



BAY AREA LEGAL AID

Protecting Yourself Against Eviction- Self-Help Answer Packet for Tenants

Is your landlord trying to evict you?

Have you received court papers for an “unlawful detainer”?

It is important that you protect your rights. The first step to protecting yourself is to file an “Answer” in court after you get court papers for eviction. This packet will help you do that if you do not have or cannot get a lawyer.

Review the instructions in this packet and complete your forms carefully.

IMPORTANT DEADLINE: You only have 5 court days to file an Answer after you receive the court papers for eviction.

If you do not file an answer with the court before this deadline, your landlord can get a “default judgment” meaning you AUTOMATICALLY LOSE and the Sheriff can lock you out of your home.

Date you received the court papers: _____

+ 5 Court Days (does not include weekends or court holidays)

Your filing deadline = _____

This online tool will help you determine your deadline:

<https://www.lacourt.org/courtdatecalculator/ui/>

This self-help packet is provided for informational purposes only and it is not legal advice.

Still try to file your answer if you think you missed the deadline. If you have missed your answer deadline or if your landlord has already gotten a judgment against you for eviction, please contact our Legal Advice Line at (800)-551-5554.

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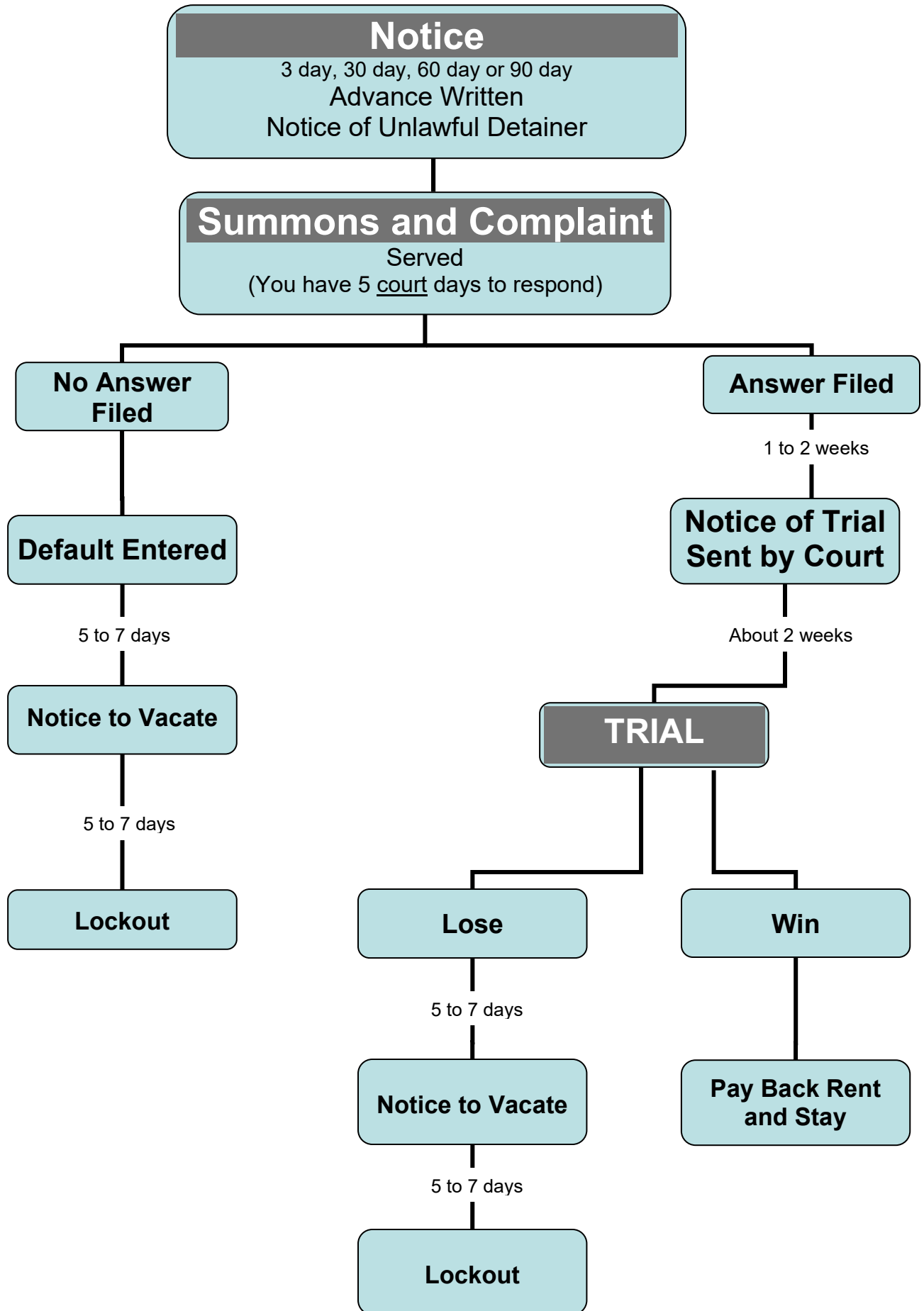
This packet contains:

- Answer filing checklist
 - Use this to make sure you have completed all the steps to file your answer
- Flow chart
- Answer Guide
- Sample Summons and Complaint
- Sample Answer Form UD-105 with Instructions
- Sample Proof of Service with Instructions
- Sample Fee Waiver Forms with Instructions
- Blank Forms to be Filled out and filed with the court
 - Answer
 - Proof of Service
 - Fee Waiver

Filing Checklist

<p>IMPORTANT: you have ONLY 5 court days after receiving the <i>Summons & Complaint</i> to file your Answer, Attachment, + Proof of Service at the court.</p> <ul style="list-style-type: none"> Do NOT count the day you were served, weekends or holidays. <p>Your Answer Filing Deadline is: _____ (See cover sheet of this packet for guidance on how to calculate your deadline).</p>	
<p><input type="checkbox"/> Step 1</p> <p>Fill out forms</p>	<p>Fill out the following forms in black or blue ink:</p> <ul style="list-style-type: none"> <input type="checkbox"/> [UD-105] Answer-Unlawful Detainer <ul style="list-style-type: none"> <input type="checkbox"/> MAKE SURE YOU SIGN YOUR NAME TWICE ON BOTTOM OF PAGE 3 (see sample) <input type="checkbox"/> [MC-025] Attachment(s) <input type="checkbox"/> [POS-030] Proof of Service by First-Class Mail–Civil <p>Note: filing an Answer costs \$225 per person. If you can't afford this fee, fill out the following 2 forms as well:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Request to Waive Fees [FW-001] + <input type="checkbox"/> Order on Fee Waiver [FW-003]
<p><input type="checkbox"/> Step 2</p> <p>Make copies</p>	<p>Make 2 copies of:</p> <ul style="list-style-type: none"> <input type="checkbox"/> [UD-105] Answer <input type="checkbox"/> [MC-025] Attachment(s) <input type="checkbox"/> [POS-030] Proof of Service by First-Class Mail–Civil <ul style="list-style-type: none"> • File the originals in court • One copy of each will be for the landlord (or their attorney) • Keep one copy for your records <p>Make 1 copy of:</p> <ul style="list-style-type: none"> <input type="checkbox"/> [FW-001] Request to Waive Fees + <input type="checkbox"/> [FW-003] Order on Fee Waiver <ul style="list-style-type: none"> • Hold on to the original to be filed in court. • Keep one copy for your records
<p><input type="checkbox"/> Step 3</p> <p>Serve the Plaintiff/ Landlord (or their Attorney)</p>	<p>Serve a copy of:</p> <ul style="list-style-type: none"> <input type="checkbox"/> [UD-105] Answer + <input type="checkbox"/> [MC-025] Attachment(s) + <input type="checkbox"/> [POS-030] Proof of Service by First-Class Mail–Civil <p>By law, you cannot serve the papers yourself. You MUST have someone who is at least 18 years old AND does NOT live with you, mail a copy of your Answer + Attachment(s) + copy of the proof of service to the plaintiff/landlord (or their attorney). You can ask a friend, relative, etc. to do this for you, or you can hire a “process server” to do it.</p> <ul style="list-style-type: none"> • After mailing the papers, the server <u>must</u> sign and return the original Proof of Service to you to be filed in court.
<p><input type="checkbox"/> Step 4</p> <p>File originals</p>	<p>YOU MUST FINISH STEP 3 BEFORE YOU MAY PROCEED TO THIS STEP!</p> <p>Turn in the original & copies of the Answer, Attachment(s), + Proof of Service at the Clerk's Office at the Superior Court (see address on summons & complaint).</p> <p>If you need a fee waiver, you should file the 2 completed Fee Waiver forms FW-001 and FW-003 at the same time.</p> <ul style="list-style-type: none"> • The Court Clerk will keep the originals and return the copies to you. • Keep the copies in a safe place after they are “filed stamped” by the Court Clerk.
<p><input type="checkbox"/> Step 5</p> <p>What happens next</p>	<p>After you file these papers, the landlord may file a form called Request/Counter- Request to Set Case for Trial– Unlawful Detainer [UD-150]. The court will schedule your trial shortly after filing and mail you a letter with your <u>trial date</u>.</p> <p>MAKE SURE YOU CHECK YOUR MAIL AND ATTEND ALL COURT DATES</p>

