UNLAWFUL DETAINER PROCEDURES & TIME CHART

Note: There are two steps to an eviction in California, and always in this order: ❶ *Proper, legal, <u>written</u> notice; and ...* ❷ *Unlawful Detainer ("Eviction") Lawsuit*

❶ **Three-Day Notice to Cure or Quit**

3 days

❶ **60-Day Notice Terminating Tenancy***

* With very limited exceptions, as of Jan. 1, 2003, 30-Day Notices are legal <u>only</u> if the tenant has lived in the unit for LESS than a year.

If tenant pays rent or cures violation of rental agreement

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

60 days

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

IMPORTANT: Tenant has only <u>FIVE CALENDAR DAYS</u> – including weekends – to respond properly to the lawsuit at the Court.

Matter Ends

5 days

Do Not Respond

File Answer, Jury Demand and Discovery

File Demurrer or Motion to Strike

File Motion to Quash Service of Summons

Next Day

Default Judgement (Tenant Loses)

26 Days

7 Days

Hearing

1-5 Days

Next Day

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)

- **Tenant Stays in Possession**
- **Tenant Must Pay 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**

Lose ——— **Win**

January 2003