

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

GENERAL INFORMATION

UNLAWFUL DETAINER: DEFENDANT

If your landlord served you with an Unlawful Detainer case, you must decide if you want to answer. You may state defenses in a written "Answer" and file it at court within 5 days after you receive the Summons and Complaint. If you do not answer or if your answer is late, you might lose the case, be evicted, and have money and property taken without warning. Thus you may wish to still file an "Answer" even if you leave the property. 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	Answer the case	<p>If you are a named defendant, fill out the "Answer" to explain your defenses: Answer-Unlawful Detainer (UD-105) file within 5 days.</p> <p>Or, If you are an un-named adult occupant and you were served a Prejudgment Claim of Right to Possession fill out the following to explain your defenses: Prejudgment Claim of Right to Possession (CP10.5) file within 10 days Answer-Unlawful Detainer (Form UD-105) file within 5 days thereafter</p>
2	Serve a copy	<p>After you fill out the forms, you must give a full copy of it to the landlord or the landlord's attorney. 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 sends the copy through first class mail. After the server mails the copy, fill out the following form after prove that the landlord was mailed a copy: Proof of Service of Summons (POS-010)</p>
3	Wait	<p>Take the original Answer and original Proof of Service to the court to file with the clerk. There may be a filing fee, and you may qualify for a fee waiver. Be ready for your hearing.</p>

Remember to avoid these common mistakes:

- Watch deadlines, you have only 5 days from service to take your answer to court. If the 5th day falls on a weekend or holiday, you can file your written response on the following Monday or non-holiday.
- If you are not named on the Summons and Complaint and you **were** served with a Prejudgment Claim of Right to Possession, you may follow step 2 above. If you stay silent, you can be evicted.
- If you are not named on the Summons and Complaint and you **were not** served with a Prejudgment Claim of Right to Possession, the judgment will not necessarily be binding on you. This means that when the eviction notice is posted, you have the chance to file a Claim of Possession (Form CP 10). You must pay the Court's filing fee or complete a fee waiver within 2 court days. You must also deliver to the court 15 days' rent to receive a hearing in 15 days. If you do not pay the deposit, the court will hold the hearing within 5 days.

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>