

PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER:
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4. **Legal document assistant or unlawful detainer assistant (Bus. & Prof. Code, § 6400 et seq.).** A legal document assistant or unlawful detainer assistant did did **not** for compensation give advice or assistance with this form. *(If declarant has received any help or advice for pay from a legal document assistant or unlawful detainer assistant, state):*

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

5. **Declaration under Code of Civil Procedure Section 585.5** (required for entry of default under Code Civ. Proc., § 585(a)).
This action

- is is not on a contract or installment sale for goods or services subject to Civ. Code, § 1801 et seq. (Unruh Act).
 is is not on a conditional sales contract subject to Civ. Code, § 2981 et seq. (Rees-Levering Motor Vehicle Sales and Finance Act).
 is is not on an obligation for goods, services, loans, or extensions of credit subject to Code Civ. Proc., § 395(b).

6. **Declaration of mailing (Code Civ. Proc., § 587).** A copy of this *Request for Entry of Default* was

- a. **not mailed** to the following defendants, whose addresses are **unknown** to plaintiff or plaintiff's attorney (*names*):
b. **mailed** first-class, postage prepaid, in a sealed envelope addressed to each defendant's attorney of record or, if none, to each defendant's last known address as follows:
(1) Mailed on (date): _____ (2) To (*specify names and addresses shown on the envelopes*): _____

I declare under penalty of perjury under the laws of the State of California that the foregoing items 4, 5, and 6 are true and correct.
Date:

(TYPE OR PRINT NAME)	(SIGNATURE OF DECLARANT)
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7. **Memorandum of costs** (required if money judgment requested). Costs and disbursements are as follows (Code Civ. Proc., § 1033.5):

- | | |
|---|----------|
| a. Clerk's filing fees | \$ |
| b. Process server's fees | \$ |
| c. Other (<i>specify</i>): | \$ |
| d. | \$ |
| e. TOTAL | \$ _____ |
| f. <input type="checkbox"/> Costs and disbursements are waived. | |

g. I am the attorney, agent, or party who claims these costs. To the best of my knowledge and belief this memorandum of costs is correct and these costs were necessarily incurred in this case.

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

(TYPE OR PRINT NAME)	(SIGNATURE OF DECLARANT)
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8. **Declaration of nonmilitary status** (required for a judgment). No defendant named in item 1c of the application is in the military service so as to be entitled to the benefits of the Servicemembers Civil Relief Act (50 U.S.C. App. § 501 et seq.).

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

(TYPE OR PRINT NAME)	(SIGNATURE OF DECLARANT)
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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 STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF (Name): DEFENDANT (Name):	
DECLARATION FOR DEFAULT JUDGMENT BY COURT (Unlawful Detainer—Code Civil Proc., § 585(d))	CASE NUMBER:

1. My name is (specify):
 - a. I am the plaintiff in this action.
 - b. I am

(1) <input type="checkbox"/> an owner of the property (2) <input type="checkbox"/> a manager of the property	(3) <input type="checkbox"/> an agent of the owner (4) <input type="checkbox"/> other (specify):
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2. The property concerning this action is located at (street address, apartment number, city, and county):

3. Personal knowledge. I personally know the facts stated in this declaration and, if sworn as a witness, could testify competently thereto. I am personally familiar with the rental or lease agreement, defendant's payment record, the condition of the property, and defendant's conduct.





- ? 4. Agreement was written oral as follows:
 - a. On or about (date): _____ defendant (name each): _____

(1) <input type="checkbox"/> agreed to rent the property for a <input type="checkbox"/> month-to-month tenancy <input type="checkbox"/> other tenancy (specify): (2) <input type="checkbox"/> agreed to pay rent of \$ _____ payable <input type="checkbox"/> monthly <input type="checkbox"/> other (specify frequency): with rent due on the <input type="checkbox"/> first of the month <input type="checkbox"/> other day (specify):	?
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 - b. Original agreement is attached (specify): to the original complaint.
 to the *Application for Immediate Writ of Possession*. to this declaration, labeled Exhibit 4b.
 - c. Copy of agreement with a declaration and order to admit the copy is attached (specify):
 to the *Application for Immediate Writ of Possession*. to this declaration, labeled Exhibit 4c.


