

Kimball, Tirey & St. John LLP

Five Ways You Can Shorten the California Eviction Process

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It is no surprise to anyone who has recently gone through the California eviction process to know it takes longer than ever before. This is true for uncontested as well as contested cases. This is mainly due to an increase in the number of cases tenants are represented by legal counsel, whose main leverage in attempting to settle the case is to engage in legal tactics that delay the inevitable lockout of their client. These legal tactics include filing of motions, discovery, trial and bankruptcy. The other major reason for delays in both uncontested and contested evictions is due to the lack of sufficient numbers of court personnel and Sheriff deputies.

It is more important than ever to know what you can do to move your unlawful detainer case along more swiftly. Here are some ways you can save time and keep your losses to a minimum:

1. Make sure the notice preceding the eviction named all adult occupants whether or not they are on the lease, and is filled out and served correctly so the notice does not need to be re-served. If in doubt, call our office and we can verify the legal correctness of your notice and how best to serve it.
2. Consider providing the three-day notice to your attorney early in the morning of the day it expires so that it can be filed the same day. More and more courts are going to e-filing which expedites your cases. KTS e-files in all courts that allow e-filing. The same day the case is filed is also the same day our process servers make their first attempt at a personal serve.
3. Provide all of the necessary documentation the attorney needs to file the unlawful detainer action. This includes the notice, proof of service of notice and lease agreement. Relevant correspondence, the tenant's application and ledger are also very helpful in making sure your case is solid and expedited.
4. In most cases, and after the case is prepared and ready to file, the law requires our clients to sign and return a Verification of the Complaint as part of the unlawful detainer filing. A quick, same morning or afternoon turnaround is essential to avoid a delay in filing your case in court.
5. Give your attorney all the information you have to give the process server the best chance of serving your unwanted tenant personally with the lawsuit. This includes time of day most likely home, physical description, description of their vehicle, and work address. Serving the delinquent tenant personally can save as much as two to three additional weeks in the process.

With the California courts congested because of lack of personnel coupled with attorney represented cases on the rise it is important to know how you, the client, can shorten the time it takes to evict your unwanted resident. After all, time *is* money when it comes to evictions.

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