Overview of the Eviction Process



GUIDE ON FILLING OUT UD -105 ANSWER FORM

1. Look at the sample UD-105 Answer Form in this packet for instructions on how to fill out your Answer Forms.
2. When filling out your Answer Forms, you will need to get information from the court papers (“Summons and Complaint”) that you received . Look at the sample Summons and Complaint in this packet for help with how to read your Summons and Complaint.
 - a. **Important:** You **MUST** check a box in Paragraph 2 of your Answer. To figure out what amount of money your landlord is requesting, look at Page 4 of 4 of Complaint in Paragraph 19 where it says “Plaintiff Requests”.
 - b. If your landlord is requesting less than \$1,000, check Box 2a. This means that you think that generally ALL your landlord’s statements in the Complaint form are wrong or incorrect or false or not true.
 - c. If your landlord is requesting more than \$1,000, you will either: (1) need to list some information about which parts of your landlord’s Complaint form are false under 2b(1) or in an attachment; or (2) if you do not know whether any of your landlord’s statements in the Complaint form are true or false, list more information under 2b(2) or in an attachment.
 - d. NOTE: If you don’t know whether a paragraph in your landlord’s Complaint form is true or false, list that paragraph as false. It is important to tell the court that your landlord must prove that the statement is true before being able to evict you.
3. **You MUST sign and date the Verification!** The verification signature line at the very bottom of the Answer Form. You must sign this in addition to the “Signature of the Defendant” line above it on Page 3 of 3 of the Answer Form.

AFFIRMATIVE DEFENSES

Affirmative defenses are legally-accepted reasons why you should not be evicted.

REVIEW THE EXPLANATIONS BELOW AND CHECK ALL AFFIRMATIVE DEFENSES THAT APPLY TO YOU ON THE ANSWER FORM. “Plaintiff” = your landlord. “Defendant” = you/your household. Important: If you’re not sure if a defense applies to you, it’s generally safer to check the box so the judge will consider it. Your case will be stronger if you include affirmative defenses with your Answer.

AFFIRMATIVE DEFENSES from Paragraph 3 of the UD -105 Answer Form:

3.a. Plaintiff has breached the warranty to provide habitable premises.

Check this box if: you didn't pay all or part of your rent because there are maintenance problems with your home that you: 1) told your landlord about AND 2) your landlord has failed to repair. Only check this box if your notice was for "nonpayment of rent." Note: check this box if you have any conditions that need repairs in your home.

3.b. Defendant made needed repairs and properly deducted the cost from the rent, and plaintiff did not give proper credit.

Check this box if: there were maintenance problems and you made (or paid for) the repairs yourself after you told your landlord, gave your landlord time to fix the problems, and your landlord has refused to reimburse or give you a sufficient rent credit for the cost of the repairs. Only check this box if your notice was for "nonpayment of rent."

3.c. Before the notice to pay rent or quit expired, defendant offered the rent due but plaintiff would not accept it.

Check this box if: you tried to pay your landlord the full amount of rent you owed before the deadline on your notice, but your landlord would not accept it.

For example: you received a notice that says you have to pay your rent by September 5, 2020. On September 3, 2020, you handed your rent to your landlord but your landlord would not accept it or returned it to you.

3.d. Plaintiff waived, changed, or canceled the notice to quit.

Check this box if: your landlord did something to make you think they had changed their mind about making you move out.

For example: your landlord told you to ignore the notice, or accepted rent to cover the month after your eviction notice to quit says to move out.

3.e. Plaintiff served defendant with the notice to quit or filed the complaint to retaliate against defendant.

Check this box if: Your landlord is trying to evict you because you asserted your rights as a tenant by making a request or a complaint.

For example: you made a complaint against your landlord about a repair issue, instead of making the repairs your landlord is punishing you by trying to evict you.

3.f. By serving defendant with the notice to quit or filing the complaint, plaintiff is arbitrarily discriminating against defendant in violation of the Constitution or the laws of the United States or California.

Check this box if: your landlord is trying to evict you because your landlord does not want to rent to you anymore based on your/your household's protected trait(s), for example, race, ethnicity, gender, sex, sexualorientation/gender expression/identity, disability, familialstatus (having children), source ofincome, veteran status, immigration or citizenship status, or any other arbitrary trait.

For example: If you have a disability, and the symptoms of your disability contributed to why your landlord is trying to evict you.

3.g. Plaintiff's demand for possession violates the local rent control or eviction control ordinance

Check this box if: Your landlord did not follow the local eviction or rent increase laws. Look up if your city or county has any just cause requirements or rent control provisions that may apply to you.

For example: Your landlord is trying to evict you without listing a legal just cause in the termination notice and/or providing a copy of the notice to the city. The landlord has to carefully comply with an applicable local just cause ordinance in an eviction.

3.h. Plaintiff's demand for possession is subject to the Tenant Protection Act, Civil Code section 1946.2 or 1947.12, and is not in compliance with the Act

(1) Plaintiff failed to state a just cause for termination of tenancy in the written notice to terminate

Check this box if: your landlord gave you an eviction notice that does not list any reason why they are evicting you, or listed reason(s) that are not legal.

(2) Plaintiff failed to provide an opportunity to cure any alleged violations of terms and conditions of the lease (other than nonpayment) as required under Civ. Code § 1946.2(c)

Check this box if: your landlord gave you an eviction notice that said you violated your lease and that you can fix the problem, but did not give you an opportunity to fix the lease violation.

For example: your landlord issued a notice terminating your tenancy for loud music but did not give you an opportunity to fix that violation.

(3) Plaintiff failed to comply with the relocation assistance requirements of Civ. Code § 1946.2(d)

Check this box if: If you are not being evicted because of something your landlord says you did wrong ("no-fault" evictions such as Owner Move-in), your landlord maybe required to give you a certain amount of money to help you move out in the form of at least one month's worth of rent.

(4) Plaintiff has raised the rent more than the amount allowed under Civ. Code § 1946.12, and the only unpaid rent is the unauthorized amount

Check this box if: Your landlord illegally raised your rent and is now evicting you because you could not afford the rent increase .

- **For example:** your landlord raised the rent 11% which is more than the law allows, you continued to pay your old rent amount, Landlord is now evicting you because you didn't pay the extra money.
- **For example:** your landlord raised the rent more than twice in one year.

(5) Plaintiff violated the Tenant Protection Act in another manner that defeats the complaint

Check this box if: Your landlord is evicting you in another way that may violate the Tenant Protection Act.

For example: your landlord failed to notify you and your household of the protections under the Tenant Protection Act.

3.i. Plaintiff accepted rent from defendant to cover a period of time after the date the notice to quit expired.

Check this box if: you paid enough rent to cover the time after the notice tells you to move out.

For example : Your eviction notice expired on September 15, 2020. On September 1, 2020, you paid your full September rent to your landlord rather than half the rent. This means that the landlord accepted rent from you to cover time after your notice tells you to move out.

3.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 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.)

Check this box if: you or a member of your household is a victim of violence or abuse and your landlord seeks to evict you because of acts that occurred related to that abuse (such as noise or property damage).

3.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 or crime, or an individual in an emergency when defendant or the other person believed that assistance was necessary.

Check this box if: your landlord seeks to evict you for calling the police when you or a member of your household was in danger or needed assistance.

3.I. Other affirmative defenses are stated in item 3m.

Check this box if: you have any other reason(s) why you think you should not be evicted. Check all boxes that apply in the attached from 3.I(A) through 3.I(J) and write in any additional defenses you may have in 3.I(K).

