

A landlord starts the eviction process by giving their tenant a written notice asking them to move out or do something, like pay rent or stop violating the lease. Common notices are a 3-Day Notice to Pay and a 60-Day Notice Terminating Tenancy.

If the notice period ends, and the landlord does not think the tenant did what the notice said, the landlord can ask the court to evict the tenant. To do this, the landlord files an **unlawful detainer (eviction)** court case against the tenant. “File” means give to the court.

After the landlord files an eviction case, they must give the tenant documents called a **summons** and a **complaint**. These documents tell the court why the landlord thinks they can evict the tenant and tell the tenant they are being sued for eviction. The tenant has **5 days** (not including holidays and weekends) to give the court a response. The tenant can use the **answer form (Form UD-105)** to respond. You can find a URL for the answer form in footnote 2.

If the tenant **files** a response to the complaint with the court in 5 days, a trial or hearing will likely be scheduled. An answer ([Form UD-105](#)) is the most common response.

If the tenant **does not file** a response with the court in 5 days, the landlord can ask for a default judgment. A **default judgment** is when the court makes an order in the landlord's favor telling the tenant to move because the tenant did not respond in time. If the landlord gets a default judgment, **go to Page 2** for information about what happens next.

A trial or hearing is scheduled. On the day of trial one of the following will likely happen:

1. **The landlord and tenant settle.** The settlement agreement will state if the tenant gets to stay or must move, and if move, the date they must move out. Settlement agreements usually become court orders.
2. **The case goes to trial.** At trial the court decides if the tenant will be evicted. If the court order grants the landlord their request, the tenant is evicted and must move out. If the court order denies the landlord's request, the tenant is not evicted and gets to stay in the unit.
3. **The case is dismissed.** This may happen if the tenant already moved or the landlord decides to dismiss the case. The eviction process is over.

The **tenant does not have to move** because a court order. The order could be from a settlement agreement or a trial. There should not be an eviction on the tenant's record.

The **tenant must move** because of a court order. The order could be from a settlement agreement or trial. **Go to Page 2** for more information.

The tenant is not evicted and the eviction process is over.

1. Legal Authority for this information is in California's Code of Civil Procedure sections 715.010, 715.020, 1161, 1167, 1169 & 1170.5. Some California courts' eviction process varies. To learn more about your court's process, visit your court's website and/or talk with your local legal aid organization. To locate your local legal aid organization, visit <https://www.lawhelpca.org/>
2. URL for the Answer form: <https://www.courts.ca.gov/documents/ud105.pdf>

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There is a court order telling the tenant to move. The landlord can ask the sheriff to give the tenant a **writ of possession**. The writ of possession is a court order that allows the sheriff to lock the tenant out of the unit (called a lockout).



The sheriff will give the tenant, or post on the tenant's door, a notice that has a lockout date (the date they must move out of the unit). The lockout date should be at least 5 days from when the sheriff posts the notice or gives the notice to the tenant. The sheriff will lock the tenant out of the unit on the lockout date unless the tenant can get a **stay of execution**. A stay of execution, also called a stay of eviction, can give the tenant more time in the unit, but no more than 40 days from the eviction judgement.



Unless the tenant appeals or files a post-trial motion **the eviction process is over** and the tenant is evicted.



If the tenant disagrees with the court order they may be able to appeal the order or file a post-trial motion. A post-trial motion is a motion the tenant files with the trial court asking them to change the decision. An appeal is something the tenant files with an appeals court that asks the appeals court to change a trial court decision. Find out more about the eviction appeal process at FVAP's information sheet "[Overview of Eviction Appeal Process](#)" [here](#) or by using the URL provided in the footnotes.

1. URL for FVAP's information sheet Overview of Eviction Appeal Process: <https://fvaplaw.org/wp-content/uploads/2022/12/Eviction-Appeals-Process-FINAL.pdf>