CASE COVER SHEET**  
 **Unlimited** (Amount demanded exceeds \$25,000)  
 **Limited** (Amount demanded is \$25,000 or less)

**Complex Case Designation**  
 **Counter**  **Joinder**  
 Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

CASE NUMBER: **LEAVE BLANK**  
 JUDGE:  
 DEPT.:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

<p><b>Auto Tort</b></p> <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) <p><b>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</b></p> <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) <p><b>Non-PI/PD/WD (Other) Tort</b></p> <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) <p><b>Employment</b></p> <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	<p><b>Contract</b></p> <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) <p><b>Real Property</b></p> <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) <p><b>Unlawful Detainer</b></p> <input type="checkbox"/> Commercial (31) <input checked="" type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) <p><b>Judicial Review</b></p> <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	<p><b>Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)</b></p> <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) <p><b>Enforcement of Judgment</b></p> <input type="checkbox"/> Enforcement of judgment (20) <p><b>Miscellaneous Civil Complaint</b></p> <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) <p><b>Miscellaneous Civil Petition</b></p> <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case  is  is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

a. <input type="checkbox"/> Large number of separately represented parties	d. <input type="checkbox"/> Large number of witnesses
b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve	e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
c. <input type="checkbox"/> Substantial amount of documentary evidence	f. <input type="checkbox"/> Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a.  monetary b.  nonmonetary; declaratory or injunctive relief c.  punitive

4. Number of causes of action (specify): **ONE**

5. This case  is  is not a class action suit. **CHECK IF YOU ARE REQUESTING MONEY**

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)  
**CHECK ALL THAT APPLY**

Date: **TODAY'S DATE**  
**YOUR NAME** (TYPE OR PRINT NAME) **YOUR SIGNATURE** (SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

**NOTICE**

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2



**SUMMONS  
(CITACION JUDICIAL)  
UNLAWFUL DETAINER-EVICTION  
(RETENCIÓN ILÍCITA DE UN INMUEBLE-DESALOJO)**

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)

**NOTICE TO DEFENDANT:  
(AVISO AL DEMANDADO):  
NAME OF DEFENDANT/S  
(IF THERE ARE DOES, YOU MUST INDICATE HERE AS WELL).**

**YOU ARE BEING SUED BY PLAINTIFF:  
(LO ESTÁ DEMANDANDO EL DEMANDANTE):  
NAME OF PLAINTIFF/S**

**NAMES MUST MATCH  
EXACTLY AS LISTED  
ON THE CAPTION OF  
THE COMPLAINT**

You have 5 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. (To calculate the five days, count Saturday and Sunday, but do not count other court holidays. If the last day falls on a Saturday, Sunday, or a court holiday then you have the next court day to file a written response.) A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

*Tiene 5 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. (Para calcular los cinco días, cuente los sábados y los domingos pero no los otros días feriados de la corte. Si el último día cae en sábado o domingo, o en un día en que la corte esté cerrada, tiene hasta el próximo día de corte para presentar una respuesta por escrito). Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.*

*Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.*

1. The name and address of the court is:  
(El nombre y dirección de la corte es):

CASE NUMBER:  
(Número del caso):  
**LEAVE BLANK**

**ADDRESS OF THE COURT YOU FILED IN**

2. The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:  
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

**NAME OF PLAINTIFF/S  
YOUR ADDRESS  
YOUR CITY, STATE, AND ZIP CODE**

**YOUR PHONE NUMBER**

3. (Must be answered in all cases) An unlawful detainer assistant (Bus. & Prof. Code, §§ 6400-6415)  did not  did for compensation give advice or assistance with this form. (If plaintiff has received any help or advice for pay from an unlawful detainer assistant, complete item 6 on the next page.)

Date: **LEAVE BLANK**  
(Fecha)

Clerk, by \_\_\_\_\_, Deputy  
(Secretario) \_\_\_\_\_ (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)  
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010).)

