

How to file In person!

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 deliver one set 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). It's a little complicated, but you can definitely do it! If you need help, [insert legal and organizing resources here] or email us at tenantpower@debtcollective.org.

PREPARING YOUR PAPERWORK

1. You will need access to a printer and / or to go to a public library or copy place to make all the copies you need. Local tenant organizers can also help you with this. Find their contacts on our website: <https://tenantpowertoolkit.org/>
2. Download the forms you made using the Tool. (If you gave us an email address, we have also emailed the same forms to that address).
3. Please make the following number of copies of each form you printed:

(The court forms have names and a number in small print in the lower left corner or bold print in the upper left corner.)

FORM NAME	FORM NUMBER	NUMBER OF COPIES TO MAKE
Answer-Unlawful Detainer with Attachment 3v	UD 105	3 copies
Proof of Service by First Class Mail - Civil	POS-030	3 copies (*if you requested a jury trial, make 8 copies)
Demand for Jury Trial (if you requested a jury trial)		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	FW-003	2 Copies
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4. Once you've made all these copies, find a person over the age of 18 who is **not** named on the Summons you received. (This can be a friend or family member, or a member of your local tenants union! The only requirement is that they are over 18 and their name is not on the summons.) We will call this person "the Server".
5. Have the Server fill out four (or six, if you requested a jury trial) copies of the Proof of Service by Mail by entering the information requested on the form that is not pre-printed (hand printing is fine).
6. Staple one Proof of Service by Mail form that the server just signed to each copy of the Answer-Unlawful Detainer and to each copy of the Demand for Jury Trial.

For the set that goes in the mail:

7. Prepare an envelope large enough for **one** copy of the Answer (UD-105) plus Proof of Service, and Demand for Jury Trial plus Proof of Service (if you requested a jury trial) and enough postage to mail the envelope by First Class Mail. Address the envelope to the landlord's lawyer (or landlord, if there is no lawyer) to the same address listed on the Proof of Service (and taken from the very top of the Complaint).
8. The Server must mail the envelope you have prepared with postage. The Server can do this at the Post Office, where you can get a receipt, or at a USPS mailbox but **ONLY** if the Server puts the envelope in the mailbox before the time of last pickup for the day posted on that mailbox.

For the set that you deliver in person to the court:

9. You should sign one copy (which will become the original you file with the court) of the *Answer-Unlawful Detainer* and the *Demand for Jury Trial* (if requested). The Server will be signing the Proof of Service by Mail attached to both of these documents. You cannot file your response unless **BOTH** you **AND** the Server have signed the papers you are filing.
10. Sign one copy of the *Request to Waive Court Fees* and, if you requested a jury trial, also the *Request to Waive Additional Court Fees*. The signed copies of these documents will be the originals to be filed with the court and are confidential. (You don't need to mail these to the landlord which is why we don't talk about them in steps 1-8.)
11. The address of the courthouse where you file your legal response is listed on the first page of the Summons you received. Plan on getting to the courthouse no later than 3pm, to give you time to find the Clerk's office before it closes.. **You will need to take two copies of each form you are filing:** the signed original and one copy the clerk will stamp and give back to you. The stamped copies are called "conformed copies" and you keep them for your records.

12. 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.
13. FEE WAIVER: At the Clerk's window, if you are asking for a fee waiver, give the clerk the signed original plus one copy of **all** of the forms. (The extra copy is for the Clerk to stamp and give back to you as proof that you filed.) The clerk or judge will use the 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. The clerk will not file your papers until the issue of the court filing fee is decided. The clerk or court may waive the fee for filing the answer but not waive for the jury fee. You can pay the jury fee (\$150) later. If you are not asking for a fee waiver, give the clerk only the Answer-Unlawful Detainer, plus Proof of Service, and the Demand for Jury Trial, plus proof of service (if you are requesting one). 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 fee later.
14. 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.