



STANISLAUS COUNTY SUPERIOR COURT
Turlock Division
www.stanct.org
(209) 530-3100

Revised 04/14/2022

Answer – Unlawful Detainer

This packet includes the necessary forms to respond to an eviction.

You may want to seek legal advice to determine if these additional forms are appropriate for you to file. The Clerk's Office cannot give legal advice.

Judicial Council forms, local forms and information are available in the Clerk's Office, the Stanislaus County Law Library and on the following Websites:

- Stanislaus County Superior Court
- <http://www.stanct.org/courts/index.html>
- Local forms
- <http://www.stanct.org/courts/forms/index.html>
- Judicial Council's Self-Help website
- <http://www.courts.ca.gov/selfhelp>
- For more information on Libraries, Websites, or Self-Help Legal Books
- <http://www.courts.ca.gov/selfhelp/lowcost/libraries.html>
- California Superior Court's Interactive Electronic Forms Program

Superior Court Self-Help Center: 800 11th Street, Room 220, Modesto
PROVIDING ASSISTANCE TO PARTIES REPRESENTING THEMSELVES

Provides services by appointment only.
For more information, please refer to our website:
www.stanct.org/self-help-center
Email: Smallclaims.advisor@stanct.org
Telephone: (209) 530-3178

Note: A *copy* of your Answer must be served on the Plaintiff (or Plaintiff's attorney if they have one) BEFORE filing the original with the Court.



CA COVID-19
RENT RELIEF



Have you been impacted by
COVID-19? It's **NOT** your fault.

Get 100% of your rent and utilities paid.

If COVID-19 has impacted your ability to pay or receive rent and utility payments, the State of California is here to help you. Income-eligible renters and their landlords may receive 100% financial assistance through the CA COVID-19 Rent Relief program.

Both renters and landlords are encouraged to apply.

Get help with 100% of your unpaid rent and utilities dating back to April 1, 2020, as well as future rent payments. Utility assistance will be paid directly to the utility provider.

Assistance from the CA COVID-19 Rent Relief program does not count as earned income for renters and will not affect eligibility for other state benefit assistance programs. You won't be asked about citizenship and your information will be kept private.



How do I apply?

To check eligibility and apply, visit HousingIsKey.com.

For assistance in another language, or to get help with eligibility requirements or filling out an application, schedule an appointment with Project Sentinel by calling **209-236-1577**.

The CA COVID-19 Rent Relief program is an official State of California sponsored program.





**AYUDA CON LA RENTA
DE COVID-19 DE CALIFORNIA**



**¿Ha sido afectado por
COVID-19? NO es su culpa.**

Reciba el 100% de su renta y servicios públicos pagados.

Si COVID-19 ha afectado su capacidad para pagar o recibir pagos de la renta y servicios públicos, el estado de California está aquí para ayudarle. Los inquilinos elegibles por ingresos y sus propietarios pueden recibir asistencia financiera al 100% a través del programa Ayuda Con La Renta de COVID-19 de California.

Se anima a los inquilinos y a los propietarios a que apliquen.

Reciba ayuda con el 100% de sus pagos de renta y servicios públicos atrasados desde el 1 de abril de 2020, así como con los pagos de renta prospectivos. La asistencia con los servicios públicos se pagará directamente al proveedor de servicios públicos.

La asistencia del programa Ayuda Con La Renta de COVID-19 de California no cuenta como ingreso del trabajo para los inquilinos y no afectará la elegibilidad para otros programas estatales de asistencia de beneficios. No se le preguntará acerca de la ciudadanía y su información se mantendrá privada.



¿Cómo puedo aplicar?

Para verificar la elegibilidad y aplicar, visite **HousingIsKey.com**.

Para recibir asistencia en otro idioma, o para recibir ayuda con los requisitos de elegibilidad o llenar una aplicación, haga una cita con **Project Sentinel** llamando al **209-236-1577**.

El programa Ayuda Con La Renta de COVID-19 de California es un programa oficial patrocinado por el estado de California.

