



STANISLAUS COUNTY SUPERIOR COURT
Turlock Division
www.stanislaus.courts.ca.gov
(209) 530-3100

Revised 1/1/2024

Answer – Unlawful Detainer

This packet includes the necessary forms to respond to an eviction. You must be a named defendant in the case to file an Answer. If you would like to bring yourself into the case, you must first file a *Prejudgment Claim of Right to Possession* (CP10.5) and then you may file an Answer.

Note: A *copy* of your Answer must be served on the Plaintiff (or Plaintiff's attorney if they have one) BEFORE filing the original with the Court.

The Clerk's Office cannot give you legal advice nor can we tell you when your last day is to file your Answer.

Judicial Council forms, local forms and information are available in the Clerk's Office, the Stanislaus County Law Library and on the following Websites:

- Stanislaus County Superior Court
- <http://www.stanislaus.courts.ca.gov>
Judicial Council's Self-Help website
- <http://www.courts.ca.gov/selfhelp>
For more information on Libraries, Websites, or Self-Help Legal Books
- <http://www.courts.ca.gov/selfhelp/lowcost/libraries.html>
California Superior Court's Interactive Electronic Forms Program

Superior Court Turlock Division

Email: Turlock.Requests@stanct.org (for questions only – not for filings)

Hours: Please refer to our website for office hours.

PROVIDES SERVICES TO PARTIES REPRESENTING THEMSELVES:

For more information, please refer to our website:

www.stanislaus.courts.ca.gov

Email: Smallclaims.advisor@stanct.org

Telephone: (209) 530-3178

All forms presented for filing must be typewritten or printed legibly in blue or black ink. All signatures must be original. All attachments must be clearly labeled and stapled to the appropriate document.

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| ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name): | | FOR COURT USE ONLY |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF STANISLAUS STREET ADDRESS: 300 Starr Avenue MAILING ADDRESS: 300 Starr Avenue CITY AND ZIP CODE: Turlock, CA 95380 BRANCH NAME: Turlock Division | | |
| PLAINTIFF: DEFENDANT: | | |
| ANSWER—UNLAWFUL DETAINER | | CASE NUMBER: |

1. Defendant (all defendants for whom this answer is filed must be named and must sign this answer unless their attorney signs):

answers the complaint as follows.

2. **DENIALS (Check ONLY ONE of the next two boxes.)**

- a. **General Denial** (Do not check this box if the complaint demands more than \$1,000.)
 Defendant generally denies each statement of the complaint and of *Mandatory Cover Sheet and Supplemental Allegations—Unlawful Detainer* (form UD-101).
- b. **Specific Denials** (Check this box and complete (1) and (2) below if complaint demands more than \$1,000.)
 Defendant admits that all the statements of the complaint and of *Mandatory Cover Sheet and Supplemental Allegations—Unlawful Detainer* (form UD-101) are true EXCEPT:

(1) **Denial of Allegations in Complaint (form UD-100 or other complaint for unlawful detainer)**

- (a) Defendant claims the following statements of the complaint are false (state paragraph numbers from the complaint or explain below or, if more room needed, on form MC-025):

Explanation is on form MC-025, titled as Attachment 2b(1)(a).

- (b) Defendant has no information or belief that the following statements of the complaint are true, so defendant denies them (state paragraph numbers from the complaint or explain below or, if more room needed, on form MC-025):

Explanation is on form MC-025, titled as Attachment 2b(1)(b).

(2) **Denial of Allegations in *Mandatory Cover Sheet and Supplemental Allegations—Unlawful Detainer* (form UD-101)**

- (a) Defendant did not receive plaintiff's *Mandatory Cover Sheet and Supplemental Allegations* (form UD-101). (If not checked, complete (b) and (c), as appropriate.)

- (b) Defendant claims the following statements on *Mandatory Cover Sheet and Supplemental Allegations—Unlawful Detainer* (form UD-101) are false (state paragraph numbers from form UD-101 or explain below or, if more room needed, on form MC-025): Explanation is on form MC-025, titled as Attachment 2b(2)(b).

