



## Unlawful Detainer Default Timeline And Other Important Information

Type of Service	Default May Be Entered on The
Personal Service (CCP 415.10)	6 <sup>th</sup> day after date of service (5 days to answer, no holidays or weekends)
Substituted Service (CCP 415.20)	16 <sup>th</sup> day after date of mailing (10 days for mailing + 5 days to answer, no holidays or weekends)
Posted and Mailed by Certified Mail (CCP 415.45) <i>***This method can only be performed if it has been ORDERED by the Court***</i>	16 <sup>th</sup> day after date of mailing (10 days for mailing + 5 days to answer, no holidays or weekends)
Prejudgment Claim (CCP 415.46) <i>***Only as to Unknown Occupants***</i>	11 <sup>th</sup> day after date of mailing (10 days for mailing)

### IMPORTANT INFORMATION REGARDING THE PREJUDGMENT CLAIM:

In order to include "All Unknown Occupants" on the Judgment and the Writ, the Prejudgment Claim with the Summons and Complaint shall be served on all persons who may claim to occupy the premises at the time of the filing of the action.

This is performed by:

- (1) leaving a copy of the prejudgment claim of right to possession attached to a copy of the summons and complaint at the premises at the same time service is made upon the tenant and subtenant, if any,
- (2) affixing the same so that it is not readily removable in a conspicuous place on the premises so that it is likely to give actual notice to an occupant, and
- (3) sending the same addressed to "all occupants in care of the named tenant" to the premises by first class mail.



Service of the Prejudgment Claim **MUST** be served by a marshal, sheriff, or registered process server only. A private party cannot serve the Prejudgment claim.



When proper service of the Prejudgment Claim is done, ensure the following boxes are checked:

#5 on the Judgment for Possession and

#24a.(1.) on the Writ of Possession

### Frequently Asked Questions

- **Do weekends or court holidays count?**  
No. Weekends are not included in the counting number of days in which you can take default. If the last day to file an answer **falls on** a weekend or a court holiday, the period to file the answer is extended through and including the following court day.
- **Do Judicial Holidays count?**  
**No.** All Judicial Holidays are excluded and should not be included in determining when default can be taken.