HOW TO FILL OUT ATTACHMENT 3M

If you check a box listed in Paragraph 3 of the UD -105 Answer Form, you must also check the corresponding line in a separate form MC -025, Attachment 3M to provide a short description of facts to explain how that defense applies to you.

Attached in this answer packet are Attachment 3M pages that you may use to describe the facts of each affirmative defense that you checked.

Sample Forms With Instructions

The following pages can help you fill out the forms you are going to file. Do not file these pages with the court. There are blank copies of these forms at the end of this packet for you to fill out and file.

This form is called the SUMMONS (SUM-130). This sample form is for your reference only. **If you were served this form, then it means your landlord has filed an eviction case against you in housing court.** This is where you will find important information about your case.

How to read the Summons:

SUM-130

**SUMMONS
(CITACIÓN JUDICIAL)**

**UNLAWFUL DETAINER—EVICTION
(RETENCIÓN ILÍCITA DE UN INMUEBLE—DESALOJO)**

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

Here is where there will be a stamp from the court showing the date the case was opened.

**NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):** Defendant = Tenant (You)

**YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):** Plaintiff = Landlord/Owner

<p>NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 5 days. You have 5 DAYS, not counting Saturdays and Sundays and other judicial holidays, 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.</p>	<p>¡AVISO! Usted ha sido demandado. Si no responde dentro de 5 días, el tribunal puede emitir un fallo en su contra sin una audiencia. Una vez que le entreguen esta citación y papeles legales, solo tiene 5 DÍAS, sin contar sábado y domingo y otros días feriados del tribunal, para presentar una respuesta por escrito en este tribunal y hacer que se entregue una copia al demandado.</p>
<p>A letter or phone call will not protect you. Your response must be in proper legal form if you want to win your case. There may be a court form that you can use for your response. You can find these court forms at the California Courts Online Self-Help Center (www.courts.ca.gov/selfhelp), your local courthouse nearest you. If you do not file your response on time, you may lose the case by default, your money, and property may be taken without your consent.</p>	<p>Una carta o llamada telefónica no lo protege. Su respuesta debe estar en formato legal correcto si desea ganar su caso. Es posible que haya un formulario de respuesta en la corte que le quede más cerca. Si no responde a tiempo, puede perder el caso por falta de comparecencia, podrá quitar su sueldo, dinero y bienes.</p>
<p>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 website (www.lawhelpca.org), the California Courts Online Self-Help Center (www.courts.ca.gov/selfhelp), or by contacting your local court or county bar association.</p>	<p>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), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados local.</p>
<p>FEE WAIVER: If you cannot pay the filing fee, ask the clerk for a fee waiver form. 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.</p>	<p>EXENCIÓN DE CUOTAS: 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. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos con un gravamen sobre cualquier cantidad de \$10,000 ó más 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 desestimar el caso.</p>

REMINDER:

You only have **FIVE DAYS** to respond with your Answer form. If you don't respond, then the Landlord can win by default.

Here is your Case Number

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

CASE NUMBER (número del caso):

← Court's Address

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):

Plaintiff's (your landlord's) or Plaintiff's attorney's name and address will be here. YOU WILL NEED TO SERVE YOUR ANSWER TO THIS ADDRESS.

Page 2 of the Summons (SUM-130)

This sample page is for your reference only.

Here is your Case Number

PLAINTIFF (Name):	Plaintiff = Landlord/Owner	CASE NUMBER:	SUM-130
DEFENDANT (Name):	Defendant = Tenant (You)		

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.)

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

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

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 (form POS-010).)

[SEAL]	5. NOTICE TO THE PERSON SERVED: You are served
	a. <input type="checkbox"/> as an individual defendant.
	b. <input type="checkbox"/> as the person sued under the fictitious name of (specify): _____
	c. <input type="checkbox"/> as an occupant.
	d. <input type="checkbox"/> on behalf of (specify): _____
	under: <input type="checkbox"/> CCP 416.10 (corporation). <input type="checkbox"/> CCP 416.60 (minor). <input type="checkbox"/> CCP 416.20 (defunct corporation). <input type="checkbox"/> CCP 416.70 (conservatee). <input type="checkbox"/> CCP 416.40 (association or partnership). <input type="checkbox"/> CCP 416.90 (authorized person). <input type="checkbox"/> CCP 415.46 (occupant). <input type="checkbox"/> other (specify): _____
e. <input type="checkbox"/> by personal delivery on (date): _____	

If this section is filled out, it should say the date that you were served.

Remember, you only have FIVE DAYS to respond with your Answer form. If you don't respond, then the Landlord can win by default.

Sometimes Plaintiffs will fill this out after they serve you. You can always the Court clerk for a complete copy of the Summons and Proof of Service form.

This form is called the COMPLAINT (UD-100). You will need to have the Complaint with you in order to fill out your Answer (UD-105) form.

Sample Complaint and How to Read the Complaint (page 1 of 4)

UD-100

<p>ATTORNEY OR PARTY WITHOUT NAME: FIRM NAME: STREET ADDRESS: CITY: TELEPHONE NO.: EMAIL ADDRESS: ATTORNEY FOR (name):</p>	<p style="text-align: center;">FOR COURT USE ONLY</p> <p style="text-align: center;">Here is where there will be a stamp from the court showing the date the case was opened.</p>
<p style="text-align: center;">Plaintiff's (your landlord's) or Plaintiff's attorney's name and address will be here. YOU WILL NEED TO SERVE YOUR ANSWER TO THIS ADDRESS.</p>	
<p style="text-align: center;">Court's Address</p>	
<p>PLAINTIFF: Plaintiff = Landlord/Owner DEFENDANT: Defendant = Tenant (You) <input type="checkbox"/> DOES 1 TO</p>	
<p style="text-align: center;">COMPLAINT—UNLAWFUL DETAINER*</p> <p><input type="checkbox"/> COMPLAINT <input type="checkbox"/> AMENDED COMPLAINT (Amendment Number):</p>	
<p style="text-align: right;">CASE NUMBER: Here is your Case Number</p>	
<p>Jurisdiction (check all that apply):</p> <p><input type="checkbox"/> ACTION IS A LIMITED CIVIL CASE Amount demanded <input type="checkbox"/> does not exceed \$10,000. <input type="checkbox"/> exceeds \$10,000 but does not exceed \$25,000.</p> <p><input type="checkbox"/> ACTION IS AN UNLIMITED CIVIL CASE (amount demanded exceeds \$25,000)</p> <p><input type="checkbox"/> ACTION IS RECLASSIFIED by this amended complaint or cross-complaint (check all that apply): <input type="checkbox"/> from unlawful detainer to general unlimited civil (possession not in issue). <input type="checkbox"/> from limited to unlimited. <input type="checkbox"/> from unlawful detainer to general limited civil (possession not in issue). <input type="checkbox"/> from unlimited to limited.</p>	
<p>1. PLAINTIFF (name each): Plaintiff = Landlord/Owner</p> <p>alleges causes of action against DEFENDANT (name each): Defendant = Tenant (You)</p>	
<p>2. a. Plaintiff is (1) <input type="checkbox"/> an individual over the age of 18 years. (4) <input type="checkbox"/> a partnership. (2) <input type="checkbox"/> a public agency. (5) <input type="checkbox"/> a corporation. (3) <input type="checkbox"/> other (specify):</p> <p>b. <input type="checkbox"/> Plaintiff has complied with the fictitious business name laws and is doing business under the fictitious name of (specify):</p>	
<p>3. a. The venue is the court named above because defendant named above is in possession of the premises located at (street address, apt. no., city, zip code, and county): Your address should be here.</p> <p>b. The premises in 3a are (check one) (1) <input type="checkbox"/> within the city limits of (name of city): (2) <input type="checkbox"/> within the unincorporated area of (name of county):</p> <p>c. The premises in 3a were constructed in (approximate year):</p>	
<p>4. Plaintiff's interest in the premises is <input type="checkbox"/> as owner <input type="checkbox"/> other (specify):</p> <p>5. The true names and capacities of defendants sued as Does are unknown to plaintiff.</p>	

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

Sample Complaint and How to Read the Complaint (page 3 of 4)

UD-100

PLAINTIFF: DEFENDANT:	CASE NUMBER:
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#9(b)-(f):
What was
stated on the
eviction notice

9. b. (1) On (date): _____ the period stated in the notice checked in 9a 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. When Civil Code, § 1946.2(c), applies and two notices are required, provide copies of both.)*
 f. One or more defendants were served (1) with the prior required notice under Civil Code, § 1946.2(c), (2) with a different notice, (3) on a different date, or (4) in a different manner, as stated in Attachment 10c. *(Check item 10c and attach a statement providing the information required by items 9a–e and 10 for each defendant and notice.)*

#10(a)-(d): How
 you were served
 the eviction notice

10. a. The notice in item 9a was served on the defendant named in item 9a 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

#11: If your
 fixed-term
 lease expired

- 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 9f is stated in Attachment 10c.
 d. Proof of service of the notice in item 9a is attached and labeled Exhibit 3.