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: TELEPHONE NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	STATE BAR NUMBER: STATE: ZIP CODE: FAX NO.:	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STANISLAUS STREET ADDRESS: 300 Starr Avenue MAILING ADDRESS: 300 Starr Avenue CITY AND ZIP CODE: Turlock, CA 95380 BRANCH NAME:		
PLAINTIFF: DEFENDANT:		
ANSWER—UNLAWFUL DETAINER		CASE NUMBER:

1. Defendant (all defendants for whom this answer is filed must be named and must sign this answer unless their attorney signs):

answers the complaint as follows:

2. **DENIALS (Check ONLY ONE of the next two boxes.)**

a. **General Denial** (Do not check this box if the complaint demands more than \$1,000.)
 Defendant generally denies each statement of the complaint and of the *Mandatory Cover Sheet and Supplemental Allegations—Unlawful Detainer* (form UD-101).

b. **Specific Denials** (Check this box and complete (1) and (2) below if complaint demands more than \$1,000.)
 Defendant admits that all of the statements of the complaint and of the *Mandatory Cover Sheet and Supplemental Allegations—Unlawful Detainer* (form UD-101) are true EXCEPT:

(1) **Denial of Allegations in Complaint (Form UD-100 or Other Complaint for Unlawful Detainer)**

(a) Defendant claims the following statements of the complaint are false (state paragraph numbers from the complaint or explain below or, if more room needed, on form MC-025):

Explanation is on form MC-025, titled as Attachment 2b(1)(a).

(b) Defendant has no information or belief that the following statements of the complaint are true, so defendant denies them (state paragraph numbers from the complaint or explain below or, if more room needed, on form MC-025):

Explanation is on form MC-025, titled as Attachment 2b(1)(b).

(2) **Denial of Allegations in Mandatory Cover Sheet and Supplemental Allegations—Unlawful Detainer (form UD-101)**

(a) Defendant did not receive plaintiff's *Mandatory Cover Sheet and Supplemental Allegations* (form UD-101). (If not checked, complete (b) and (c), as appropriate.)

(b) Defendant claims the statements in the **Verification required for issuance of summons—residential**, item 3 of plaintiff's *Mandatory Cover Sheet and Supplemental Allegations* (form UD-101), are false.

(c) Defendant claims the following statements on the *Mandatory Cover Sheet and Supplemental Allegations—Unlawful Detainer* (form UD-101) are false (state paragraph numbers from form UD-101 or explain below or, if more room needed, on form MC-025): Explanation is on form MC-025, titled as Attachment 2b(2)(c).