- ? 5. Agreement changed.
 - a. More than one change in rent amount (specify history of all rent changes and effective dates up to the last rent change) on Attachment 5a (form MC-025).
 - b. Change in rent amount (specify last rent change). The rent was changed from \$ _____ to \$ _____, which became effective on (date): _____ and was made
 - (1) by agreement of the parties and subsequent payment of such rent.
 - (2) by service on defendant of a notice of change in terms pursuant to Civil Code section 827 (check item 5d).
 - (3) pursuant to a written agreement of the parties for change in terms (check item 5e or 5f).
 - c. Change in rent due date. Rent was changed, payable in advance, due on (specify day): _____.
 - d. A copy of the notice of change in terms is attached to this declaration, labeled Exhibit 5d.
 - e. Original agreement for change in terms is attached (specify): to the original complaint.
 to the *Application for Immediate Writ of Possession*. to this declaration, labeled Exhibit 5e.
 - f. Copy of agreement for change in terms with a declaration and order to admit the copy is attached (specify):
 to the *Application for Immediate Writ of Possession*. to this declaration, labeled Exhibit 5f.

PLAINTIFF (Name): DEFENDANT (Name):	CASE NUMBER:
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6. Notice to quit.

-  a. Defendant was served with a
- | | |
|--|--|
| (1) <input type="checkbox"/> 3-day notice to pay rent or quit | (4) <input type="checkbox"/> 3-day notice to quit |
| (2) <input type="checkbox"/> 3-day notice to perform covenants or quit | (5) <input type="checkbox"/> 30-day notice to quit |
| (3) <input type="checkbox"/> Other (specify): | (6) <input type="checkbox"/> 60-day notice to quit |
-  b. The 3-day notice to pay rent or quit demanded rent due in the amount of (specify): \$ _____ for the rental period beginning on (date) _____ and ending on (date) _____.
-  c. The total rent demanded in the 3-day notice under item 6b is different from the agreed rent in item 4a(2) (specify history of dates covered by the 3-day notice and any partial payments received to arrive at the balance) on Attachment 6c (form MC-025).
-  d. The original or copy of the notice specified in item 6a is attached to (specify): the original complaint.
 this declaration, labeled Exhibit 6d. (The original or a copy of the notice MUST be attached to this declaration if not attached to the original complaint.)

7. Service of notice.

-  a. The notice was served on defendant (name each):
- (1) personally on (date):
 - (2) by substituted service, including a copy mailed to the defendant, on (date):
 - (3) by posting and mailing on (date mailed):
- b. A prejudgment claim of right to possession was served on the occupants pursuant to Code of Civil Procedure section 415.46.

8. Proof of service of notice. The original or copy of the proof of service of the notice in item 6a is attached to (specify):


-  a. the original complaint.
- b. this declaration, labeled Exhibit 8b. (The original or copy of the proof of service MUST be attached to this declaration if not attached to the original complaint.)

9. Notice expired. On (date): _____ the notice in item 6 expired at the end of the day and defendant failed to comply with the requirements of the notice by that date. No money has been received and accepted after the notice expired.





10. The fair rental value of the property is \$ _____ per day, calculated as follows:

- a. (rent per month) x (0.03288) (12 months divided by 365 days)
- b. rent per month divided by 30
- c. other valuation (specify):


11. Possession. The defendant

-  a. vacated the premises on (date):
- b. continues to occupy the property on (date of this declaration):

12. Holdover damages. Declarant has calculated the holdover damages as follows:

-  a. Damages demanded in the complaint began on (date):
-  b. Damages accrued through (date specified in item 11):
-  c. Number of days that damages accrued (count days using the dates in items 12a and 12b):
-  d. Total holdover damages ((daily rental value in item 10) x (number of days in item 12c)): \$ _____

13. Reasonable attorney fees are authorized in the lease or rental agreement pursuant to paragraph (specify): _____ and reasonable attorney fees for plaintiff's attorney (name): _____ are \$ _____

 14. Court costs in this case, including the filing fee, are \$ _____

PLAINTIFF (Name): _____ DEFENDANT (Name): _____	CASE NUMBER: _____
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15. Declarant requests a judgment on behalf of plaintiff for:



a. A money judgment as follows:

(1)	<input type="checkbox"/>	Past-due rent (<i>item 6b</i>)	\$
(2)	<input type="checkbox"/>	Holdover damages (<i>item 12d</i>)	\$
(3)	<input type="checkbox"/>	Attorney fees (<i>item 13</i>)*	\$
(4)	<input type="checkbox"/>	Costs (<i>item 14</i>)	\$
(5)	<input type="checkbox"/>	Other (<i>specify</i>):	\$
(6)	TOTAL JUDGMENT		\$

* Attorney fees are to be paid by (name) only.



b. Possession of the premises in item 2 (*check only if a clerk's judgment for possession was **not** entered*).



c. Cancellation of the rental agreement. Forfeiture of the lease.

