

Unlawful Detainer Judgment

<p>Step 1</p>	<p>Complete the following forms in blue or black ink:</p> <p><input checked="" type="checkbox"/> Judgment—Unlawful Detainer (UD-110)</p> <p><input checked="" type="checkbox"/> Writ of Execution (EJ-130) [Note: These instructions are for a Writ of POSSESSION]</p>
<p>Step 2</p>	<p>Submit: Hand the completed <i>Judgment</i> (form UD-110) to the Deputy in the courtroom for the Judge to sign.</p>
<p>Step 3</p> <p>There is a filing fee for the <i>Writ of Execution</i> to be issued, unless the fee is waived.</p>	<p>File: Turn in the original <i>Judgment</i> and <i>Writ of Execution</i> to the Clerk's Office in the courthouse where your trial was, Monday-Friday from 8:30am to 4:00pm.</p> <p>Ask the clerk to make a copy of your forms for you. The clerk will charge you a small fee.</p> <p><input type="checkbox"/> If you are not asking for a fee waiver, you will pay the filing and copying fee and the clerk will give you a copy of your filed/issued forms.</p> <p><input type="checkbox"/> If you are asking for a fee waiver, your issued <i>Writ of Execution</i> may be returned immediately, OR you may be asked to return in 24 hours, OR it may be mailed to you.</p>
<p>Step 4</p>	<p>Service: After the filed copies are returned to you:</p> <ul style="list-style-type: none"> • Keep 1 filed copy for your records. • Take the original <i>Writ of Execution</i> plus 3 copies, and a self-addressed, stamped envelope to the Sheriff's Office at 55 W. Younger, San Jose, CA 95110. The Sheriff's Office will give you a letter of instructions to complete and will charge you a fee to carry out the eviction (which you can get back from the tenant).
<p>Step 5</p>	<p>What happens next:</p> <p>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.</p>
<p>Need More Help?</p>	<p>1. If you need more help completing these forms you can visit the Self Help Center Monday through Thursday at 99 Notre Dame Ave, San Jose. Arrive very early in the morning because help is given on a first come, first served basis. Or you may consult with a private attorney. Important: Bring a copy of the "minute order" from your trial. This is a page in your court file where the courtroom clerk wrote down everything the Judge ordered.</p> <p>2. If the Judge said the other party owes you money you should read the next page for more information about how to collect.</p>

Please turn over for more information



CAN THE TENANT(S) GET MORE TIME TO MOVE?

Yes, the tenant can go to court and ask for a Stay of Eviction to extend the amount of time they have to move. The landlord has the right to go to court that day, too, to oppose the tenant's request. The court can grant an extension of up to 40 days from the Judgment date. The court will calculate how much money is owed based on the daily rental rate. The tenant must pay the amount in full by 4:00pm the day the request is granted. See the Self Help Center or a private attorney for more information.

WILL THE COURT COLLECT THE MONEY THE TENANT OWES?

No. The court hears the facts of the case and determines whether money is owed but the court will not take any action to collect a *Judgment*.

WHAT ARE MY OPTIONS TO COLLECT THE MONEY?

There are three basic ways to collect a Judgment: (1) garnishing the party's paycheck or (2) levying the party's bank account. To start, find out detailed information about what the person owns, their bank accounts and their income. Then you can go to the Self Help Center to get help trying to collect your *Judgment* from the person's **paycheck** or **bank account**. You need to bring a filed copy of your *Judgment* and any asset information you have about the other party. There are many other ways to collect that are more complicated. For help with those methods, refer to a private attorney or the law library.

HOW CAN I LEARN MORE ABOUT WHAT THE PARTY OWNS?

Besides checking any records you have and doing research on the internet you can also bring the party back to court to examine them about their assets (what they own) by completing and submitting an *Application and Order for Appearance and Examination* (form EJ-125). Then you hire a registered process server to serve the other party with a filed copy of the form and file a *Proof of Service*. You must then go to the court hearing and conduct the examination.

HOW CAN I GET THE FORMS?