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2. b. (2) (d) Defendant has no information or belief that the following statements on the *Mandatory Cover Sheet and Supplemental Allegations—Unlawful Detainer* (form UD-101) are true, so defendant denies them (*state paragraph numbers from form UD-101 or explain below or, if more room needed, on form MC-025*):
- Explanation is on form MC-025, titled as Attachment 2b(2)(d).
3. **DEFENSES AND OBJECTIONS** (NOTE: For each box checked, you must state brief facts to support it in item 3w (on page 4) or, if more room is needed, on form MC-025. You can learn more about defenses and objections at www.courts.ca.gov/selfhelp-eviction.htm.)
- a. (Nonpayment of rent only) Plaintiff has breached the warranty to provide habitable premises.
- b. (Nonpayment of rent only) Defendant made needed repairs and properly deducted the cost from the rent, and plaintiff did not give proper credit.
- c. (Nonpayment of rent only) On (date): _____ before the notice to pay or quit expired, defendant offered the rent due but plaintiff would not accept it.
- d. Plaintiff waived, changed, or canceled the notice to quit.
- e. Plaintiff served defendant with the notice to quit or filed the complaint to retaliate against defendant.
- f. By serving defendant with the notice to quit or filing the complaint, plaintiff is arbitrarily discriminating against the defendant in violation of the Constitution or the laws of the United States or California.
- g. Plaintiff's demand for possession violates the local rent control or eviction control ordinance of (city or county, title of ordinance, and date of passage): _____
(Also, briefly state in item 3w the facts showing violation of the ordinance.)
- h. Plaintiff's demand for possession is subject to the Tenant Protection Act of 2019, Civil Code section 1946.2 or 1947.12, and is not in compliance with the act. (Check all that apply and briefly state in item 3w the facts that support each.)
- (1) Plaintiff failed to state a just cause for termination of tenancy in the written notice to terminate.
- (2) Plaintiff failed to provide an opportunity to cure any alleged violations of terms and conditions of the lease (other than payment of rent) as required under Civil Code section 1946.2(c).
- (3) Plaintiff failed to comply with the relocation assistance requirements of Civil Code section 1946.2(d).
- (4) Plaintiff has raised the rent more than the amount allowed under Civil Code section 1947.12, and the only unpaid rent is the unauthorized amount.
- (5) Plaintiff violated the Tenant Protection Act in another manner that defeats the complaint.
- i. Plaintiff accepted rent from defendant to cover a period of time after the date the notice to quit expired.
- j. Plaintiff seeks to evict defendant based on an act against defendant or a member of defendant's household that constitutes domestic violence, sexual assault, stalking, human trafficking, or abuse of an elder or a dependent adult. (This defense requires one of the following: (1) a temporary restraining order, protective order, or police report that is not more than 180 days old; OR (2) a signed statement from a qualified third party (e.g., a doctor, domestic violence or sexual assault counselor, human trafficking caseworker, or psychologist) concerning the injuries or abuse resulting from these acts.)
- k. Plaintiff seeks to evict defendant based on defendant or another person calling the police or emergency assistance (e.g., ambulance) by or on behalf of a victim of abuse, a victim of crime, or an individual in an emergency when defendant or the other person believed that assistance was necessary.
- l. Plaintiff's demand for possession of a residential property is in retaliation for nonpayment of rent or other financial obligations due between March 1, 2020, and September 30, 2021, even though alleged to be based on other reasons. (Civ. Code, § 1942.5(d); Gov. Code, § 12955.)
- m. Plaintiff's demand for possession of a residential property is based on nonpayment of rent or other financial obligations due between March 1, 2020, and September 30, 2021, and (check all that apply):
- (1) Plaintiff did not serve the general notice or notices of rights under the COVID-19 Tenant Relief Act as required by Code of Civil Procedure section 1179.04.
- (2) Plaintiff did not serve the required 15-day notice. (Code Civ. Proc., § 1179.03(b) or (c).)

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3. m. (3) Plaintiff did not provide an unsigned declaration of COVID-19–related financial distress with the 15-day notice. (Code Civ. Proc., § 1179.03(d).)
- (4) Plaintiff did not provide an unsigned declaration of COVID-19–related financial distress in the language in which the landlord was required to provide a translation of the rental agreement. (Code Civ. Proc., § 1179.03(d).)
- (5) Plaintiff identified defendant as a “high-income tenant” in the 15-day notice, but plaintiff did not possess proof at the time the notice was served establishing that defendant met the definition of high-income tenant. (Code Civ. Proc., § 1179.02.5(b).)
- (6) Defendant delivered to plaintiff one or more declarations of COVID-19–related financial distress and, if required as a “high-income tenant,” documentation in support. (Code Civ. Proc., §§ 1179.03(f) and 1179.02.5.)
(Describe when and how delivered and check all other items below that apply):
- (a) Plaintiff's demand for payment includes late fees on rent or other financial obligations due between March 1, 2020, and September 30, 2021.
- (b) Plaintiff's demand for payment includes fees for services that were increased or not previously charged.
- (c) Defendant, on or before September 30, 2021, paid or offered plaintiff payment of at least 25% of the total rental payments that were due between September 1, 2020, and September 30, 2021, and that were demanded in the termination notices for which defendant delivered the declarations described in (a). (Code Civ. Proc., § 1179.03(g)(2).)
- (7) Defendant is currently filing or has already filed a declaration of COVID-19–related financial distress with the court. (Code Civ. Proc., § 1179.03(h).)
- n. Plaintiff's demand for possession of a residential property is based on nonpayment of rent or other financial obligations due between October 1, 2021, and March 31, 2022, and *(check all that apply)*:
- (1) Plaintiff's notice to quit was served before April 1, 2022, and
- (a) Did not contain the required contact information for the pertinent governmental rental assistance program, or the other content required by Code of Civil Procedure section 1179.10(a).
- (b) Did not include a translation of the statutorily required notice. (Code Civ. Proc., § 1179.10(a)(2) and Civ. Code, § 1632.)
- (2) Plaintiff's notice to quit was served between April 1, 2022, and June 30, 2022, and did not contain the required information about the government rental assistance program and possible protections, as required by Code of Civil Procedure section 1179.10(b).
- o. For a tenancy initially established before October 1, 2021, plaintiff's demand for possession of a residential property is based on nonpayment of rent or other financial obligations due between March 1, 2020, and March 31, 2022, **and** *(check all that apply)*:
- (1) Plaintiff did not complete an application for rental assistance to cover the rental debt demanded in the complaint before filing the complaint in this action.
- (2) Plaintiff's application for rental assistance was not denied.
- (3) Plaintiff's application for rental assistance was denied for a reason that does not support issuance of a summons or judgment in an unlawful detainer action *(check all that apply)*:
- (a) Plaintiff did not fully or properly complete plaintiff's portion of the application. (Code Civ. Proc., § 1179.09(d)(2)(A).)
- (b) Plaintiff did not apply to the correct rental assistance program. (Code Civ. Proc., § 1179.09(d)(2)(C).)
- (4) An application for rental assistance was filed before April 1, 2022, and the determination is still pending.
- (5) Rental assistance has been approved and tenant is separately filing an application to prevent forfeiture (form UD-125).
- p. Plaintiff's demand for possession of a residential property is based on nonpayment of rent or other financial obligations and *(check all that apply)*:
- (1) Plaintiff received or has a pending application for rental assistance from a governmental rental assistance program or some other source relating to the amount claimed in the notice to pay rent or quit. (Health & Saf. Code, §§ 50897.1(d)(2)(B) and 50897.3(e)(2).)
- (2) Plaintiff received or has a pending application for rental assistance from a governmental rental assistance program or some other source for rent accruing since the notice to pay rent or quit. (Health & Saf. Code, §§ 50897.1(d)(2)(B) and 50897.3(e)(2).)

