



# Superior Court of California

## County of San Francisco

### **GUIDELINES FOR OBTAINING DEFAULT AND DEFAULT JUDGMENT ON UNLAWFUL DETAINER ACTIONS**

The following papers must be completely filled out and submitted:

1. Original Summons
2. A separate Proof of Service for each of the named defendants served
3. An original Request to Enter Default form ( CIV-100)- which should have been mailed to each defaulted defendant prior to filing original with the court
4. Your original written lease or rental agreement if one is pleaded. If you cannot locate the original lease or rental agreement, submit a Declaration re: lost original lease or rental agreement stating in fact the due diligent attempt to locate the original
5. Three (3) judgment papers: if you seek restitution judgment only- submit the "Judgment by Default by Clerk-Restitution only; if both Restitution and Money Judgment – submit Unlawful Detainer Default Judgment papers ; if you already had a judgment for restitution, then submit Judgment for Money (Note: need to show that defendants have already been evicted from the subject premise AND will need to provide the exact date that defendant(s) vacated the premise.)
6. Where money and daily damages are sought, submit a copy of the 3/30 day notice. The notice should contain a reference to the San Francisco Rent Control Board.

UNLAWFUL DETAINER JUDGMENT - RESTITUTION AND FOR MONEY: in addition to the above requirements, submit the following if seeking restitution and money

7. A "Declaration in lieu of Personal Testimony", per CCP 585(d) which shall contain the following information:
  - Statement of ownership by the plaintiff and whether no not the lease is oral or written
  - Address of the property
  - Statement that the defendant rented or leased from the plaintiff and the \$ \_\_\_\_\_ (monthly amount of rent paid by defendant(s))
  - Date of service of the three (3) Day or thirty (30) Day or other notice served
  - Statement that the plaintiff is holding last month's rent or a security deposit and the amount of the security deposit or last month's rent held or a statement that plaintiff is not holding last month's rent or a security deposit
  - Statement that the defendant(s) is still in possession of the premises or the date the defendant move out

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**For Court Use Only**

Date: \_\_\_\_\_

Clerk: \_\_\_\_\_

- Statement regarding the status of the property in relation to the San Francisco Rent Control Ordinance
- The specific dates that the defendant defaulted in payment of the rent

The Declaration in lieu shall be within the personal knowledge of the declarant and shall end in the following manner:

“ I declare, under penalty of perjury, that the foregoing is true and correct and, if sworn as a witness, I can testify competently thereto.”

Executed on (date) \_\_\_\_\_ at (City) \_\_\_\_\_, CA.

\_\_\_\_\_ (your signature)

\*\* If all paperwork is not submitted, and, or if there are discrepancies, the Request for Default and Default Judgment will be rejected.

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Date: \_\_\_\_\_

Clerk: \_\_\_\_\_