

# ARE YOU BEING EVICTED?

A guide for Tenants



Superior Court of California  
County of Riverside

Self-Help Center

## **Can my landlord evict me?**

Maybe. In California, your landlord may be able to evict you, but the landlord has to give you written notice first. It is usually a 3-day, 30-day, 60-day, or 90-day notice.

If you do not do what the Notice asks before the time in the Notice runs out, the landlord then has to file an *Unlawful Detainer*.

## **What do I do after I am served with an *Unlawful Detainer*?**

**Get help right away!** You must file a response to the Unlawful Detainer within 5 calendar days if you were personally served. If the Unlawful Detainer was served by Substitute Service & mailed to you or posted to your door and then mailed to you, you have 15 days to respond after the date the server mailed the court papers to you, not the date you received them.

## **How do I respond?**

There are different ways to respond, but the most common way to respond is to file an [Answer, Form UD-105](#). Because there are different ways to respond you should seek legal advice to see what way is best for you.

Once your Answer is prepared, you must have your landlord served by mail. Someone other than you, who is 18 or older, has to mail the Answer to the landlord and fill out a [Proof of Service, Form POS-030](#). Then file the original, a copy of the documents, and the completed *Proof of Service* at the courthouse.

Riverside Superior Court provides free Tenant Assistance. Visit the Civil Self-Help Calendar for dates/times at: [http://www.riverside.courts.ca.gov/cal\\_rivcivilselfhelp.pdf](http://www.riverside.courts.ca.gov/cal_rivcivilselfhelp.pdf)

## **Is there a filing fee?**

Yes. The filing fee is between \$255.00 and \$410.00. If you cannot afford to pay this fee, you can ask the court to waive your fees by filing a [Request to Waive Court Fees, Form FW-001](#) and [Order on Court Fee Waiver, Form FW-003](#).

## **Where do I get the forms I need?**

You can get your forms at the Clerk's Office at any court location, or you can download the forms from: <http://www.courts.ca.gov/forms.htm>

You can fill out self-populating forms online at:  
[http://www.riverside.courts.ca.gov/selfhelp/civ\\_ud.shtml](http://www.riverside.courts.ca.gov/selfhelp/civ_ud.shtml)

## **What happens if I do not respond?**

If you do not file a response by the deadline:

- You can lose the case and be evicted,
- The landlord can take your money, salary, and/or property without warning,
- You may have problems trying to rent in the future because of an eviction on your record.

## **Will there be a jury trial?**

If your case goes to trial either you or your landlord has the right to ask for a jury trial. This means a jury, not a Judge, will decide your case. To ask for a jury trial you must file [Form UD-150, Request to Set Case for Trial](#).

## **What happens after I file my Answer?**

In about one week, the court clerk will mail you and the landlord the date, time, and place of trial. The trial is typically scheduled within 20 days after the Request is filed.

## **How Do I get ready for Trial?**

Get all the information related to your case. If possible bring your original documents, plus 3 copies of everything you bring to court. This may include papers, like:

- The lease or rental agreement,
- The Notice served on the tenant,
- Letters you wrote or received about the rental unit,
- Photos that show damage or unsafe or unhealthy conditions, if applicable,
- Building inspection reports, if applicable.

You may also bring witnesses who have personal knowledge of the facts. If a witness refuses to come to court, ask the clerk for help to subpoena the witness.

## **What happens if the landlord wins?**

If the landlord wins, the Judge will give the landlord a [Judgment, Form UD-110](#). This gives the landlord back possession of the property. The judge or jury may also order the tenant to pay back rent, damages and costs, like filing fees and attorney fees.

The landlord will get a [Writ of Execution Form EJ-130](#). This lets the Sheriff remove and lock you out of the property.

The Sheriff will first serve you with a Notice to Vacate the property. This gives you five days to move. If you do not move the Sheriff will remove you and lock you out.

### **Is there anything I can do if I lose?**

You can appeal or you can file a motion to set aside (cancel) the judge's order. There are strict deadlines to do this, and you need a legally valid reason. You should talk to a lawyer. This **will not** stop the eviction. The only way for a tenant to stop or delay the eviction is to ask for a Stay of Execution.