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3. p. (3) Plaintiff's demand for possession is based only on late fees for defendant's failure to provide landlord payment within 15 days of receiving governmental rental assistance. (Health & Saf. Code, § 50897.1(e)(2)(B).)
- q. Plaintiff violated the COVID-19 Tenant Relief Act (Code Civ. Proc., § 1179.01 et seq.) or a local COVID-19–related ordinance regarding evictions in some other way (*briefly state facts describing this in item 3w*).
- r. The property is covered by the federal CARES Act and the plaintiff did not provide 30 days' notice to vacate.
(*Property covered by the CARES Act means property where the landlord:*
• *is participating in a covered housing program as defined by the Violence Against Women Act;*
• *is participating in the rural housing voucher program under section 542 of the Housing Act of 1949; or*
• *has a federally backed mortgage loan or a federally backed multifamily mortgage loan.*)
- s. Plaintiff improperly applied payments made by defendant in a tenancy that was in existence between March 1, 2020, and September 30, 2021 (Code Civ. Proc., § 1179.04.5), as follows (*check all that apply*):
- (1) Plaintiff applied a security deposit to rent, or other financial obligations due, without tenant's written agreement.
- (2) Plaintiff applied a monthly rental payment to rent or other financial obligations that were due between March 1, 2020, and September 30, 2021, other than to the prospective month's rent, without tenant's written agreement.
- t. Plaintiff refused to accept payment from a third party for rent due. (Civ. Code, § 1947.3; Gov. Code, § 12955.)
- u. Defendant has a disability and plaintiff refused to provide a reasonable accommodation that was requested. (Cal. Code Regs., tit. 2, § 12176(c).)
- v. Other defenses and objections are stated in item 3w.
- w. (*Provide facts for each item checked above, either below or, if more room needed, on form MC-025*):
 Description of facts or defenses are on form MC-025, titled as Attachment 3w.

4. OTHER STATEMENTS

- a. Defendant vacated the premises on (*date*):
- b. The fair rental value of the premises alleged in the complaint is excessive (*explain below or, if more room needed, on form MC-025*):
 Explanation is on form MC-025, titled as Attachment 4b.
- c. Other (*specify below or, if more room needed, on form MC-025*):
 Other statements are on form MC-025, titled as Attachment 4c.

