UD DEFAULT - PROPERTY

SAMPLE

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

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/PETITIONER: YOUR NAME DEFENDANT/RESPONDENT: TENANT(S) NAME (S)	
REQUEST FOR (Application) ☒ **Entry of Default** ☐ **Court Judgment** ☒ **Clerk's Judgment**	CASE NUMBER: YOUR CASE NUMBER

1. TO THE CLERK: On the complaint or cross-complaint filed
   a. on *(date)* : DATE THE COMPLAINT WAS FILED (OR AMENDED COMPLAINT)
   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)* :

      (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.**

	Amount	Credits acknowledged	Balance
a. Demand of complaint	$ POSSESSION ONLY	$	$ POSSESSION ONLY
b. Statement of damages *			
(1) Special	$	$	$
(2) General	$	$	$
c. Interest	$	$	$
d. Costs *(see reverse)*	$	$	$
e. Attorney fees	$	$	$
f. **TOTALS**	$	$	$

   g. **Daily damages** were demanded in complaint at the rate of: $ per day beginning *(date)* :

   (Personal injury or wrongful death actions; Code Civ. Proc., § 425.11.)*
3. [X] *(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 (TYPE OR PRINT NAME) ▶ SIGN YOUR NAME (SIGNATURE OF PLAINTIFF OR ATTORNEY FOR PLAINTIFF)

FOR COURT USE ONLY

(1) ☐ Default entered as requested on *(date)* :
(2) ☐ Default NOT entered as requested *(state reason)* :

Clerk, by _____, Deputy

Form Adopted for Mandatory Use
Judicial Council of California
CIV-100 [Rev. January 1, 2007]
Martin Dean's Essential Forms™

REQUEST FOR ENTRY OF DEFAULT
(Application to Enter Default)

Code of Civil Procedure, §§ 585-587, 1169
www.courtinfo.ca.gov

SHC Sample

PLAINTIFF/PETITIONER: YOUR NAME DEFENDANT/RESPONDENT: TENANT(S) NAME (S)	CASE NUMBER: YOUR CASE NUMBER

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)* :

   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)* : DATE A COPY OF THIS FOR WAS MAILED TO TENANT(S)
      (2) To *(specify names and addresses shown on the envelopes)* : ADDRESS WHERE 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 NAME HERE (TYPE OR PRINT NAME) ▶ SERVER SIGNS NAME HERE (SIGNATURE OF DECLARANT)

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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 ..... $
   b. Process server's fees ..... $
   c. Other *(specify)*: ..... $
   d. ..... $
   e. **TOTAL** ..... $
   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.

LEAVE THIS PART BLANK BECAUSE YOU WILL LIST YOUR COSTS WHEN YOU FILE FOR YOUR MONEY JUDGMENT

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)

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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)

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.
      (2) ☐ plaintiff's or others' written declaration and evidence (Code Civ. Proc., § 585(d)).

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.

Form Approved for Optional Use
Judicial Council of California
UD-110 [New January 1, 2003]
Martin Dean's Essential Forms™

Code of Civil Procedure, §§ 415.46, 585(d), 664.6, 1169

SHC Sample

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

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):*
   ADDRESS OF THE PROPERTY
   (INCLUDE "SANTA CLARA COUNTY")

5. ☐ Judgment applies to all occupants of the premises including tenants, subtenants if any, and named claimants if any (Code Civ. Proc., §§ 715.010, 1169 and 1174.3).

6. ☐ **Amount and terms of judgment**

   a. ☐ Defendant named in item 3a above must pay plaintiff on the complaint:

(1) ☐ Past-due rent	$
(2) ☐ Holdover damages	$
(3) ☐ Attorney fees	$
(4) ☐ Costs	$
(5) ☐ Other *(specify)* :	$
(6) **TOTAL JUDGMENT**	$ 0.00

   b. ☐ Plaintiff is to receive nothing from defendant named in item 3b.
   ☐ Defendant named in item 3b is to recover costs: $
   ☐ and attorney fees: $.

   c. ☐ The rental agreement is canceled. ☐ The lease is forfeited.

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

Martin Dean's Essential Forms™

SHC Sample

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

FOR COURT USE ONLY

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
   whose address is shown on this form above the court's name.
4. **Judgment debtor** *(name, type of legal entity stated in judgment if not a natural person, and last known address):*
   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.
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 ..... $
12. Costs after judgment (per filed order or memo CCP 685.090) ..... $
13. Subtotal *(add 11 and 12)* ..... $ 0
14. Credits ..... $
15. Subtotal *(subtract 14 from 13)* ..... $ 0
16. Interest after judgment (per filed affidavit CCP 685.050) (not on GC 6103.5 fees) .. $
17. Fee for issuance of writ ..... $
18. **Total** *(add 15, 16, and 17)* ..... $ 0
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)) ..... $
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.

Form Approved for Optional Use
Judicial Council of California
EJ-130 [Rev. January 1, 2012]

WRIT OF EXECUTION

Martin Dean's ESSENTIAL FORMS™

Code of Civil Procedure, §§ 699.520, 712.010, 715.010
Government Code, § 6103.5
www.courts.ca.gov

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

-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):*
    b. name, type of legal entity stated in judgment if not a natural person, and last known address of joint debtor:
    a. on *(date):*
    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).*