#12: How
 much unpaid
 rent your
 Landlord
 says you owe

11. Plaintiff demands possession from each defendant because of expiration of a fixed-term lease.
 12. At the time the 3-day notice to pay rent or quit was served, the amount of rent due was \$ _____
 13. The fair rental value of the premises is \$ _____ per day.
 14. 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 14.)*
 15. A written agreement between the parties provides for attorney fees.
 16. 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): _____

#16: If Landlord
 believes your unit
 is subject to city
 or county rent
 control or eviction
 protections

_____ tiff has met all applicable requirements of the ordinances.
 _____ Other allegations are stated in Attachment 17.
 _____ tiff accepts the jurisdictional limit, if any, of the court.

Sample Complaint and How to Read the Complaint (page 4 of 4)

PLAINTIFF: DEFENDANT:	CASE NUMBER:
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19. PLAINTIFF REQUESTS

- a. possession of the premises.
- b. costs incurred in this proceeding:
- c. past-due rent of \$
- d. reasonable attorney fees.
- e. forfeiture of the agreement.
- f. damages in the amount of waived rent or relocation assistance as stated in item 8: \$
- g. damages at the rate stated in item 13 from date: for each day that defendants remain in possession through entry of judgment.
- h. statutory damages up to \$600 for the conduct alleged in item 14.
- i. other (specify):

**#19(a)-(i): What Landlord is requesting from you, including back rent and damages
Refer to this to fill out #2 on your Complaint.**

20. Number of pages attached (specify):

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

21. (Complete in all cases.) An unlawful detainer assistant did not did for compensation give advice or assistance with this form. (If declarant has received any help or advice for pay from an unlawful detainer assistant, complete a–f.)
- 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: _____

(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)

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: YOUR NAME(S) FIRM NAME: STREET ADDRESS: YOUR STREET ADDRESS CITY: CITY STATE: CA ZIP CODE: ZIP CODE TELEPHONE NO.: YOUR PHONE NUMBER FAX NO.: EMAIL ADDRESS: YOUR EMAIL ADDRESS ATTORNEY FOR (name): Defendant in pro per	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF YOUR COUNTY STREET ADDRESS: Court's Address MAILING ADDRESS: (copy it from the bottom of pg. 1 of the "Summons" CITY AND ZIP CODE: (copy it from the bottom of pg. 1 of the "Summons" BRANCH NAME: SUM-130 form)	
PLAINTIFF: YOUR LANDLORD'S NAME (copy it from top of the Summons) DEFENDANT: YOUR NAME(S) (copy it from the top of the Summons)	
ANSWER—UNLAWFUL DETAINER	CASE NUMBER: YOUR CASE NUMBER (copy it exactly from the Summons)

1. Defendant (each defendant for whom this answer is filed must be named and must sign this answer unless his or her attorney signs):

YOUR NAME(S) (copy it exactly as it is written at the top of the Summons)

answers the complaint as follows:

Look at #19 on page 4 of the Complaint. If the amount is under \$1,000, check

2. **Check ONLY ONE of the next two boxes:** **box A.** If it is over \$1,000 then check box B.

a. Defendant generally denies each statement of the complaint. (Do not check this box if the complaint demands more than \$1,000.)

b. Defendant admits that all of the statements of the complaint are true EXCEPT

(1) 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 MC-025, titled as Attachment 2b(1).

Look at the Complaint and list which numbers from #1 to #19 have information that you know is false. Common examples: 1, 9, 10, 11, 12, 14.

*** IF YOU CHECKED 2(b), DO NOT LEAVE THIS SECTION BLANK! ***

(2) 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 MC-025, titled as Attachment 2b(2).

Look at the Complaint and list which numbers from #1 to #19 you are not sure are true or false. Common examples: 2, 4, 7, 8, 13, 15, 16.

*** IF YOU CHECKED 2(b), DO NOT LEAVE THIS SECTION BLANK! ***

3. AFFIRMATIVE DEFENSES (**NOTE:** For each box checked, you must state brief facts to support it in item 3m (page 2) or, if more room needed, on form MC-025.) * **LOOK AT THE AFFIRMATIVE DEFENSES GUIDE TO KNOW WHICH BOXES TO CHECK!** *

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 3m the facts showing violation of the ordinance.)

CASE NUMBER:

YOUR CASE NUMBER

3. h. Plaintiff's demand for possession is subject to the Tenant Protection Act, 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 3m 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 Civ. Code, § 1946.2(c).
- (3) Plaintiff failed to comply with the relocation assistance requirements of Civ. Code, § 1946.2(d).
- (4) Plaintiff has raised the rent more than the amount allowed under Civ. Code, § 1946.12, 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. Other affirmative defenses are stated in item 3m.
- m. *(Provide facts for each item checked above, either below, or, if more room needed, on form MC-025):*
- Description of facts is on MC-025, titled as Attachment 3m.

REMINDER:

Use the Affirmative Defenses Guide included in this packet to know which boxes to check in #3. We recommend filling out this form side-by-side with the Guide.

DON'T FORGET to complete the Attachments (number): 3M on the MC-025 forms after the signature page!

CASE NUMBER: **YOUR CASE NUMBER**

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 MC-025, titled as Attachment 4b.
 - The fair rental value of the premises is excessive if the landlord is in breach of the warranty of habitability.**
- c. Other (specify below or, if more room needed, on form MC-025 in attachment):
 - Other statements are on 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.
- e. Other (specify below or on form MC-025):
 - All other requests are stated on MC-025, titled as Attachment 5e.

Relief from forfeiture and any such other relief as the court may deem just and proper.

6. Number of pages attached: **# of pages**

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 his or her attorney signs.)

PRINT YOUR NAME(S)

(TYPE OR PRINT NAME)

SIGN YOUR NAME(S) & sign AGAIN below

(SIGNATURE OF DEFENDANT OR ATTORNEY)

2nd Defendant's Name (if applicable)

(TYPE OR PRINT NAME)

2nd Defendant's Signature (if applicable)

(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: **TODAY'S DATE**

PRINT YOUR NAME(S)

(TYPE OR PRINT NAME)

SIGN YOUR NAME(S) AGAIN

(SIGNATURE OF DEFENDANT)

FW-001

Request to Waive Court Fees

CONFIDENTIAL

Make sure you read this carefully.

If you are getting public benefits, are a low-income person, or do not have enough income to pay for your household's basic needs and your court fees, you may use this form to ask the court to waive your court fees. The court may order you to answer questions about your finances. If the court waives the fees, you may still have to pay later if:

- You cannot give the court proof of your eligibility,
- Your financial situation improves during this case, or
- You settle your civil case for \$10,000 or more. The trial court that waives your fees will have a lien on any such settlement in the amount of the waived fees.

Clerk stamps date here when form is filed.

This is a sample. Make sure to fill out the other form also titled "FW-001" in this packet.

Fill in court name and street address:

Superior Court of California, County of

Ask the clerk to stamp the court address here when you file.

Fill in case number and name:

Case Number:

Write your case number here.

Case Name:

Write last name of Plaintiff v. last name of Defendant

1 Your Information

Name: _____

Street or _____

City: _____

Phone: _____

Fill out questions 1 2 3

For question 2 write your job. If you currently are not working, write "—"

For question 3 if you do not have a lawyer, write "In pro per."

2 Your Job

Name of employer: _____

Employer's address: _____

3 Your Lawyer, if you have one (name, firm or affiliation, address, phone number, and State Bar number):

a. The lawyer has agreed to advance all or a portion of your fees or costs (check one): Yes No

b. (If yes, your lawyer must sign here) Lawyer's signature: _____

Make sure to check this box

4 What court's fees or costs are you asking for?

Superior Court (See Information on Court Fees)

Supreme Court, Court of Appeal, or Court of Appellate Court Fees (form AD-100)

5 Why are you asking the court to waive your court fees?

a. I do not receive (check all that apply; see instructions):

SSP Medi-Cal County Reimbursement

b. My gross monthly household income is less than the amount you check 5b, you must fill out 7, 8, and 9 on page 2 of this form.

