

UD DEFAULT - MONETARY

SAMPLE

Use the samples to help you complete
the packet of blank forms.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) : YOUR NAME YOUR STREET ADDRESS YOUR CITY, STATE, ZIP CODE TELEPHONE NO.: YOUR PHONE # FAX NO. (Optional): E-MAIL ADDRESS (Optional) : ATTORNEY FOR (Name): IN PRO PER	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA STREET ADDRESS: CHECK WITH STAFF MAILING ADDRESS: CITY AND ZIP CODE: LEAVE BLANK BRANCH NAME: CIVIL DIVISION	
PLAINTIFF/PETITIONER: YOUR NAME DEFENDANT/RESPONDENT: TENANT(S) NAME (S)	
REQUEST FOR <input checked="" type="checkbox"/> Entry of Default <input type="checkbox"/> Clerk's Judgment (Application) <input checked="" type="checkbox"/> Court Judgment	CASE NUMBER: YOUR CASE NUMBER

1. TO THE CLERK: On the complaint or cross-complaint filed

a. on (date) : **DATE THE COMPLAINT (OR AMENDED COMPLAINT) WAS FILED**

b. by (name) : **YOUR NAME**

c. Enter default of defendant (names) :
TENANT(S) NAME(S)

d. I request a court judgment under Code of Civil Procedure sections 585(b), 585(c), 989, etc., against defendant (names) :

TENANT(S) NAME(S)

(Testimony required. Apply to the clerk for a hearing date, unless the court will enter a judgment on an affidavit under Code Civ. Proc., § 585(d).)

e. Enter clerk's judgment

(1) for restitution of the premises only and issue a writ of execution on the judgment. Code of Civil Procedure section 1174(c) does not apply. (Code Civ. Proc., § 1169.)
 Include in the judgment all tenants, subtenants, named claimants, and other occupants of the premises. The *Prejudgment Claim of Right to Possession* was served in compliance with Code of Civil Procedure section 415.46.

(2) under Code of Civil Procedure section 585(a). *(Complete the declaration under Code Civ. Proc., § 585.5 on the reverse (item 5).)*

(3) for default previously entered on (date) :

2. **Judgment to be entered.**

	<u>Amount</u>		<u>Credits acknowledged</u>		<u>Balance</u>
a. Demand of complaint	\$	OVERDUE RENT -	\$	\$	ADD AMOUNT
b. Statement of damages *		DAILY RENTAL DAMAGES.			
(1) Special	\$		\$	\$	
(2) General	\$		\$	\$	
c. Interest	\$		\$	\$	
d. Costs (see reverse)	\$	COST AMOUNT	\$	\$	ADD AMOUNT
e. Attorney fees	\$	FROM ITEM 7E ON	\$	\$	
f. TOTALS	\$	BACK.	\$	\$	

g. **Daily damages** were demanded in complaint at the rate of: \$ **PER DAY RATE** per day beginning (date) : **SEE ITEM 17(F) ON COMPLAINT**
 (* *Personal injury or wrongful death actions; Code Civ. Proc., § 425.11.*)

3. (Check if filed in an unlawful detainer case) **Legal document assistant or unlawful detainer assistant** information is on the reverse (complete item 4).

Date: **TODAY'S DATE**
PRINT YOUR NAME _____ **▶ SIGN YOUR NAME** _____
(TYPE OR PRINT NAME) (SIGNATURE OF PLAINTIFF OR ATTORNEY FOR PLAINTIFF)

FOR COURT USE ONLY	(1) <input type="checkbox"/> Default entered as requested on (date) : (2) <input type="checkbox"/> Default NOT entered as requested (state reason) :
Clerk, by _____, Deputy	



PLAINTIFF/PETITIONER: YOUR NAME DEFENDANT/RESPONDENT: TENANT(S) NAME (S)	CASE NUMBER: YOUR CASE NUMBER
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4. **Legal document assistant or unlawful detainer assistant (Bus. & Prof. Code, § 6400 et seq.).** A legal document assistant or unlawful detainer assistant did did not for compensation give advice or assistance with this form. (If declarant has received any help or advice for pay from a legal document assistant or unlawful detainer assistant, state) :

- | | |
|--|---|
| 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) : |
|--|---|

5. **Declaration under Code of Civil Procedure Section 585.5 (required for entry of default under Code Civ. Proc., § 585(a)).**

This action

- a. is is not on a contract or installment sale for goods or services subject to Civ. Code, § 1801 et seq. (Unruh Act).
 b. is is not on a conditional sales contract subject to Civ. Code, § 2981 et seq. (Rees-Levering Motor Vehicle Sales and Finance Act).
 c. is is not on an obligation for goods, services, loans, or extensions of credit subject to Code Civ. Proc., § 395(b).

