

**HOW TO GET STARTED:** As the landlord, you must begin by giving the tenant appropriate notice. If you are uncertain whether this should be a 3-day, 30-day or other notice, you should contact a legal advisor for assistance. If the tenant has not paid rent or moved out by the end of the period stated in the notice, you can begin the legal process by filing a complaint. The forms to do this may be purchased from the court or are available at no charge on-line at [www.saccourt.com](http://www.saccourt.com). You may file your papers in person or by mail.

When you submit your paperwork, you will need an original and at least two copies of the papers, postage prepaid envelopes that are addressed to each tenant you list as a defendant and one addressed to "all occupants." You will also need to pay a filing fee to the court. If you are unable to pay the court fees, you may qualify for a waiver of court fees and costs.

**SERVICE:** The clerk will provide you with endorsed copies of the complaint and an original summons. You must then have the tenant served with the summons and complaint. You cannot do this yourself. Any one who is not a party and over the age of 18, a process server or the Sheriff's Department can serve the papers for you. The person who makes service must complete a separate proof of service for each person served and these to you. You must file the original summons and all proofs of service with the court. You should do this as soon as possible.

**IF NO RESPONSE IS FILED:** If the tenants have not filed a timely answer or other response, you will need to file a request to enter default, a clerk's judgment for possession and a writ of possession. Once the court returns these you must take them to the Sheriff's Department, Civil Division, to

complete the eviction. You cannot evict the tenants yourself.

**IF A RESPONSE IS FILED:** There are several different ways that the tenant can respond to the complaint. The tenant could file an answer, a motion in opposition to the complaint, a demurrer or other legal paperwork. In most cases, an answer will be filed. You should receive a copy of whatever papers the tenants file by mail.

If a response other than an answer is filed, you should contact a legal advisor for help about what to do next.

If an answer is filed, you will need to file the original summons, all proofs of service and a memo to set the case for trial. You must also give the court postage prepaid envelopes addressed to each person who is a party to the action. The court will mail you a notice of the trial date once it has been scheduled. You should receive this notice in about one week.

**WHAT TO DO NEXT:** Prepare for your trial. Present your case in court. If you win at trial, you must prepare and file a formal judgment, notice of entry of judgment and writ of possession. When you get these documents back from the court, you must take copies of the writ of possession to the Sheriff's Department, Civil Division, to complete the eviction. A Deputy Sheriff will give the tenants notice they have five days to vacate the premises. You cannot evict them yourself.

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## HOW AN UNLAWFUL DETAINER ACTION PROCEEDS

(LANDLORDS)

## UNLAWFUL DETAINER SELF-HELP CENTER

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**Our mission is to provide  
justice, equality and fairness  
for all under the law**

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