



SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

- CENTRAL, P.O. BOX 120128, 330 W. BROADWAY, SAN DIEGO, CA 92112-0128, (619) 615-6358
- NORTH COUNTY, 325 S. MELROSE DR., VISTA, CA 92081-6634, (760) 726-9595
- EAST COUNTY, 250 E. MAIN ST., EL CAJON, CA 92020-3941, (619) 441-4100
- RAMONA, 1428 MONTECITO RD., RAMONA, CA 92065-5200, (760) 738-2435
- SOUTH COUNTY, 500 3RD AVE., CHULA VISTA, CA 91910-5649, (619) 691-4439

UNLAWFUL DETAINER COMPLAINT PACKET

This packet contains most of the forms that are used in an unlawful detainer matter and a brief description of the steps involved in the process.

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 at www.sdcourt.ca.gov.

Forms

This packet contains the following forms.

FORM NAME	FORM #	Number of copies
Civil Case Cover Sheet	CM 010	1
Complaint – Unlawful Detainer	UD 100	1
Summons – Unlawful Detainer	SUM 130	1
Proof of Service of Summons	POS-010	1
Prejudgment Claim of Right to Possession	CP 10.5	1
Request to Enter Default	CIV100	1
Request/Counter-Request To Set Case For Trial – Unlawful Detainer	UD 150	1
Memorandum of Costs	MC 010	1
Judgment – Unlawful Detainer	UD 110	1
Request for Dismissal	CIV110	1
Writ of Execution	EJ 130	1
Sheriff’s Instructions for Process of Writ	C-1 Man	1

Fees

See current fee schedule available online at www.sdcourt.ca.gov for fees for the following:

- Filing the complaint:
 - Demand \$10,000 or LESS
 - Demand OVER \$10,000 (but not more than \$25,000)
 - Demand OVER \$25,000
- Issuing Writ of Execution

Note: A separate fee payable to the Sheriff is required to serve documents, execute the writ and perform the eviction.

Copies for Your Records

If you would like a file stamped copy of your document, please provide an additional copy and a self-addressed envelope with sufficient postage at the time you submit your document for filing.

Completing Forms

All sections completed on the forms must be typed or printed in blue-black or black ink.

Key Terms and Definitions

Common definitions used in an Unlawful Detainer case include:

Term	Definition
Answer	A principal pleading made by the defendant in response to the complaint.
Complaint	The lawsuit filed in the court.
Default	Failure of a party in a lawsuit to defend or to follow proper procedure to prevent entry of a judgment against them.
Defendant	The party or person responding to the complaint; the one who is sued and called upon to make satisfaction for a wrong complained of by another.
Judgment	The official decision of the Court stating which party won and the terms of the decision.
Plaintiff	The party who files the complaint, and seeks remedy in a court of justice.
Service	The delivery of the Summons and Complaint to the party named as the defendant on the filing. Note: Service must be made by a person who is over 18 years of age and not a party to the lawsuit.
Writ	A court order authorizing the Sheriff to enforce and satisfy the court judgment.

Court Process

These are the key steps in the Unlawful Detainer process.

STEPS	ACTION
Filing the Complaint	<p>Complete one original and one copy of the:</p> <ol style="list-style-type: none"> Complaint – Unlawful Detainer One of the following must appear on the face of the complaint under the caption: <ul style="list-style-type: none"> Amount demanded does not exceed \$10,000 Amount demanded exceeds \$10,000 but does not exceed \$25,000 Amount demanded exceeds \$25,000 Pursuant to CCP 1166, actions filed involving residential property must include the following exhibits attached to the complaint: <ul style="list-style-type: none"> A copy of the notice or notices of termination served on the defendant upon which the complaint is based. A copy of any written lease or rental agreement, including any addenda or attachments regarding the premises, unless the action is based on: <ul style="list-style-type: none"> An oral contract (item #6b on the Complaint form), and/or The action is solely for nonpayment of rent (item #6f(2) on the Complaint form) Summons – All defendants must be listed on the summons. Civil Case Cover Sheet – Complete one original to be filed with the original complaint. <p>Present your complaint and summons along with the proper filing fee to the clerk in the appropriate business office for processing. The summons and complaint will be given a case number. The court will keep the original summons and complaint and will return a copy of each to you in the envelope you have provided. You may need to make additional copies for service if you have multiple defendants. You may also wish to keep a copy for your records.</p>

