

# California Eviction Defense: Protecting Low-Income Tenants 2017

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Sample Stipulation for Entry  
of Judgment, Behavioral Hoarding

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*Homeless Advocacy Project  
Justice & Diversity Center*

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Attorney for Defendant  
DANIELLE TENANT

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO  
LIMITED CIVIL JURISDICTION

LANDLORD, ) CASE NO. CUD  
)  
Plaintiffs ) STIPULATION FOR ENTRY OF JUDGMENT  
)  
v. )  
)  
DANIELLE TENANT, DOES 1 to 10 )  
)  
Defendant . )

Plaintiff, LANDLORD (hereinafter "Plaintiff") and Defendant DANIELLE TENANT (hereinafter "Defendant ") hereby stipulate as follows:

1. IT IS HEREBY STIPULATED THAT PLAINTIFF SHALL HAVE JUDGMENT AGAINST DEFENDANT ONLY IF DEFENDANT FAILS TO DO THE FOLLOWING:
2. Defendant shall be permitted to continue in possession of the premises located at xx Street #225, San Francisco, CA 94103, (hereinafter "subject premises") Defendant ' continued possession of the subject premises is contingent on Defendant ' adherence to the following rules of conduct. These rules are made in addition to the normal house rules for the Residential Hotel located at xx Street #225, San Francisco, CA (hereinafter the "Hotel") wherein the subject premises are located, and in no way supersede them. The rules of conduct, as well as the consequences for breach of said rules, are set out herein below:

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**LEVEL 1:**

Defendant shall not maintain the Premises in such a fashion as to cause the San Francisco Department of Public Health, the Department of Building Inspection, and any other government agency to issue a notice of violation, and/or an order of abatement. Breach of this provision, designated herein shall result in the following: (1) written warning after the first breach (2) entry of judgment application by the Plaintiff if the violation is not abated within three weeks. The written warning shall be given to both Defendant and to Defendant's attorney Erin Katayama via fax at 415-575-3132. Prior to entry of judgment, Plaintiff shall give three ten court days' telephonic and facsimile notice to the attorneys designated in Section 4(v.).

**LEVEL 2:**

Breach of any of the rules designated herein as "Level 2 Rules" below shall result in the following: (1) oral warning after the first breach; (2) written warning after the second breach; (3) entry of judgment application after the third breach. Each warning shall be accompanied by notice to the attorneys set out above. Prior to entry of judgment, Plaintiff shall give ten court days' telephonic and facsimile notice to the attorneys designated in Section 4(v.).

- A. Defendant shall not cause to be issued to her and/or to the Plaintiff any complaints from city agencies, hotel employees, or tenants the unsanitary condition of the Subject Premises.
- B. Defendant shall allow Plaintiff's pest control service to enter the Subject Premises and do necessary spraying as needed beginning in September 2014, and at least every month thereafter. The Plaintiff must give proper 24 hour written notice prior to pest control service.

1 One of the following must presented as evidence to support an oral warning, a written warning, or  
2 entry of judgment, as per the above:

3 A. A Housing Inspection Report prepared by the San Francisco Department of Public Health,  
4 and any other agency with jurisdiction in the City and County of San Francisco clearly  
5 indicating a credible breach of these conditions at the Hotel.

6 B. An affidavit by any Hotel employee under penalty of perjury clearly indicating a credible  
7 breach of the relevant conditions at the Hotel supported by photographic evidence. This  
8 affidavit must contain the employee's name and be made under penalty of perjury.

9  
10 **4. IF DEFENDANT COMPLIES WITH THE TERMS IN PARAGRAPHS ABOVE, THEN:**

11 a. Plaintiff will allow Defendant to remain in possession of the subject premises,  
12 provided that they are not in breach of this agreement.

13 b. Plaintiff will promptly file a dismissal of this unlawful detainer action with prejudice  
14 twelve (12) months after Defendant executes this Stipulation. This in no way precludes a  
15 later unlawful detainer action in the event of a future breach.