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2. b. (2) (c) Defendant has no information or belief that the following statements on *Mandatory Cover Sheet and Supplemental Allegations—Unlawful Detainer* (form UD-101) are true, so defendant denies them (state paragraph numbers from form UD-101 or explain below or, if more room needed, on form MC-025):
- Explanation is on form MC-025, titled as Attachment 2b(2)(c).
3. **DEFENSES AND OBJECTIONS** (NOTE: For each box checked, you must state brief facts to support it in item 3t (on page 3) or, if more room is needed, on form MC-025. You can learn more about defenses and objections at www.courts.ca.gov/selfhelp-eviction.htm.)
- a. (Nonpayment of rent only) Plaintiff has breached the warranty to provide habitable premises.
- b. (Nonpayment of rent only) Defendant made needed repairs and properly deducted the cost from the rent, and plaintiff did not give proper credit.
- c. (Nonpayment of rent only) On (date): _____ before the notice to pay or quit expired, defendant offered the rent due but plaintiff would not accept it.
- d. (Nonpayment of rent only) Plaintiff's demand for possession is based on nonpayment of rent due more than one year ago.
- e. Plaintiff waived, changed, or canceled the notice to quit.
- f. Plaintiff served defendant with the notice to quit or filed the complaint to retaliate against defendant.
- g. By serving defendant with the notice to quit or filing the complaint, plaintiff is arbitrarily discriminating against the defendant in violation of the Constitution or the laws of the United States or California.
- h. Plaintiff's demand for possession violates the local rent control or eviction control ordinance of (city or county, title of ordinance, and date of passage): _____
(Also, briefly state in item 3t the facts showing violation of the ordinance.)
- i. Plaintiff's demand for possession is subject to the Tenant Protection Act of 2019, Civil Code section 1946.2 or 1947.12, and is not in compliance with the act. (Check all that apply and briefly state in item 3t the facts that support each.)
- (1) Plaintiff failed to state a just cause for termination of tenancy in the written notice to terminate.
- (2) Plaintiff failed to provide an opportunity to cure any alleged violations of terms and conditions of the lease (other than payment of rent) as required under Civil Code section 1946.2(c).
- (3) Plaintiff failed to comply with the relocation assistance requirements of Civil Code section 1946.2(d).
- (4) Plaintiff has raised the rent more than the amount allowed under Civil Code section 1947.12, and the only unpaid rent is the unauthorized amount.
- (5) Plaintiff violated the Tenant Protection Act in another manner that defeats the complaint.
- j. Plaintiff accepted rent from defendant to cover a period of time after the date the notice to quit expired.
- k. Plaintiff seeks to evict defendant based on an act—against defendant, defendant's immediate family member, or a member of defendant's household—that constitutes domestic violence, sexual assault, stalking, human trafficking, abuse of an elder or a dependent adult, or a crime that caused bodily injury, involved a deadly weapon, or used force or threat of force. (This defense requires one of the following, which may be included with this form: (1) a **temporary restraining order, protective order, or police report** that is not more than 180 days old; (2) a **signed statement from a qualified third party** (e.g., a doctor, domestic violence or sexual assault counselor, human trafficking caseworker, psychologist, or a victim of violent crime advocate concerning the injuries or abuse resulting from these acts); or (3) another form of documentation or evidence that verifies that the abuse or violence occurred.)
- (1) The abuse or violence was committed by a person who does not live in the dwelling unit.
- (2) The abuse or violence was committed by a person who lives in the dwelling unit and defendant claims protection from eviction under Code of Civil Procedure section 1161.3(d)(2).
- l. Plaintiff seeks to evict defendant based on defendant or another person calling the police or emergency assistance (e.g., ambulance) by or on behalf of a victim of abuse, a victim of crime, or an individual in an emergency when defendant or the other person believed that assistance was necessary.
- m. Plaintiff's demand for possession of a residential property is based on nonpayment of rent or other financial obligations and (check all that apply)
- (1) plaintiff received or has a pending application for rental assistance from a governmental rental assistance program or some other source relating to the amount claimed in the notice to pay rent or quit. (Health & Saf. Code, §§ 50897.1(d)(2)(B) and 50897.3(e)(2).)