For question 5 check a., b., OR, c:

If you check "5a," make sure you check all the boxes that apply to you.

If you check "5b," fill out numbers 8 and 9 on the back of this form.

If you check number 7 because your income changes monthly, then fill out the entire back page, numbers 8 through 11

If you check "5c," fill out the entire next page of this form.

Family Size	Family Income	Family Size	Family Income	Family Size	Family Income	If more than 6 people at home, add \$460.42 for each extra person.
1	\$1,301.05	3	\$2,221.88	5	\$3,142.71	
2	\$1,761.48	4	\$2,682.30	6	\$3,603.13	

Write today's date here

I do not have enough income to pay for my household's basic needs and the court fees. I ask the court to: (check one and you must fill out page 2):

- waive all court fees and costs
- waive some of the court fees
- let me make payments over time

6 Check here if you asked the court to waive your court fees for this case in the last six months. (If your previous request is reasonably available, please attach it to this form and check here:)

I declare under penalty of perjury under the laws of the State of California that the information I have provided on this form and all attachments is true and correct.

Date: _____ Print defendant's name here. (See SUM—130).

Sign your name here

Print your name here

Sign here

Judicial Council of California, www.courts.ca.gov
Revised March 15, 2019, Mandatory Form
Government Code, § 68933
Cal. Rules of Court, rules 3.51, 8.26, and 8.818

Request to Waive Court Fees

Your name:

Write your name exactly as written on Summons (SUM-130)

Case Number:

Write your case number here.

If you checked 5a on page 1, do not fill out below. If you checked 5b, fill out questions 7, 8, and 9 only. If you checked 5c, you must fill out this entire page. If you need more space, attach form MC-025 or attach a sheet of paper and write Financial Information and your name and case number at the top.

Check 7 if your income changes from month to month.

7 Check if it does the past

If you check 7 then fill out 8 through 11

and Property

8 Your Gross Monthly Income

a. List the source and amount of any income you get each month, including: wages or other income from work before deductions, spousal/child support, retirement, social security, disability, unemployment, military base pay, veterans payments, dividends, net business or rental income, net expenses, gambling or lottery winnings.

Table with 4 rows for listing income sources and amounts.

b. Your total monthly income: \$

If you checked 5b on the front, fill 8 out 9

9 Household Income

a. List the income of all other persons living in your household who depend in whole or in part on you for support.

Table with columns: Name, Age, Relationship, Gross Monthly Income.

b. Total monthly income of persons above: \$

Total monthly income and household income (8b plus 9b): \$

If you checked 5c on the front, make sure to fill out the entire form 8 through 11

b. All financial accounts (List bank name and amount):

Table for listing financial accounts.

c. Cars, boats, and other vehicles

Table for listing vehicles with columns: Make / Year, Fair Market Value, How Much You Still Owe.

d. Real estate

Table for listing real estate with columns: Address, Fair Market Value, How Much You Still Owe.

11 Your Monthly Deductions and Expenses

a. List any payroll deductions and the monthly amount below:

Table for listing payroll deductions.

b. Rent or house payment & maintenance \$

c. Food and household supplies \$

d. Utilities and telephone \$

e. Clothing \$

f. Laundry and cleaning \$

g. Medical and dental expenses \$

h. Insurance (life, health, accident, etc.) \$

i. School, child care \$

j. Child, spousal support (another marriage) \$

k. Transportation, gas, auto repair and insurance \$

l. Installment payments (list each below):

Table for listing installment payments.

m. Wages/earnings withheld by court order \$

n. Any other monthly expenses (list each below):

Table for listing other monthly expenses.

Total monthly expenses (add 11a - 11n above): \$

To list any other facts you want the court to know, such as unusual medical expenses, etc., attach form MC-025 or attach a sheet of paper and write Financial Information and your name and case number at the top. Check here if you attach another page. Important! If your financial situation or ability to pay court fees improves, you must notify the court within five days on form FW-010.

FW-003

**Order on Court Fee Waiver
(Superior Court)**

Clerk stamps date here when form is filed.

1 Person who asked the court to waive court fees:

Write Defendant(s) full name(s) exactly as written on Summons (SUM-130)
Write your street address (Don't forget your apartment # if you have one)
Write your city, state and zip code

2 Lawyer, if person in (type one name, firm name, address, phone number, e-mail, and State Bar number):

Write "in pro per"

Write the date you are filing this form.

Fill in court name and street address:

Superior Court of California, County of

Ask the clerk to stamp the court address here when you file.

3 A request to waive court fees was filed on (date):

The court made a previous fee waiver order in this case on (date):

Fill in case number and name:

Case Number:

Write your case number here.

Case Name:

Read this form carefully. All checked boxes are court orders.

Write last name of Plaintiff v. last name of Defendant.

Notice: The court may order you to answer questions about your finances and later order you to pay back the waived do not pay, the court can make you pay the fees and also charge you collection fees. If there are circumstances during this case that increases your ability to pay fees and costs, you must notify the trial court within five days. (Use form FW-010.) If you win your case, the trial court may order the other side to pay the fees. If you settle your civil case for **\$10,000** or more, the trial court will have a lien on the settlement in the amount of the waived fees. The trial court may not dismiss the case until the lien is paid.

Make sure to check this box.

4 After reviewing your: Request to Waive Court Fees Request to Waive Additional Court Fees the court makes the following orders:

a. The court grants your request

Leave the remainder of this form blank.

(1) **Fee Waiver.** The court grants your request and waives your superior court fees and costs listed below. (Cal. Rules of Court, rules 8.130 and 8.834.) You do not have to pay for the following:

- Filing papers in superior court
- Making copies and certifying copies
- Sheriff's fee to give notice
- Reporter's fee for attendance at hearing or trial, if the court is not electronically recording the proceeding and you request that the court provide an official reporter
- Assessment for court investigations under Probate Code section 1513, 1826, or 1851
- Preparing, certifying, copying, and sending the clerk's transcript on appeal
- Holding in trust the deposit for a reporter's transcript on appeal under rule 8.130 or 8.834
- Making a transcript or copy of an official electronic recording under rule 8.835
- Giving notice and certificates
- Sending papers to another court department

(2) **Additional Fee Waiver.** The court grants your request and waives your additional superior court fees and costs that are checked below. (Cal. Rules of Court, rule 3.56.) You do not have to pay for the checked items.

- Jury fees and expenses
- Fees for court-appointed experts
- Other (specify):
- Fees for a peace officer to testify in court
- Court-appointed interpreter fees for a witness

Your name:

Case Number:

b. The court denies your fee waiver request because:

Warning! If you filed with

Leave the remainder of this form blank.

your request for hearing or the court papers appeal, the appeal may be dismissed.

(1) Your request on next page gives notice of this Order (see date of service

- Pay your fees and costs, or
- File a new revised request that includes the incomplete items listed:
 - Below
 - On Attachment 4b(1)

(2) The information you provided on the request shows that you are not eligible for the fee waiver you requested for the reasons stated: Below On Attachment 4b(2)

The court has enclosed a blank *Request for Hearing About Court Fee Waiver Order (Superior Court)* (form FW-006). You have **10 days** after the clerk gives notice of this order (see date of service below) to:

- Pay your fees and costs in full or the amount listed in c below, or
- Ask for a hearing in order to show the court more information. (*Use form FW-006 to request hearing.*)

c. (1) The court needs more information to decide whether to grant your request. You must go to court on the date on page 3. The hearing will be about the questions regarding your eligibility that are stated: Below On Attachment 4c(1)

(2) Bring the items of proof to support your request, if reasonably available, that are listed: Below On Attachment 4c(2)

This is a Court Order.

Your name:

Write your name exactly as written on Summons (SUM-130)

Case No.

Write your case number here.

Hearing Date

Date:

Dept.:

Leave the remainder of this form blank.

and address of court if different from above:

Warning! If item c(1) is checked, and you do not go to court on your hearing date, the judge will deny your request to waive court fees, and you will have 10 days to pay your fees. If you miss that deadline, the court cannot process the court papers you filed with your request. If the papers were a notice of appeal, the appeal may be dismissed.

