

**Superior Court of California,
County of Sacramento**

**Carol Miller Justice Center
Unlawful Detainer Court**
301 Bicentennial Circle, Room 300
Sacramento, CA 95826

Public Line: (916) 875-7746

For more information, visit the following web sites:

Sacramento Superior Court: www.saccourt.com

Department of Consumer Affairs: www.dca.ca.gov

Judicial Council's Self-Help Center: www.courtinfo.gov

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**UNLAWFUL
DETAINER COURT:
HOW IT WORKS**

Rev. 03/04/03

An "unlawful detainer" case is more commonly known as an "eviction." A property owner ("landlord") must receive an order from a court to remove a tenant from his/her property. The landlord may ask a tenant to move out; however, the landlord cannot use self-help (like changing the locks) to remove a tenant.



Notes:

9A. If I am the tenant...

What happens if I lose?

If you lose, the landlord will be able to get a court order requiring you to pay any rent, attorney fees and court costs. The landlord will also have the right to request the sheriff to remove you from the property. If you have any questions about the court's ruling, or your legal rights, you must get legal assistance immediately.

If I lose, how long after the trial will I have to move out?

The sheriff will notify you (by handing you a notice or posting it on the property) that you will be evicted. You have **five (5) days** from the date the notice is served or posted to move out.

9B. If I am the landlord, what happens if I lose?

If you are the landlord and you lose, the tenant will be able to remain on the property. The tenant may be able to get a court order requiring you to pay attorney fees and court costs. If you have any questions about the court's ruling, or your legal rights, you must get legal assistance immediately.

There are five typical steps to the eviction process:

1. A **written notice** is delivered from the landlord, asking the tenant to move or giving the tenant an option, for example, to pay rent or move.
2. If the tenant does not move or perform the required act, the **landlord files a lawsuit** called an "Unlawful Detainer." The landlord's reasons for requesting eviction of the tenant are stated in the "Complaint," which is filed with the court.
3. The **tenant files a response** to the lawsuit, which is usually called an "Answer." The Answer is a legal form, which allows the tenant to explain why s/he should not be evicted. The Answer must be filed with the court.
4. A court or Jury **trial is held** and the judge/jury makes a decision.
5. **If the tenant loses the case, s/he must move.** If the tenant refuses to move voluntarily, the sheriff will remove the tenant from the property.

An Unlawful Detainer case proceeds quickly and the time limits for the tenant to respond are very short.

**GETTING LEGAL ASSISTANCE
IMMEDIATELY CAN BE VERY IMPORTANT.**

1. Do I need a lawyer?

It is very helpful to have a lawyer because the rules are complicated and procedures are technical.



2. What if I can't afford a lawyer?

The court will not provide a lawyer for you. If you can't afford a lawyer, you may represent yourself or ask the clerk of the court for a list of providers that offer low cost legal services.

3A. If I am the tenant...

What should I do first?

If an Unlawful Detainer case has been filed against you and you want the court to determine whether you have a legal obligation to move, you must file an Answer **no later than five (5) days** after you were "served" with the Complaint.

8. What will happen at the trial?

- The clerk will take roll.
- The clerk will require the Parties to:
 - Take an oath.
 - Exchange documents.
 - Attempt to settle.
- The party who filed the eviction will go first. Therefore, the landlord will call witnesses and introduce evidence first.
- The tenant has a right to question the landlord's witnesses.
- Then, the tenant may call witnesses and introduce evidence.
- The landlord has a right to question the tenant's witnesses.
- The judge will make a decision.



6. What do I need to do to prepare for the trial?

- **Organize** the papers that prove your case, such as: the Rental Agreement, cancelled checks, receipts, money orders, photographs, notices or letters.
- **Make copies** of all your papers for the judge and landlord. You will need the original and at least two (2) copies.
- **Make a list** of the points you want to make.
- **Notify** your witnesses of the date, time and place for the trial. Have witnesses subpoenaed to appear at the trial if they will not appear on their own.



7. What should I do if I don't speak English?

The court is not required to provide an interpreter. You may bring a friend or relative to translate for you or you may hire an interpreter at your own expense. You can obtain a list of interpreters at the public counter in Unlawful Detainer.

How do I file an Answer?

You must go to the Carol Miller Justice Center at: 301 Bicentennial Circle, Sacramento, CA 95826. The clerk will give you the forms you need to file. You must fill out the forms, sign them, and pay the filing fee before your answer can be filed.

DO NOT DELAY

What happens if I don't file an Answer or Response?

If you fail to file an Answer or Response within five (5) days, you will not be able to participate and present your side. Judgment may be entered against you immediately.



3B. If I am the landlord, what should I do first?

- If you are the landlord and you want to evict a tenant, you must provide the tenant with the notice required by law.
- If the tenant does not move or comply with the notice given, you may file an Unlawful Detainer.
- Your reasons for requesting eviction must be stated in a Complaint filed with the court.
- You must pay the filing fee before your Complaint can be filed.



4. What if I can't afford to pay the filing fee?

Either the landlord or the tenant may fill out a "Fee Waiver" form and request that the Complaint/Answer be filed without the payment of fees.

5. What happens next?

After the tenant's Answer is filed, the landlord will request a trial date within twenty (20) days. You will receive notification of the trial date in the mail.