5. DEFENDANT REQUESTS

- a. that plaintiff take nothing requested in the complaint.
- b. costs incurred in this proceeding.
- c. reasonable attorney fees.
- d. that plaintiff be ordered to (1) make repairs and correct the conditions that constitute a breach of the warranty to provide habitable premises and (2) reduce the monthly rent to a reasonable rental value until the conditions are corrected.

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5. e. Other (specify below or on form MC-025):
 All other requests are stated on form MC-025, titled as Attachment 5e.

6. Number of pages attached: _____

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

7. (Must be completed in all cases.) An unlawful detainer assistant did not did for compensation give advice or assistance with this form. (If defendant has received **any** help or advice for pay from an unlawful detainer assistant, state):
- a. Assistant's name: _____ b. Telephone number: _____
- c. Street address, city, and zip code: _____
- d. County of registration: _____ e. Registration number: _____ f. Expiration date: _____

(Each defendant for whom this answer is filed must be named in item 1 and must sign this answer unless defendant's attorney signs.)

(TYPE OR PRINT NAME)	▶	(SIGNATURE OF DEFENDANT OR ATTORNEY)
(TYPE OR PRINT NAME)	▶	(SIGNATURE OF DEFENDANT OR ATTORNEY)
(TYPE OR PRINT NAME)	▶	(SIGNATURE OF DEFENDANT OR ATTORNEY)

VERIFICATION

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

I am the defendant in this proceeding and have read this answer. 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 DEFENDANT)
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Date: _____

(TYPE OR PRINT NAME)	▶	(SIGNATURE OF DEFENDANT)
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Date: _____

(TYPE OR PRINT NAME)	▶	(SIGNATURE OF DEFENDANT)
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POS-030	
<p>1 ATTORNEY OR PARTY WITHOUT ATTORNEY Name, Date for service, and address:</p> <p>TELEPHONE NO. _____ FAX NO./CARRIER _____</p> <p>2 STREET ADDRESS (to County) SUPERIOR COURT OF CALIFORNIA, COUNTY OF Stanislaus STREET ADDRESS: 300 Starr Avenue MAILING ADDRESS: 300 Starr Avenue CITY AND ZIP CODE: Turlock, CA 95380</p> <p>3 PLAINTIFF RESPONDENT/DEFENDANT</p>	<p>FOR COURT USE ONLY</p>
<p>PROOF OF SERVICE BY FIRST-CLASS MAIL - CIVIL</p> <p style="font-size: x-small;">(Do not use this Proof of Service to show service of a Subpoena and Complaint.)</p>	
<p>1 I am over 18 years of age and not a party to this action. I am a resident of or employed in the county where the mailing took place.</p>	
<p>2 My residence or business address is 5</p>	
<p>3 On (date) 6 I mailed from (city and state) 7 the following document(s) (specify)</p> <p><input type="checkbox"/> The documents are listed in the Attachment to Proof of Service by First-Class Mail - Civil (Documents Served) (Ex: POB-030(D))</p>	
<p>4 I served the documents by enclosing them in an envelope and (check one):</p> <p>a <input type="checkbox"/> depositing the sealed envelope with the United States Postal Service with the postage fully prepaid</p> <p>8 b <input type="checkbox"/> placing the envelope for collection and mailing following our ordinary business practices. I am readily familiar with the business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.</p>	
<p>5 The envelope was addressed and mailed as follows:</p> <p>a Name of person served _____</p> <p>b Address of person served _____</p> <p style="text-align: center;">9</p>	
<p><input type="checkbox"/> The name and address of each person to whom I mailed the documents is listed in the Attachment to Proof of Service by First-Class Mail Civil (Persons Served) (POS-030(P))</p> <p>I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.</p> <p>Date _____</p> <p style="text-align: center;">10</p>	
<p>_____ SIGNATURE OF PERSON COMPLETING THE FORM</p> <p>_____ SIGNATURE OF PERSON COMPLETING THE FORM</p>	
<p>PROOF OF SERVICE BY FIRST-CLASS MAIL - CIVIL (Proof of Service)</p> <p style="font-size: x-small;">Form Approved for Optional Use Code of Civil Procedure, §§ 104.1, 101.1a Code of Civil Procedure, § 104.1, 101.1a www.courtinfo.ca.gov</p> <p style="text-align: right;">Unlawful Detainer</p>	

PROOF OF SERVICE BY MAIL (POS-030)

Directions

- Find the number on the sample form.
Example: 1
- Go to the same number below to find out how to fill out the form.
- Type or print legibly in **blue or black ink**.
DO NOT USE GEL PENS.