Date:

Signature of (check one):

Judicial Officer

Clerk, Deputy

Request for Accommodations



Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk's office for *Request for Accommodations by Persons With Disabilities and Response* (form MC-410). (Civ. Code, § 54.8.)

Clerk's Certificate of Service

I certify that I am not involved in this case and (check one):

- I handed a copy of this Order to the party and attorney, if any, listed in ① and ②, at the court, on the date below.
- This order was mailed first class, postage paid, to the party and attorney, if any, at the addresses listed in ① and ②, from (city): _____, California, on the date below.
- A certificate of mailing is attached.

Date:

Clerk, by _____,

Deputy

Name: _____

This is a Court Order.

THE PERSON WHO FILLS OUT THIS DOCUMENT (CALLED THE "SERVER"): 1. CANNOT BE THE DEFENDANT(S) OR PLAINTIFF(S) IN THIS CASE, 2. MUST BE OVER THE AGE OF 18, AND 3. MUST MAIL THE DOCUMENTS LISTED IN 3.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):

Write Defendant(s) full name exactly as written on Summons (SUM-130)

Write Defendant(s) street address

TELEPHONE NO.:

FAX NO. (Optional):

E-MAIL ADDRESS (Optional):

ATTORNEY FOR (Name): Write "In Pro Per"

SUPERIOR COURT OF CALIFORNIA, COUNTY OF

STREET ADDRESS:

MAILING ADDRESS:

CITY AND ZIP CODE:

BRANCH NAME:

Write the court address and branch name

PETITIONER/PLAINTIFF:

Write Plaintiff's full name exactly as written on SUM-130

RESPONDENT/DEFENDANT:

Write Defendant's full name(s) exactly as written on SUM-130

PROOF OF SERVICE BY FIRST-CLASS MAIL—CIVIL

CASE NUMBER:

Write the case number here

(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:

Write date that documents will be mailed

Write the address here of the person mailing the documents listed in 3.

3. On (date):
the following documents (specify):

I mailed from (city and state):

Write the city and state where documents will be mailed

Check box 4a. — follow instructions

Write the name of each document that will be mailed by the server
- For example: Answer (UD-105) , Proof of Service (POS-030)

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: Write Plaintiff's or Plaintiff's Attorney's name here

b. Address of person served:

Write Plaintiff's or Plaintiff's Attorney's name and address here. The information to be included here is located on page 1 of the Summons (SUM-130), paragraph 2.

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: Write the date server is signing this document

The server prints name here

The server signs here

(TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM)

(SIGNATURE OF PERSON COMPLETING THIS FORM)

Blank Forms to be Filed with the Court

These forms are for you to fill out and file. If you need help, read through the sample forms and instruction pages along with the Answer Guide in this packet.

CASE NUMBER:

3. h. Plaintiff's demand for possession is subject to the Tenant Protection Act, 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 3m 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 Civ. Code, § 1946.2(c).
- (3) Plaintiff failed to comply with the relocation assistance requirements of Civ. Code, § 1946.2(d).
- (4) Plaintiff has raised the rent more than the amount allowed under Civ. Code, § 1946.12, 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. Other affirmative defenses are stated in item 3m.
- m. *(Provide facts for each item checked above, either below, or, if more room needed, on form MC-025):*
- Description of facts is on MC-025, titled as Attachment 3m.

CASE NUMBER: _____

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 MC-025, titled as Attachment 4b.

The fair rental value of the premises is excessive if the landlord is in breach of the warranty of habitability

- c. Other (specify below or, if more room needed, on form MC-025 in attachment):
 Other statements are on 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.
- e. Other (specify below or on form MC-025):
 All other requests are stated on MC-025, titled as Attachment 5e.

Relief from forfeiture and any other relief the court deems just and proper.

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 his or her attorney signs.)

(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)

SHORT TITLE: _____	CASE NUMBER: _____
-----------------------	-----------------------

ATTACHMENT (Number): _____

(This Attachment may be used with any Judicial Council form.)

_____ **3.a** The landlord failed to make the following repairs despite knowing I needed these repairs:

Defective Walls, Floors, or Weather Protection:

_____ Falling plaster _____ Damp walls _____ Broken windows _____ Holes in ceiling/walls
 _____ Ceiling leaks _____ Peeling Paint _____ Windows/doors leak _____ Broken or defective floors
 _____ Doors/windows lack locks, or are otherwise not secure
 _____ Floor covering in dangerous condition _____ Mold or Mildew
 _____ Other: _____

Defective Plumbing (Gas, Water Supply, or Sewage System):

_____ Leaky pipes for: _____ gas _____ water _____ sewage disposal
 _____ Drains clogged in: _____ kitchen sink _____ bath sink _____ shower/tub
 _____ Toilet defective: _____ won't flush _____ broken/leaks _____ clogged
 _____ Lack of hot/cold running water in: _____ bathroom _____ kitchen
 _____ Sewage backs up in: _____ kitchen sink _____ bath sink _____ shower/tub
 _____ No hot water _____ Unsafe hot water
 _____ Other: _____

Defective Electrical Lights, Wiring, and Related Equipment:

_____ Lights do not work _____ Switches do not work _____ Plugs do not work
 _____ Exposed wiring _____ Switches or outlets lack safe cover plates
 _____ Other: _____

Defective Heating or Cooking Facilities:

_____ Not enough or inconsistent heat _____ No heat – Heater broken
 _____ Heating system unsafe _____ Air conditioning broken
 _____ Stove/oven does not work _____ Stove/oven unsafe
 _____ Other: _____

Unsafe or Unsanitary Conditions in Unit or in Common Areas

_____ Pest\Vermin infestation: _____ Roaches; _____ Rats; _____ Mice; _____ Termites _____ Bedbugs _____
 _____ Trash bins inadequate\unclean\not emptied often enough
 _____ Stairs or railings broken\nunsafe _____ Inadequate lighting or security
 _____ Unsafe paving\tripping hazards _____ Missing or defective smoke detectors _____ Building not
 properly maintained _____ Structural defects in building
 _____ Other _____

_____ **3.b.** I (we) owe less rent because I (we) paid for and deducted from the rent the cost of the following repairs: _____

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

Page 1 of 5

(Add pages as required)

SHORT TITLE: _____	CASE NUMBER: _____
-----------------------	-----------------------

ATTACHMENT (Number): _____

(This Attachment may be used with any Judicial Council form.)

_____ **3.c.** On [DATE] _____, I (we) offered the rent due to the landlord.

_____ **3.d.** Waiver:

_____ (1) On or about [DATE] _____, rent was accepted for a period extending beyond the expiration of the termination notice.

_____ (2) Landlord failed to serve me (us) with prior written notice that the alleged conduct would be grounds for eviction. In the past, Landlord didn't have a problem with these issues.

_____ (3) The landlord otherwise changed or canceled the eviction notice by: _____

_____ **3.e.** Retaliation: The landlord is retaliating against me (us) for asserting my (our) rights because:

_____ **3.f.** Discrimination:

_____ (1) The landlord is evicting me because of my household's: _____ Race\Ethnicity; _____ Familial Status \Children; _____ Immigration Status/Citizenship

_____ Religion; _____ Gender\Sex; _____ Sexual Orientation/Gender Expression/Identity ;

_____ Marital Status; _____ Disability (Physical or Mental); _____ Source of Income;

_____ Sexual Harassment; _____ Veteran Status; _____ National Origin/Ancestry

_____ Arbitrary traits: _____

_____ (2) The landlord is discriminating against me because of my disability/medical condition. The symptoms of my disability are related to the reason why I am being evicted, I am requesting/ have requested a reasonable accommodation, and the landlord has denied or failed to respond to my request.

_____ **3.g.** I'm covered by a local rent or eviction control ordinance and Landlord violated the local rent or eviction control ordinance by: _____

_____ **3.h.** My home is subject to the Tenant Protection Act, Civil Code 1946.2 or 1947.12 and Landlord failed to comply with the Act.

_____ (5) Landlord has not notified my household of the protections of AB 1482 as required in Civil Code §1946.2(f).

_____ (5a) Landlord violated the Tenant Protection Act in some other way that defeats the complaint:

_____ **3.i.** I(we) paid \$ _____ in rent to landlord on [DATE] _____ that covered rent through [DATE] _____, after the notice to quit expired.

