

Do you need to Finish Your Eviction because the tenant(s) didn't file an Answer?

(Default Judgment for **Possession** of Property)

Step 1	<p>Complete the following forms in blue or black ink:</p> <ul style="list-style-type: none"> • Request for Entry of Default (CIV-100) • Judgment—Unlawful Detainer (UD-110) • Writ of Execution (EJ-130)
Step 2	<p>Copies: Make <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 copies in addition to the original.</p>
Step 3	<p>Service:</p> <ul style="list-style-type: none"> • Serve an unfiled copy of the Request for Entry of Default (CIV-100) on the other party in your case or their attorney if they have one. <p><i>“Service” means that someone, NOT YOU, who is at least 18 years old, must mail a copy of your forms to the other party in the case. You can ask a friend, relative, etc. to serve (mail) the papers for you or you can look in the yellow pages and hire a “process server” to mail the papers for you for a fee.</i></p> <ul style="list-style-type: none"> • After the form is mailed, have the server (person who mailed the forms) sign item number “6” on the back side of the Request for Entry of Default form.
<p>Step 4</p> <p>There is a cost to issue the Writ</p>	<p>File: Turn in the original and copies of all the forms listed in Step 1 to the Clerk’s Office located at:</p> <div style="display: flex; justify-content: space-around; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> 191 North First Street San Jose, CA 95113 </div> <div style="text-align: center;"> <input type="checkbox"/> 301 Diana Avenue Morgan Hill, CA 95037 </div> </div> <p style="text-align: center;"><i>Monday-Friday from 8:30am to 4:00pm.</i></p> <ul style="list-style-type: none"> • Tell the Clerk you want to “enter a default Judgment for Possession of the property” and have them “issue a Writ of Possession.” • The Clerk will take the forms from you and hopefully enter the default, file the judgment and “issue” your Writ of Execution.
<p>Step 5</p> <p>The Sheriff’s Office charges a fee</p>	<p>What happens next:</p> <ul style="list-style-type: none"> • Take the original Writ plus copies to the Sheriff’s Office at 55 W. Younger, San Jose, CA 95110. The Sheriff will charge you to carrying out the eviction (which you can get back from the tenant). • Within a few days the Sheriff will go out to the property and post a “Notice to Vacate” that tells the tenant(s) they have 5 days to move out or the Sheriff will force them to move out.

Self-Help Center/Family Law Facilitator’s Office
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