- 1) Write your name, address and phone number.
- 2) If not filled in for you, write "Stanislaus" after COUNTY OF. The address is as follows:
 - Street: 300 Starr Avenue
 - Mailing: 300 Starr Avenue
 - City & Zip: Turlock, CA **95380**
- 3) Write the name of the Plaintiff and Defendant.
- 4) Write in the case number. You will also find this on the complaint.
- 5) Someone over the age of 18 must "serve" or mail a copy of your answer to the Plaintiff or Plaintiff's Attorney (if they have one) and date and sign the Proof of Service. **This CANNOT BE YOU and CANNOT be someone living in the home with you.** Write the address of the person mailing the Answer.
- 6) Write in the date the Answer is being mailed and the City and State it is being mailed from.
- 7) Write in the name of the document to be mailed. (Example: "ANSWER – UNLAWFUL DETAINER" or "PREJUDGMENT CLAIM OF RIGHT TO POSSESSION")
- 8) Check the box that best describes how the document was mailed.
- 9) Write in the name of the plaintiff or plaintiff's attorney (if they have one) and write in the address that the document was mailed to.
- 10) Have the person who is mailing the document date print and sign. One complete copy of the Answer & Proof of Service is then mailed. The originals and one copy are then filed with the clerk's office at the address noted above.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO: _____ FAX NO (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STANISLAUS STREET ADDRESS: 300 Starr Avenue MAILING ADDRESS: 300 Starr Avenue CITY AND ZIP CODE: Turlock, CA 95380 BRANCH NAME: Turlock Division	
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT:	
PROOF OF SERVICE BY FIRST-CLASS MAIL—CIVIL	CASE NUMBER: _____

(Do not use this Proof of Service to show service of a Summons and Complaint.)

1. I am over 18 years of age and **not a party to this action**. I am a resident of or employed in the county where the mailing took place.
2. My residence or business address is:

3. On (date): _____ I mailed from (city and state): _____
 the following **documents** (specify):

The documents are listed in the *Attachment to Proof of Service by First-Class Mail—Civil (Documents Served)* (form POS-030(D)).

4. I served the documents by enclosing them in an envelope and (check one):

- a. **depositing** the sealed envelope with the United States Postal Service with the postage fully prepaid.
- b. **placing** the envelope for collection and mailing following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.

5. The envelope was addressed and mailed as follows:

- a. **Name** of person served:
- b. **Address** of person served:

The name and address of each person to whom I mailed the documents is listed in the *Attachment to Proof of Service by First-Class Mail—Civil (Persons Served)* (POS-030(P)).

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 OF PERSON COMPLETING THIS FORM)

▶

 (SIGNATURE OF PERSON COMPLETING THIS FORM)

INFORMATION SHEET FOR PROOF OF SERVICE BY FIRST-CLASS MAIL—CIVIL

(This information sheet is not part of the Proof of Service and does not need to be copied, served, or filed.)

NOTE: This form should **not** be used for proof of service of a summons and complaint. For that purpose, use Proof of Service of Summons (form POS-010).

Use these instructions to complete the Proof of Service by First-Class Mail—Civil (form POS-030).

A person over 18 years of age must serve the documents. There are two main ways to serve documents: (1) by personal delivery and (2) by mail. Certain documents must be personally served. You must determine whether personal service is required for a document. Use the *Proof of Personal Service—Civil* (form POS-020) if the documents were personally served.

The person who served the documents by mail must complete a proof of service form for the documents served. **You cannot serve documents if you are a party to the action.**

INSTRUCTIONS FOR THE PERSON WHO SERVED THE DOCUMENTS

The proof of service should be printed or typed. If you have Internet access, a fillable version of the Proof of Service form is available at www.courtinfo.ca.gov/forms.

Complete the top section of the proof of service form as follows:

First box, left side: In this box print the name, address, and telephone number of the person for whom you served the documents.

Second box, left side: Print the name of the county in which the legal action is filed and the court's address in this box. The address for the court should be the same as on the documents that you served.