[SEAL]

4. **NOTICE TO THE PERSON SERVED:** You are served

- a.  as an individual defendant.
- b.  as the person sued under the fictitious name of (specify):
- c.  as an occupant
- d.  on behalf of (specify):  
under:  CCP 416.10 (corporation)  CCP 416.60 (minor)
- CCP 416.20 (defunct corporation)  CCP 416.70 (conservatee)
- CCP 416.40 (association or partnership)  CCP 416.90 (authorized person)
- CCP 415.46 (occupant)  other (specify):

5.  by personal delivery on (date):

SAMPLE

d. County of registration:  
e. Registration no.:  
f. Registration expires on (date):

a. Assistants name: LEAVE THIS SECTION BELOW BLANK  
b. Telephone no.:  
c. Street address, city, and ZIP:

6. Unlawful detainer assistant (complete if plaintiff has received any help or advice for pay from an unlawful detainer assistant):

CASE NUMBER: LEAVE BLANK	PLAINTIFF (Name): NAME OF PLAINTIFF/S DEFENDANT (Name): NAME OF DEFENDANT/S
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ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):  
**YOUR NAME AND THE NAMES OF ANY OTHER PLAINTIFF/S**  
**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:  
 CITY AND ZIP CODE:  
 BRANCH NAME:

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

DOES 1 TO  
 **COMPLAINT - UNLAWFUL DETAINER\***  
 **COMPLAINT**  **AMENDED COMPLAINT (Amendment Number):**

CASE NUMBER:  
**LEAVE BLANK**

**Jurisdiction (check all that apply):**  
 **ACTION IS A LIMITED CIVIL CASE**  
 Amount demanded  does not exceed \$10,000  
**CHOOSE ONE**  exceeds \$10,000 but does not exceed \$25,000  
 **ACTION IS AN UNLIMITED CIVIL CASE (amount demanded exceeds \$25,000)**  
 **ACTION IS RECLASSIFIED by this amended complaint or cross-complaint (check**  
 from unlawful detainer to general unlimited civil (possession not in issue)  
 from unlawful detainer to general limited civil (possession not in issue)

**CHECK THIS OPTION ONLY IF THERE ARE OTHER ADULTS LIVING IN THE PROPERTY AND YOU WISH TO SUE THEM AS WELL (Does 1 to 10 is the most commonly used when applicable). IF YOU ADD DOES, IT MUST MATCH THE SUMMONS EXACTLY.**

1. PLAINTIFF (name each): **NAME OF PLAINTIFF/S**

alleges causes of action against DEFENDANT (name each):  
**NAME OF DEFENDANT/S**

2. a. Plaintiff is **CHOOSE ONE**  
 (1)  an individual over the age of 18 years. (4)  a partnership.  
 (2)  a public agency. (5)  a corporation.  
 (3)  other (specify):

b.  Plaintiff has complied with the fictitious business name laws and is doing business under the fictitious name of (specify):  
**CHOOSE THIS OPTION ONLY IF YOU ARE FILING AS A BUSINESS**

3. Defendant named above is in possession of the premises located at (street address, apt. no., city, zip code, and county):  
**ADDRESS OF THE RENTAL PROPERTY**

4. Plaintiff's interest in the premises is  as owner  other (specify):

**ARE YOU THE OWNER OR OTHER, SUCH AS PROPERTY MANAGER?**

5. The true names and capacities of defendants sued as Does are unknown to plaintiff.

6. a. On or about (date): **DATE AGREEMENT WAS MADE, IF ANY** defendant (name each):  
**NAME OF THE DEFENDANT/S AGREEMENT WAS MADE WITH, IF ANY**  
**FILL OUT THE TERMS OF THE AGREEMENT BELOW, IF ANY**

(1) agreed to rent the premises as a  month-to-month tenancy  other tenancy (specify):  
 (2) agreed to pay rent of \$ payable  monthly  other (specify frequency):  
 (3) agreed to pay rent on the  first of the month  other day (specify):

b. This  written  oral agreement was made with  
 (1)  plaintiff. (3)  plaintiff's predecessor in interest.  
 (2)  plaintiff's agent. (4)  other (specify):

**\*NOTE: Do not use this form for evictions after sale (Code Civ. Proc., § 1161a).**

PLAINTIFF (Name):	NAME OF PLAINTIFF/S
DEFENDANT (Name):	NAME OF DEFENDANT/S
CASE NUMBER:	LEAVE BLANK

6. c.  The defendants not named in item 6a are

(1)  subtenants.  
 (2)  assignees.  
 (3)  other (specify):

