

# How to Evict a Tenant



The legal process for evicting a tenant is referred to as an “Unlawful Detainer.” In order to legally evict a tenant or tenants it is important for the landlord to follow some important and necessary steps. This form packet will contain the necessary paperwork to fill out an Unlawful Detainer Summons and Complaint. Although the Summons and Complaint is the first paperwork that you will be filing at the courthouse, you must first have served proper notice (for example, a three-day notice) upon the tenant.

Since there are different types of notice for different situations, you might want to check with your local [Resource Center](#) to make sure that you served the tenants with the proper notice. Also, there are technical requirements for all notices which can trip you up if you have the wrong form at home. **The preliminary notice stage is critical – if you got it wrong, the judge can throw out your eviction lawsuit and make you start all over. You will have to pay the fees again, too.**

You can file your lawsuit only after the time stated on the notice expired. Please read the rest of this document completely before proceeding, since it contains very helpful information.

Also, please remember that it is up to you to take the next step after serving the Complaint. The tenant has 5 days in which to file an Answer. After those five days (count the weekends, but don’t count the court holidays), the landlord has the option to moving the case along by way of judgment (if no Answer) or by requesting a trial date (if Answer). Our website has the forms for both of those procedures.

At the time you file the eviction lawsuit, the court clerk will mail out a notice of a status conference – about six weeks away. **That status conference is NOT your trial date.** It is only a check up to make sure you have served the lawsuit and

have moved the case along. Most cases are finished before that status conference date – if you take action.

**IF AT ANYTIME YOU FEEL THAT  
YOU NEED ADDITIONAL ASSISTANCE PLEASE VISIT  
THE RESOURCE CENTER  
OR send us an email at [landlordtenant@sb-court.org](mailto:landlordtenant@sb-court.org)**

**F.Y.I**

- ☆ The information that you put into the forms CANNOT be saved. It is very important that you print any forms that you need prior to closing the program.
- ☆ The form set has a “Stop Here” page. It contains information needed for you to finish our forms.
- ☆ Look for the yellow question marks for explanations. When you see a yellow question mark (?), simply roll your cursor over it.
- ☆ After you print, please stop by one of our Resource Centers so we can sit down with you, review your papers, and answer all of your questions.

**Click here for [Forms to Evict a Tenant](#)**