

TENANT POWER TOOLKIT

FILING YOUR ANSWER IN PERSON A STEP-BY-STEP GUIDE

This is a step-by-step guide on how to file the Unlawful Detainer Answer papers you've filled out with our tool with the court. Basically, you will need to take two sets of signed papers to the court in person and get some help to mail another set to your landlord's lawyer - or your landlord, if the landlord has no lawyer.

If you need help, contact your local tenants union or legal service provider right away. You can find help by going here: tenantpowertoolkit.org/get-help. You can also email us at tenantpower@debtcollective.org.

PREPARING YOUR PAPERWORK

You will need to make copies of all the documents the Tool created. If you don't have a printer, you can go to a public library or copy place. Local tenant organizers can also help you with this.

Step One: Download and print your documents:

- Download the forms you made using the Tool. We have also emailed the same forms to the email address you provided.
- Make the following number of copies of each document. You may not have created all of the documents below (it depends on the type of case you have and what you answered in the Tool) - just make the right number of copies of each document you downloaded from the Tool.

FORM NAME	FORM NUMBER	NUMBER OF COPIES
Answer-Unlawful Detainer with Attachment 3w	UD 105	3 copies
Proof of Service by First Class Mail - Civil	POS-030	3 copies

Demand for Jury Trial (if you requested a jury trial)		3 copies
Cover Sheet for Declaration of COVID-19-Related Financial Distress (if applicable)	UD-104	3 copies
Attachment - Declaration of COVID-19-Related Financial Distress (if applicable)	UD-104(A)	3 copies
Request to Waive Court Fees (if you are asking for a fee waiver)	FW-001	2 copies
Request to Waive Additional Court Fees (if you requested a jury trial and are asking for a fee waiver)	FW-002	2 copies
Order on Court Fee Waiver (if you are asking for a fee waiver)	FW-003	2 copies

Step Two: Sign your documents

- Each document you printed, except the Order on Court Fee Waiver (FW-003), must be signed in pen by you.
- You will see the signature lines next to your printed name, typically at the bottom of the first page. The Answer-Unlawful Detainer (UD-105) should be signed twice on page 5.
- You (the person this answer is for) should not sign the Proof of Service.

Step Three: Find someone to serve (mail) your documents

- Once you’ve made all these copies, find a person over the age of 18 who is not named on the Summons. This can be a friend or family member, or a member of your local tenants union! The only requirements are that they are over 18 and they are not a part of this eviction case. We will call this person “the Server”. They will mail the documents to the landlord’s lawyer, or the landlord themselves if they don’t have a lawyer.
- Have the Server fill out all three copies of the Proof of Service by First Class Mail (POS-030).
- They will put their residence or business address under line 2.
- They will put the date and city from which they are mailing these documents in line 3.

- They will put the date, print their name, and sign at the bottom of the Proof of Service.

FOR THE SET THAT GOES IN THE MAIL

- Get a large envelope. Address the envelope to the landlord's lawyer (or landlord, if there is no lawyer). Put the name and address you see under line 5 of the Proof of Service by Mail (POS-030). This should be the same name and address you see at the top of the Complaint - Unlawful Detainer.
- Put a return address at the top left corner of the envelope.
- Put one copy of the Answer (UD-105) and the Proof of Service by First Class Mail (POS-030) into the envelope.
- If you asked for a jury trial, put one copy of the Demand for Jury Trial in the envelope.
- If the Tool created them for you, put one copy each of the Cover Sheet for Declaration of COVID-19-Related Financial Distress and the Attachment - Declaration of COVID-19-Related Financial Distress in the envelope.
- Do NOT mail the fee waiver documents (FW-001, FW-002, and FW-003) - these only get filed with the court.
- Finally, ask the Server to mail the envelope for you. They should do this at the Post Office so that the envelope can be weighed and prepared with proper postage. They should ask for a receipt. They should send the envelope by first-class mail.

FOR THE SET THAT YOU DELIVER IN PERSON TO THE COURT

- Make sure BOTH you AND the Server have signed the papers you are filing.
- The address of the courthouse where you file your legal response is listed on the first page of the Summons you received. You must go to the courthouse to file your papers before your deadline to file. Take a look at Question 11 below if you forgot when your filing deadline is (it's typically 5 court days after you were served). You must file your documents on or before the last day, but we recommend filing as soon as possible in case there are any issues. Plan on getting to the courthouse no later than 3pm, to give yourself time to find the Clerk's office before it closes.
- ***You will need to take two copies of each document you are filing.*** The clerk will keep one copy of each document and will stamp the other copy and give back to you. The stamped copies are called "conformed copies" and you keep them for your records, as proof you filed the paperwork
- At the courthouse, go to the office of the Clerk of the Superior Court, which you can find on a building room directory or by asking a uniformed guard or someone else who looks like they might know. File all of your documents with the clerk.

- **FEE WAIVER:** At the Clerk's window, if you are asking for a fee waiver, give the clerk both copies of all the forms. The clerk or judge will use Form FW-003 to decide if you qualify for a fee waiver or not. If you receive public benefits or your household income is below the numbers listed on the FW-001 form, your fee should be automatically waived. It might take a few hours for them to make this decision, or they might let you know the next day. Your papers won't count as "filed" until the issue of the court filing fee is decided. If your request for a fee waiver is denied, you will need to pay the filing fee for your Answer. You may get the order denying the fee waiver in the mail - you'll need to come back to the courthouse to pay the fee if so. The clerk or court may waive the fee for filing the answer but not waive for the jury fees. You can pay the jury fees (\$150) later, but you should make sure to pay the jury fees immediately if your case gets set for trial and you want to have a jury trial.
- If you are not asking for a fee waiver, give the clerk two copies of the Answer-Unlawful Detainer, Proof of Service, and the Demand for Jury Trial, plus the UD-104 (COVID-19 declaration) forms if applicable. You will be required to pay a filing fee. As of January 1, 2020, if the landlord is asking for more than \$25,000, the filing fee is \$435; if between \$10,000 and \$25,000, the fee is \$370; and if below \$10,000, the fee is \$225. You can pay the jury fees (\$150) later, but you should make sure to pay the jury fees immediately if your case gets set for trial and you want to have a jury trial.
- Be sure you keep the stamped or "conformed" copies the clerk gave you in a safe place.

WHAT NOW?

First, congratulate yourself on getting through a ridiculously complicated process in order to keep from being evicted without even a hearing! The great majority of landlords have lawyers, many of whom specialize in evicting people. The great majority of tenants cannot afford lawyers. There are far too few legal aid and other free lawyers. If you agree that tenants should have a right to a lawyer when they are faced with losing their home, join the fight!

Second, we have done our best to provide this free service to tenants. But no computer program is a substitute for a lawyer or other expert. Now that you have filed your answer, you have 10 calendar days to have an expert review your paperwork and, if necessary, prepare and file a better "amended" answer. We strongly recommend that you try to find legal help to do just that.