

## What happens if the landlord wins?

1. The court will give the landlord a *Judgment of Possession*. This gives the landlord back possession of the property. The judge can also order you to pay costs and damages, like back rent.
2. The landlord will get a *Writ of Execution*. This lets the Sheriff remove and lock you out of the property.
3. The Sheriff will serve you with a *Notice to Vacate* the property. This gives you 5 days to move. If you do not move, the Sheriff will remove you and lock you out.
4. You can ask for a *Stay of Execution*. If the judge approves, this will give you more time to move out – usually about a week. You will have to pay rent for that extra week.

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

You can appeal or you can file a motion to set aside (cancel) the order. There are time limits for these. But, an appeal or a motion to set aside 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?

Contact any of these agencies:

Eviction Defense Collaborative  
433 South Van Ness Ave. (by 16th St.)  
415-431-8831

Bay Area Legal Aid  
50 Fell Street (by Civic Center)  
415-982-1300

SF Tenant's Union  
558 Capp St. (by 19th St.)  
415-282-6622

ACCESS Center  
SF Superior Court  
400 McAllister Street, Room 208  
415-551-5880

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

# Are you being evicted?

A guide for tenants



**SAMPLE**  
Not Legal Advice



**ACCESS**

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

415.551.5880  
www.sfgov.org/courts

## What happens after I file an Answer?

1. Your landlord will file a *Memorandum to Set for Trial*. This means your trial will take place in about 20 days.
2. In about one week, the court clerk will mail you and the landlord the 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 landlord to try to reach an agreement before you go to trial — usually one week before your trial.

## How do I get ready for trial?

Get all the information related to your case. This may include witnesses or papers, such as:

- copy of the lease or rental agreement
- letters you wrote or received about the property
- photos
- building inspection reports

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.

## Where do I get the forms I need?

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

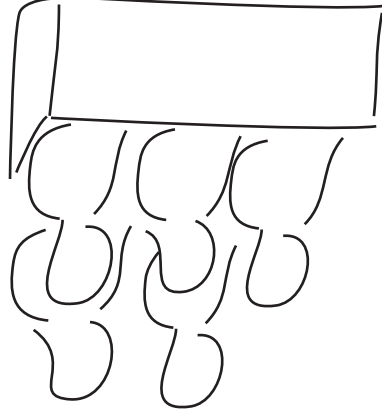
## What happens if I do not respond?

If you don't file your response before the deadline:

- You can lose the case and be evicted, and
- The landlord can take your salary, money or property without warning.

## Will there be a jury trial?

Either you or your landlord 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.



## Can my landlord evict me?

Maybe. To evict you, your landlord must first give you written notice. Usually, it's a 3-day or a 30-day notice.

If you do not do what the notice asks by the deadline in the notice, your landlord must go to court and file an *Unlawful Detainer* to evict you. If your landlord files, you will get a copy of the *Unlawful Detainer*.

## What do I do after I get the Unlawful Detainer?

You only have 5 days to respond. Get help as soon as you get the papers.

## How do I respond?

There are different ways to respond. It is very important that you ask a lawyer which is best for you.

Most tenants file an *Answer*. The *Answer* lets you tell the court your side of the story.

## Is there a fee?

Yes. But, if you cannot afford to pay the fee, ask for a *Fee Waiver*.