16 **5. IF DEFENDANT FAILS TO COMPLY WITH THE ABOVE-TERMS, THEN**  
17 **DEFENDANT HEREBY STIPULATE TO HAVE JUDGMENT ENTERED AGAINST**  
18 **DEFENDANT AS FOLLOWS:**

19 i. The subject lease or rental agreement is hereby forfeited;  
20 ii. Possession of the subject premises is hereby restored to Plaintiff;  
21 iii. Plaintiff shall be entitled to immediate restitution of the subject premises;  
22 iv. Judgment shall be entered against Defendant and a Writ of Possession for the subject  
23 Premises shall issue immediately. Plaintiff may begin eviction proceedings with the San Francisco  
24 County Sheriff's Department and a notice of eviction shall be posted by said sheriff;

25 v. Upon ten (10) court days' telephonic notice to Defendant and Defendant's attorney  
26 accompanied by a description of the breach and a description of the evidence that will be presented,  
27 Plaintiff's attorney will appear on the court's ex parte calendar and file an application with the Court  
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STIPULATION FOR ENTRY OF JUDGMENT

1 The application will include an affidavit stating that Defendant failed to comply with the above  
2 terms, and that this Stipulation shall be amended to become an order and judgment. If Defendant  
3 fails to comply with any of the terms herein, then upon ten (10) court days' telephonic notice to  
4 Defendant, Plaintiff's attorney may file a declaration with the Court stating that Defendant failed to  
5 comply with the above-terms and that this Judgment Pursuant to Stipulation shall be amended to  
6 include all past due rent, damages and costs of suit. Defendant has the opportunity to submit an  
7 opposition, declarations, evidence and oppose Plaintiff's application for judgment during the hearing.  
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9 Defendant's attorney: Erin Katayama, Homeless Advocacy Project, 125 Hyde Street, San  
10 Francisco, CA 94102 – phone (415) 865-9227 and fax (415) 575-3132.

- 11 A. Any and all personal possessions or other personal property remaining on the premises after  
12 Defendant vacates and/or is evicted, are hereby declared abandoned and of no value.
- 13 B. The Parties intend that this Stipulation constitutes the complete and exclusive statement of its  
14 terms and that no extrinsic evidence whatsoever may be introduced in any judicial or  
15 arbitration proceeding, if any, involving this Stipulation;
- 16 C. In the event any portion of this Stipulation is found void or voidable by a court of competent  
17 jurisdiction, or arbitrator(s), such portion shall be stricken, and the Stipulation reformed to as  
18 closely approximate, as the law permits, the intent of the stricken portion or portions. The  
19 remainder of said stricken provision and of the entire Stipulation will remain in effect;
- 20 D. Defendant represent and warrant that Defendant are the only tenant at the subject premises.
- 21 E. Each term of this Stipulation is considered material by the Parties;
- 22 F. This stipulation will expire one year from its execution by all parties.
- 23 G. The Parties agree that the court may retain jurisdiction to enforce this settlement agreement  
24 until performance in full of the terms of the agreement (C.C.P. § 664.6).
- 25 H. Plaintiff and Defendant stipulate that Defendant shall file an ex parte application in court  
26 requesting the court maintain the restriction on public access, as set forth in Code of Civil  
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Procedure section 1161.2 as to the court's file for this action. Plaintiff waives notice of this application and appearance.

I. The parties acknowledge that the Plaintiff has been notified about the serious habitability problems in the unit. These problems include but are not limited to: broken light in the unit, the broken smoke detector, old and clogged window screen, and a malfunctioning window. The floors and walls are also in disrepair and have not been changed since Defendant moved into the premises. The Plaintiff agrees to begin repairs on these listed issues within 30 days of signing this agreement. If Plaintiff does not begin repairs within 30 days of signing this agreement, Plaintiff shall be barred from obtaining a judgment against defendant until such repairs have been completed.

J. Should a party seek relief pursuant to the terms of this stipulation, the prevailing party shall be entitled to reasonable attorney fees.

I consent to the above Stipulation for Entry of Judgment and all the terms stated therein. I have read the above and understand each and every term and all the terms together. Each and every term and all the terms together are reasonable. I have the authority to enter into this Stipulation for Entry of Judgment. I agree and accept each and every term and all the terms together of this Stipulation for Entry of Judgment.

Dated: \_\_\_\_\_  
xx Defendant

Dated: \_\_\_\_\_  
Erin Katayama  
Attorney for Defendant

Dated: \_\_\_\_\_  
xx, on behalf of Plaintiff



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Dated:

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xx  
Attorney for Plaintiff

STIPULATION FOR ENTRY OF JUDGMENT  
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## NOTES

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