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## *Commentary*

# A Proposal to Revise the Forms of California Summons

By BARRY A. ABBOTT\*

and

AGUSTIN MEDINA, JR.\*\*

Although service of summons is the crucial first step in bringing a defendant in a civil action before the court, the California summons often fails to inform the recipient of the summons's importance. This failure arises from the lack of comprehensibility of the present general form of summons.

The confusion engendered by a summons often results in costly inaction, reflected, in part, in the large number of default judgments entered in civil actions in municipal and superior courts. Many defaults stem from defendants' failure to comprehend the full significance of the summons with which they are served.<sup>1</sup> Not appreciating the significance of a "5-day response time" in unlawful detainer actions, for

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On May 16, 1980, the Chair of the Executive Committee of the Legal Services Section of the State Bar of California sent to the Judicial Council of California the authors' proposal to revise the forms of California summons, endorsed by both the Section's Executive Committee and that Section's Standing Committee for Legal Services to the Poor. This Commentary is substantially similar to the proposal that was submitted to the Judicial Council.

The authors wish to acknowledge the assistance of the following persons in preparing the proposal upon which this Commentary is based: Mark N. Aaronson, Esq.; Ms. Alison Brennan; J. Wallace Oman, Esq.; San Francisco Lawyers' Committee for Urban Affairs; and the Chairman of the Department of Spanish and Portuguese, University of California, Berkeley, Professor Arthur Askins, for providing the Spanish translations used in the proposed summons.

1. The Clerk of the San Francisco Municipal Court stated the problem succinctly: "In serving the public the clerks continually have to explain to citizens that they are being sued. Hopefully the Judicial Council will respond by simplifying the summons form for the benefit of the public." Letter from the Clerk of the San Francisco Municipal Court to the San Francisco Neighborhood Legal Assistance Foundation (August 1, 1979) (copy on file with the *Hastings Law Journal*).

example, many defendants wait past the response date before consulting an attorney.<sup>2</sup> In many cases, there follows a costly and time-consuming motion to set aside the default judgment.

This Commentary analyzes the constitutional and statutory foundations and sets forth the minimal legal requirements of California forms of summons. The Commentary proposes a revision to the existing general form that will better protect the rights of litigants. The suggested revised general form of summons,<sup>3</sup> which is offered as an exemplar for modifying all five forms of the California summons approved by the California Judicial Council,<sup>4</sup> attempts to impress upon the lay recipient the significance of being served with a summons and complaint.

### Constitutional and Statutory Foundations

The words of a summons have constitutional implications because through the summons a defendant receives fair and adequate notice of the judicial proceeding.<sup>5</sup> Pursuant to the due process clause of the fourteenth amendment,<sup>6</sup> a defendant must be given fair notice of the pendency of an action and an opportunity to defend.<sup>7</sup>

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2. According to one legal service attorney, many defendants in these actions contact their landlord within the five-day response time, after which they believe that they need do nothing further with respect to the complaint. Later, they are surprised to discover that a default judgment has been entered against them. Interview with J. Wallace Oman, Esq., Staff Attorney, San Francisco Neighborhood Legal Assistance Foundation, October 14, 1981.

Another situation in which this confusion may arise is illustrated by *Goldfarb v. Bostick*, a 1979 unlawful detainer action in San Francisco Municipal Court. In that case, the defendant answered the complaint in a literate manner, but the clerk rejected the answer as not constituting the "written responsive pleading" required by the form. Apparently, the unlawful detainer form, California Code of Civil Procedure, section 412.20 (West Supp. 1981), failed to make clear to Mr. Bostick that he had to submit a formal legal response to the complaint. The defendant's handwritten letter and the clerk's rejection of it are on file with the *Hastings Law Journal*.

3. Included as Appendix A to this Commentary is the proposed revision of the general form of summons. Appendix B is a copy of the current general form of summons. The reverse side of the current form, dealing with proof of service, is not reproduced because the authors do not suggest any changes in it.

4. The five forms include a general form and forms for "Unlawful detainer or State Housing Law," "Joint Debtor," "Family Law" (petition concerning marriage), and "Joinder." CAL. CIV. PROC. CODE § 412.20 (West Supp. 1981).

5. See, e.g., *Milliken v. Meyer*, 311 U.S. 457 (1940).

6. U.S. CONST. amend. XIV, § 1 provides: "[N]or shall any State deprive any person of life, liberty, or property, without due process of law . . ." Minimal due process requires that the means of service be reasonably calculated to provide a defendant with both actual notice of the initiation of the proceeding and an opportunity to defend. *Milliken v. Meyer*, 311 U.S. 457, 462-63 (1940). The California courts follow the *Milliken* formulation. See *Crescendo Corp. v. Shelton, Inc.*, 267 Cal. App. 2d 209, 213, 72 Cal. Rptr. 776, 778-79 (1968).

7. *Milliken v. Meyer*, 311 U.S. 457, 463 (1940). The California Supreme Court has

As legal process, a summons serves three purposes: (1) it notifies the recipient of the pendency of the action; (2) it submits the recipient to the court's jurisdiction; and (3) it informs the recipient of his or her procedural rights in the action.<sup>8</sup> Thus, any difficulty in understanding the content of a summons suggests a possible impairment of a lay recipient's constitutional rights; a simpler summons would provide more assurance that constitutional standards are satisfied.

In California, in addition to constitutional standards, valid service of process must meet the statutory requirements for service found principally in the Jurisdiction and Service of Process Act.<sup>9</sup> The basic California statute governing the content of approved summonses, section 412.20 of the Code of Civil Procedure,<sup>10</sup> requires that a summons con-

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stated: "The rendition of a valid personal judgment against a defendant requires that he be a member of a class subject to its power and that he have proper notification of the action, with an opportunity to appear therein." *Allen v. Superior Court*, 41 Cal. 2d 306, 309, 259 P.2d 905, 907 (1953).

