

# STEP 3

If the tenants have not responded to the UD action after the allowed time period, you may file your proof of service and the original Summons with the Superior Court and **request a Writ of Possession be issued.**

The Writ of Possession **MUST** be served by the Sheriff's Civil Division.

Once you have filed your Writ, the Sheriff's Civil Division requires the original Writ of Possession, three (3) additional copies of the Writ, a signed letter of instructions and the service fee of \$180.00.

Upon receipt of the Writ, the Sheriff's Civil Division will schedule and lawfully serve the tenant(s) with a Notice to Vacate.

The Notice to Vacate will inform the tenant(s) they have at least five (5) days to move from the premises dependent on the current eviction schedule.

The Sheriff Civil Division will call and inform you of the eviction time and date as soon as the eviction is scheduled. Our office will also send a confirmation letter with this information to the address you provided as a courtesy and reminder.

This reminder letter will include further instruction for you regarding the actual eviction.

*\* When the Sheriff sets the date of the actual eviction, you will be advised of that date and time. You or your agent must be at the location at the specified time to take possession of the property. It is recommended you also have a locksmith present to gain access for the deputy. The Sheriff does not remove personal property. If property is left at the premises, it is recommended that you seek counsel as to what your responsibilities are to that property. It is also recommended that the locks be changed to prevent further entry by the defendants.*

*\*\* For additional information, please refer to the "Landlord/Tenant" book found at your local library or book store.*

SHERIFF'S OFFICE  
MADERA COUNTY

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## EVICTION

For further information  
please consult an  
Attorney or Paralegal  
or the  
California Landlord Tenant Handbook  
at  
[http://www.dca.ca.gov/publications/  
landlordbook/catenant.pdf](http://www.dca.ca.gov/publications/landlordbook/catenant.pdf)

**THIS INFORMATION IS ONLY A GUIDE  
AND IS NOT TO BE  
CONSTRUED AS LEGAL ADVICE.**

**THERE IS NO GUARANTEE OR  
WARRANTY AS TO THE CURRENCY OF  
THE INFORMATION PRESENTED.**

**WE, AT THE  
SHERIFF CIVIL DIVISION,  
ARE NOT AUTHORIZED TO GIVE  
LEGAL ADVICE.**

# STEP 1

Serve a three (3) day notice to pay rent or quit when tenants are behind on their rent. If the tenants are current with their rent, you may serve a thirty (30) day notice or sixty (60) day notice terminating tenancy. These forms can be served together and are considered two separate services even if served on the same person.

*These forms are normally available at any stationery store or real estate office.*

- A. Service of a three (3), thirty (30), or sixty (60) day notice may be accomplished in any of the following manners:
- Personally serve each tenant over the age of 18.
  - Post a notice for each tenant on the door of the property and mail a copy, postage prepaid, to the address posted.
  - Have the Sheriff's Department Civil Division serve the notices for you. This requires you provide two copies of the notice (per person), a signed letter of instructions and the service fee of \$50.00 (per person).
- B. After service is completed, you will need a proof of service.
- If you serve the notice: On the back of the original notice(s), complete the proof of service.
  - If the Sheriff's Department Civil Division serves the notice, you will receive the proof of service in the mail after service is attempted/completed.

# STEP 2

If the tenants have not complied with the 3 day notice, on the 4<sup>th</sup> day after service: OR If the tenants have not complied with the 30 day notice, on the 31<sup>st</sup> day after service: OR If the tenants have not complied with the 60 day notice, on the 61<sup>st</sup> day after service:

Go to the **Civil Division of the Superior Court with a copy of the notice that was served and your original proof of service and file a Summons and Complaint - Unlawful Detainer action.**

These forms are available at the Superior Court and must be served on each tenant that was served a notice.

If there are additional occupants you didn't serve a notice to, you may serve a Prejudgment Claim of Right to Possession to cover All Occupants In Possession.

Service of a Summons and Complaint - Unlawful Detainer (UD) may be accomplished by any of the following:

- Any person over the age of 18 and NOT a party to the action may serve.
- Sheriff's Department Civil Division serve the documents for you. This requires you provide two (2) copies of the UD packet, a signed letter of instructions and the service fee of \$50.00 (per person).

## STEP 2 (CONTINUED)

Service of a Prejudgment Claim of Right to Possession on all unknown occupants in possession:

- Have the Sheriff's Civil Division or a Registered Process Server serve these documents for you. This requires you provide three (2) copies of the UD packet, three (2) copies of the Prejudgment Claim of Right to Possession form, a signed letter of instructions and the service fee of \$50.00.

If the UD packet can't be personally served, provide the court with an attempted service and request an Order to Post. Once the order is issued, service may be accomplished by any of the following:

- Any person over the age of 18 and NOT a party to the action may serve.
- Sheriff's Department Civil Division serve the documents for you. This requires you provide three (2) copies of the Order to Post (per person), a signed letter of instructions and the service fee of \$50.00 (per person) and \$50.00 for service of UD packet with Prejudgment Claim of Right to Possession form.