Third box, left side: Print the names of the Petitioner/Plaintiff and Respondent/Defendant in this box. Use the same names as are on the documents that you served.

First box, top of form, right side: Leave this box blank for the court's use.

Second box, right side: Print the case number in this box. The case number should be the same as the case number on the documents that you served.

Complete items 1–5 as follows:

1. You are stating that you are over the age of 18 and that you are not a party to this action. You are also stating that you either live in or are employed in the county where the mailing took place.
2. Print your home or business address.
3. Provide the date and place of the mailing and list the name of each document that you mailed. If you need more space to list the documents, check the box in item 3, complete the *Attachment to Proof of Service by First-Class Mail—Civil (Documents Served)* (form POS-030(D)), and attach it to form POS-030.
4. For item 4:

 Check box a if you personally put the documents in the regular U.S. mail.
 Check box b if you put the documents in the mail at your place of business.
5. Provide the name and address of each person to whom you mailed the documents. If you mailed the documents to more than one person, check the box in item 5, complete the *Attachment to Proof of Service by First-Class Mail—Civil (Persons Served)* (form POS-030(P)), and attach it to form POS-030.

At the bottom, fill in the date on which you signed the form, print your name, and sign the form. By signing, you are stating under penalty of perjury that all the information you have provided on form POS-030 is true and correct.

1		CP10.5
<p>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 SUBPOENA AND COMPLAINT.</p> <p>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.</p> <p>2. If you file this form, your claim will be determined in the eviction action against the persons named in the Complaint.</p> <p>3. If you do not file this form, you will be evicted without further hearing.</p>		
<p>2</p> <p>CLAIMANT OR CLAIMANT'S ATTORNEY (Name and Address)</p> <p>TELEPHONE NO.</p> <p>FOR COURT USE ONLY</p>		
<p>ATTORNEY FOR DEFENDANT</p> <p>3</p> <p>NAME OF COURT: Stanislaus County Superior Court</p> <p>STREET ADDRESS: 300 Starr Avenue</p> <p>MAILING ADDRESS: 300 Starr Avenue</p> <p>CITY AND ZIP CODE: Turlock, CA 95380</p> <p>COURT NAME: PLAINTIFF</p> <p>4</p> <p>DEFENDANT</p>		
<p>PREJUDGMENT CLAIM OF RIGHT TO POSSESSION</p>		<p>CASE NUMBER 5</p>
<p>Complete this form only if ALL of these statements are true:</p> <p>1. You are NOT named in the accompanying Summons and Complaint.</p> <p>2. You occupied the premises on or before the date the unlawful detainer (eviction) Complaint was filed.</p> <p>3. You still occupy the premises.</p>		<p>(To be completed by the process server)</p> <p>DATE OF SERVICE</p> <p>(Date that this form is served or delivered and posted, and mailed by the officer or process server)</p>
<p>I DECLARE THE FOLLOWING UNDER PENALTY OF PERJURY</p> <p>1. My name is (specify) 6</p> <p>2. I reside at (street address, unit No., city and ZIP code)</p> <p style="text-align: center;">7</p> <p>3. The address of "the premises" subject to this claim is (address)</p> <p>4. On (insert date) 8, 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.)</p> <p>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.</p> <p>6. I was at least 18 years of age on the date the complaint was filed (the date in item 4).</p> <p>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).</p> <p>8. I was not named in the Summons and Complaint.</p> <p>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.</p> <p>10. (Filing fee) I understand that I must go to the court and pay a filing fee of \$ 9 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.</p>		
<p>(Continued on reverse)</p> <p>PREJUDGMENT CLAIM OF RIGHT TO POSSESSION</p>		
<p>CP10.5 (Rev. January 1, 1991)</p> <p>Print Name Here</p> <p>FORNITEL FORMS</p>		<p>Code of Civil Procedure, § 115, et seq.</p> <p>115.990-115.100, 115.120</p> <p>Unlawful Detainer</p>

PREJUDGMENT CLAIM OF RIGHT TO POSSESSION

Directions

- Decide if filing this document is the right thing for you to do.
- Find the number on the sample form.
Example: 1
- Go to the same number below to find out how to fill out the form.
- Type or print legibly in **blue or black ink**.
DO NOT USE GEL PENS.