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

Page 2 of 5

(Add pages as required)

SHORT TITLE: _____	CASE NUMBER: _____
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ATTACHMENT (Number): _____

(This Attachment may be used with any Judicial Council form.)

_____ **3.j.** Landlord seeks to evict me/member of my household based on domestic violence, sexual assault, human trafficking, or abuse of an elder or dependent adult and I have a copy of one of the following:

_____ Temporary restraining order that was issued less than 180 days ago

_____ Protective order that was issued less than 180 days ago

_____ Police Report that was made less than 180 days ago

_____ Statement from a qualified third party (for example, doctor, domestic violence/sexual assault counselor, human trafficking caseworker, or psychologist)

_____ **3.k.** Landlord seeks to evict me based on myself or another person contacting emergency services. On [DATE]_____, I/or another person contacted emergency services believing it was necessary to protect from abuse/crime.

_____ **3.1 (A)** The Notice is defective and unlawful because:

_____ (1) It did not comply with applicable local, state, or federal law.

_____ (2) It was not stated in the alternative to pay or quit.

_____ (3) It did not adequately describe the address of the premises.

_____ (4) I got the notice before the rent was late.

_____ (5) It demanded rent more than one year past due.

_____ (6) It includes a late charge or other improper charges that are not rent.

_____ (7) It did not state the address and phone number for the person to pay, or the days and time for payment to fix the problem.

_____ (8) It demands more rent than I/we owe or does not state the amount owed or when it was due.

_____ (9) It includes rent based on an improper rent increase during a state of emergency. Cal. Penal Code §396

_____ (10) Landlord raised rent by over 10% and failed to give a 90 day notice. Cal. Civil Code § 827

_____ (11) It did not unequivocally demand possession of the unit.

_____ (12) It was based on an alleged violation of the lease, but did not give the required opportunity to cure the breach.

_____ (13) It was not served in the manner required by law.

_____ (14) It demanded rent and did not allow 15 days to pay.

_____ **3.1 (B)** The complaint for unlawful detainer was filed in court before the date the termination or eviction notice expired

_____ **3.1 (C)** Plaintiff listed on the Summons is not the proper person/party to bring this eviction action because:

_____ (1) This case was filed by an agent of the owner who is not the real party in interest and is not authorized to bring this action.

_____ (2) Landlord is a corporation, or other business entity, and is not represented by an attorney. A corporation, or other business entity, cannot represent itself.

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

Page 3 of 5

(Add pages as required)

SHORT TITLE: _____	CASE NUMBER: _____
-----------------------	-----------------------

ATTACHMENT (Number): _____

(This Attachment may be used with any Judicial Council form.)

_____ **3.I.(D)** Special rules/laws apply because my home is a below market rate (“BMR”) unit, or part of a federally subsidized housing program (e.g., public housing, Section 8), or has a federally-backed mortgage.

_____ (1) Landlord failed to comply with the CARES Act requirements by:

_____ failing to provide at least 30 days' notice

_____ issuing a notice before the CARES Act eviction moratorium on July 24, 2020

_____ issuing a notice or initiating an eviction while the property is in forbearance

_____ (2) The notice of termination is defective in that it:

_____ demanded rent that was owed by the Housing Authority, not by me.

_____ is based on rent that is not properly calculated based on my income.

_____ fails to state the grounds for termination in enough detail to permit

preparation of a defense.

_____ fails to give 90-days' notice

_____ was not served concurrently on the housing authority.

_____ Landlord does not have good cause for the eviction; allegations are not true.

_____ Landlord failed to notify defendant of the right to request a hearing or failed to make the grievance procedure available.

_____ Landlord failed to comply with applicable provisions of federal law.

_____ **3.I. (H) Mobile Home Tenancies** I/we live in a mobile home park and:

_____ Landlord failed to give a 60 day notice terminating the tenancy.

_____ Landlord failed to state specific or permissible reason for eviction in notice(s).

_____ Landlord failed to provide a written lease to defendant(s).

_____ Landlord failed to provide a copy of Mobile Home Residency Law.

_____ Landlord failed to provide notice to legal and/or registered owners.

_____ Notice does not comply with requirements of the Mobile Home Residency Law.

_____ Other: _____

_____ **3.I.(I) AB 3088 COVID-19 Tenant Relief Act of 2020:**

_____ (1) Landlord is trying to evict me in order to “substantially remodel” and Landlord is seeking to get me/us out before February 1, 2021 in violation of Code of Civil Proc § 1179.03.5(a)(3)(A)(ii)

_____ (4e) The notice fails to include required information about my COVID-19 related rights.

_____ (5) Landlord did not provide me with an unsigned copy of a declaration of COVID-19 related financial hardship.

_____ (7) Landlord cannot evict me because I provided a self-declaration of COVID-19 financial hardship for the covered period March 1, 2020 through August 31, 2020

_____ (8) Landlord cannot evict me before February 1, 2021 because I (we) provided a self-declaration of COVID-19 financial hardship for the period September 1, 2020 through January 31, 2021, and I (we) have or are prepared to pay 25% of the rent on or before January 31, 2021.

_____ (12) Landlord is evicting me based on an agreement that tries to waive my protections under the COVID-19 Tenant Relief Act of 2020.

_____ **3.I.(J) COVID-19 Moratorium:** This rental unit is subject to federal, state, and local moratorium laws relating to evictions due to the COVID-19 crisis enacted before or after the filing of this response.

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

Page 4 of 5

(Add pages as required)

SHORT TITLE: _____	CASE NUMBER:
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ATTACHMENT (Number): _____

(This Attachment may be used with any Judicial Council form.)

_____ 3.I.(K) Other:

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, State Bar number, and address):</i> Name: State bar number: Address: 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:	
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):*
Answer

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.

Clerk stamps date here when form is filed.

If you are getting public benefits, are a low-income person, or do not have enough income to pay for your household's basic needs and your court fees, you may use this form to ask the court to waive your court fees. The court may order you to answer questions about your finances. If the court waives the fees, you may still have to pay later if: a

- You cannot give the court proof of your eligibility,
- Your financial situation improves during this case, or
- You settle your civil case for **\$10,000** or more. The trial court that waives your fees will have a lien on any such settlement in the amount of the waived fees and costs. The court may also charge you any collection costs.

Fill in court name and street address:

Superior Court of California, County of

Fill in case number and name:

Case Number:

Case Name:

1 Your Information (person asking the court to waive the fees):

Name: _____
 Street or mailing address: _____
 City: _____ State: _____ Zip: _____
 Phone: _____

2 Your Job, if you have one (job title): _____

Name of employer: _____
 Employer's address: _____

3 Your Lawyer, if you have one (name, firm or affiliation, address, phone number, and State Bar number): _____

a. The lawyer has agreed to advance all or a portion of your fees or costs (check one): Yes No

b. (If yes, your lawyer must sign here) Lawyer's signature: _____

If your lawyer is not providing legal-aid type services based on your low income, you may have to go to a hearing to explain why you are asking the court to waive the fees.

4 What court's fees or costs are you asking to be waived?

- Superior Court (See *Information Sheet on Waiver of Superior Court Fees and Costs* (form FW-001-INFO).)
- Supreme Court, Court of Appeal, or Appellate Division of Superior Court (See *Information Sheet on Waiver of Appellate Court Fees* (form APP-015/FW-015-INFO).)

5 Why are you asking the court to waive your court fees?

- a. I receive (check all that apply; see form FW-001-INFO for definitions): Food Stamps Supp. Sec. Inc. SSP Medi-Cal County Relief/Gen. Assist. IHSS CalWORKS or Tribal TANF CAPI
- b. My gross monthly household income (before deductions for taxes) is less than the amount listed below. (If you check 5b, you must fill out 7, 8, and 9 on page 2 of this form.)

Family Size	Family Income	Family Size	Family Income	Family Size	Family Income	<i>If more than 6 people at home, add \$466.67 for each extra person.</i>
1	\$1,329.17	3	\$2,262.50	5	\$3,195.84	
2	\$1,795.84	4	\$2,729.17	6	\$3,662.50	

c. I do not have enough income to pay for my household's basic needs and the court fees. I ask the court to: (check one and you **must** fill out page 2):

- waive all court fees and costs waive some of the court fees
- let me make payments over time

6 Check here if you asked the court to waive your court fees for this case in the last six months. (If your previous request is reasonably available, please attach it to this form and check here):

I declare under penalty of perjury under the laws of the State of California that the information I have provided on this form and all attachments is true and correct.

