

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF IMPERIAL
939 W. Main Street
El Centro CA 92243**

GENERAL INFORMATION

UNLAWFUL DETAINER: PLAINTIFF

Often, the Plaintiff is the landlord but can be any person with a legal right to possession of the residence. The Defendant is often the tenant, but can be any person living in the residence whom the plaintiff wishes to evict. If the Landlord does not list all the adult occupants as defendants, then the eviction may not be used against any unnamed people. Please follow the basic instructions below. You may apply for a fee waiver if you cannot afford the filing fee. You may need more than the forms listed. You can get free forms on www.courts.ca.gov/forms

1	Start the case	Before starting this case, you must have already given proper notice to the tenant to pay, or perform, or to quit. To start the eviction case, the landlord normally must pay a filing fee and submit to the court an original and one copy of: Civil Case Cover Sheet (CM-010) Summons-Unlawful Detainer-Eviction (SUM-130) Complaint-Unlawful Detainer (UD-100) Prejudgment Claim of Right to Possession (CP10.5)
2	Serve a copy	The landlord must next give a copy to the tenant(s). This is called "service." To serve correctly, do not give a copy on your own. Correct service means that someone 18 years or older and not involved in the case hands the copy to the tenant. Use the following forms to prove that a copy was delivered to the tenant(s). Prepare a proof of service form for each tenant served. Proof of Service of Summons (POS-010)
3	Wait	The tenant has only 5 days from the time of service to file any "Answer."
4	Request Default	If the tenant does not file an "Answer," the landlord may request a "Default" by submitting the following forms and documents: Original Summons-Unlawful Detainer-Eviction (SUM-130) Proof of Service of Summons (POS-010) Request for Entry of Default (CIV-100) Writ of Possession (EJ-130) Judgment – Unlawful Detainer (UD-110)
or		
5	Request Trial	If the Tenant files an Answer, in order to end the case, you must request a trial. The court clerk will usually schedule a trial within 20 days of your request.

Remember to avoid these common mistakes:

- Spell everyone's name correctly or else your judgment may not be enforceable.
- If you do not know the names of all the adult occupants, you must serve them with a copy of the Summons and Complaint as well as a blank Prejudgment Claim of Right to Possession.
- If you do not serve unnamed occupants in the way described above, even if you have an order to evict the named tenants, the unnamed occupants can delay their own eviction by filing a Claim of Possession (Form CP 10).

DISCLAIMER: These instructions are designed as a tool to assist you. It may not include all information that is legally required, is not legal advice, and should not be used as a substitute for legal advice from an attorney licensed by the State Bar of California. To find out how to hire an attorney and/or obtain a consultation with a family law attorney see <http://www.courts.ca.gov/1084.htm>