非法佔有 (逐出) 程序

備註：加州的逐出作業涉及兩個步驟，而且一律以此順序進行　❶ 適當的法律書面通知；以及　❷ 非法佔有 (「逐出」) 訴訟

❶ 糾正或遷離三日前通知

3天回應
(不包括周末和假日)

3 日 →

❶ 3 或 30 或 60 日租賃終止通知

3 或 30 或 60 日

若租客支付租金或糾正了租賃違約行為

若租客不付租金或不糾正租賃違約行為

爭議結束

❷ 屋主向法院提出控訴 (非法佔有訴訟) 並送達傳票給租客

5天回應
(不包括周末和假日)

5 日 →

沒有回應

提出答辯、召喚陪審團及披露

提出抗辯或刪除申請

提出撤銷傳票送達

缺席判決 (租客敗訴)

26 日　　　7 日

聽證

勝訴　　　　　敗訴

1-5 日

司法官通知

屋主必須重啟程序

提出答辯、召喚陪審團及披露

6-8 日

司法官下令逐出

確定終審日備忘錄

8-13 日

強制和解協商

7 日

審判 (1-4 日)

• 租客續住
• 租客必須付還所有積欠租金 (若抗辯為可居住性，則由陪審團決定租賃費率)
• 租客獲得訴訟費用補償
• 租客獲得律師費補償 (若租賃協議中有此規定)。

勝訴　　　　　　　　　敗訴

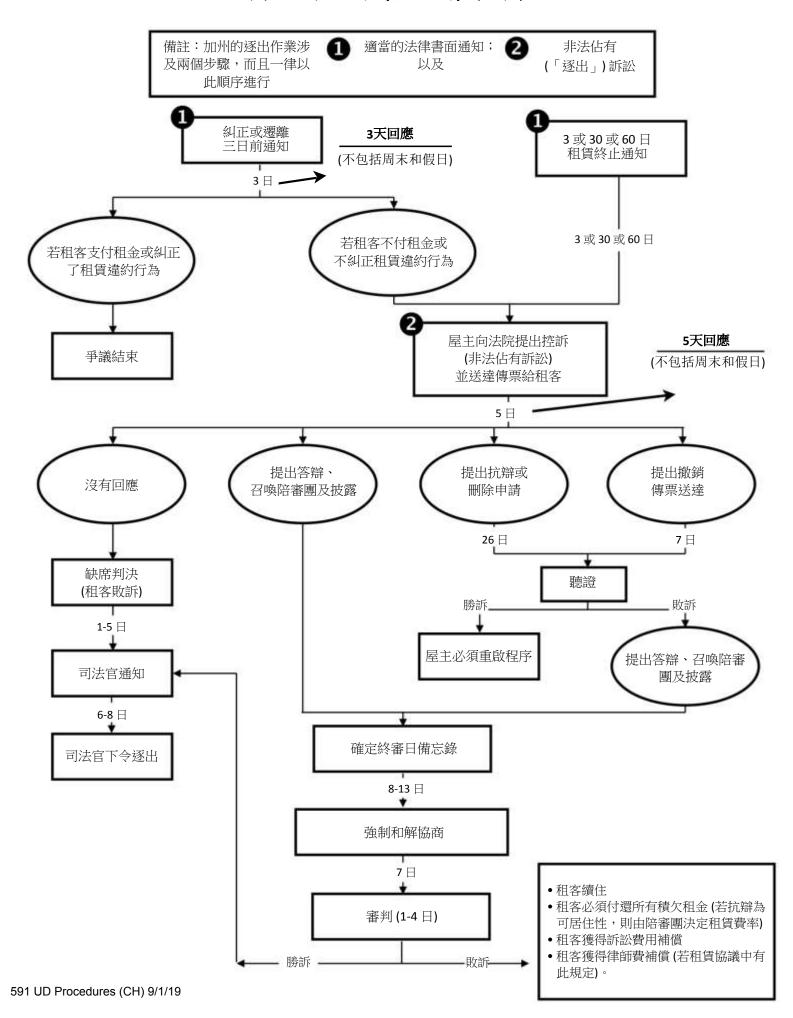# UNLAWFUL DETAINER (EVICTION) PROCEDURES

Note: There are two steps to an eviction in California, and always in this order

1 Proper, legal, written notice; and...

2 Unlawful Detainer ("Eviction") Lawsuit

1 Three-Day Notice to Cure or Quit

3 days (excluding weekends and holidays)

3 Days

1 3 or 30 or 60 - Day Notice Terminating Tenancy

3 or 30 or 60 Days

If tenant pays rent or cures violation of rental agreement

If tenant does not pay rent or does not cure violation of rental agreement

Matter Ends

2 Landlord files Summons & Complaint (Unlawful Detainer Lawsuit) at the Court & serves tenant

5 days to respond (excluding weekends and holidays)

5 Days

Do Not Respond

File Answer, Jury Demand and Discovery

File Demurrer or Motion to Strike

File Motion to Quash Service of Summons

26 Days

7 Days

Default Judgement (Tenant Loses)

1-5 Days

Hearing

Win   Lose

Sheriff's Notice

6-8 Days

Landlord has to start over

File Answer, Jury Demand and Discovery

Sheriff's Eviction

Memorandum to Set for Trial

8-13 Days

Mandatory Settlement Conference

7 Days

Trial (1-4 Days)

Lose   Win

- Tenant Stays in Possession
- Tenant Must Pay Back all Back Rent (at rate determined by jury if defense is habitability)
- Tenant Recovers Costs of Suit
- Tenant Recovers Attorney's Fees If Provided in Rental Agreement.

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