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3. m. (2) plaintiff received or has a pending application for rental assistance from a governmental rental assistance program or some other source for rent accruing since the notice to pay rent or quit. (Health & Saf. Code, §§ 50897.1(d)(2)(B) and 50897.3(e)(2).)
- (3) plaintiff's demand for possession is based only on late fees for defendant's failure to provide landlord payment within 15 days of receiving governmental rental assistance. (Health & Saf. Code, § 50897.1(e)(2)(B).)
- n. Plaintiff violated the COVID-19 Tenant Relief Act (Code Civ. Proc., § 1179.01 et seq.) or a local COVID-19–related ordinance regarding evictions in some other way (*briefly state facts describing this in item 3t*).
- o. The property is covered by the federal CARES Act and the plaintiff did not provide 30 days' notice to vacate. (*Property covered by the CARES Act means property where the landlord*
- *is participating in a covered housing program as defined by the Violence Against Women Act;*
 - *is participating in the rural housing voucher program under section 542 of the Housing Act of 1949; or*
 - *has a federally backed mortgage loan or a federally backed multifamily mortgage loan.*
- p. Plaintiff improperly applied payments made by defendant in a tenancy that was in existence between March 1, 2020, and September 30, 2021 (Code Civ. Proc., § 1179.04.5), as follows (*check all that apply*):
- (1) Plaintiff applied a security deposit to rent, or other financial obligations due, without tenant's written agreement.
- (2) Plaintiff applied a monthly rental payment to rent or other financial obligations that were due between March 1, 2020, and September 30, 2021, other than to the prospective month's rent, without tenant's written agreement.
- q. Plaintiff refused to accept payment from a third party for rent due. (Civ. Code, § 1947.3; Gov. Code, § 12955.)
- r. Defendant has a disability and plaintiff refused to provide a reasonable accommodation that was requested. (Cal. Code Regs., tit. 2, § 12176(c).)
- s. Other defenses and objections are stated in item 3t.
- t. (*Provide facts for each item checked above, either below or, if more room needed, on form MC-025*):
- Description of facts or defenses are on form MC-025, titled as Attachment 3t.

4. OTHER STATEMENTS

- a. Defendant vacated the premises on (*date*):
- b. The fair rental value of the premises alleged in the complaint is excessive (*explain below or, if more room needed, on form MC-025*).
- Explanation is on form MC-025, titled as Attachment 4b.
- c. Other (*specify below or, if more room needed, on form MC-025*):
- Other statements are on form MC-025, titled as Attachment 4c.

5. DEFENDANT REQUESTS

- a. that plaintiff take nothing requested in the complaint.
- b. costs incurred in this proceeding.
- c. reasonable attorney fees.

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| PLAINTIFF: DEFENDANT: | CASE NUMBER: |
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5. d. that plaintiff be ordered to (1) make repairs and correct the conditions that constitute a breach of the warranty to provide habitable premises and (2) reduce the monthly rent to a reasonable rental value until the conditions are corrected.
- e. Other (specify below or on form MC-025):
 All other requests are stated on form MC-025, titled as Attachment 5e.

6. Number of pages attached: _____

UNLAWFUL DETAINER ASSISTANT (Bus. & Prof. Code, §§ 6400–6415)

7. (Must be completed in all cases.) An **unlawful detainer assistant** did not did for compensation give advice or assistance with this form. If defendant has received **any** help or advice for pay from an unlawful detainer assistant, state
- a. assistant's name: _____ b. telephone number: _____
- c. street address, city, and zip code: _____
- d. county of registration: _____ e. registration number: _____ f. expiration date: _____

(Each defendant for whom this answer is filed must be named in item 1 and must sign this answer unless defendant's attorney signs.)

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|----------------------|---|--------------------------------------|
| (TYPE OR PRINT NAME) | ▶ | (SIGNATURE OF DEFENDANT OR ATTORNEY) |
| (TYPE OR PRINT NAME) | ▶ | (SIGNATURE OF DEFENDANT OR ATTORNEY) |
| (TYPE OR PRINT NAME) | ▶ | (SIGNATURE OF DEFENDANT OR ATTORNEY) |

VERIFICATION

(Use a different verification form if the verification is by an attorney or for a corporation or partnership.)

