



SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

- CENTRAL DIVISION, HALL OF JUSTICE, 330 W. BROADWAY, SAN DIEGO, CA 92101
- NORTH COUNTY DIVISION, 325 S. MELROSE DR., VISTA, CA 92081

UNLAWFUL DETAINER ANSWER PACKET INFORMATION

An Unlawful Detainer is a lawsuit in which a landlord tries to evict a tenant because according to the landlord, the tenant no longer has the right to live on the property. This is also called an eviction. This packet contains the forms that may be used to answer an unlawful detainer matter and a brief description of the steps involved in the process.

Please be advised that court employees may not give legal advice. It is recommended that you seek legal advice or do your own legal research if you are not familiar with this legal process. Additional information is available on the Superior Court's website, www.sdcourt.ca.gov, and the Judicial Council's self-help website, www.courts.ca.gov/selfhelp-housing.htm.

READ ALL INSTRUCTIONS CAREFULLY BEFORE FILLING OUT ANY FORMS

KEY TERMS & DEFINITIONS

TERM	DEFINITION
Complaint	The lawsuit filed in the court.
Plaintiff	The party that initiates the lawsuit and files the complaint.
Defendant	The party or person sued in the lawsuit that may respond to the complaint.
Answer	A written pleading filed by the defendant in response to the complaint.
Service	The delivery of copies of legal documents to the opposing party or other person to whom the documents are directed.
Default	Failure of a party to respond to a lawsuit, or to follow proper procedure to prevent entry of a judgment against them.
Judgment	The official decision of the court stating which party won and the terms of the decision.
Writ	A court order authorizing the Sheriff to enforce and satisfy the judgment by levying on real or personal property.

FEES

A fee is required to file an answer or respond to the Unlawful Detainer. To determine the amount of the fee, refer to the current version of the Fee Schedule (SDSC Form #ADM-001), available on the court's website: www.sdcourt.ca.gov.

WHAT IF I CANNOT AFFORD THE COURT FEES?

If you think you cannot afford to pay the court fees, refer to the Information Sheet on Waiver of Superior Court Fees and Costs (JC Form #FW-001-INFO), included in this packet. If you feel that you may qualify for a waiver according to the guidelines, complete the Request to Waive Court Fees (JC Form #FW-001) and Order on Court Fee Waiver (JC Form #FW-003), also known as a "fee waiver." Submit the fee waiver with your response to the court.

COMPLETING FORMS

It is recommended that you type or print responses within the forms in black or blue-black ink.

FORM	ACTION
<ul style="list-style-type: none"> • Answer – Unlawful Detainer (JC Form #UD-105) 	<ul style="list-style-type: none"> • Complete front and back of the form. • Multiple defendants may file an answer together; however, each person answering must date, sign <u>and</u> pay a filing fee, or file their own fee waiver. • Make two copies of this form.



COMPLETING FORMS, cont.

FORM	ACTION
<ul style="list-style-type: none">• Proof of Service By First-Class Mail (JC Form #POS-030)	<ul style="list-style-type: none">• Have someone over 18 years of age that is not a party to the case, complete this form.• The person who signs the form is stating under penalty of perjury that they will mail a copy of the Answer to the <u>plaintiff</u> or the <u>plaintiff's attorney</u>.• Make two copies of this form.
<ul style="list-style-type: none">• Request to Waive Court Fees (JC Form #FW-001)• Order on Court Fee Waiver (JC Form #FW-003)	<ul style="list-style-type: none">• Complete these forms if you want to apply for a fee waiver and have the court fees waived. Refer to the Information Sheet on Waiver of Court Fees and Costs (JC Form #FW-001-INFO).• Each defendant who signs the Answer must pay a filing fee or submit their own fee waiver.• Make a copy of each form.

DISTRIBUTING COPIES**What to do with your completed documents:**

- Take all of your original documents to the civil business office of the court location marked on your paperwork to be filed.
- Also bring one set of copies with your original documents so the clerk can stamp (conform) them for you to keep for your records.
- Have a copy of the Answer and Proof of Service served on the plaintiff or the plaintiff's attorney. (see below)

SERVICE

Once you have completed the forms, you are required to notify the other side that you intend to answer or respond. This is called service of process, or *servicing*, which simply means giving a copy of your answer and proof of service to the plaintiff or plaintiff's attorney, if they have one. You cannot do this yourself, but anyone who is over the age of 18 who is not a party to the case can serve the papers for you. You may also have a registered process server serve these papers, but you should be aware that they charge a fee for this service. The person who serves the plaintiff or the plaintiff's attorney needs to complete a Proof of Service (see above), and give it to you so you can file it with the court.

FILING AT THE COURT**How to file documents with the court:**

- Take all of your original documents and copies to the civil business office of the court location marked on your paperwork to be filed.
- Pay the appropriate filing fee for each person that signed the Answer,
OR
- File a fee waiver for each person that signed the Answer. The clerk will file stamp your copies and return them to you.

TRIAL NOTIFICATION

Once the trial date has been set, you will be notified by mail. It is your responsibility to keep the court informed of your current address.

Note: If needed, you must bring your own interpreter to court (ADA requirements excluded). The court will not provide this resource for you or your witnesses.