6. **Declaration of mailing (Code Civ. Proc., § 587).** A copy of this Request for Entry of Default was

a. not mailed to the following defendants, whose addresses are unknown to plaintiff or plaintiff's attorney (names) :

TALK TO A PRIVATE ATTORNEY IF YOU THINK THIS MIGHT APPLY TO YOUR CASE

b. mailed first-class, postage prepaid, in a sealed envelope addressed to each defendant's attorney of record or, if none, to each defendant's last known address as follows:

- (1) Mailed on (date) : (2) To (specify names and addresses shown on the envelopes) :

**DATE A COPY OF THIS
FORM WAS MAILED TO
TENANT(S)**

**ADDRESS WHERE THE TENANT'S COPY WAS
MAILED**

I declare under penalty of perjury under the laws of the State of California that the foregoing items 4, 5, and 6 are true and correct.

Date: **DATE YOUR SERVER SIGNS (NOT YOU)**

SERVER PRINTS HERE
(TYPE OR PRINT NAME)

SERVER SIGNS HERE
(SIGNATURE OF DECLARANT)

7. **Memorandum of costs (required if money judgment requested).** Costs and disbursements are as follows (Code Civ. Proc., § 1033.5):

- | | | |
|---|----|-------------------------------------|
| a. Clerk's filing fees | \$ | TOTAL COURT FILING FEE(S) |
| b. Process server's fees | \$ | TOTAL PROCESS SERVER'S FEE(S) |
| c. Other (specify): WRIT FEE | \$ | TOTAL WRIT FEE(S) |
| d. SHERIFF'S FEE | \$ | TOTAL SHERIFF'S FEE(S) |
| e. TOTAL | \$ | GRAND TOTAL AMOUNT OF FEE(S) |

- f. Costs and disbursements are waived.
 g. I am the attorney, agent, or party who claims these costs. To the best of my knowledge and belief this memorandum of costs is correct and these costs were necessarily incurred in this case.

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
(TYPE OR PRINT NAME)

SIGN YOUR NAME
(SIGNATURE OF DECLARANT)

8. **Declaration of nonmilitary status (required for a judgment).** No defendant named in item 1c of the application is in the military service so as to be entitled to the benefits of the Servicemembers Civil Relief Act (50 U.S.C. App. § 501 et seq.).

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
(TYPE OR PRINT NAME)

SIGN YOUR NAME
(SIGNATURE OF DECLARANT)



SHC Sample

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address) :

FOR COURT USE ONLY

YOUR NAME
YOUR STREET ADDRESS
YOUR CITY, STATE, ZIP CODE

TELEPHONE NO.: YOUR PHONE # FAX NO. (Optional):

E-MAIL ADDRESS (Optional):

ATTORNEY FOR (Name): IN PRO PER

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA

STREET ADDRESS: CHECK WITH STAFF

MAILING ADDRESS:

CITY AND ZIP CODE: LEAVE BLANK

BRANCH NAME: CIVIL DIVISION

PLAINTIFF (Name): YOUR NAME

DEFENDANT (Name): TENANT(S) NAME (S)

DECLARATION FOR DEFAULT JUDGMENT BY COURT
(Unlawful Detainer - Code Civil Proc., § 585(d))

CASE NUMBER:
YOUR CASE NUMBER

1. My name is (specify) : YOUR NAME

a. I am the plaintiff in this action.

CHECK THE CORRECT BOX

b. I am

(1) an owner of the property

(3) an agent of the owner

(2) a manager of the property

(4) other (specify) :

2. The property concerning this action is located at (street address, apartment number, city, and county) :

ADDRESS OF RENTAL PROPERTY (INCLUDING SANTA CLARA COUNTY)

3. Personal knowledge. I personally know the facts stated in this declaration and, if sworn as a witness, could testify competently thereto. I am personally familiar with the rental or lease agreement, defendant's payment record, the condition of the property, and defendant's conduct.

