

SERVICE AND PROOF OF SERVICE PACKET

SERVICE INSTRUCTIONS:

You must “serve” (mail) certain documents, like the Answer to the Unlawful Detainer Complaint, on the landlord/landlord’s attorney, and then you need to fill out and file a document called a Proof of Service with the court.

STEP 1: Find a helper to mail your documents and fill out a Proof of Service form

You cannot serve documents if you are named in the Complaint - you need to ask for help from a person you trust who is over the age of 18 and does not live with you.

STEP 2: Ask your helper to fill out the Proof of Service-030 Form

Find the Proof of Service-030 form attached or online at <https://selfhelp.courts.ca.gov/jcc-form/POS-030>. Fill out the Proof of Service form following the instructions below, except for the signature at the bottom. Make two copies of the filled out Proof of Service. Your helper will be sending one to your landlord or their attorney, and you will be keeping one copy for your records.

STEP 3: Ask your helper to mail the Proof of Service and documents together to the landlord/landlord attorney

Attach the filled out, unsigned Proof of Service to the document you are serving and ask your helper to mail both documents to the landlord/landlord attorney. Your helper will mail the documents to the address and name listed at the top of the Complaint (see below for more information how to fill out the Proof of Service). After your helper places the documents in the mail, your helper should sign the Proof of Service, acknowledging that they mailed the documents on that date. Keep a copy for your records.

STEP 4: File the Proof of Service and the document attached to it with the court

Take the signed Proof of Service and documents to be filed to the courthouse. At the courthouse you will go to the clerk’s office and request to file the documents. If the clerk accepts the documents for filing, the clerk will stamp the documents. Keep a copy for your records.

Alameda County Residents can go to the following courthouses to file their documents:

- Alameda Superior Court, Hayward Hall of Justice: 24405 Amador St, Hayward, CA 94544
- Alameda Superior Court, René C. Davidson Courthouse: 1225 Fallon St, Oakland, CA 94612

Contra Costa County Residents can go to the following courthouses to file their documents:

- Pittsburg Residents: Richard E. Arnason Justice Center: 1000 Center Drive Pittsburg, CA 94565
- Richmond Residents: George D. Carroll Courthouse: 100 – 37th Street Richmond, CA 94805
- Wakefield Residents: 725 Court Street, Martinez, CA 94553

(detailed instructions on next page)

PROOF OF SERVICE INSTRUCTIONS: You need to tell the court you “served” the documents on the landlord or landlord’s attorney. To do this, you will have to ask a “helper” to fill out a form called the Proof of Service using the instructions below. Most importantly, the “helper” who fills out this Proof of Service and mails the documents cannot be someone who is under 18, is part of the eviction case, or lives with you. They also must live or work in the County that they are mailing from. Make sure you put your name and information at the TOP, and put the “helper’s” information in box 2, and at the BOTTOM of the document.

POS-030

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):</p> <p style="text-align: center;">Write the names and addresses of Defendants filing the primary document (DO NOT write the name of the helper who is "serving" the landlord/landlord attorney here)</p> <p>TELEPHONE NO.: Reliable phone number</p> <p>E-MAIL ADDRESS (Optional): Reliable email address (optional)</p> <p>ATTORNEY FOR (Name): If you do not have an attorney you will write "Defendant(s) in Pro Per"</p> <p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</p> <p>STREET ADDRESS:</p> <p>MAILING ADDRESS:</p> <p>CITY AND ZIP CODE: Court address has been found on the first page of the Complaint</p> <p>BRANCH NAME:</p> <p>PETITIONER/PLAINTIFF: Plaintiff and Defendant names can be found on the first page of the Complaint</p> <p>RESPONDENT/DEFENDANT:</p> <p style="text-align: center;">PROOF OF SERVICE BY FIRST-CLASS MAIL—CIVIL</p>	<p><small>FOR COURT USE ONLY</small></p> <p>CASE NUMBER:</p> <p>Case Number - can be found on top right hand side of Summons and Complaint</p>
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(Do not use this Proof of Service to show service of a Summons and Complaint.)

1. I am over 18 years of age and **not a party to this action**. I am a resident of or employed in the county where the mailing took place.
2. My residence or business address is:

Mailing address of the helper who "served" the document on your landlord or landlord's attorney
3. On (date): **Date mailed** I mailed from (city and state): **City and state where the documents are mailed from**
 the following **documents (specify):** **Name of Documents being served (Ex: Answer Form- Unlawful Detainer (UD-105))**

The documents are listed in the *Attachment to Proof of Service by First-Class Mail—Civil (Documents Served)* (form POS-030(D)).
4. I served the documents by enclosing them in an envelope and (check one):
 - a. **depositing** the sealed envelope with the United States Postal Service with the postage fully prepaid.
 - b. **placing** the envelope for collection and mailing following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.
5. The envelope was addressed and mailed as follows:
 - a. **Name** of person served: **Name of the landlord or landlord's attorney. You will find the right person and address to serve in item number 2 on the Summons, and at the box on top of the Complaint.**
 - b. **Address** of person served: **Address as written on the Summons, box number two or at the top of the Complaint. This should be the same name and address that the helper puts on the envelope to mail the Proof of Service and Documents**