I am the defendant in this proceeding and have read this answer. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

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| (TYPE OR PRINT NAME) | ▶ | (SIGNATURE OF DEFENDANT) |
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Date:

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| (TYPE OR PRINT NAME) | ▶ | (SIGNATURE OF DEFENDANT) |
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Date:

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| (TYPE OR PRINT NAME) | ▶ | (SIGNATURE OF DEFENDANT) |
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| <p>1</p> <p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, Case # if number and address)</p> <p>TELEPHONE NO. FAX NO. (Optional)</p> <p>14441 ADDRESS ADDRESS</p> <p>ATTORNEY FOR (Name)</p> <p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF Stanislaus</p> <p>STREET ADDRESS 300 Starr Avenue</p> <p>MAILING ADDRESS 300 Starr Avenue</p> <p>CITY AND ZIP CODE Turlock, CA 95380</p> <p>BRANCH NAME</p> <p>PETITIONER PLAINTIFF</p> <p>RESPONDENT/DEFENDANT</p> <p>3</p> | <p>FOR COURT USE ONLY</p> <p>POS-030</p> |
| <p>PROOF OF SERVICE BY FIRST-CLASS MAIL - CIVIL</p> <p>(Do not use this Proof of Service to show service of a Summons and Complaint.)</p> <p>1 I am over 18 years of age and not a party to this action. I am a resident of or employed in the county where the mailing took place.</p> <p>2 My residence or business address is</p> <p>5</p> <p>3 On (date) 6 I mailed from (city and state)</p> <p>the following documents (specify)</p> <p>7</p> <p><input type="checkbox"/> The documents are listed in the Attachment to Proof of Service by First-Class Mail - Civil (Documents Served) (form POS-030(D)).</p> <p>4 I served the documents by enclosing them in an envelope and (check one):</p> <p>a <input type="checkbox"/> depositing the sealed envelope with the United States Postal Service with the postage fully prepaid</p> <p>8 b <input type="checkbox"/> placing the envelope for collection and mailing following our ordinary business practice. I am readily familiar with the business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.</p> <p>5 The envelope was addressed and mailed as follows:</p> <p>a Name of person served</p> <p>b Address of person served</p> <p>9</p> <p><input type="checkbox"/> The name and address of each person to whom I mailed the documents is listed in the Attachment to Proof of Service by First-Class Mail Civil (Persons Served) (POS 030(P)).</p> <p>I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.</p> <p>Date 10</p> <p>TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM SIGNATURE OF PERSON COMPLETING THIS FORM</p> <p>Fee Approved by California State Bar Association POS and Proof of Service (1 Form)</p> <p>PROOF OF SERVICE BY FIRST-CLASS MAIL - CIVIL (Proof of Service)</p> <p>Code of Civil Procedure, §§ 1011, 1011a www.courtinfo.ca.gov</p> <p>UNLAWFUL DETAINER</p> | |

PROOF OF SERVICE BY MAIL (POS-030)

Directions

- Find the number on the sample form.
Example: 1
- Go to the same number below to find out how to fill out the form.
- Type or print legibly in **blue** or **black** ink.
DO NOT USE GEL PENS.

- 1) Write your name, address and phone number.
- 2) If not filled in for you, write "Stanislaus" after COUNTY OF. The address is as follows:

Street: 300 Starr Avenue
Mailing: 300 Starr Avenue
City & Zip: Turlock, CA 95380
- 3) Write the name of the Plaintiff and Defendant.
- 4) Write in the case number. You will also find this on the complaint.
- 5) Someone over the age of 18 must "serve" or mail a copy of your answer to the Plaintiff or Plaintiff's Attorney (if they have one) and date and sign the Proof of Service. **This CANNOT BE YOU and CANNOT be someone living in the home with you.** Write the address of the person mailing the Answer.
- 6) Write in the date the Answer is being mailed and the City and State it is being mailed from.
- 7) Write in the name of the document to be mailed. (Example: "ANSWER – UNLAWFUL DETAINER" or "PREJUDGMENT CLAIM OF RIGHT TO POSSESSION")
- 8) Check the box that best describes how the document was mailed.
- 9) Write in the name of the plaintiff or plaintiff's attorney (if they have one) and write in the address that the document was mailed to.
- 10) Have the person who is mailing the document date print and sign. One complete copy of the Answer & Proof of Service is then mailed. The originals and one copy are then filed with the clerk's office at the address noted above.