4. Agreement was written oral as follows:

a. On CHECK THE CORRECT BOX(ES) ant (name each) : TENANT(S) NAME (S)

(1) REGARDING WHAT AGREEMENT YOU

(2) MADE WITH THE TENANT(S)

tenancy other tenancy (specify) :

monthly other (specify frequency) :

with rent due on the first of the month other day (specify) :

b. Original agreement is attached (specify) : to the original complaint.

to the Application for Immediate Writ of Possession. to this declaration, labeled Exhibit 4b.

c. Copy of agreement with a declaration and order to admit the copy is attached (specify) :

to the Application for Immediate Writ of Possession. to this declaration, labeled Exhibit 4c.

5. A CHECK THE CORRECT BOX(ES) changes and effective dates up to the last rent

REGARDING ANY CHANGE(S) THAT WAS

MADE ON THE RENTAL AGREEMENT (IF ANY) changed from \$ to \$

and was made

(1) by agreement of the parties and subsequent payment of such rent.

(2) by service on defendant of a notice of change in terms pursuant to Civil Code section 827 (check item 5d).

(3) pursuant to a written agreement of the parties for change in terms (check item 5e or 5f).

c. Change in rent due date. Rent was changed, payable in advance, due on (specify day) :

d. A copy of the notice of change in terms is attached to this declaration, labeled Exhibit 5d.

e. Original agreement for change in terms is attached (specify) : to the original complaint.

to the Application for Immediate Writ of Possession. to this declaration, labeled Exhibit 5e.

f. Copy of agreement for change in terms with a declaration and order to admit the copy is attached (specify) :

to the Application for Immediate Writ of Possession. to this declaration, labeled Exhibit 5f.

PLAINTIFF (Name): YOUR NAME	CASE NUMBER: YOUR CASE NUMBER
DEFENDANT (Name): TENANT(S) NAME (S)	

6. Notice to quit.

- a. Defendant was served with a
- (1) DESCRIBE THE TYPE OF NOTICE YOU GAVE YOUR TENANT(S) BEFORE THIS CASE STARTED.
- (2) (3)
- (4) 3-day notice to quit
 (5) 30-day notice to quit
 (6) 60-day notice to quit
- b. The 3-day notice was served on defendant (name each) : **TENANT(S) NAME (S)** amount of (specify) : \$ _____ for the rental period beginning on (date) _____ and ending on (date) _____
- c. The total rent demanded in the 3-day notice under item 6b is different from the agreed rent in item 4a(2) (specify history of dates covered by the 3-day notice and any partial payments received to arrive at the balance) on Attachment 6c (form MC-025).
- d. The original or copy of the notice specified in item 6a is attached to (specify) : the original complaint. this declaration, labeled Exhibit 6d. (The original or a copy of the notice MUST be attached to this declaration if not attached to the original complaint.)

7. Service of notice.

- a. The notice was served on defendant (name each) : **TENANT(S) NAME (S)**
- (1) p

DESCRIBE HOW THE NOTICE (ABOVE) WAS GIVEN TO YOUR TENANT(S)
- (2) b

DESCRIBE HOW THE NOTICE (ABOVE) WAS GIVEN TO YOUR TENANT(S)

 on (date) : _____
- (3) b

DESCRIBE HOW THE NOTICE (ABOVE) WAS GIVEN TO YOUR TENANT(S)
- b. A prejudgment claim or right to possession was served on the occupants pursuant to Code of Civil Procedure section 415.46.

8. Proof of service of notice. The original or copy of the proof of service of the notice in item 6a is attached to (specify) :

- a. the original proof of service of notice
- b. this declaration, labeled Exhibit 8d. (The original or a copy of the proof of service of the notice MUST be attached to this declaration if not attached to the original proof of service of notice.)
- CHECK THE CORRECT BOX REGARDING THE PROOF OF SERVICE OF THE NOTICE (ABOVE)

9. Notice expired. On (date) : _____ the notice in item 6 expired at the end of the day and defendant failed to comply with the requirements of the notice by that date. No money has been received and accepted after the notice expired.

10. The fair rental value of the premises is \$ _____ per day calculated as follows:

- a. (rent paid by tenant)
- b. rent paid by tenant plus other charges
- c. other valuation (specify) : _____
- CHECK THE CORRECT BOX REGARDING HOW YOU CALCULATE THE DAILY RATE OF THE RENTAL PROPERTY

11. Possession. The defendant is in possession of the premises:

- a. vacated the premises
- b. continues to occupy the premises
- CHECK THE CORRECT BOX IS THE TENANT(S) STILL LIVING AT THE RENTAL PROPERTY? IF NOT, WHEN DID THEY MOVE OUT?