**ARE THERE ANY OTHER PEOPLE LIVING IN THE RENTAL UNIT THAT ARE NOT ON THE AGREEMENT? WHO ARE THEY? (ONLY CHECK THIS OPTION IF YOU LISTED DOES).**

d.  The agreement was later changed as follows (specify):

**HAS THERE BEEN ANY CHANGES TO THE AGREEMENT, SUCH AS RENT INCREASES? INDICATE HERE.**

e.  A copy of the written agreement, including any addenda or attachments that form the basis of this complaint, is attached and labeled Exhibit 1. (Required for residential property, unless item 7a is checked.)

f.  (For residential property) A copy of the written agreement is not attached. **IF THERE IS A WRITTEN AGREEMENT, CHOOSE e OR f**

(1)  the written agreement is not in the possession of the landlord or the landlord's employees or agents.  
 (2)  this action is solely for nonpayment of rent (Code Civ. Proc., § 1161(2)).

7. a.  Defendant (name each): **NAME OF DEFENDANT/S**

was served the following notice on the same date and in the same manner:

(1)  3-day notice to pay rent or quit  
 (2)  30-day notice to quit  
 (3)  60-day notice to quit  
 (4)  3-day notice to perform covenants or quit  
 (5)  3-day notice to quit  
 (6)  Other (specify):

b. (1) On (date): **DATE NOTICE ENDED**  
 the period stated in the notice expired at the end of the day.

(2) Defendants failed to comply with the requirements of the notice by that date.

c. All facts stated in the notice are true.

d.  The notice included an election of forfeiture.  
 e.  A copy of the notice is attached and labeled Exhibit 2. (Required for residential property. See Code Civ. Proc., § 1166.)

f.  One or more defendants were served (1) with a different notice, (2) on a different date, or (3) in a different manner, as stated in Attachment 8c. (Check item 8c and attach a statement providing the information required by items 7a-e and 8 for each defendant.)

8. a.  The notice in item 7a was served on the defendant named in item 7a as follows:

(1)  by personally handing a copy to defendant on (date):  
 (2)  by leaving a copy with (name or description):  
 a person of suitable age and discretion on (date): **DESCRIBE HOW NOTICE WAS GIVEN. CHOOSE ONLY ONE**

residence  business  AND mailing a copy to defendant at defendant's place of residence on (date): because defendant cannot be found at defendant's residence or usual place of business.

(3)  by posting a copy on the premises on (date):  AND giving a copy to a person found residing at the premises AND mailing a copy to defendant at the premises on (date):

(a)  because defendant's residence and usual place of business cannot be ascertained OR (b)  because no person of suitable age or discretion can be found there.

(4)  (Not for 3-day notice; see Civil Code, § 1946 before using) by sending a copy by certified or registered mail addressed to defendant on (date):

(5)  (Not for residential tenancies; see Civil Code, § 1953 before using) in the manner specified in a written commercial lease between the parties.

b.  (Name): **CHECK AND STATE THE NAME, IF APPLICABLE**  
 was served on behalf of all defendants who signed a joint written rental agreement.  
 c.  Information about service of notice on the defendants alleged in item 7f is stated in Attachment 8c.  
 d.  Proof of service of the notice in item 7a is attached and labeled Exhibit 3.

**ATTACH ORIGINAL PROOF OF SERVICE OF THE NOTICE.**

PLAINTIFF (Name): <b>NAME OF PLAINTIFF/S</b> DEFENDANT (Name): <b>NAME OF DEFENDANT/S</b>	CASE NUMBER: <b>LEAVE BLANK</b>
--	------------------------------------

9.  Plaintiff demands possession from each defendant because of expiration of a fixed-term lease.
10.  At the time the 3-day notice to pay rent or quit was served, the amount of **rent due** was \$ \_\_\_\_\_ per day. CHECK BOX AND FILL IN THE AMOUNT IF YOU GAVE A 3-DAY NOTICE TO PAY RENT OR QUIT, IF ANY.
11.  The fair rental value of the premises is \$ \_\_\_\_\_ per day.
12.  Defendant's continued possession is malicious, and plaintiff is entitled to statutory damages under Procedure section 1174(b). (State specific facts supporting a claim up to \$600 in Attachment 12)
13.  A written agreement between the parties provides for attorney fees.
14.  Defendant's tenancy is subject to the local rent control or eviction control ordinance of (city or county, title of ordinance, and date of passage): \_\_\_\_\_

CHECK IF APPLICABLE

IF REQUESTED, MONTHLY RENT DIVIDED BY 30

Plaintiff has met all applicable requirements of the ordinances.

