Article published on January 25th 2012 | Business

Evicting a tenant is never a pleasant prospect for a landlord. In California, a landlord must follow all of the proper procedures to legally evict a tenant. One of the forms needed if the tenant does not voluntarily comply and agree to vacate the premises by a specific date is a California Unlawful Detainer otherwise known as a Complaint and Summons form.

Landlords can get a California Unlawful Detainer Complaint free by visiting mypropertymanager.com and signing up with the online property management site.

Once you have a California Unlawful Detainer Complaint free form, you will need to fill it out and then have it served personally to the tenant that is in non-compliance with the order of eviction. A California Unlawful Detainer Complaint free form is served by a disinterested 3rd party, usually a process server and puts the tenant on notice that legal proceedings have been filed. If the tenant feels he or she is being wrongfully evicted, they can, within 5 days of receiving the Complaint, file an answer to that complaint.

The process moves very quickly through the Superior Court system in the California County where the property in question is located. A Judge will usually hear the case and make a decision within 20 days from the time the California Unlawful Detainer Complaint free form has been filed. At the hearing, both sides will have the opportunity to present evidence and the Judge will then rule in favor of either the tenant or the landlord.

If the ruling is in favor of the tenant, the tenant will not have to vacate the property and may be entitled to receive court costs from the landlord and the court has the discretion to impose a $100 per day penalty if it finds the landlord used illegal methods such as changing the locks or tossing the tenantâ€™s personal property out on the street. The tenant may also be entitled to attorneyâ€™s fees if he or she hired an attorney for their defense.

Most evictions are legitimate and the landlord also has a number of rights. A landlord may be entitled to any unpaid rent, damages , court costs, attorneyâ€™s fees and up to $600 if the tenant acted maliciously during the eviction process. Assuming the court rules for the landlord, a Writ of Possession will be issued and the tenant will have 5 days to voluntarily vacate the premises. After that, a sheriff will be ordered to remove the tenant and the landlord will have the right to enter the rental unit and take possession of any personal property left by the tenant. He can choose to return it to the tenant, sell it to recoup some of his expenses or simply throw it in the garbage.

It is very important for landlords to follow the rules and get a California Unlawful Detainer Complaint free of charge from My Property Manager so there will be no further problems or legal issues in evicting a tenant who has not paid the rent as required or who has not complied with the terms of his tenancy.

Article Source:
http://www.articleside.com/business-articles/free-california-unlawful-detainer-form-complaint-and-summons.htm - Article Side

EugeneYeng - About Author:
a My Property Management provides all forms like a California Unlawful Detainer (Complaint) Free,Change of Landlords Contact Information,Change of Ownership/Management,Co-Signer Notice of Overdue Balance,condo lease agreement and templates for property managers,a download property management forms and templates,Employment Verification,eviction forms and templates for property managers,Excessive Noise,Excessive Utility Usage Notice/Bill for free.

Article Keywords:
a national service that allows you to find and print out all kinds of legal rental documents,Balance Owed After Moveout Demand for Payment,California 3 Day Notice to Pay or Quit,California 3 Day Notice to Perform or Quit,California 30 Day Notice to Vacate

You can find more free articles on Article Side. Sign up today and share your knowledge to the community! It is completely FREE!