

Are you being Evicted?

HOW TO:

Respond to a legal action to evict you from your home (force you to leave).

WHEN TO USE:

You are a tenant and want to defend yourself against the Unlawful Detainer (eviction) action that your landlord filed with the Court.

File an Answer to:

- Disagree with the information the landlord wrote in the Complaint.
- Give the Court a good reasons why you should not be evicted.

IMPORTANT:

You only have 5 days to file an Answer to an Unlawful Detainer action. The day after you receive the complaint is the first of the five days. If the 5th day falls on a Court Holiday or weekend – you have until the next day to file it.

Note: Tenants may file an answer together but they all have to sign it. Also, they each have to file their own fee waiver.

*Self Service Center
Superior Court, County of Santa Clara
99 Notre Dame Avenue, San Jose, CA 95113
408-882-2900 x-2926*

www.scselselfservice.org
Santa Clara County
Self-Help Website

www.sccsuperiorcourt.org
Santa Clara County
General Website

www.courtinfo.ca.gov/selfhelp
State of California
Self-Help Website

Instructions

- A. Fill out the attached blank forms** (type or print neatly in blue or black ink) using the attached sample forms as a guide:
- **Answer – Unlawful Detainer (#982.1(95))**
 - **Proof of Service by Mail (Local Form #SCL-0026) (Only fill out the top of this form)**

B. How to Process Your Papers – Follow these easy steps *in order*, from 1-4

1. Make 2 copies of your Answer.
2. **Serving the papers – Before you file the answer**, it must be **served by mail** to the other party or their attorney if they have one.
 - **You cannot serve the papers yourself.** The papers must be served by an adult an adult (18 years or older) who is not a party to the case or a professional process server (find them in the telephone book).
 - Whoever mails (“serves”) the papers must complete and sign the **Proof of Service by Mail** form which is included in this packet.
3. After a copy of your Answer has been mailed to your landlord or their attorney, you file the **original Answer** and **Proof of Service** in the same court that your landlord filed the complaint. The address of the proper court will be on the papers given to you by your landlord.
4. The UD Answer filing fee is between \$159.30 and \$299.50.
 - **If your income is low and you want to ask not to pay the filing fees**, fill out and turn in an **Application for Waiver of Court Fees and Costs** packet (#982(a)(17) and 982(a)(18)). You can get the packet from the clerk’s office or the Self-Service Center. Turn in these forms at the same time you turn in your paperwork to the court. The judge will determine if you qualify. If you do not qualify, you will have 10 days to pay your fees or your paperwork will not be considered.

C. What Happens Next:

After you file your Answer and Proof of Service, the landlord can ask the court for a trial. To set the trial – the landlord fills out an **At-Issue Memorandum**. If you disagree with the **At-Issue Memorandum**, you have five days to file

and serve your own. The trial will be set approximately 20 days after the **At-Issue Memorandum** is filed.

D. If you need legal help with your case:

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| Bay Area Legal Aid | (408) 283-3700 |
| Santa Clara County Legal Aid Society | (408) 998-5200 |
| Mental Health Advocacy Project | (408) 293-4790 |
| Fair Housing Law Project | (408) 293-4790 |
| AIDS Legal Services | (408) 293-4790 |
| Department of Consumer Affairs | www.dca.ca.gov |

Note: There are other ways to respond to an Eviction. If you have questions, please ask a Self-Service representative or contact one of the above agencies.