15.  Other allegations are stated in Attachment 15.
16. Plaintiff accepts the jurisdictional limit, if any, of the court.

DATE AFTER RENT 3-DAY NOTICE COVERS

**17. PLAINTIFF REQUESTS**

- a. possession of the premises.
- b. costs incurred in this proceeding:
- c.  past-due rent of \$ \_\_\_\_\_ AMOUNT IN #10 ABOVE
- d.  reasonable attorney fees.
- e.  forfeiture of the agreement.
- f.  damages at the rate stated in item 11 from (date): \_\_\_\_\_ for each day that defendants remain in possession through entry of judgment.
- g.  statutory damages up to \$600 for the conduct alleged in item 12.
- h.  other (specify): \_\_\_\_\_

COUNT NUMBER OF ATTACHMENTS AND ENTER HERE

18.  Number of pages attached (specify): \_\_\_\_\_

**UNLAWFUL DETAINER ASSISTANT (Bus. & Prof. Code, §§ 6400-6415)**

19. (Complete in all cases.) An unlawful detainer assistant  did not  did for compensation give advice or assistance with this form. (If plaintiff has received any help or advice for pay from an 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): \_\_\_\_\_

Date: **DATE SIGNED**

**NAME OF PLAINTIFF/S**  
 \_\_\_\_\_  
 (TYPE OR PRINT NAME)

**SIGNATURE OF PLAINTIFF/S**  
 \_\_\_\_\_  
 (SIGNATURE OF PLAINTIFF OR ATTORNEY)

**VERIFICATION**

(Use a different verification form if the verification is by an attorney or for a corporation or partnership.)

I am the plaintiff in this proceeding and have read this complaint. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: **DATE SIGNED**

**NAME OF PRINCIPLE PLAINTIFF**  
 \_\_\_\_\_  
 (TYPE OR PRINT NAME)

**ONLY ONE PLAINTIFF WILL SIGN THIS**  
 \_\_\_\_\_  
 (SIGNATURE OF PLAINTIFF)



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):           TELEPHONE NO.: _____ FAX NO.: _____ ATTORNEY FOR (Name): _____	<b>FOR COURT USE ONLY</b>
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**SUPERIOR COURT OF CALIFORNIA, COUNTY OF KERN**

STREET ADDRESS: \_\_\_\_\_  
MAILING ADDRESS: \_\_\_\_\_  
CITY AND ZIP CODE: \_\_\_\_\_  
BRANCH NAME: \_\_\_\_\_

CASE NAME: \_\_\_\_\_

<b>CIVIL CASE COVER SHEET</b> <input type="checkbox"/> <b>Unlimited</b> (Amount demanded exceeds \$25,000) <input type="checkbox"/> <b>Limited</b> (Amount demanded is \$25,000 or less)	<b>Complex Case Designation</b> <input type="checkbox"/> <b>Counter</b> <input type="checkbox"/> <b>Joinder</b> Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	CASE NUMBER: _____  JUDGE: _____  DEPT.: _____
--	--	--

*Items 1-6 below must be completed (see instructions on page 2).*

1. Check **one** box below for the case type that best describes this case:

<b>Auto Tort</b> <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46)  <b>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</b> <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23)  <b>Non-PI/PD/WD (Other) Tort</b> <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35)  <b>Employment</b> <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	<b>Contract</b> <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37)  <b>Real Property</b> <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26)  <b>Unlawful Detainer</b> <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38)  <b>Judicial Review</b> <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	<b>Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)</b> <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)  <b>Enforcement of Judgment</b> <input type="checkbox"/> Enforcement of judgment (20)  <b>Miscellaneous Civil Complaint</b> <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint ( <i>not specified above</i> ) (42)  <b>Miscellaneous Civil Petition</b> <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition ( <i>not specified above</i> ) (43)
--	--	--