There are a few ways that you can get the forms:

- use EZLegalFile.org;
- hire an attorney;
- contact a Legal Services Agency such as Legal Aid or Pro Bono Project
- get the forms online at the state's website, (www.courts.ca.gov/selfhelp);
- use a self-help legal book or
- visit the Self-Help Center/Family Law Facilitator's Office in person, Monday through Thursday, starting at 8:15 am. Please go to www.scscourt.org (and click on the self-help section of the site) for details on how to sign up for help at our office. **Please note: we cannot help people who have attorneys.**

Self-Help Center/Family Law Facilitator's Office
Superior Court, County of Santa Clara
99 Notre Dame Avenue, San Jose, CA 95113
(408) 882-2926

www.scscourt.org
Superior Court, County of Santa Clara

www.courts.ca.gov/selfhelp
State of California Courts Self-Help

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

NOTE: THIS SAMPLE JUDGMENT IS FOR IF YOU GO TO TRIAL IN YOUR CASE. IT IS NOT FILLED OUT FOR A "DEFAULT" JUDGMENT.

TELEPHONE NO.: FAX NO. (Optional):

E-MAIL ADDRESS (Optional):

ATTORNEY FOR (Name): IN PRO PER

SUPERIOR COURT OF CALIFORNIA, COUNTY OF

STREET ADDRESS:

MAILING ADDRESS:

CITY AND ZIP CODE:

BRANCH NAME:

PLAINTIFF: LANDLORD'S NAME

DEFENDANT: TENANT'S NAME

CASE NUMBER:

YOUR CASE NUMBER

JUDGMENT - UNLAWFUL DETAINER

- By Clerk
- By Court
- By Default
- Possession Only
- After Court Trial
- Defendant Did Not Appear at Trial

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): TRIAL DATE AND TIME
before (name of judicial officer): NAME OF THE JUDGE WHO HEARD YOUR CASE

b. Appearances by:

Plaintiff (name each): LANDLORD'S NAME (1)

Plaintiff's attorney (name each): (1)

Continued on Attachment 2b (form MC-025). CHECK AND ATTACH A FORM MC-025 WITH OTHER PLAINTIFF'S NAME(S) IF THERE ARE ANY

Defendant (name each): (1)

Defendant's attorney (name each): (2)

CHECK AND FILL IN W/TENANT'S NAME IF S/HE WAS AT THE TRIAL

Continued on Attachment 2b (form MC-025). CHECK AND ATTACH A FORM MC-025 WITH OTHER TENANT'S NAME(S) IF THERE ARE ANY MORE

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

CHECK IF TENANT WAS NOT AT THE TRIAL

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

JUDGMENT IS ENTERED AS FOLLOWS BY: THE COURT THE CLERK

3. Parties. Judgment is

a. for plaintiff (name each): LANDLORD'S NAME(S)

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

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

b. for defendant (name each): TENANT'S NAME(S)

Check the box and fill in this section if the tenant won the case

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., §§ 715.010, 1169 and 1174)

6. Amount and terms of judgment

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

b. Plaintiff is to receive nothing from defendant named in item 3b.

Defendant named in item 3b is to recover costs: \$
 and attorney fees: \$

(1) <input type="checkbox"/> Past-due rent	\$	
(2) <input type="checkbox"/> Holdover damages	\$	
(3) <input type="checkbox"/> Attorney fees	\$	
(4) <input type="checkbox"/> Costs	\$	
(5) <input type="checkbox"/> Other (specify):	\$	
(6) TOTAL JUDGMENT		\$

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):

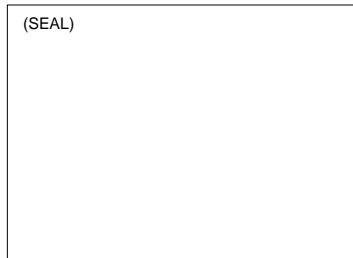
Continued on Attachment 8 (form MC-025).

Date: LEAVE BLANK

LEAVE BLANK
JUDICIAL OFFICER

Date: LEAVE BLANK

Clerk, by LEAVE BLANK, Deputy



CLERK'S CERTIFICATE (Optional)

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

Date: LEAVE BLANK

Clerk, by LEAVE BLANK, Deputy

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

ATTORNEY FOR JUDGMENT CREDITOR ASSIGNEE OF RECORD

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA

STREET ADDRESS:

MAILING ADDRESS: 191 NORTH FIRST STREET, SAN JOSE, CA

CITY AND ZIP CODE: LEAVE BLANK

BRANCH NAME: CIVIL DIVISION

PLAINTIFF: YOUR NAME(S)

DEFENDANT: TENANT(S) NAME (S)

SAMPLE ONLY
Do not write on this copy!

