

ATTORNEY OR PARTY WITHOUT ATTORNEY ( <i>Name, ACBCI bar number/state bar number, and address</i> ):  TELEPHONE NO.: _____ FAX NO. ( <i>Optional</i> ): _____ E-MAIL ADDRESS ( <i>Optional</i> ): _____ ATTORNEY FOR ( <i>Name</i> ): _____	<b>FOR COURT USE ONLY</b>
<b>AGUA CALIENTE BAND OF CAHUILLA INDIANS TRIBAL COURT</b> STREET ADDRESS: 980 E. Tahquitz Canyon Way  CITY AND ZIP CODE: Palm Springs, CA 92262 :	
PLAINTIFF ( <i>Name</i> ): _____ DEFENDANT ( <i>Name</i> ): _____	
<b>DECLARATION FOR DEFAULT JUDGMENT BY COURT (Unlawful Detainer)</b>	CASE NUMBER: _____

1. My name is (*specify*):
  - a.  I am the plaintiff in this action.
  - b. I am
    - (1)  an owner of the property
    - (2)  a manager of the property
    - (3)  an agent of the owner
    - (4)  other (*specify*): \_\_\_\_\_
  
2. The property concerning this action is located at (*street address, apartment number, city, and county*): \_\_\_\_\_
  
3. Personal knowledge. I personally know the facts stated in this declaration and, if sworn as a witness, could testify competently thereto. I am personally familiar with the rental or lease agreement, defendant's payment record, the condition of the property, and defendant's conduct.
  
4. Agreement was  written  oral as follows:
  - a. On or about (*date*): \_\_\_\_\_ defendant (*name each*): \_\_\_\_\_
    - (1) agreed to rent the property for a  month-to-month tenancy  other tenancy (*specify*): \_\_\_\_\_
    - (2) agreed to pay rent of \$ \_\_\_\_\_ payable  monthly  other (*specify frequency*): \_\_\_\_\_ with rent due on the  first of the month  other day (*specify*): \_\_\_\_\_
  - b.  Original agreement is attached (*specify*):  to the original complaint.
  - c.  Copy of agreement with a declaration and order to admit the copy is attached (*specify*): \_\_\_\_\_
  
5. 
  - a.  More than one change in rent amount (*specify history of all rent changes and effective dates up to the last rent change*) on Attachment 5a (form MC-025).
  - b.  Change in rent amount (*specify last rent change*). The rent was changed from \$ \_\_\_\_\_ to \$ \_\_\_\_\_, which became effective on (*date*): \_\_\_\_\_ and was made
    - (1)  by agreement of the parties and subsequent payment of such rent.
    - (2)  by service on defendant of a notice of change in terms (*check item 5d*).
    - (3)  pursuant to a written agreement of the parties for change in terms (*check item 5e or 5f*).
  - c.  Change in rent due date. Rent was changed, payable in advance, due on (*specify day*): \_\_\_\_\_
  - d.  A copy of the notice of change in terms is attached to this declaration, labeled Exhibit 5d.
  - e.  Original agreement for change in terms is attached (*specify*):  to the original complaint.
  - f.  Copy of agreement for change in terms with a declaration and order to admit the copy is attached (*specify*): \_\_\_\_\_

PLAINTIFF (Name): DEFENDANT (Name):	CASE NUMBER:
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## 6. Notice to quit.

- a.  Defendant was served with a
- (1)  3-day notice to pay rent or quit (4)  3-day notice to quit
- (2)  3-day notice to perform covenants or quit
- (3)  Other (specify):
- b.  The 3-day notice to pay rent or quit demanded rent due in the amount of (specify): \$ \_\_\_\_\_ for the rental period beginning on (date) \_\_\_\_\_ and ending on (date) \_\_\_\_\_
- c.  The total rent demanded in the 3-day notice under item 6b is different from the agreed rent in item 4a(2) (specify history of dates covered by the 3-day notice and any partial payments received to arrive at the balance) on Attachment 6c (form MC-025).
- d.  The original or copy of the notice specified in item 6a is attached to (specify):  the original complaint.  
 this declaration, labeled Exhibit 6d. (The original or a copy of the notice MUST be attached to this declaration if not attached to the original complaint.)