2. This case  is  is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- |  |  |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties   | d. <input type="checkbox"/> Large number of witnesses  |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence   | f. <input type="checkbox"/> Substantial postjudgment judicial supervision  |
3. Remedies sought (*check all that apply*): a.  monetary b.  nonmonetary; declaratory or injunctive relief c.  punitive
4. Number of causes of action (*specify*): \_\_\_\_\_
5. This case  is  is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (*You may use form CM-015.*)

Date: \_\_\_\_\_

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

**NOTICE**

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

## INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

**To Plaintiffs and Others Filing First Papers.** If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

**To Parties in Rule 3.740 Collections Cases.** A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

**To Parties in Complex Cases.** In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

## CASE TYPES AND EXAMPLES

**Auto Tort**

Auto (22)-Personal Injury/Property Damage/Wrongful Death  
Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

**Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort**

Asbestos (04)  
Asbestos Property Damage  
Asbestos Personal Injury/Wrongful Death  
Product Liability (*not asbestos or toxic/environmental*) (24)  
Medical Malpractice (45)  
Medical Malpractice-Physicians & Surgeons  
Other Professional Health Care Malpractice  
Other PI/PD/WD (23)  
Premises Liability (e.g., slip and fall)  
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)  
Intentional Infliction of Emotional Distress  
Negligent Infliction of Emotional Distress  
Other PI/PD/WD

**Non-PI/PD/WD (Other) Tort**

Business Tort/Unfair Business Practice (07)  
Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)  
Defamation (e.g., slander, libel) (13)  
Fraud (16)  
Intellectual Property (19)  
Professional Negligence (25)  
Legal Malpractice  
Other Professional Malpractice (*not medical or legal*)  
Other Non-PI/PD/WD Tort (35)

**Employment**

Wrongful Termination (36)  
Other Employment (15)

**Contract**

Breach of Contract/Warranty (06)  
Breach of Rental/Lease  
Contract (*not unlawful detainer or wrongful eviction*)  
Contract/Warranty Breach-Seller Plaintiff (*not fraud or negligence*)  
Negligent Breach of Contract/Warranty  
Other Breach of Contract/Warranty  
Collections (e.g., money owed, open book accounts) (09)  
Collection Case-Seller Plaintiff  
Other Promissory Note/Collections Case  
Insurance Coverage (*not provisionally complex*) (18)  
Auto Subrogation  
Other Coverage  
Other Contract (37)  
Contractual Fraud  
Other Contract Dispute

**Real Property**

Eminent Domain/Inverse Condemnation (14)  
Wrongful Eviction (33)  
Other Real Property (e.g., quiet title) (26)  
Writ of Possession of Real Property  
Mortgage Foreclosure  
Quiet Title  
Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

**Unlawful Detainer**

Commercial (31)  
Residential (32)  
Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

**Judicial Review**

Asset Forfeiture (05)  
Petition Re: Arbitration Award (11)  
Writ of Mandate (02)  
Writ-Administrative Mandamus  
Writ-Mandamus on Limited Court Case Matter  
Writ-Other Limited Court Case Review  
Other Judicial Review (39)  
Review of Health Officer Order  
Notice of Appeal-Labor  
Commissioner Appeals

**Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400-3.403)**

Antitrust/Trade Regulation (03)  
Construction Defect (10)  
Claims Involving Mass Tort (40)  
Securities Litigation (28)  
Environmental/Toxic Tort (30)  
Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

**Enforcement of Judgment**

Enforcement of Judgment (20)  
Abstract of Judgment (Out of County)  
Confession of Judgment (*non-domestic relations*)  
Sister State Judgment  
Administrative Agency Award (*not unpaid taxes*)  
Petition/Certification of Entry of Judgment on Unpaid Taxes  
Other Enforcement of Judgment Case

**Miscellaneous Civil Complaint**

RICO (27)  
Other Complaint (*not specified above*) (42)  
Declaratory Relief Only  
Injunctive Relief Only (*non-harassment*)  
Mechanics Lien  
Other Commercial Complaint Case (*non-tort/non-complex*)  
Other Civil Complaint (*non-tort/non-complex*)

