

# SUPERIOR COURT OF CALIFORNIA COUNTY OF SAN FRANCISCO

400 McAllister Street, San Francisco, CA 94102

Phone: 415-551-5949 | Website: <https://sf.courts.ca.gov/>



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

The following papers must be on file or filled out completely and submitted:

1. Complaint
2. Original Summons
3. A separate Proof of Service for each of the named defendants served
4. A Request to Enter Default form (CIV-100)- which should have been mailed to each defaulted defendant prior to filing with the court

Verification Process for DEFAULT ONLY:

1. What type of Request? Entry of Default Clerk's Judgment Court Judgment
2. Is the date of the complaint, correct? Y/N
3. Are the names of the party requesting default and the party being defaulted correct and matches the complaint exactly? Y/N
4. Item #3 is marked? Y/N
5. Page 1 is dated, printed name and signed? Y/N
6. Item #4 is completed? Y/N
7. Item #5 is completed? Y/N
8. Item #6 is completed: mailed date, names and addresses as shown on envelopes? Y/N
9. Is the Summons issued current? Y/N
10. On the Complaint, Are subject premises residential? Y/N
  - a. If Yes, does it allege whether it is Subject to the Tenant Protection Act? Y/N
  - b. If Yes, subject to San Francisco Rent Ordinance? Y/N
    - i. If yes, notice/advice attached? Y/N
11. Is there any filing prohibiting entry of Default? i.e Answer Y/N
12. Are any filings lacking preventing entry of Default? i.e. Orders/Notice of Entry Y/N
13. Is there a Proof for each defendant to be defaulted? Y/N

GUIDELINES FOR OBTAINING DEFAULT AND DEFAULT JUDGMENT ON UNLAWFUL DETAINER ACTIONS

- a. Summons, Complaint, Mandatory Cover Sheet, served? Y/N
- b. If Does are being defaulted or included in Default, was the prejudgment claim of right to possession served? Y/N
- c. 1 type of service reflected – each type of service allows for a different amount of time to respond. Type: \_\_\_\_\_ # of days to respond \_\_\_\_\_
- d. Are the appropriate attachments included based on type of service? Y/N
- e. Is the request timely? Y/N

**Unlawful Detainer Clerk Judgment – Possession Only**

In addition to the above requirements -

- 1. On the CIV-100 form, Is the Request type for Clerk’s Judgment marked? Y/N
- 2. Is section 1e (1)-(3) appropriately completed? Y/N
- 3. Is Item 8, Declaration of Non-Military Status completed? Y/N
  - a. Is the most recent Judicial Council Form used? Y/N
- 4. If the Subject premises is residential and is for non-payment of rent, is the Verification by Landlord, UD-120, submitted? Y/N
- 5. Is the Judgment form, UD-110, submitted? Y/N
  - a. Are the appropriate boxes marked re: Clerk’s Judgment? Y/N
  - b. Names of Plaintiff and Defendants on line 3a match the complaint exactly? Y/N
  - c. Address of premises on line 4 match the complaint exactly? Y/N
    - a. Appropriate box marked indicating party entitled to possession? Y/N
  - d. If box 5 is marked, respective box under 1e(1) is marked on the CIV-100 form AND there is a Proof of Service of Pre-Judgment Claim of Right to Possession? Y/N
  - e. Item 6c – The rental agreement; only one option can be marked, if any
    - a. cancelled - is marked, is the original agreement provided? Y/N
    - b. forfeit – is marked, is a declaration of lost or unavailable lease provided? Y/N

**Unlawful Detainer Court Judgment – Money Damages**

Money Judgment can only be processed if possession is no longer at issue.

- 1. Default must be on file.
- 2. All co-defendants have been defaulted/dismissed? Y/N
- 3. CIV-100 form indicates Request as Court Judgment? Y/N
- 4. Is the date of the complaint, correct? Y/N

5. The names of the party requesting judgment and party against matches complaint? Y/N
6. Item 1e(3) indicates date of default previously entered? Y/N
7. Section 2 is completed and numbers match the demand in complaint, costs in section 7, and calculations outlines in the Declaration pursuant to 585? Y/N
8. Item #3 is marked? Y/N
9. Page 1 is dated, printed name and signed? Y/N
10. Item #4 is completed? Y/N
11. Item #5 is completed? Y/N
12. Item #6 is completed: mailed date, names and addresses as shown on envelopes? Y/N
13. Item # 7 is completed and accurate as to court records re: fees Y/N
14. Item #8 is completed – Declaration of Non-military status, on current revised form? Y/N
15. Declaration pursuant to 585 is submitted and properly completed? Y/N
  - a. Is the plaintiff owner/agent of the premises? Y/N
  - b. Premises are exactly as described on complaint? Y/N
  - c. Date Written/Oral lease was made provided? Y/N
  - d. Agreed Rent stated? Y/N
  - e. Defendant served with notice and failed to comply? Y/N
  - f. Date defendant vacated is provided? Y/N
  - g. Is there a disposition re: security deposit? Y/N
  - h. Are all attachments stated to be attached, included? Y/N
  - i. Are the calculations of rent and holdover damages accurate? Y/N
  - j. If rental amounts changed, are there Notices and service of such notice? Y/N
  - k. Declaration is signed by plaintiff or agent? Y/N
16. Rent claimed goes no further back than one year? Y/N
17. Is there an agreement re: attorneys fees? Y/N
  - a. Are attorneys fees submitted in accordance with attorney fee schedule? Y/N
18. UD-110 Judgment form is properly completed reflecting Court Judgment? Y/N
  - a. Possession is no longer at issue is reflected in section 4. Y/N
  - b. Calculations of Amounts and Terms of Judgment is correct? Y/N

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

<b>Method of Service</b>	<b>Time Frame (in calendar days)</b>	<b>CCP Reference</b>
Personal Service	Days based on summons	CCP 415.10
Substitute Service – from date of mailing	+ 10 days	CCP 415.20
Certified or Registered Mail outside of California – from date of mailing	+ 10 days	CCP 415.40
Service by Publication	+ 10 days	CCP 415.50 / GC 6064
Amended Complaint/Cross Complaint by mail w/in CA (if party has appeared)	+ 5 days	CCP 1013
Amendment to complaint/cross complaint	Based on original service of complaint/cross complaint	
Notice of acknowledgment – from the date the defendant signs acknowledgment	Days based on summons	CCP 415.30(c) / CCP 416.10
Service of Process on the Secretary of State	40 days	CCP 416.10 Corp C 1702
Overnight mail	+ 2 court days	
E Service	+ 2 court days	
If last day to respond occurs on a day when the court is closed (i.e. court holiday or weekend), the defendant cannot be defaulted until the end of the following court business day.		