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

Date:

}

(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

Summary of Exhibits

- 16. Exhibit 4b: Original rental agreement.
- 17. Exhibit 4c: Copy of rental agreement with declaration and order to admit the copy.
- 18. Exhibit 5d: Copy of notice of change in terms.
- 19. Exhibit 5e: Original agreement for change of terms.
- 20. Exhibit 5f: Copy of agreement for change in terms with declaration and order to admit copy.
- 21. Exhibit 6d: Original or copy of the notice to quit under item 6a (*MUST be attached to this declaration if it is not attached to original complaint*).
- 22. Exhibit 8b: Original or copy of proof of service of notice in item 6a (*MUST be attached to this declaration if it is not attached to original complaint*).
- 23. Other exhibits (*specify number and describe*):

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, state bar number, and address):</i> TELEPHONE NO.: _____ FAX NO. <i>(Optional):</i> _____ E-MAIL ADDRESS <i>(Optional):</i> _____ ATTORNEY FOR <i>(Name):</i> _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF: DEFENDANT:	
<div style="text-align: center;">JUDGMENT—UNLAWFUL DETAINER</div> <input type="checkbox"/> By Clerk <input type="checkbox"/> By Default <input type="checkbox"/> After Court Trial <input type="checkbox"/> By Court <input type="checkbox"/> Possession Only <input type="checkbox"/> Defendant Did Not Appear at Trial	CASE NUMBER:

JUDGMENT



1. **BY DEFAULT**
 - a. Defendant was properly served with a copy of the summons and complaint.
 - b. Defendant failed to answer the complaint or appear and defend the action within the time allowed by law.
 - c. Defendant's default was entered by the clerk upon plaintiff's application.
 - d. **Clerk's Judgment** (Code Civ. Proc., § 1169). For possession only of the premises described on page 2 (item 4).
 - e. **Court Judgment** (Code Civ. Proc., § 585(b)). The court considered
 - (1) plaintiff's testimony and other evidence.
 - (2) plaintiff's or others' written declaration and evidence (Code Civ. Proc., § 585(d)).

2. **AFTER COURT TRIAL.** The jury was waived. The court considered the evidence.
 - a. The case was tried on *(date and time):*
before *(name of judicial officer):*
 - b. Appearances by:

<input type="checkbox"/> Plaintiff <i>(name each):</i>	<input type="checkbox"/> Plaintiff's attorney <i>(name each):</i>
	(1)
	(2)

 Continued on *Attachment 2b* (form MC-025).
 Defendant *(name each):*

	<input type="checkbox"/> Defendant's attorney <i>(name each):</i>
	(1)
	(2)

 Continued on *Attachment 2b* (form MC-025).
 - c. Defendant did not appear at trial. Defendant was properly served with notice of trial.
 - d. A statement of decision (Code Civ. Proc., § 632) was not was requested.

PLAINTIFF: _____ DEFENDANT: _____	CASE NUMBER: _____
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JUDGMENT IS ENTERED AS FOLLOWS BY: **THE COURT** **THE CLERK**

3. Parties. Judgment is

a. for plaintiff (*name each*):

and against defendant (*name each*):

Continued on *Attachment 3a* (form MC-025).

b. for defendant (*name each*):

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

5. Judgment applies to all occupants of the premises including tenants, subtenants if any, and named claimants if any (Code Civ. Proc., §§ 715.010, 1169, and 1174.3).

6. Amount and terms of judgment

a. Defendant named in item 3a above must pay plaintiff on the complaint:

(1)	<input type="checkbox"/> Past-due rent	\$	
(2)	<input type="checkbox"/> Holdover damages	\$	
(3)	<input type="checkbox"/> Attorney fees	\$	
(4)	<input type="checkbox"/> Costs	\$	
(5)	<input type="checkbox"/> Other (<i>specify</i>):	\$	
(6)	TOTAL JUDGMENT	\$	

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

Defendant named in item 3b is to recover costs: \$ _____
 and attorney fees: \$ _____

c. The rental agreement is canceled. The lease is forfeited.

7. **Conditional judgment.** Plaintiff has breached the agreement to provide habitable premises to defendant as stated in *Judgment—Unlawful Detainer Attachment* (form UD-110S), which is attached.

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

Continued on *Attachment 8* (form MC-025).

Date: _____ _____
JUDICIAL OFFICER

Date: _____ Clerk, by _____, Deputy

(SEAL)

CLERK'S CERTIFICATE (*Optional*)

I certify that this is a true copy of the original judgment on file in the court.

Date: _____

Clerk, by _____, Deputy

Next Steps



Follow these simple steps in order to successfully file your paperwork.