WRIT OF

EXECUTION (Money Judgment)
POSESSION OF Personal Property Real Property
SALE

CASE NUMBER: YOUR CASE NUMBER

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 and last known address) :

TENANT(S) NAME (S)
TENANT(S) ADDRESS(ES)

- 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 RENT, DAMAGES AND COSTS
12. Costs after judgment (per filed order or memo CCP 685.090) \$ SUBTOTAL
13. Subtotal (add 11 and 12) \$ SUBTOTAL
14. Credits \$
15. Subtotal (subtract 14 from 13) \$ SUBTOTAL
16. Interest after judgment (per filed affidavit CCP 685.050) (not on GC 6103.5 fees) .. \$
17. Fee for issuance of writ \$ WRIT FEE
18. Total (add 15, 16, and 17) \$ TOTAL HERE
19. Levying officer:

- (a) Add daily interest from date of writ (at the legal rate on 15) (not on GC 6103.5 fees) of \$ (ITEM 15 x .10)/365
(b) Pay directly to court costs included in 11 and 17 (GC 6103.5, 68511.3; 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.

Additional judgment debtors on next page

5. Judgment entered on (date) :

DATE JUDGMENT IS 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.

[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 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 and address of joint debtor:

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) \$ DAILY RENT 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) : CALL CLERK FOR FUTURE DATE APPROX. 2-3 WEEKS OUT

- b. Possession of personal property.
 If delivery cannot be had, then for the value (itemize in 9e) specified in the judgment or supplemental order.
c. Sale of personal property.
d. Sale of real property.
e. Description of property:

ADDRESS OF THE PROPERTY THAT IS IN THE TENANT'S POSSESSION

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).

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): TELEPHONE NO.: _____ 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: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF: DEFENDANT:	
<div style="text-align: center;">JUDGMENT - UNLAWFUL DETAINER</div> <input type="checkbox"/> By Clerk <input type="checkbox"/> By Default <input checked="" type="checkbox"/> After Court Trial <input checked="" type="checkbox"/> By Court <input type="checkbox"/> Possession Only <input type="checkbox"/> Defendant Did Not Appear at Trial	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:

<input checked="" type="checkbox"/> Plaintiff (name each): _____	<input type="checkbox"/> Plaintiff's attorney (name each): _____ (1) (2)
<input type="checkbox"/> Continued on Attachment 2b (form MC-025). <input type="checkbox"/> Defendant (name each): _____	<input type="checkbox"/> Defendant's attorney (name each): _____ (1) (2)
<input type="checkbox"/> 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: DEFENDANT:	CASE NUMBER:
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JUDGMENT IS ENTERED AS FOLLOWS BY: **THE COURT** **THE CLERK**

3. **Parties.** Judgment is

a. for plaintiff (*name each*):

and against defendant (*name each*):

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., §§ 715.010, 1169 and 1174.3).

6. **Amount and terms of judgment**

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

(1) <input type="checkbox"/> Past-due rent	\$
(2) <input type="checkbox"/> Holdover damages	\$
(3) <input type="checkbox"/> Attorney fees	\$
(4) <input type="checkbox"/> Costs	\$
(5) <input type="checkbox"/> Other (<i>specify</i>):	\$
(6) TOTAL JUDGMENT	
	\$

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

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number and address): TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (Name): IN PRO PER <input type="checkbox"/> ATTORNEY FOR <input type="checkbox"/> JUDGMENT CREDITOR <input type="checkbox"/> ASSIGNEE OF RECORD		FOR COURT USE ONLY	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA			
STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME: CIVIL			
PLAINTIFF: DEFENDANT:		CASE NUMBER:	
WRIT OF <input type="checkbox"/> EXECUTION (Money Judgment) <input checked="" type="checkbox"/> POSSESSION OF <input type="checkbox"/> Personal Property <input type="checkbox"/> SALE <input checked="" type="checkbox"/> Real Property		<input checked="" type="checkbox"/> Limited Civil Case <input type="checkbox"/> Small Claims Case <input type="checkbox"/> Unlimited Civil Case <input checked="" type="checkbox"/> 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): 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):

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) \$ _____

14. Credits \$

15. Subtotal (subtract 14 from 13) \$ _____

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) \$ _____

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)) \$

Additional judgment debtors on next page

5. Judgment entered on (date):

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:

CASE NUMBER:

DEFENDANT:

-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).