

# **UD DEFAULT JUDGEMENT CASE INTAKE FORM**

## **Part I : CLIENT INFORMATION**

- Full Legal Name: \_\_\_\_\_
- Current Address: \_\_\_\_\_
- Phone: \_\_\_\_\_ Email: \_\_\_\_\_
- Preferred Contact Method: ☐ Phone ☐ Email ☐ Text
- Best Time to Contact: ☐ Morning ☐ Afternoon ☐ Evening
- Interpreter Needed: ☐ Yes ☐ No Language: \_\_\_\_\_
- Case #: \_\_\_\_\_
- Today's date: \_\_\_\_\_
- **Current situation:** Moved out / Locked out / Property already rented out to someone else

## **Part II: PROPERTY INFORMATION**

- Address of Disputed/Rental Property: \_\_\_\_\_
- Type of Property: ☐ Apartment ☐ House ☐ Mobile Home ☐ Other: \_\_\_\_\_
- Length of Tenancy: Years: \_\_\_\_\_ Months: \_\_\_\_\_
- Monthly Rent Amount: \$\_\_\_\_\_
- Rent Payment Method: ☐ Cash ☐ Check ☐ Money Order ☐ Electronic ☐ Other: \_\_\_\_\_
- Rent Typically Paid On: ☐ 1st ☐ 5th ☐ 15th ☐ Other: \_\_\_\_\_
- Rental Agreement Type: ☐ Written Lease ☐ Month-to-Month ☐ Verbal ☐ None
- Do you have a copy of your lease/rental agreement? ☐ Yes ☐ No
- Subsidized Housing: ☐ Section 8 ☐ Public Housing ☐ Other: \_\_\_\_\_ ☐ None

## **Part III: UNLAWFUL DETAINER PROCEDURAL TIMELINE**

- Date Notice to Pay Rent or Quit Received: // \_\_\_\_\_
- Date Summons & Complaint Served: // \_\_\_\_\_
- How were court papers served?
  - ☐ Handed directly to you (personal service)
  - ☐ Left with another person at your residence (substituted service)
  - ☐ Posted on door and mailed (posting and mailing)
  - ☐ Other: \_\_\_\_\_
  - ☐ Unknown/Not sure
  - ☐ Not received/never served(\*)

- Who served the papers? ☐ Sheriff ☐ Process Server ☐ Landlord/Manager ☐ Unknown
- Date Default Entered: // \_\_\_\_\_ (if known) <---important
- Date Default Judgment Entered: // \_\_\_\_\_ (if known) <----important
- Sheriff Lockout Notice Received? ☐ Yes ☐ No Date: // \_\_\_\_\_

## Part IV: SERVICE VERIFICATION (CCP §§415.10, 415.20(b))

- Were you personally handed the court papers? ☐ Yes ☐ No ☐ Not sure
- If no, who received them? Name: \_\_\_\_\_
- Relationship to you: ☐ Family member ☐ Roommate ☐ Coworker ☐ Other:
- Age of person who received papers: ☐ Under 18 ☐ 18+ ☐ Unknown
- Was this person a resident of your home? ☐ Yes ☐ No
- Physical description of server (if remembered): \_\_\_\_\_
- Did you receive copies by mail after posting/substituted service? ☐ Yes ☐ No ☐ Not sure
- Date you first became aware of the eviction lawsuit: // \_\_\_\_\_

## Part V: ACTUAL NOTICE ASSESSMENT (CCP §473.5)

- When did you first learn about the eviction case? // \_\_\_\_\_
- How did you learn about it?
  - ☐ Received court papers
  - ☐ Saw lockout notice
  - ☐ Told by household member
  - ☐ Checked court records
  - ☐ Other: \_\_\_\_\_
- Were you living at the property when service of documents were allegedly made? ☐ Yes ☐ No
- If no, where were you? \_\_\_\_\_
- Do you regularly check your postal mail? ☐ Yes ☐ No
- Were you avoiding service? ☐ Yes ☐ No
- Why didn't you respond to the eviction lawsuit? \_\_\_\_\_

