



**\$5.00**

## Start an Unlawful Detainer (Eviction) Case

What is this for?	This packet contains the forms you need to fill out and file to start an unlawful detainer (eviction) case against a tenant(s). Before you start an eviction case you must have served the tenant with a legally valid notice. See page 2 for more information about notice.
Step 1: Give the tenant(s) "notice"	Unlawful detainer (eviction) cases begin with some form of notice. It lets the tenant(s) know that you may be starting a lawsuit asking for a court order for them to move out. Examples of notice include a Three Day Notice to Pay Rent or Quit, Three Day Notice to Perform or Quit, or Thirty-, Sixty-, or Ninety-Day Notice.  For more information about different types of notices, visit <a href="http://www.courts.ca.gov/27810.htm">http://www.courts.ca.gov/27810.htm</a> .  You <u>must</u> serve the notice on the tenant(s) and allow the number of days the notice covers to pass <i>before</i> you can go to Step 2.
Step 2: Fill out the forms	<a href="#">Civil Case Cover Sheet</a> (CM-010) <a href="#">Summons-Unlawful Detainer</a> (SUM-130) <a href="#">Complaint-Unlawful Detainer</a> (UD-100) <a href="#">Notice of Restricted Access</a> (PV-CV002) [this is a local form]  Also include this form if people are living in the home who are <i>not</i> on the lease if you want them to move out, too: <a href="#">Prejudgment Claim of Right to Possession</a> (CP 10.5)
Step 3: Make copies	Take each form and make 2 copies. Paperclip and two-hole punch the <u>original</u> at the top. Do not staple the original. The copies may be stapled. Put the copies right behind each original.  Bring one business sized-envelope with one stamp for each tenant you are suing. The clerk will need this at the filing window.
Step 4: File the forms	Get a number ticket for "Civil" at the kiosk on the 1st floor of the courthouse. File the forms with the clerk when your number is called. The clerk will file-stamp all your forms and give you back the 2 copies. You will keep a filed copy for your records and serve the 2 <sup>nd</sup> copy on your tenant.
Filing fee	



	<p>There is a \$240.00 fee to file the case with the court. The court accepts cash, check, Visa, MasterCard, AMEX and Discover Card. If you cannot afford to pay the filing fee, you may apply for a fee waiver by filling out and filing these forms:</p> <p><a href="#">Request to Waive Court Fees</a> (FW-001) <a href="#">Order on Court Fee Waiver</a> (FW-003)</p>
<p>Step 5: Serve the tenant(s)</p>	<p>You must have a copy of your filed forms handed (“personally served”) to each tenant, along with a blank <a href="#">Answer-Unlawful Detainer</a> (UD-105).</p> <p>If you are evicting more than 1 tenant make additional copies of the filed forms so they can be served, too. Each tenant must be served a copy.</p> <p>The person who serves the forms on the tenant(s) must fill out a separate <a href="#">Proof of Service of Summons</a> (POS-010) form for each tenant who you have listed on your Complaint and other people who live in the home who you want to evict.</p>
<p>Step 6: File the Proof of Service</p>	<p>Make 1 copy of each Proof of Service of Summons (POS-010) and take a number ticket for “Civil” at the kiosk on the 1<sup>st</sup> floor of the courthouse to file the original(s) and copy(ies). Keep the filed copy(ies) for your records.</p>
<p>Next steps:</p>	<p>Once you have served all tenants with the filed forms in this case, you must wait at least five court days for them to file an Answer with the court. The five court days count begins the day <i>after</i> the tenant has been handed the forms.</p> <p>Once the five court days have passed, please make an appointment at the Self-Help Center or with a private attorney to move your case to the next step.</p>

### Important Things to Know

#### Where can I get the forms?

- Most of the blank forms listed in these instructions can be found **online** at [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms). The Local Form (Placer County) can be found at <http://www.placer.courts.ca.gov/forms-filing-forms.shtml>.
- You can get the form packets through the court’s **Self-Help Center** or you can buy them at the **Court Clerk’s counter**.

#### Where can I get help or more information?



- You can hire a private attorney for a free or low-cost consultation.
- If you do not have an attorney, you can get help from the court's Self-Help Center located at the Gibson Courthouse, 10820 Justice Center Dr., Roseville. Online appointments and limited walk-ins are available Monday to Friday, 8:00 a.m. to 12:00 noon (Wednesday open until 3:00 p.m.). Schedule online appointments at [www.placer.courts.ca.gov](http://www.placer.courts.ca.gov) and search for **online appointments**.
- Visit [www.courts.ca.gov](http://www.courts.ca.gov)
  - Click "Self-Help" on the tabs and select "Eviction & Housing" in the dropdown menu