Date: _____

Print your name here

Sign here



Your name: _____

If you checked 5a on page 1, do not fill out below. If you checked 5b, fill out questions 7, 8, and 9 only. If you checked 5c, you **must** fill out this entire page. If you need more space, attach form MC-025 or attach a sheet of paper and write Financial Information and your name and case number at the top.

7 Check here if your income changes a lot from month to month. If it does, complete the form based on your average income for the past 12 months.

8 Your Gross Monthly Income

a. List the source and amount of **any** income you get each month, including: wages or other income from work before deductions, spousal/child support, retirement, social security, disability, unemployment, military basic allowance for quarters (BAQ), veterans payments, dividends, interest, trust income, annuities, net business or rental income, reimbursement for job-related expenses, gambling or lottery winnings, etc.

(1) _____ \$ _____
 (2) _____ \$ _____
 (3) _____ \$ _____
 (4) _____ \$ _____

b. Your total monthly income: \$ _____

9 Household Income

a. List the income of all other persons living in your home who depend in whole or in part on you for support, or on whom you depend in whole or in part for support.

Name	Age	Relationship	Gross Monthly Income
(1) _____	_____	_____	\$ _____
(2) _____	_____	_____	\$ _____
(3) _____	_____	_____	\$ _____
(4) _____	_____	_____	\$ _____

b. Total monthly income of persons above: \$ _____

Total monthly income and household income (8b plus 9b): \$ _____

To list any other facts you want the court to know, such as unusual medical expenses, etc., attach form MC-025 or attach a sheet of paper and write Financial Information and your name and case number at the top.

Check here if you attach another page.

Important! If your financial situation or ability to pay court fees improves, you must notify the court within five days on form FW-010.

10 Your Money and Property

a. Cash \$ _____

b. All financial accounts (List bank name and amount):

(1) _____ \$ _____
 (2) _____ \$ _____
 (3) _____ \$ _____

c. Cars, boats, and other vehicles

Make / Year	Fair Market Value	How Much You Still Owe
(1) _____	\$ _____	\$ _____
(2) _____	\$ _____	\$ _____
(3) _____	\$ _____	\$ _____

d. Real estate

Address	Fair Market Value	How Much You Still Owe
(1) _____	\$ _____	\$ _____
(2) _____	\$ _____	\$ _____

e. Other personal property (jewelry, furniture, furs, stocks, bonds, etc.):

Describe	Fair Market Value	How Much You Still Owe
(1) _____	\$ _____	\$ _____
(2) _____	\$ _____	\$ _____

11 Your Monthly Deductions and Expenses

a. List any payroll deductions and the monthly amount below:

(1) _____ \$ _____
 (2) _____ \$ _____
 (3) _____ \$ _____
 (4) _____ \$ _____

b. Rent or house payment & maintenance \$ _____

c. Food and household supplies \$ _____

d. Utilities and telephone \$ _____

e. Clothing \$ _____

f. Laundry and cleaning \$ _____

g. Medical and dental expenses \$ _____

h. Insurance (life, health, accident, etc.) \$ _____

i. School, child care \$ _____

j. Child, spousal support (another marriage) \$ _____

k. Transportation, gas, auto repair and insurance \$ _____

l. Installment payments (list each below):

Paid to:

(1) _____ \$ _____
 (2) _____ \$ _____
 (3) _____ \$ _____

m. Wages/earnings withheld by court order \$ _____

n. Any other monthly expenses (list each below):

Paid to:	How Much?
(1) _____	\$ _____
(2) _____	\$ _____
(3) _____	\$ _____

Total monthly expenses (add 11a – 11n above): \$ _____

**Order on Court Fee Waiver
(Superior Court)**

Clerk stamps date here when form is filed.

Fill in court name and street address:

Superior Court of California, County of

Fill in case number and name:

Case Number:

Case Name:

1 Person who asked the court to waive court fees:

Name: _____
Street or mailing address: _____
City: _____ State: _____ Zip: _____

2 Lawyer, if person in 1 has one (name, firm name, address, phone number, e-mail, and State Bar number):

3 A request to waive court fees was filed on (date): _____

The court made a previous fee waiver order in this case on (date): _____

Read this form carefully. All checked boxes are court orders.

Notice: The court may order you to answer questions about your finances and later order you to pay back the waived fees. If this happens and you do not pay, the court can make you pay the fees and also charge you collection fees. If there is a change in your financial circumstances during this case that increases your ability to pay fees and costs, you must notify the trial court within five days. (Use form FW-010.) If you win your case, the trial court may order the other side to pay the fees. If you settle your civil case for **\$10,000** or more, the trial court will have a lien on the settlement in the amount of the waived fees. The trial court may not dismiss the case until the lien is paid.

4 After reviewing your: *Request to Waive Court Fees* *Request to Waive Additional Court Fees*
the court makes the following orders:

a. The court **grants** your request, as follows:

(1) **Fee Waiver.** The court grants your request and waives your court fees and costs listed below. (*Cal. Rules of Court, rules 3.55 and 8.818.*) You do not have to pay the court fees for the following:

- Filing papers in superior court
- Making copies and certifying copies
- Sheriff's fee to give notice
- Reporter's fee for attendance at hearing or trial, if the court is not electronically recording the proceeding and you request that the court provide an official reporter
- Assessment for court investigations under Probate Code section 1513, 1826, or 1851
- Preparing, certifying, copying, and sending the clerk's transcript on appeal
- Holding in trust the deposit for a reporter's transcript on appeal under rule 8.130 or 8.834
- Making a transcript or copy of an official electronic recording under rule 8.835
- Court fee for phone hearing
- Giving notice and certificates
- Sending papers to another court department

(2) **Additional Fee Waiver.** The court grants your request and waives your additional superior court fees and costs that are checked below. (*Cal. Rules of Court, rule 3.56.*) You do not have to pay for the checked items.

- Jury fees and expenses
- Fees for court-appointed experts
- Other (*specify*): _____
- Fees for a peace officer to testify in court
- Court-appointed interpreter fees for a witness

Your name: _____

Case Number: _____

b. The court **denies** your fee waiver request because:

Warning! If you miss the deadline below, the court cannot process your request for hearing or the court papers you filed with your original request. If the papers were a notice of appeal, the appeal may be dismissed.

(1) Your request is incomplete. You have **10 days** after the clerk gives notice of this Order (see date of service on next page) to:

- Pay your fees and costs, or
- File a new revised request that includes the incomplete items listed:
 - Below On Attachment 4b(1)

(2) The information you provided on the request shows that you are not eligible for the fee waiver you requested for the reasons stated: Below On Attachment 4b(2)

The court has enclosed a blank *Request for Hearing About Court Fee Waiver Order (Superior Court)* (form FW-006). You have **10 days** after the clerk gives notice of this order (see date of service below) to:

- Pay your fees and costs in full or the amount listed in c below, or
- Ask for a hearing in order to show the court more information. (*Use form FW-006 to request hearing.*)

c. (1) The court needs more information to decide whether to grant your request. You must go to court on the date on page 3. The hearing will be about the questions regarding your eligibility that are stated:

Below On Attachment 4c(1)

(2) Bring the items of proof to support your request, if reasonably available, that are listed:

Below On Attachment 4c(2)

This is a Court Order.

Your name: _____

Case Number: _____

Name and address of court if different from above:



Date: _____ Time: _____
Dept.: _____ Room: _____

Warning! If item c(1) is checked, and you do not go to court on your hearing date, the judge will deny your request to waive court fees, and you will have 10 days to pay your fees. If you miss that deadline, the court cannot process the court papers you filed with your request. If the papers were a notice of appeal, the appeal may be dismissed.

Date: _____

Signature of (check one): Judicial Officer Clerk, Deputy

Request for Accommodations



Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk's office for *Request for Accommodations by Persons With Disabilities and Response* (form MC-410). (Civ. Code, § 54.8.)

Clerk's Certificate of Service

I certify that I am not involved in this case and (check one):

- I handed a copy of this Order to the party and attorney, if any, listed in ① and ②, at the court, on the date below.
- This order was mailed first class, postage paid, to the party and attorney, if any, at the addresses listed in ① and ②, from (city): _____, California, on the date below.
- A certificate of mailing is attached.

Date: _____

Clerk, by _____, Deputy
Name: _____

This is a Court Order.