**Miscellaneous Civil Petition**

Partnership and Corporate Governance (21)  
Other Petition (*not specified above*) (43)  
Civil Harassment  
Workplace Violence  
Elder/Dependent Adult Abuse  
Election Contest  
Petition for Name Change  
Petition for Relief from Late Claim  
Other Civil Petition

**SUMMONS  
(CITACION JUDICIAL)  
UNLAWFUL DETAINER-EVICTION  
(RETENCIÓN ILÍCITA DE UN INMUEBLE-DESALOJO)**

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)

**NOTICE TO DEFENDANT:  
(AVISO AL DEMANDADO):**

**YOU ARE BEING SUED BY PLAINTIFF:  
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

You have 5 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. (To calculate the five days, count Saturday and Sunday, but do not count other court holidays. If the last day falls on a Saturday, Sunday, or a court holiday then you have the next court day to file a written response.) A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

*Tiene 5 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. (Para calcular los cinco días, cuente los sábados y los domingos pero no los otros días feriados de la corte. Si el último día cae en sábado o domingo, o en un día en que la corte esté cerrada, tiene hasta el próximo día de corte para presentar una respuesta por escrito). Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.*

*Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.*

1. The name and address of the court is:  
(El nombre y dirección de la corte es):

CASE NUMBER:  
(Número del caso):

2. The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:  
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

3. (Must be answered in all cases) An unlawful detainer assistant (Bus. & Prof. Code, §§ 6400-6415)  did not  did for compensation give advice or assistance with this form. (If plaintiff has received any help or advice for pay from an unlawful detainer assistant, complete item 6 on the next page.)

Date: \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy  
(Fecha) (Secretario) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)  
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010).)

[SEAL]

4. **NOTICE TO THE PERSON SERVED:** You are served

- a.  as an individual defendant.
- b.  as the person sued under the fictitious name of (specify):
- c.  as an occupant
- d.  on behalf of (specify):  
 under:  CCP 416.10 (corporation)  CCP 416.60 (minor)  
 CCP 416.20 (defunct corporation)  CCP 416.70 (conservatee)  
 CCP 416.40 (association or partnership)  CCP 416.90 (authorized person)  
 CCP 415.46 (occupant)  other (specify):

5.  by personal delivery on (date):

PLAINTIFF (Name):	CASE NUMBER:
DEFENDANT (Name):	

6. **Unlawful detainer assistant** (complete if plaintiff has received any help or advice for pay from an unlawful detainer assistant):
- Assistant's name:
  - Telephone no.:
  - Street address, city, and ZIP:
  
  - County of registration:
  - Registration no.:
  - Registration expires on (date):



PLAINTIFF (Name):	CASE NUMBER:
DEFENDANT (Name):	

6. c.  The defendants not named in item 6a are
- (1)  subtenants.
  - (2)  assignees.
  - (3)  other (specify):
- d.  The agreement was later changed as follows (specify):
- e.  A copy of the written agreement, including any addenda or attachments that form the basis of this complaint, is attached and labeled Exhibit 1. (Required for residential property, unless item 6f is checked. See Code Civ. Proc., § 1166.)
- f.  (For residential property) A copy of the written agreement is not attached because (specify reason):
- (1)  the written agreement is not in the possession of the landlord or the landlord's employees or agents.
  - (2)  this action is solely for nonpayment of rent (Code Civ. Proc., § 1161(2)).
7.  a. Defendant (name each):

was served the following notice on the same date and in the same manner:

- (1)  3-day notice to pay rent or quit
- (2)  30-day notice to quit
- (3)  60-day notice to quit
- (4)  3-day notice to perform covenants or quit
- (5)  3-day notice to quit
- (6)  Other (specify):

- b. (1) On (date): the period stated in the notice expired at the end of the day.
- (2) Defendants failed to comply with the requirements of the notice by that date.
- c. All facts stated in the notice are true.
- d.  The notice included an election of forfeiture.
- e.  A copy of the notice is attached and labeled Exhibit 2. (Required for residential property. See Code Civ. Proc., § 1166.)
- f.  One or more defendants were served (1) with a different notice, (2) on a different date, or (3) in a different manner, as stated in Attachment 8c. (Check item 8c and attach a statement providing the information required by items 7a-e and 8 for each defendant.)