12. Holdover damages. Declarant has calculated the holdover damages as follows:

CHECK THE CORRECT BOX IF THE TENANT(S) HAS MOVED OUT AND THEY STILL OWE YOU RENT MONEY

d. Total holdover damages ((daily rental value in item 10) x (number of days in item 12c)): \$ _____

13. Reasonable and reasonable attorney's fees are authorized in the lease or rental agreement pursuant to paragraph _____ (specify) : _____ plaintiff's attorney (name) : _____ are \$ _____

LEAVE BLANK

14. Court costs

FILL IN THE COURT COSTS ONLY



15. Declarant requests a judgment on behalf of plaintiff for:
 a. A money judgment as follows:

(1) <input type="checkbox"/> Past-due rent (<i>item 6b</i>)	\$	FILL IN ANY OF THESE THAT APPLY IN YOUR CASE.
(2) <input type="checkbox"/> Holdover damages (<i>item 12d</i>)	\$	
(3) <input type="checkbox"/> Attorney fees (<i>item 13</i>)*	\$	
(4) <input type="checkbox"/> Costs (<i>item 14</i>)	\$	
(5) <input type="checkbox"/> Other (<i>specify</i>):	\$	
(6) TOTAL JUDGMENT	\$	

* Attorney fees are to be paid by (name) **LEAVE BLANK** only.

LEAVE BLANK b. Possession of the premises in item 2 (*check only if a clerk's judgment for possession was not entered*).
 c. Cancellation of the rental agreement. Forfeiture of the lease.

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 _____ **▶ SIGN YOUR NAME** _____
(TYPE OR PRINT NAME) (SIGNATURE OF DECLARANT)

Summary of Exhibits

CHECK IF YOU HAVE ATTACHED DOCUMENTS TO THIS PAGE.

- 16. Exhibit 4b: Original rental agreement.
- 17. Exhibit 4c: Copy of rental agreement with declaration and order to admit the copy.
- 18. Exhibit 5d: Copy of notice of change in terms.
- 19. Exhibit 5e: Original agreement for change of terms.
- 20. Exhibit 5f: Copy of agreement for change in terms with declaration and order to admit copy.
- 21. Exhibit 6d: Original or copy of the notice to quit under item 6a (*MUST be attached to this declaration if it is not attached to original complaint*).
- 22. Exhibit 8b: Original or copy of proof of service of notice in item 6a (*MUST be attached to this declaration if it is not attached to original complaint*).
- 23. Other exhibits (*specify number and describe*) :

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address) :

FOR COURT USE ONLY

YOUR NAME
YOUR STREET ADDRESS
YOUR CITY, STATE, ZIP CODE

TELEPHONE NO.: **YOUR PHONE #** FAX NO. (Optional):

E-MAIL ADDRESS (Optional):

ATTORNEY FOR (Name) : **IN PRO PER****SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA**STREET ADDRESS: **CHECK WITH STAFF**

MAILING ADDRESS:

CITY AND ZIP CODE: **LEAVE BLANK**BRANCH NAME: **CIVIL DIVISION**PLAINTIFF: **YOUR NAME**DEFENDANT: **TENANT(S) NAME (S)****JUDGMENT - UNLAWFUL DETAINER** By Clerk By Default After Court Trial By Court Possession Only Defendant Did Not
Appear at Trial

CASE NUMBER:

YOUR CASE NUMBER**JUDGMENT**1. **BY DEFAULT**

- a. Defendant was properly served with a copy of the summons and complaint.
b. Defendant failed to answer the complaint or appear and defend the action within the time allowed by law.
c. Defendant's default was entered by the clerk upon plaintiff's application.
d. **Clerk's Judgment** (Code Civ. Proc., § 1169). For possession only of the premises described on page 2 (item 4).
e. **Court Judgment** (Code Civ. Proc., § 585(b)). The court considered
(1) plaintiff's testimony and other evidence. **IF GOING TO A LIVE HEARING**
(2) plaintiff's or others' written declaration and evidence (Code Civ. Proc., § 585(d)).
IF SUBMITTING WRITTEN DECLARATION

2. **AFTER COURT TRIAL**. The jury was waived. The court considered the evidence.