The name and address of each person to whom I mailed the documents is listed in the *Attachment to Proof of Service by First-Class Mail—Civil (Persons Served)* (POS-030(P)).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: **Date that this form is signed**

Name of helper "serving" documents **Signature of helper "serving" documents**

(TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM) (SIGNATURE OF PERSON COMPLETING THIS FORM)

Check box (a) if your helper is mailing the documents (more common).
 Only check box (b) if your helper is leaving the envelope for pick up anywhere - but they should make sure the mail is picked up the SAME DAY



Please note: This information does not create an attorney-client relationship and does not constitute legal advice. This is a non-exhaustive explanation of CA housing legal rights and remedies. If you need assistance in finding a lawyer, contact Centro Legal de la Raza. Last updated December 2022.

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, State Bar number, and address):</i> TELEPHONE NO.: _____ FAX NO. <i>(Optional):</i> _____ E-MAIL ADDRESS <i>(Optional):</i> _____ ATTORNEY FOR <i>(Name):</i> _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT:	
PROOF OF SERVICE BY FIRST-CLASS MAIL—CIVIL	CASE NUMBER:

(Do not use this Proof of Service to show service of a Summons and Complaint.)

1. I am over 18 years of age and **not a party to this action**. I am a resident of or employed in the county where the mailing took place.
2. My residence or business address is:
3. On *(date):* _____ I mailed from *(city and state):* _____ the following **documents** *(specify):*

The documents are listed in the *Attachment to Proof of Service by First-Class Mail—Civil (Documents Served)* (form POS-030(D)).

4. I served the documents by enclosing them in an envelope and *(check one)*:
 - a. **depositing** the sealed envelope with the United States Postal Service with the postage fully prepaid.
 - b. **placing** the envelope for collection and mailing following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.
5. The envelope was addressed and mailed as follows:
 - a. **Name** of person served:
 - b. **Address** of person served:

The name and address of each person to whom I mailed the documents is listed in the *Attachment to Proof of Service by First-Class Mail—Civil (Persons Served)* (POS-030(P)).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM)		(SIGNATURE OF PERSON COMPLETING THIS FORM)

INFORMATION SHEET FOR PROOF OF SERVICE BY FIRST-CLASS MAIL—CIVIL

(This information sheet is not part of the Proof of Service and does not need to be copied, served, or filed.)

NOTE: This form should **not** be used for proof of service of a summons and complaint. For that purpose, use *Proof of Service of Summons* (form POS-010).

Use these instructions to complete the *Proof of Service by First-Class Mail—Civil* (form POS-030).

A person over 18 years of age must serve the documents. There are two main ways to serve documents: (1) by personal delivery and (2) by mail. Certain documents must be personally served. You must determine whether personal service is required for a document. Use the *Proof of Personal Service—Civil* (form POS-020) if the documents were personally served.

The person who served the documents by mail must complete a proof of service form for the documents served. **You cannot serve documents if you are a party to the action.**

INSTRUCTIONS FOR THE PERSON WHO SERVED THE DOCUMENTS

The proof of service should be printed or typed. If you have Internet access, a fillable version of the Proof of Service form is available at www.courtinfo.ca.gov/forms.

Complete the top section of the proof of service form as follows:

First box, left side: In this box print the name, address, and telephone number of the person *for* whom you served the documents.

Second box, left side: Print the name of the county in which the legal action is filed and the court's address in this box. The address for the court should be the same as on the documents that you served.

Third box, left side: Print the names of the Petitioner/Plaintiff and Respondent/Defendant in this box. Use the same names as are on the documents that you served.

First box, top of form, right side: Leave this box blank for the court's use.

Second box, right side: Print the case number in this box. The case number should be the same as the case number on the documents that you served.

Complete items 1–5 as follows:

1. You are stating that you are over the age of 18 and that you are not a party to this action. You are also stating that you either live in or are employed in the county where the mailing took place.
2. Print your home or business address.
3. Provide the date and place of the mailing and list the name of each document that you mailed. If you need more space to list the documents, check the box in item 3, complete the *Attachment to Proof of Service by First-Class Mail—Civil (Documents Served)* (form POS-030(D)), and attach it to form POS-030.
4. For item 4:
 - Check box a if you personally put the documents in the regular U.S. mail.
 - Check box b if you put the documents in the mail at your place of business.
5. Provide the name and address of each person to whom you mailed the documents. If you mailed the documents to more than one person, check the box in item 5, complete the *Attachment to Proof of Service by First-Class Mail—Civil (Persons Served)* (form POS-030(P)), and attach it to form POS-030.

At the bottom, fill in the date on which you signed the form, print your name, and sign the form. By signing, you are stating under penalty of perjury that all the information you have provided on form POS-030 is true and correct.