

AMADOR COUNTY SUPERIOR COURT Civil Division

www.amadorcourt.org

(209) 257-2603



Ex Parte Stay of Execution Unlawful Detainer

This packet includes the necessary forms to request a Temporary Stay of Execution of a judgment in an unlawful detainer eviction case. Judicial Council forms, local forms and information are available in the Clerk's Office, and on the following Websites:

Amador County Superior Court Website:

www.amadorcourt.org

CA Courts Self Help Website:

www.courts.ca.gov/selfhelp

**Legal Services of Northern California provides free self help in
answering unlawful detainer eviction actions
Wednesday between 9:30-2:00 in Conference Room C**

Services are offered on a first come, first serve basis.

Material prepared and/or distributed by the Superior Court Self Help Center IS INTENDED FOR INFORMATIONAL AND EDUCATIONAL PURPOSES ONLY. Such material is NOT LEGAL ADVICE and is not intended to be legal advice as to your specific case. IT IS NOT INTENDED TO TAKE THE PLACE OF COMPETENT LEGAL ADVICE FROM AN ATTORNEY. You are strongly urged to seek the advice of a licensed attorney before starting or completing your case in order to protect valuable legal rights that you may have, of which you may be unaware. Please contact a competent attorney of your choice. Contact information for attorneys can be found in the phone book or online at the Amador County Bar Association website.

The Clerk's Office cannot give you legal advice.

STAY OF EXECUTION

This packet of forms is to request a temporary stay of the execution of a judgment for eviction and allows you to request an extension of time before you are permanently locked out of the premises. **You should begin this request no later than 48 hours before your lockout date/time.**

NOTE: The granting of this application is not automatic and will be up to the Judge to decide. If you are not prepared to **deposit rent with the court for each day you request for the extension of time to move out** your request may be denied. You can only ask for up to 40 days from the date of Entry of the Judgment.

1. GIVE 24-HOUR NOTICE: You must give the Plaintiff or the Plaintiff's Attorney 24 hour's prior notice of your intent to seek an order to Stay the Execution of Judgment. You do this by contacting the Plaintiff or Plaintiff's Attorney by telephone and stating:

"I will be submitting a request to Stay the Writ of Execution of the Judgment twenty-four hours from the time of this call."

2. PREPARE THE DOCUMENTS: Complete the Ex Parte Application for Stay of Execution of Judgment, along with the proposed Order on Ex Parte Application to Stay the Writ of Execution.
3. FILING YOUR DOCUMENTS: Take the original and 2 copies (copies will be made for you if you have a fee waiver on file) to the Clerk's office for filing. The Clerk will file-mark the documents and **send them to the judge for review**. There will be a filing fee due at the time of filing unless you qualify for a Fee Waiver. You can get a Fee Waiver packet from the Clerk's Office or the Self Help Center. If you qualify for a Fee Waiver, the Clerk's Office will make the copies for you.
4. SERVING DOCUMENTS: A copy of the documents must be given to the Plaintiff or Plaintiff's Attorney. Someone other than you must **HAND DELIVER** a copy of the DOCUMENTS to the Plaintiff or the Plaintiff's Attorney. They must be over 18 years old and CANNOT be you or anyone else living in the home or named as a defendant in the lawsuit. Once they deliver a copy of the documents to the plaintiff or plaintiff's attorney have them complete, date and sign a PROOF OF SERVICE.

FILE the Proof of Service with the Clerk's Office, if possible. If a hearing is set, bring it with you to the hearing.

5. *If you have not heard from the clerks office within 24 hours contact them to see if your request has been granted. If it has been granted, you will need to come to the clerks office and pick up a copy of the order and deposit any further rents due.*
6. **ORDER**: If the Judge grants the stay, the clerk will notify the Sheriff's Office and the Clerk's office will fax a copy of the signed order to the Sheriff's office once signed by the Judge.