

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

1 3 or 30 or 60 - Day Notice Terminating Tenancy

3 Days

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 calendar days (including weekends) to respond

5 Days

Do Not Respond

File Answer, Jury Demand and Discovery

File Demurrer or Motion to Strike

File Motion to Quash Service of Summons

Default Judgement (Tenant Loses)

1-5 Days

Sheriff's Notice

6-8 Days

Sheriff's Eviction

26 Days

7 Days

Hearing

Win

Lose

Landlord has to start over

File Answer, Jury Demand and Discovery

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.