## 7. Service of notice.

- a. The notice was served on defendant (name each):
- (1)  personally on (date):
- (2)  by substituted service, including a copy mailed to the defendant, on (date):
- (3)  by posting and mailing on (date mailed):
- b.  A prejudgment claim of right to possession was served on the occupants.

## 8. Proof of service of notice. The original or copy of the proof of service of the notice in item 6a is attached to (specify):

- a.  the original complaint.
- b.  this declaration, labeled Exhibit 8b. (The original or copy of the proof of service MUST be attached to this declaration if not attached to the original complaint.)

## 9. Notice expired. On (date): \_\_\_\_\_ the notice in item 6 expired at the end of the day and defendant failed to comply with the requirements of the notice by that date. No money has been received and accepted after the notice expired.

## 10. The fair rental value of the property is \$ \_\_\_\_\_ per day, calculated as follows:

- a.  (rent per month) x (0.03288) (12 months divided by 365 days)
- b.  rent per month divided by 30
- c.  other valuation (specify):

## 11. Possession. The defendant

- a.  vacated the premises on (date):
- b.  continues to occupy the property on (date of this declaration):

12.  Holdover damages. Declarant has calculated the holdover damages as follows:

- a. Damages demanded in the complaint began on (date):
- b. Damages accrued through (date specified in item 11):
- c. Number of days that damages accrued (count days using the dates in items 12a and 12b):
- d. Total holdover damages ((daily rental value in item 10) x (number of days in item 12c)): \$ \_\_\_\_\_

13.  Reasonable attorney fees are authorized in the lease or rental agreement pursuant to paragraph (specify): \_\_\_\_\_ and reasonable attorney fees for plaintiff's attorney (name): \_\_\_\_\_ are \$ \_\_\_\_\_14.  Court costs in this case, including the filing fee, are \$ \_\_\_\_\_

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15.  Declarant requests a judgment on behalf of plaintiff for:

a.  A money judgment as follows:

(1) <input type="checkbox"/> Past-due rent ( <i>item 6b</i> )	\$	
(2) <input type="checkbox"/> Holdover damages ( <i>item 12d</i> )	\$	
(3) <input type="checkbox"/> Attorney fees ( <i>item 13</i> )*	\$	
(4) <input type="checkbox"/> Costs ( <i>item 14</i> )	\$	
(5) <input type="checkbox"/> Other ( <i>specify</i> ):	\$	
<b>(6) TOTAL JUDGMENT</b>	<b>\$</b>	

\*  Attorney fees are to be paid by (name) only.

b.  Possession of the premises in item 2 (*check only if a clerk's judgment for possession was not entered*).

c.  Cancellation of the rental agreement.  Forfeiture of the lease.

I declare under penalty of perjury under the laws of the Agua Caliente Band of Cahuilla Indians that the foregoing is true and

correct. Date:

\_\_\_\_\_  
(TYPE OR PRINT NAME)



\_\_\_\_\_  
(SIGNATURE OF DECLARANT)

**Summary of Exhibits**

- 16.  Exhibit 4b: Original rental agreement.
- 17.  Exhibit 4c: Copy of rental agreement with declaration and order to admit the copy.
- 18.  Exhibit 5d: Copy of notice of change in terms.
- 19.  Exhibit 5e: Original agreement for change of terms.
- 20.  Exhibit 5f: Copy of agreement for change in terms with declaration and order to admit copy.
- 21.  Exhibit 6d: Original or copy of the notice to quit under item 6a (*MUST be attached to this declaration if it is not attached to original complaint*).
- 22.  Exhibit 8b: Original or copy of proof of service of notice in item 6a (*MUST be attached to this declaration if it is not attached to original complaint*).
- 23.  Other exhibits (*specify number and describe*):