- a. The case was tried on (date and time) :

before (name of judicial officer) :

- b. Appearances by:

 Plaintiff (name each) : Plaintiff's attorney (name each) :

(1)

(2)

 Continued on Attachment 2b (form MC-025). Defendant (name each) : Defendant's attorney (name each) :

(1)

(2)

 Continued on Attachment 2b (form MC-025).

- c.
-
- Defendant did not appear at trial. Defendant was properly served with notice of trial.

- d.
-
- A statement of decision (Code Civ. Proc., § 632)
-
- was not
-
- was requested.

PLAINTIFF: **YOUR NAME**

CASE NUMBER:

YOUR CASE NUMBER

DEFENDANT: **TENANT(S) NAME (S)**

JUDGMENT IS ENTERED AS FOLLOWS BY: THE COURT THE CLERK

3. **Parties.** Judgment is

a. for plaintiff (*name each*) : **YOUR NAME**

and against defendant (*name each*) : **TENANT(S) NAME(S)**

Continued on *Attachment 3a* (form MC-025).

b. for defendant (*name each*) :

4. Plaintiff Defendant is entitled to possession of the premises located at (*street address, apartment, city, and county*):

5. Judgment applies to all occupants of the premises including tenants, subtenants if any, and named claimants if any (Code Civ. Proc., §§ 715.0

CHEK THE CORRECT BOXE(S) AND FILL IN THE RIGHT AMOUNT(S).
NOTE: THIS MUST LOOK THE SAME AS THE AMOUNTS
CALCULATED ON THE DEFAULT REQUEST.

6. Amount and to

a. Defendant named in item 3b is to recover the complaint: Defendant named in item 3b.

(1) <input type="checkbox"/> Past-due rent	\$	RENT CHARGES (PRORATED DAMAGES)
(2) <input type="checkbox"/> Holdover damages	\$	and attorney fees: \$
(3) <input type="checkbox"/> Attorney fees	\$	
(4) <input type="checkbox"/> Costs	\$	TOTAL COURT COSTS (FEES: FILING, SERVICE, WRIT(S))
(5) <input type="checkbox"/> Other (<i>specify</i>) :	\$	
(6) TOTAL JUDGMENT	\$	GRANDTOTAL

c. CHEK THE CORRECT BOX ACCORDING TO LEASE TEARMS

7. **Conditional judgment.** Plaintiff has breached the agreement to provide habitable premises to defendant as stated in *Judgment-Unlawful Detainer Attachment* (form UD-110S), which is attached.

8. **Other** (*specify*) :

Continued on *Attachment 8* (form MC-025).

Date: _____ JUDICIAL OFFICER

Date: Clerk, by _____, Deputy

(SEAL)

CLERK'S CERTIFICATE (*Optional*)

I certify that this is a true copy of the original judgment on file in the court.

Date: _____
Clerk, by _____, Deputy

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number and address):
YOUR NAME
YOUR STREET ADDRESS
YOUR CITY, STATE, ZIP CODE

TELEPHONE NO.: **YOUR PHONE #** FAX NO.:

E-MAIL ADDRESS:

ATTORNEY FOR (Name): **IN PRO PER**

ATTORNEY FOR JUDGMENT CREDITOR ASSIGNEE OF RECORD

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA
 STREET ADDRESS: **COURT ADDRESS**
 MAILING ADDRESS:
 CITY AND ZIP CODE:
 BRANCH NAME: **CIVIL**

PLAINTIFF: **YOUR NAME**

DEFENDANT: **TENANT(S) NAME(S)**

WRIT OF EXECUTION (Money Judgment) POSSESSION OF Personal Property Real Property SALE

CASE NUMBER: **YOUR CASE NUMBER**

Limited Civil Case Small Claims Case Unlimited Civil Case Other

1. To the Sheriff or Marshal of the County of: **SANTA CLARA**
 You are directed to enforce the judgment described below with daily interest and your costs as provided by law.

2. To any registered process server: You are authorized to serve this writ only in accord with CCP 699.080 or CCP 715.040.

3. (Name): **YOUR NAME**
 is the judgment creditor assignee of record

4. Judgment debtor (name, type of legal entity stated in judgment if not a natural person, and last known address):

whose address is shown on this form above the court's name.

