

CLAIMANT OR CLAIMANT'S ATTORNEY ( <i>Name and Address</i> ):           ATTORNEY FOR ( <i>Name</i> ):	TELEPHONE NO.:	<b>FOR COURT USE ONLY</b>
<b>NAME OF COURT:</b>  STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
PLAINTIFF:  DEFENDANT:		
<b>CLAIM OF RIGHT TO POSSESSION AND NOTICE OF HEARING</b>		CASE NUMBER:

**Complete this form only if ALL of these statements are true:**

- 1. You are NOT named in the accompanying form called Writ of Possession.**
- 2. You occupied the premises on or before the date the unlawful detainer (eviction) action was filed. (The date is in the accompanying Writ of Possession.)**
- 3. You still occupy the premises.**
- 4. A Prejudgment Claim of Right to Possession form was NOT served with the Summons and Complaint.**

NOTICE TO LEVYING OFFICER:

Claim granted       Claim denied

Clerk, by \_\_\_\_\_

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(For levying officer use only)

Completed form was received on

Date: \_\_\_\_\_ Time: \_\_\_\_\_

By: \_\_\_\_\_

I DECLARE THE FOLLOWING UNDER PENALTY OF PERJURY:

1. My name is (*specify*):
  
2. I reside at (*street address, unit No., city and ZIP code*):
  
3. The address of "the premises" subject to this claim is (*address*):
  
4. On (*insert date*): , the landlord or the landlord's authorized agent filed a complaint to recover possession of the premises. (*This date is in the accompanying Writ of Possession.*)
5. I occupied the premises on the date the complaint was filed (*the date in item 4*). I have continued to occupy the premises ever since.
6. I was at least 18 years of age on the date the complaint was filed (*the date in item 4*).
7. I claim a right to possession of the premises because I occupied the premises on the date the complaint was filed (*the date in item 4*).
8. I was not named in the Writ of Possession.
9. I understand that if I make this claim of possession, a COURT HEARING will be held to decide whether my claim will be granted.
10. (*Filing fee*) To obtain a court hearing on my claim, I understand that after I present this form to the levying officer I must go to the court and pay a filing fee of \$ \_\_\_\_\_ or file with the court the form "Application for Waiver of Court Fees and Costs." I understand that if I don't pay the filing fee or file the form for waiver of court fees *within two court days*, the court will immediately deny my claim.
11. (*Immediate court hearing unless you deposit 15 days' rent*) To obtain a court hearing on my claim, I understand I must also deliver to the court a copy of this completed claim form or a receipt from the levying officer. I also understand the date of my hearing will be set immediately if I don't deliver to the court an amount equal to 15 days' rent.

(Continued on reverse)

PLAINTIFF (Name): _____ DEFENDANT (Name):	CASE NUMBER:
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12. I am filing my claim in the following manner (check the box that shows how you are filing your claim. Note that you must deliver to the court a copy of the claim form or a levying officer's receipt):
- a.  (With 15 days' rent payment) I presented this claim form to the sheriff, marshal, or other levying officer, AND within two court days I shall deliver to the court the following: (1) a copy of this completed claim form or a receipt, (2) the court filing fee or form for proceeding in forma pauperis, and (3) an amount equal to 15 days' rent. — OR —
  - a.  (Without 15 days' rent payment) I presented this claim form to the sheriff, marshal, or other levying officer, AND within two court days I shall deliver to the court the following: (1) a copy of this completed claim form or a receipt, and (2) the court filing fee or form for proceeding in forma pauperis.

**IMPORTANT: Do not take a copy of this claim form to the court unless you have first given the form to the sheriff, marshal, or other levying officer.**

<i>(To be completed by the court)</i>			
Date of hearing:	Time:	Dept. or Div.:	Room:
Address of court:			

**NOTICE:** If you fail to appear at this hearing you will be evicted without further hearing.

13. **Rental agreement.** I have (check all that apply to you):
- a.  an oral rental agreement with the landlord.
  - b.  a written rental agreement with the landlord.
  - c.  an oral rental agreement with a person other than the landlord.
  - d.  a written rental agreement with a person other than the landlord.
  - e.  other (explain):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

**WARNING:** Perjury is a felony punishable by imprisonment in the state prison.

Date:

..... (TYPE OR PRINT NAME) ▶ \_\_\_\_\_ (SIGNATURE OF CLAIMANT)

**NOTICE:** If your claim to possession is found to be valid, the unlawful detainer (eviction) action against you will be determined at trial. At trial, you may be found liable for rent, costs, and, in some cases, treble damages.

**— NOTICE TO OCCUPANTS —**

**YOU MUST ACT AT ONCE if all the following are true:**

1. You are **NOT** named in the accompanying form called **Writ of Possession**.
2. You occupied the premises on or before the date the unlawful detainer (eviction) action was filed. (The date is in the accompanying Writ of Possession.)
3. You still occupy the premises.
4. A Prejudgment Claim of Right to Possession form was **NOT** served with the Summons and Complaint.

**You can complete and SUBMIT THIS CLAIM FORM** (in person with identification)

(1) before the date of eviction at the sheriff's or marshal's office located at (address):

(2) OR at the premises at the time of the eviction. (Give this form to the officer who comes to evict you.)

If you do not complete and submit this form (and pay a filing fee or file the form for proceeding in forma pauperis if you cannot pay the fee), **YOU WILL BE EVICTED** along with the parties named in the writ.

After this form is properly filed, **A HEARING WILL BE HELD** to decide your claim. If you do not appear at the hearing, you will be evicted without a further hearing.