Service on the Defendant	<p>Each defendant must be served with a copy of the complaint and summons. Service may be performed by the Sheriff, a registered process server, or any person over the age of 18 years who is not a party to the action.</p> <p>The original proof of service must be filed with the court <u>after</u> service on the defendant(s) is completed.</p>
Answer by Defendant	<p>If the defendant files an answer to your complaint, the case will be set for trial. To request a trial date you must:</p> <ol style="list-style-type: none"> 1. Complete the form <u>Request/Counter-Request To Set Case For Trial-Unlawful Detainer (UD-150)</u> 2. Prepare the original and one copy to be mailed to each defendant who has filed an answer. 3. A copy must be mailed to each answering defendant by someone <u>not</u> a party to the lawsuit. The person doing the mailing must complete the Certificate of Service by Mail on the back of the form. 4. Submit the original to the clerk for processing. The Certificate of Service by Mail must be completed on the back of the form <u>before</u> filing with the clerk. 5. If you want a copy returned to you, submit a copy with a self-addressed stamped envelope to the clerk for processing. <p>All parties will be notified by mail of the trial date and time. Trial dates will be set within 20 days from the date the <u>Request/Counter-Request To Set Case For Trial-Unlawful Detainer (UD-150)</u> is filed.</p> <p>Before a case can be set for trial or hearing, all defendants in the lawsuit must be accounted for by an answer, dismissal, or default.</p>
Judgment After Trial	<p>The party that prevails at the trial must prepare the judgment form.</p> <ul style="list-style-type: none"> • Complete judgment form (UD 110) • Submit the form Memorandum of Costs if not previously submitted. This form is required if costs were claimed and awarded in the judgment.
Default & Judgment for Possession Only	<p>If the defendant does NOT file an answer to the complaint after being served, you may request a default judgment against them.</p> <ol style="list-style-type: none"> 1. Complete an original and one copy of the form Request to Enter Default. 2. Mail a copy of this form to each defendant who is being defaulted. 3. Submit for filing to the clerk: The <i>original</i> Request to Enter Default , <i>original</i> proof of service for each defendant served, the <i>original</i> summons signed by the clerk, and completed judgment form (UD 110) for the Clerk’s judgment for possession only. <p>You may also complete a Writ of Execution form and submit this with the default judgment forms.</p> <p><i>Note: Forms to obtain a money judgment after the defendant(s) have vacated the premises are not provided in this packet.</i></p>
Writ of Execution	<ol style="list-style-type: none"> 1. Judgment must be entered before a writ of execution can be issued. 2. Complete the form Writ of Execution; be sure to complete items #9 and 24. 3. Complete the Sheriff’s instruction sheet for execution of the writ. 4. Submit completed forms to the clerk with the filing fees: A check payable to “Superior Court” for the issuance of the writ. A check payable to the “Sheriff” if you want the clerk to send the writ to the Sheriff’s Office after issuance. <p><i>Note: You also have the option of delivering the issued writ to the Sheriff’s Office yourself.</i></p>

Dismissal	<p>If the defendant(s) vacate the premises or you decide not to proceed to judgment or trial, you must file a dismissal of the action to close out or dispose of your case.</p> <ol style="list-style-type: none">1. Complete an original and one copy of the form Request for Dismissal.2. Submit both of the forms to the clerk with a self-addressed envelope with sufficient postage.3. The clerk will enter the dismissal and return a conformed, file-stamped copy to you. <p>NOTE: Within 45 days after the unlawful detainer case has been filed, a judgment or dismissal must be entered or the case will be placed on calendar for a hearing to show cause why the case should not be dismissed for lack of prosecution.</p>