9. See next page for information on real or personal property to be delivered under a writ of possession or sold under a writ of sale.

10. This writ is issued on a sister-state judgment.

11. Total judgment	\$	LIST TOTAL JUDGMENT
12. Costs after judgment (per filed order or memo CCP 685.090)	\$	INCLUDING BACK RENT, DAILY DAMAGE, COSTS
13. Subtotal (add 11 and 12)	\$	SUBTOTAL
14. Credits	\$	SUBTOTAL
15. Subtotal (subtract 14 from 13)	\$	
16. Interest after judgment (per filed affidavit CCP 685.050) (not on GC 6103.5 fees) ..	\$	ADD 15, 16 AND 17 ABOVE AND PUT
17. Fee for issuance of writ	\$	TOTAL HERE
18. Total (add 15, 16, and 17)	\$	

19. Levying officer:

(a) Add daily interest from date of writ (at the legal rate on 15) (not on GC 6103.5 fees) of

(b) Pay directly to court costs included in 11 and 17 (GC 6103.5, 68637; CCP 699.520(i))

TENANT(S) NAME(S)
 TENANT ADDRESS

Additional judgment debtors on next page

5. Judgment entered on (date):
DATE JUDGMENT ENTERED

6. Judgment renewed on (dates):

7. Notice of sale under this writ
 a. has not been requested.
 b. has been requested (see next page).

8. Joint debtor information on next page.

20. The amounts called for in items 11-19 are different for each debtor. These amounts are stated for each debtor on Attachment 20.

[SEAL]

Issued on (date): _____ Clerk, by _____, Deputy

NOTICE TO PERSON SERVED: SEE NEXT PAGE FOR IMPORTANT INFORMATION.

PLAINTIFF: YOUR NAME

CASE NUMBER:

YOUR CASE NUMBER

DEFENDANT: TENANT(S) NAME(S)

-Items continued from page 1-

21. **Additional judgment debtor** (name, type of legal entity stated in judgment if not a natural person, and last known address):
- _____
- _____
22. **Notice of sale** has been requested by (name and address):
- _____
- _____
23. **Joint debtor** was declared bound by the judgment (CCP 989–994)
- a. on (date): _____ a. on (date): _____
- b. name, type of legal entity stated in judgment if not a natural person, and last known address of joint debtor: _____ b. name, type of legal entity stated in judgment if not a natural person, and last known address of joint debtor: _____
- _____
- c. additional costs against certain joint debtors (itemize): _____
24. (Writ of Possession or Writ of Sale) **Judgment** was entered for the following:
- a. Possession of real property: The complaint was filed on (date): _____
- (Check (1) or (2)):**
- (1) The Prejudgment Claim of Right to Possession was served in compliance with CCP 415.46. The judgment includes all tenants, subtenants, named claimants, and other occupants of the premises.
- (2) The Prejudgment Claim of Right to Possession was NOT served in compliance with CCP 415.46.
- (a) \$ _____ was the daily rental value on the date the complaint was filed.
- (b) The court will hear objections to enforcement of the judgment under CCP 1174.3 on the following dates (specify): _____
- b. Possession of personal property.
- If delivery cannot be had, then for the value (itemize in 24e) specified in the judgment or supplemental order.
- c. Sale of personal property.
- d. Sale of real property.
- e. Description of property: _____

NOTICE TO PERSON SERVED

WRIT OF EXECUTION OR SALE. Your rights and duties are indicated on the accompanying *Notice of Levy* (Form EJ-150).

WRIT OF POSSESSION OF PERSONAL PROPERTY. If the levying officer is not able to take custody of the property, the levying officer will make a demand upon you for the property. If custody is not obtained following demand, the judgment may be enforced as a money judgment for the value of the property specified in the judgment or in a supplemental order.

WRIT OF POSSESSION OF REAL PROPERTY. If the premises are not vacated within five days after the date of service on the occupant or, if service is by posting, within five days after service on you, the levying officer will remove the occupants from the real property and place the judgment creditor in possession of the property. Except for a mobile home, personal property remaining on the premises will be sold or otherwise disposed of in accordance with CCP 1174 unless you or the owner of the property pays the judgment creditor the reasonable cost of storage and takes possession of the personal property not later than 15 days after the time the judgment creditor takes possession of the premises.

▶ A Claim of Right to Possession form accompanies this writ (unless the Summons was served in compliance with CCP 415.46).