8. a.  The notice in item 7a was served on the defendant named in item 7a as follows:
- (1)  by personally handing a copy to defendant on (date):
  - (2)  by leaving a copy with (name or description):  
a person of suitable age and discretion, on (date): at defendant's  
 residence  business AND mailing a copy to defendant at defendant's place of residence on  
(date): because defendant cannot be found at defendant's residence or usual  
place of business.
  - (3)  by posting a copy on the premises on (date):  AND giving a copy to a  
person found residing at the premises AND mailing a copy to defendant at the premises on  
(date):  
(a)  because defendant's residence and usual place of business cannot be ascertained OR  
(b)  because no person of suitable age or discretion can be found there.
  - (4)  (Not for 3-day notice; see Civil Code, § 1946 before using) by sending a copy by certified or registered  
mail addressed to defendant on (date):
  - (5)  (Not for residential tenancies; see Civil Code, § 1953 before using) in the manner specified in a written  
commercial lease between the parties.
- b.  (Name):  
was served on behalf of all defendants who signed a joint written rental agreement.
- c.  Information about service of notice on the defendants alleged in item 7f is stated in Attachment 8c.
- d.  Proof of service of the notice in item 7a is attached and labeled Exhibit 3.

PLAINTIFF (Name):  DEFENDANT (Name):	CASE NUMBER:
--	--------------

9.  Plaintiff demands possession from each defendant because of expiration of a fixed-term lease.
10.  At the time the 3-day notice to pay rent or quit was served, the amount of **rent due** was \$
11.  The fair rental value of the premises is \$ \_\_\_\_\_ per day.
12.  Defendant's continued possession is malicious, and plaintiff is entitled to statutory damages under Code of Civil Procedure section 1174(b). (State specific facts supporting a claim up to \$600 in Attachment 12.)
13.  A written agreement between the parties provides for attorney fees.
14.  Defendant's tenancy is subject to the local rent control or eviction control ordinance of (city or county, title of ordinance, and date of passage):

Plaintiff has met all applicable requirements of the ordinances.

15.  Other allegations are stated in Attachment 15.
16. Plaintiff accepts the jurisdictional limit, if any, of the court.

**17. PLAINTIFF REQUESTS**

- |  |   |
|--|---|
| a. possession of the premises.                           | f. <input type="checkbox"/> damages at the rate stated in item 11 from                        |
| b. costs incurred in this proceeding:                    | (date): _____ for each day that   |
| c. <input type="checkbox"/> past-due rent of \$          | defendants remain in possession through entry of judgment.                                    |
| d. <input type="checkbox"/> reasonable attorney fees.    | g. <input type="checkbox"/> statutory damages up to \$600 for the conduct alleged in item 12. |
| e. <input type="checkbox"/> forfeiture of the agreement. | h. <input type="checkbox"/> other (specify):  |

18.  Number of pages attached (specify): \_\_\_\_\_

**UNLAWFUL DETAINER ASSISTANT (Bus. & Prof. Code, §§ 6400-6415)**

19. (Complete in all cases.) An unlawful detainer assistant  did not  did for compensation give advice or assistance with this form. (If plaintiff has received **any** help or advice for pay from an 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):      |

Date:

\_\_\_\_\_ ▶ \_\_\_\_\_  
 (TYPE OR PRINT NAME) (SIGNATURE OF PLAINTIFF OR ATTORNEY)

**VERIFICATION**

(Use a different verification form if the verification is by an attorney or for a corporation or partnership.)

I am the plaintiff in this proceeding and have read this complaint. 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 PLAINTIFF)



**NOTICE: EVERYONE WHO LIVES IN THIS RENTAL UNIT MAY BE EVICTED BY COURT ORDER. READ THIS FORM IF YOU LIVE HERE AND IF YOUR NAME IS NOT ON THE ATTACHED SUMMONS AND COMPLAINT.**

1. If you live here and you do not complete and submit this form within 10 days of the date of service shown on this form, you will be evicted without further hearing by the court along with the persons named in the Summons and Complaint.
2. If you file this form, your claim will be determined in the eviction action against the persons named in the Complaint.
3. If you do not file this form, you will be evicted without further hearing.

