

How do I get ready for trial?

Get all the information related to your case, like witnesses or documents that support the eviction.

Bring 3 copies of all your papers. If a witness refuses to come to court, you can subpoena them. For help with a subpoena, go to the ACCESS Center, Room 208.

What happens if I win?

1. The court will give you a *Judgment of Possession*. This gives you back possession of your property.
2. Get a *Writ of Execution*. This lets the Sheriff remove and lock the tenant out of the property.
3. The Sheriff will serve the tenant with a *Notice to Vacate* the property. This gives the tenant 5 days to move. If the tenant doesn't move, the Sheriff will remove and lock out the tenant.
4. The tenant may ask for a *Stay of Execution*. If the judge approves, it will stop or delay the eviction. Usually, it will give the tenant more time to move out – usually about one week. The tenant will have to pay rent for that extra week.
5. The tenant can appeal or file a motion to set aside (cancel) the Judgment. This will not stop the eviction. The only way to stop or delay an eviction is to ask for a *Stay of Execution*.

What if I don't speak English well?

The court **does not** have interpreters for unlawful detainer cases. If you do not speak and understand English, bring an adult who can interpret for you. Or, you can hire your own interpreter.

What if I am deaf?

Ask the court for a sign language interpreter.

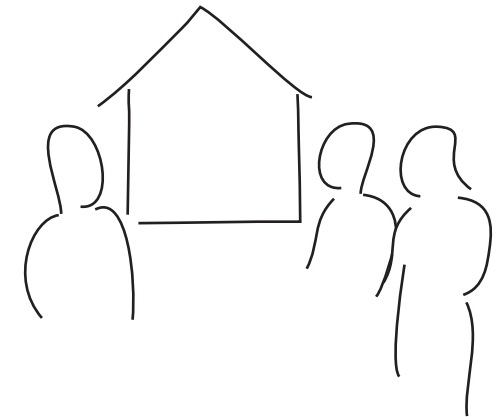
Need help?

For a lawyer, call the Lawyer Referral Service (SF Bar Association):
415-989-1616

To learn how to help yourself, go to:
ACCESS Center
Civic Center Courthouse
Room 208
400 McAllister Street
San Francisco, CA 94102
(corner of Polk and McAllister)

Need to evict a tenant?

A guide for landlords



SAMPLE
Not Legal Advice



UD landlord 04/03



ACCESS

San Francisco Superior Court
400 McAllister Street
Room 208
San Francisco, CA
94102-4514

415.551.5880
www.sfgov.org/courts

How do I evict my tenant?

1. Give your tenant *notice*. Usually, it's a 3-day or a 30-day notice. Notice is very important and you must do it right. Get help from a lawyer if you're not sure how to do this.

2. If your tenant does not do what the notice asks by the deadline in the notice, file an *Unlawful Detainer*.

How do I start an

Unlawful Detainer case?

1. **File a *Summons and Complaint*** in the clerk's office, Room 103.
2. **Serve the tenant with a copy** of the *Summons and Complaint*.
3. **File your *Proof of Service***.

Is there a fee?

Yes. But, if you cannot afford to pay the fee, ask for a Fee Waiver. To do this, file an *Application for Waiver of Court Fees and Costs* when you file your *Summons and Complaint*.

Where do I get the forms I need?

- Go to:
- Clerk's office, Room 103, or ACCESS Center, Room 208, or
 - Download from: www.courtinfo.ca.gov/forms

What if the tenant responds?

The tenant can file an *Answer*, a *Demurrer*, or some other kind of motion. The tenant will serve you a copy of anything he or she files. Usually, the tenant will file an *Answer*.

If the tenant files an *Answer*:

1. As soon as you are served with the *Answer*, file a *Memorandum to Set for Trial*. Your trial will take place in about 20 days.

2. In about one week, the court clerk will mail you and the tenant the exact date, time and place of trial.

3. If it is a jury trial, the clerk will also mail you the date, time and place for a Settlement Hearing. This is a meeting between you and the tenant to try to reach an agreement before you go to trial — usually one week before your trial.

If your tenant files anything other than an *Answer*, ask a lawyer for help.

Will there be a jury trial?

Either you or the tenant can ask for a jury trial. This means a jury, not a judge, will make the decision. To ask for a jury trial, you must file a request at the clerk's office.