## Part VI: TIMELINE FOR RELIEF (CCP §§473(b), 473.5)

- Today's Date: // \_\_\_\_\_
- Date you first sought legal help for this case: // \_\_\_\_\_
- Have you filed any response to the eviction case? ☐ Yes ☐ No
- If yes, what and when? \_\_\_\_\_

- Were you represented by an attorney at any point? ☐ Yes ☐ No
- If yes, attorney name: \_\_\_\_\_
- Did your attorney make any mistakes in handling your case? ☐ Yes ☐ No
- If yes, describe: \_\_\_\_\_

## Part VII: POTENTIAL DEFENSES AND VACATOR GROUNDS

- Was the property address on the court papers correct? ☐ Yes ☐ No
- Were your name(s) spelled correctly on court papers? ☐ Yes ☐ No
- Did you attempt to pay rent after receiving notice? ☐ Yes ☐ No
- If yes: Date: //\_\_\_\_ Amount: \$\_\_\_\_\_
- Method: ☐ Cash ☐ Check ☐ Money Order ☐ Other: \_\_\_\_\_
- Was payment accepted? ☐ Yes ☐ No
- Were there any habitability issues in your unit? ☐ Yes ☐ No
- Did you request repairs in writing? ☐ Yes ☐ No
- Were there any disabilities or health issues that affected your ability to respond? ☐ Yes ☐ No
- Did any extraordinary circumstances prevent you from responding to the lawsuit? ☐ Yes ☐ No
- If yes, explain: \_\_\_\_\_

## Part VIII: SUPPORTING DOCUMENTATION

Documents related to this case: ☐ Notice to Pay Rent or Quit ☐ Summons and Complaint ☐ Proof of Service ☐ Default Judgment ☐ Sheriff's Notice to Vacate ☐ Rental Agreement/Lease ☐ Rent Receipts ☐ Communication with Landlord ☐ Repair Requests ☐ Photos of Unit Conditions ☐ Medical Documentation ☐ Other: \_\_\_\_\_

## Part IX: ATTESTATION

I confirm that the information provided above is true and accurate to the best of my knowledge. I understand this information will be used to determine potential grounds for vacating a default judgment obtained by my landlord..

Signature: \_\_\_\_\_ Date: //\_\_\_\_\_

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## FOR OFFICE USE ONLY

Intake Date: // \_\_\_\_ Staff: \_\_\_\_\_ Case Number: \_\_\_\_\_

### Motion to Vacate Default Eligibility Analysis:

- ☐ CCP §473(b) - Relief for mistake/excusable neglect (6-month deadline)
- ☐ CCP §473(b) - Mandatory attorney fault relief
- ☐ CCP §473.5 - Lack of actual notice (2-year/180-day deadline)
- ☐ CCP §473(d) - Void judgment (service defects)
- ☐ Equitable Relief - Extrinsic fraud/mistake
- ☐ COVID-19 Protections (CCP §1179.03)

## TIME LIMITS FOR MOTIONS TO VACATE DEFAULT UD

### Statutory Deadlines:

- §473(b) Deadline (6 months from default entry date): // \_\_\_\_
- §473.5 Deadline (2 years from judgment entry date): // \_\_\_\_
- §473.5 Alternative Deadline (180 days from first actual notice): // \_\_\_\_

### No Time Limit Applies When:

☐ Void judgment due to lack of jurisdiction (never properly served) ☐ Extrinsic fraud prevented fair hearing ☐ Clerical error in judgment entry ☐ Fundamental due process violation ☐ Fraudulent concealment of judgment

### Calculation Notes:

- Default Entry Date: Date the court clerk entered default (not the judgment)
- Judgment Entry Date: Date the default judgment was formally entered
- Actual Notice Date: First date Tenant became aware of the action/judgment
- Today's Date: // \_\_\_\_ (for measuring elapsed time)

**Procedural Defects Identified:** ☐ Improper service ☐ Void judgment ☐ Statutory deadline issues ☐ Other: \_\_\_\_\_

**Special Circumstances:** Military: \_\_\_\_, DV: \_\_\_\_, Elder: \_\_\_\_, Conservatorship: Minor when default entered \_\_\_\_, Was in custody/jail/prison \_\_\_\_, Divorce \_\_\_\_, CH \_\_\_\_

Notes:

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