Print

Print out your set of forms.



Review

After you have completed your forms, bring them back to the Resource Center to have them reviewed. It is important to follow this step because our staff has been trained to review these forms and help you make any necessary changes or answer any other questions that you may have.



Copy

Make (2) copies of your corrected originals and then you will be ready to have your paperwork served.



Finishing up

Now you are ready to file your paperwork. Take your paperwork along with your copies to the clerk's office within the court listed in your paperwork to file. It may take a few weeks for the court to process your judgment. You can provide the court with a return envelope that has your address and postage stamps so that the court can mail you your judgment when it is completed. If you choose not to provide an envelope then the clerk will instruct you on how and where to pick up your judgment.

Your signed judgment gives you the right to collect that money from your tenant by any legal means. The next page will tell you about the ways in which you can try to collect. Collecting a judgment can be very challenging. The Court does not collect the money for you.

**Next Steps:
UD Court's Judgment**

HOW TO COLLECT YOUR JUDGMENT

If the judgment debtor does not pay you voluntarily and 30 days have passed since the date of mailing of the Notice of Entry of Judgment:

1. **If you know where the debtor works**, i.e., name and address of employer (if you sued a person), you may file a **Writ of Execution (EJ-130)**, with the court clerk where you filed your original claim. You pay the filing fee of \$25 for the writ. Then bring the original Writ of Execution and a completed **Application for Earnings Withholding Order (WG-001)** to the Sheriff Court Services Office of the county where the employer is, pay the sheriff's fee (in San Bernardino, it is about \$30) and the sheriff will serve writ and wage garnishment order on the debtor's employer.
2. **If you know the bank account number of the debtor, and your judgment is against a person or a business**, you may file a **Writ of Execution (EJ-130)** with the court clerk, bring the original writ to the sheriff of the county where the bank is located and fill out Civil Process Instructions (sheriff's local form). The Sheriff shall serve Notice of Levy on the bank.
3. **If the debtor is a retail business and has a cash register or cash drawer and receives money from customers during the normal course of business**, you may file a **Writ of Execution (EJ-130)** with the court clerk; take the original writ to the sheriff. The sheriff may either do a "till tap" (one-time emptying of a cash register up to the amount of the judgment) or have a "keeper" put into business (keeper involves the sending of a sheriff deputy to a business for 4-8 hours to collect all cash and checks paid to the business during the time).
4. **If the debtor owns real property** (like a house or land) you may file an **Abstract of Judgment (EJ-001)** with the court clerk, pay filing fee of \$25 then bring original Abstract of Judgment to the County Recorder's Office where the property is located. The recording fee is about \$16 in San Bernardino County. You will not be paid automatically, but the owner-debtor cannot sell or refinance the property without first paying you your judgment, including interest.
5. **Other ways to collect your money/ enforce your judgment – read more at www.courtinfo.ca.gov/selfhelp for more collections ideas**

Levy on a Personal Property. A property levy requires the posting of deposit in the amount of \$1200 to have the sheriff seize and sell the property. However, many items are partially or totally exempt from collection such as tools of the trade, homes, household furnishings and clothing. An automobile is exempt for the first \$2300 of the auction price (representing the owner's equity). Unless the debtor is in possession of a valuable piece of property with no current lien on it, a property levy may cost more in fees than you can collect from the sale of that property.

Levy on a Spouse's Bank Account. If the account is solely in the name of your debtor's spouse, you can levy the bank account by filing a Writ of Execution and providing the Sheriff with a **Declaration (MC-030)** signed under penalty or perjury that the judgment debtor and spouse are married. If the account is the name of both, no declaration is needed.

Levy on Debtor's Money or Property Held by Someone Else for the Debtor ("Third Party Levy"). Examples of possible items to collect:

- Loans made by the debtor to someone else,
- Accounts receivable payable to the debtor,
- Rent payable to the debtor,
- Royalty payments to the debtor.

**Next Steps:
UD Court's Judgment**

Have the court issue a Writ of Execution to the sheriff in the county where the property or other person is located. The sheriff shall serve a **Notice of Levy (EJ-150)** on the person holding the property, instructing that person to turn over the money to the sheriff. If the party does not comply with it, you might be able to file a lawsuit against them.

Lien on a Lawsuit a Debtor has against someone else. Obtain and fill out **Abstract of Judgment (EJ-001)** and **Notice of Lien (EJ-185)** and file with the court where the debtor's lawsuit is pending. Personally serve or mail copies of the documents to all parties in the debtor's lawsuit.

**Next Steps:
UD Court's Judgment**