What is a Prejudgment Claim of Right to Possession?

A Prejudgment Claim of Right to Possession is a form that you can file if:

- There is an unlawful detainer (eviction) filed in court by the owner of the property where you live, seeking to remove the tenants, AND
- You are not named as a defendant in the eviction case; AND
- You claim a legal right to remain on the property.

What are the consequences of filing the claim?

By filing this document you make yourself a defendant in the eviction case and you could subject yourself to a judgment against you if you lose.

What happens if I do not file the claim?

You will be bound by what the court decides in the eviction case against the tenant(s) named in the complaint. If the court orders the named tenant(s) to move out, then you will have to move out too.

- Read the Notice Section Carefully
- Write your name, address and phone number.
- If not filled in for you, write "Stanislaus" after COUNTY OF. The address is as follows:

Street:	300 Starr Avenue
Mailing:	300 Starr Avenue
City & Zip:	Turlock, CA 95380
- Write the name of the Plaintiff and Defendant. You will find this on the complaint.
- Write in the case number. You will also find this on the complaint.
- Write in your name.
- Write in the address of the premise at both Item Nos. 2 & 3
- Write in the date the Complaint was filed.
- Unless you qualify for a fee waiver the following fees will be due at the time of filing:
 - \$225 if the complaint is asking for monetary relief up to \$10,000
 - \$370 if the complaint is asking for monetary relief over \$10,000 and up to \$25,000
 - \$435 if the complaint is asking for monetary relief over \$25,000

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, you may be evicted without further hearing by the court along with the persons named in the Summons and Complaint.
2. You must file this form within 10 days of the date of service listed in the box on the right hand side of this form.
 - **Exception:** If you are a tenant being evicted after your landlord lost the property to foreclosure, the 10-day deadline does not apply to you and you may file this form at any time before judgment is entered.
3. If you file this form, your claim will be determined in the eviction action against the persons named in the complaint.
4. If you do not file this form, you may be evicted without further hearing.
5. If you are a tenant being evicted due to foreclosure, you have additional rights and should seek legal advice immediately.

CLAIMANT OR CLAIMANT'S ATTORNEY (Name and Address) TELEPHONE NO.: ATTORNEY FOR (Name):	FOR COURT USE ONLY CASE NUMBER:
NAME OF COURT: STANISLAUS STREET ADDRESS: 300 Starr Avenue MAILING ADDRESS: 300 Starr Avenue CITY AND ZIP CODE: Turlock, CA 95380 BRANCH NAME: Turlock Division	
Plaintiff: Defendant:	
PREJUDGMENT CLAIM OF RIGHT TO POSSESSION	
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 subject premises on or before the date the unlawful detainer (eviction) complaint was filed. (The date is in the accompanying Summons and Complaint.) 3. You still occupy the subject premises.	(To be completed by the process server) DATE OF SERVICE: (Date that form is served or delivered, 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 in 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 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 an "Application for Waiver of Court Fees and Costs." I understand that if I don't pay the filing fee or file the form for waiver of court fees, I will not be entitled to make a claim of right to possession.

(Continued on reverse)

Plaintiff: Defendant:	CASE NUMBER:
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- 11. If my landlord lost this property to foreclosure, I understand that I can file this form at any time before judgment is entered, and that I have additional rights and should seek legal advice.
- 12. 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.

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

13. **Rental agreement.** I have (*check all that apply to you*):
- a. an oral or written rental agreement with the landlord.
 - b. an oral or written rental agreement with a person other than the landlord.
 - c. an oral or written rental agreement with the former owner who lost the property to foreclosure.
 - d. 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 to possession, the unlawful detainer 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.
3. You still occupy the premises.

You can complete and **SUBMIT THIS CLAIM FORM WITHIN 10 DAYS** from the date of service (on the form) at the court where the unlawful detainer (eviction) complaint was filed. If you are a tenant and your landlord lost the property you occupy through foreclosure, this 10-day deadline does not apply to you. You may file this form at any time before judgment is entered. You should seek legal advice immediately.

If you do not complete and submit this form (and pay a filing fee or file a fee waiver form 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 may be evicted without a hearing.*