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| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____ | FOR COURT USE ONLY |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF STANISLAUS STREET ADDRESS: 300 Starr Avenue MAILING ADDRESS: 300 Starr Avenue CITY AND ZIP CODE: Turlock, CA 95380 BRANCH NAME: Turlock Division | |
| PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: | |
| PROOF OF SERVICE BY FIRST-CLASS MAIL—CIVIL | CASE NUMBER: _____ |

(Do not use this Proof of Service to show service of a Summons and Complaint.)

1. I am over 18 years of age and **not a party to this action**. I am a resident of or employed in the county where the mailing took place.
2. My residence or business address is:

3. On (date): _____ I mailed from (city and state): _____
 the following documents (specify):

The documents are listed in the *Attachment to Proof of Service by First-Class Mail—Civil (Documents Served)* (form POS-030(D)).

4. I served the documents by enclosing them in an envelope and (check one):
 - a. **depositing** the sealed envelope with the United States Postal Service with the postage fully prepaid.
 - b. **placing** the envelope for collection and mailing following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.
5. The envelope was addressed and mailed as follows:
 - a. **Name** of person served:
 - b. **Address** of person served:

The name and address of each person to whom I mailed the documents is listed in the *Attachment to Proof of Service by First-Class Mail—Civil (Persons Served)* (POS-030(P)).

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

Date:

 (TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM)

▶

 (SIGNATURE OF PERSON COMPLETING THIS FORM)

INFORMATION SHEET FOR PROOF OF SERVICE BY FIRST-CLASS MAIL—CIVIL

(This information sheet is not part of the Proof of Service and does not need to be copied, served, or filed.)

NOTE: This form should **not** be used for proof of service of a summons and complaint. For that purpose, use Proof of Service of Summons (form POS-010).

Use these instructions to complete the Proof of Service by First-Class Mail—Civil (form POS-030).

A person over 18 years of age must serve the documents. There are two main ways to serve documents: (1) by personal delivery and (2) by mail. Certain documents must be personally served. You must determine whether personal service is required for a document. Use the *Proof of Personal Service—Civil* (form POS-020) if the documents were personally served.

The person who served the documents by mail must complete a proof of service form for the documents served. **You cannot serve documents if you are a party to the action.**

INSTRUCTIONS FOR THE PERSON WHO SERVED THE DOCUMENTS

The proof of service should be printed or typed. If you have Internet access, a fillable version of the Proof of Service form is available at www.courtinfo.ca.gov/forms.

Complete the top section of the proof of service form as follows:

First box, left side: In this box print the name, address, and telephone number of the person for whom you served the documents.

Second box, left side: Print the name of the county in which the legal action is filed and the court's address in this box. The address for the court should be the same as on the documents that you served.

Third box, left side: Print the names of the Petitioner/Plaintiff and Respondent/Defendant in this box. Use the same names as are on the documents that you served.

First box, top of form, right side: Leave this box blank for the court's use.

Second box, right side: Print the case number in this box. The case number should be the same as the case number on the documents that you served.

Complete items 1–5 as follows:

1. You are stating that you are over the age of 18 and that you are not a party to this action. You are also stating that you either live in or are employed in the county where the mailing took place.
2. Print your home or business address.
3. Provide the date and place of the mailing and list the name of each document that you mailed. If you need more space to list the documents, check the box in item 3, complete the *Attachment to Proof of Service by First-Class Mail—Civil (Documents Served)* (form POS-030(D)), and attach it to form POS-030.
4. For item 4:

Check box a if you personally put the documents in the regular U.S. mail.
Check box b if you put the documents in the mail at your place of business.
5. Provide the name and address of each person to whom you mailed the documents. If you mailed the documents to more than one person, check the box in item 5, complete the *Attachment to Proof of Service by First-Class Mail—Civil (Persons Served)* (form POS-030(P)), and attach it to form POS-030.

At the bottom, fill in the date on which you signed the form, print your name, and sign the form. By signing, you are stating under penalty of perjury that all the information you have provided on form POS-030 is true and correct.