CLAIMANT OR CLAIMANT'S ATTORNEY ( <i>Name and Address</i> ):   TELEPHONE NO.:	<b>FOR COURT USE ONLY</b>
ATTORNEY FOR ( <i>Name</i> ): <b>NAME OF COURT: KERN COUNTY SUPERIOR COURT</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF:  DEFENDANT:	
<b>PREJUDGMENT CLAIM OF RIGHT TO POSSESSION</b>	
CASE NUMBER:	

**Complete this form only if ALL of these statements are true:**

1. You are NOT named in the accompanying Summons and Complaint.
2. You occupied the premises on or before the date the unlawful detainer (eviction) Complaint was filed.
3. You still occupy the premises.

(To be completed by the process server)  
 DATE OF SERVICE:  
 (Date that this form is served or delivered, and posted, and mailed by the officer or process server)

I DECLARE THE FOLLOWING UNDER PENALTY OF PERJURY:

1. My name is (*specify*):
2. I reside at (*street address, unit No., city and ZIP code*):
3. The address of "the premises" subject to this claim is (*address*):
4. On (*insert date*): , the landlord or the landlord's authorized agent filed a complaint to recover possession of the premises. (*This date is the court filing date on the accompanying Summons and Complaint.*)
5. I occupied the premises on the date the complaint was filed (*the date in item 4*). I have continued to occupy the premises ever since.
6. I was at least 18 years of age on the date the complaint was filed (*the date in item 4*).
7. I claim a right to possession of the premises because I occupied the premises on the date the complaint was filed (*the date in item 4*).
8. I was not named in the Summons and Complaint.
9. I understand that if I make this claim of right to possession, I will be added as a defendant to the unlawful detainer (eviction) action.
10. (*Filing fee*) I understand that I must go to the court and pay a filing fee of \$ \_\_\_\_\_ or file with the court the form "Application for Waiver of Court Fees and Costs." I understand that if I don't pay the filing fee or file with the court the form for waiver of court fees within 10 days from the date of service on this form (excluding court holidays), I will not be entitled to make a claim of right to possession.

(Continued on reverse)



PLAINTIFF (Name):	CASE NUMBER:
DEFENDANT (Name):	

**NOTICE: If you fail to file this claim, you will be evicted without further hearing.**

11. *(Response required within five days after you file this form)* I understand that I will have *five days* (excluding court holidays) to file a response to the Summons and Complaint after I file this Prejudgment Claim of Right to Possession form.

12. **Rental agreement.** I have *(check all that apply to you)* :
- a.  an oral rental agreement with the landlord.
  - b.  a written rental agreement with the landlord.
  - c.  an oral rental agreement with a person other than the landlord.
  - d.  a written rental agreement with a person other than the landlord.
  - e.  other *(explain)* :

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

WARNING: Perjury is a felony punishable by imprisonment in the state prison.

Date:

.....  \_\_\_\_\_

(TYPE OR PRINT NAME) (SIGNATURE OF CLAIMANT)

**NOTICE:** If you file this claim of right to possession, the unlawful detainer (eviction) action against you will be determined at trial. At trial, you may be found liable for rent, costs, and, in some cases, treble damages.

**- NOTICE TO OCCUPANTS -**

**YOU MUST ACT AT ONCE** if all the following are true:

1. You are **NOT** named in the accompanying Summons and Complaint.
2. You occupied the premises on or before the date the unlawful detainer (eviction) complaint was filed. *(The date is the court filing date on the accompanying Summons and Complaint.)*
3. You still occupy the premises.

*(Where to file this form)* You can complete and SUBMIT THIS CLAIM FORM WITHIN 10 DAYS from the date of service (on the reverse of this form) at the court where the unlawful detainer (eviction) complaint was filed.

*(What will happen if you do not file this form)* If you do not complete and submit this form (and pay a filing fee or file the form for proceeding in forma pauperis if you cannot pay the fee), YOU WILL BE EVICTED.

After this form is properly filed, you will be added as a defendant in the unlawful detainer (eviction) action and your right to occupy the premises will be decided by the court. *If you do not file this claim, you will be evicted without a hearing.*