

How to fill out

PREJUDGMENT CLAIM OF RIGHT TO POSSESSION – UNLAWFUL DETAINER Form CP10.5

DIRECTIONS

- ▶ Leave this page blank—Unknown Defendants (if any) fill out this form.

NOTICE: PERSONS WHO LIVE IN THE RESIDENCE MAY BE NAMED BY COURT ORDER. READ THE FORM IN FULL TO UNDERSTAND YOUR RIGHTS AND OBLIGATIONS. CONTACT THE COURT FOR MORE INFORMATION.

1. If you live here and you do not object to the claim, you must file this form with the court within 10 days of the date of service of this form. If you do not file this form, you will be liable for the claim. If you do not file this form, you will be liable for the claim.

2. If you do not live here, you must file this form with the court within 10 days of the date of service of this form. If you do not file this form, you will be liable for the claim.

PLAINTIFF (Name and address)	DEFENDANT(S)	PREJUDGMENT CLAIM
PLAINTIFF'S COURT: NAME OF COURT: COUNTY: ADDRESS: CITY: STATE: ZIP: PHONE: PLAINTEXT: DEFENDANT:		
PREJUDGMENT CLAIM OF RIGHT TO POSSESSION		CAPTION

Complete this form only if ALL of the following are true:
1. You are a PCT member or a non-PCT member of the court.
2. You are a PCT member or a non-PCT member of the court.
3. You are a PCT member or a non-PCT member of the court.

(This form is intended for use by the plaintiff only. Do not fill out this form if you are the defendant.)

DECLARATION OF PLAINTIFF:
1. My name is _____.
2. I reside at _____.
3. The address of the premises subject to this claim is _____.
4. Defendant(s) _____, the name(s) of the person(s) who is/are the defendant(s) in this claim, is/are the person(s) who is/are the defendant(s) in this claim.
5. I occupied the premises at the state the defendant(s) has/has had in state _____.
6. I resided in _____ on the state the defendant(s) has/has had in state _____.
7. I claim a right to possession of the premises because I occupied the premises on the state the defendant(s) has/has had in state _____.
8. I am not named in the summons and complaint.
9. I understand that if I do not file this claim with the court, I will be liable for the claim.
10. I understand that if I do not file this claim with the court, I will be liable for the claim.

PLAINTIFF'S SIGNATURE: _____
PREJUDGMENT CLAIM OF RIGHT TO POSSESSION
DEFENDANT(S) SIGNATURE: _____

Leave this form blank. This form may be served on **unknown** tenants as part of the entire packet if there are tenants other than the named defendant(s) and you would like to have them evicted, also.

A Prejudgment Claim of Right To Possession may be served with a summons and complaint. A judgment that includes eviction of all other occupant(s) (prejudgment claim of right to possession) will prevent the other occupant(s) from filing a Post Judgment Claim of Right to Possession. If the landlord believes there are others living in the residence, the landlord may want to serve a prejudgment claim of right to possession. If this document is served, it will delay the entry of judgment by default because the “other occupant(s)” have 10 days in to file this document AND an Answer from the date of mailing. A default may still be filed against the named party.

Only a marshal, sheriff, or registered process server may serve a Prejudgment Claim of Right to Possession on all persons at the residence at the time of service. It must also be posted in a conspicuous place (such as a door) AND mailed to the residence. It must be addressed to “All Occupants.”

If after ten days from the date of mailing there is no filing of this form AND an Answer with the court by unnamed occupants, the plaintiff requests a default judgment against all other unnamed occupants.

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DIRECTIONS

▶ Leave this page blank—Unknown Defendants (if any) fill out this form.

PLAINTIFF (Name) Defendant Name	FULL ADDRESS
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NOTICE: If you fail to file this claim, you will be evicted without a court hearing.

1. I understand the court will hear my case and I understand that I will have the right to a court hearing if I do not appear to file this claim, and I understand that I am filing this Prejudgment Claim of Right to Possession.

2. I have agreed to: (check all that apply)

- an eviction agreement with the landlord.
- a written agreement with the landlord.
- an oral agreement with a person other than the landlord.
- a written agreement with a person other than the landlord.
- other (specify):

I declare under penalty of perjury that the facts stated above are true and correct.

WARNING: Perjury is a crime established by the laws of the State of California.

Date: _____

(Print name) PLAINTIFF (Name)

NOTICE: If you do not file this claim, you will be evicted without a court hearing. If you do not file this claim, you may be evicted without a court hearing, and, in some cases, without notice.

— NOTICE TO OCCUPANTS —

YOU MUST ACT AT ONCE! All the following are true:

1. You are NOT named in the accompanying Complaint and Complaint.
2. You occupied the premises on or before the date the unlawful detainer (eviction) complaint was filed. (The date is the date they claim on the accompanying Complaint and Complaint.)
3. You will occupy the premises.

Inform In Ten Days! You have 10 days to file this CLAIM FORM WITH THE COURT (the date of service for the date of the claim) at the court where the unlawful detainer (eviction) complaint was filed.

Inform the Plaintiff! If you do not file this claim, you will be evicted without a court hearing and you will be evicted without a court hearing. If you do not file this claim, you will be evicted without a court hearing.

After 10 days, you will be evicted! If you do not file this claim, you will be evicted without a court hearing.

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