8. See 2 B. WITKIN, *CALIFORNIA PROCEDURE, Actions* § 568, at 1385 (2d ed. 1970).

9. CAL. CIV. PROC. CODE §§ 410.10-418.10 (West Supp. 1981).

10. Section 412.20(a) requires the following information to be included in each summons:

"(1) The title of the court in which the action is pending.

"(2) The names of the parties to the action.

"(3) A direction that the defendant file with the court a written pleading in response to the complaint within 30 days after summons is served on him. In justice courts, the direction shall be that the defendant file with the court a written pleading, or cause an oral pleading to be entered in the docket, in response to the complaint within 30 days after summons is served on him.

"(4) A notice that, unless the defendant so responds, his default will be entered upon application by the plaintiff, and the plaintiff may apply to the court for the relief demanded in the complaint, which could result in garnishment of wages, taking of money or property, or other relief.

"(5) The following statement in boldface type: 'You may seek the advice of an attorney in any matter connected with the complaint or this summons. Such attorney should be consulted promptly so that your pleading may be filed or entered within the time required by this summons.'"

"(6) The following introductory legend at the top of the summons above all other matter, in boldface type, in English and Spanish:

'Notice! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read information below.'" CAL. CIV. PROC. CODE § 412.20(a) (West Supp. 1981).

Sections 412.20(b) and 412.20(d) set forth the foreign language requirements:

"(b) Each county may, by ordinance, require that the legend contained in paragraph (6) of subdivision (a) be set forth in every summons issued out of the courts of that county in any additional foreign language, if the legend in such additional foreign language is set forth in the summons in the same manner as required in such paragraph.

...

"(d) Subdivision (b) shall have no force or effect after June 30, 1989. Paragraph (6) of subdivision (a), to the extent that it requires using the Spanish language, shall have no force or effect after June 30, 1989." CAL. CIV. PROC. CODE § 412.20 (b), (d) (West Supp. 1981).

Additionally, this statute authorizes the Judicial Council to approve the summons form.

tain: (1) the title of the court; (2) the names of the parties; (3) a direction that the defendant respond to the complaint within thirty days; (4) notice that, if the defendant does not respond, the court may enter a default judgment; (5) a statement in boldface type that the defendant may seek the advice of an attorney; and (6) a notice in English and Spanish that the defendant has been sued and has thirty days in which to respond.

Section 412.20 is only the most recent in a long history of California statutes describing the minimal requirements of summonses. California Code of Civil Procedure section 412.20 was placed in its present statutory location in 1969,<sup>11</sup> and the current statutory provision looks very similar to the provision enacted at that time.<sup>12</sup> The predecessor to section 412.20 was section 407,<sup>13</sup> originally codified in 1872, and

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CAL. CIV. PROC. CODE § 412.20(c) (West Supp. 1981) provides: "A summons in form approved by the Judicial Council is deemed to comply with this section." Whenever a form has been prescribed by the Judicial Council, "no court may use a different form which has as its aim the same function as that for which the Judicial Council's prescribed form is designed." CAL. GOV'T CODE § 68511 (West 1976).

Pursuant to its authority to approve forms of summons under section 412.20(c), 1969 Cal. Stats. ch. 1610 § 3, at 3364 (current version at CAL. CIV. PROC. CODE § 412.20(c) (West Supp. 1981)), the Judicial Council has approved five forms of summonses. These forms are set forth following CAL. CIV. PROC. CODE § 412.20 (West Supp. 1981). They were approved by the Judicial Council in CAL. CIV. & CRIM. CT. R. 982, 1283, and 1291.40 (West 1981). All five forms, including the approved unlawful detainer summons, are similar in form and content to the general (30-day response time) form of summons. See appendix B.

Subsection (c) of § 412.20 does not appear to require the Judicial Council to follow the format or provisions of § 412.20(a). Arguably, § 412.20(c) governs the approval of changes only in format of the required items rather than changes in the items included. This argument does not appear persuasive, however, because the plain words of the subsection grant the Judicial Council broad discretion to tailor the forms of summons, presumably in accordance with what the Judicial Council perceives to be effective communication of the essential terms of a summons. Thus, the Judicial Council apparently has the authority to change the items included in the summonses.

Because a summons in form approved by the Judicial Council is deemed to comply with § 412.20, there appear to be no restrictions other than constitutional restrictions on the Judicial Council's authority to promulgate a summons form.

11. 1969 Cal. Stats. ch. 1610, § 3, at 3364.

12. The 1969 version did not, however, include the admonishment that the relief granted could include "garnishment of wages, taking of money or property, or other relief," CAL. CIV. PROC. CODE § 412.20(a)(4) (West Supp. 1981), or the current requirement of bilingual notice. *Id.* § 412.20(a)(6). See note 10 *supra*. The 1969 version also did not include provisions comparable to the current subsections (b) or (d). Section 412.20(b) permits each county to include the legend prescribed by subsection (a)(6) in additional foreign languages as necessary. Section 412.20(d) provides that the authorizations for Spanish and other foreign languages expire on June 30, 1989. See note 10 *supra*.

In addition, the 1969 version contained a provision identical to the current subsection on Judicial Council authority. Compare CAL. CIV. PROC. CODE § 412.20(b) (West 1973) (amended 1974) with *id.* § 412.20(c) (West Supp. 1981). See note 10 *supra*.

13. See "Historical Note" following CAL. CIV. PROC. CODE § 412.20 (West 1973).

amended several times thereafter.<sup>14</sup> As originally codified, section 407 set forth the form of summons for all civil actions other than actions commenced in a Justice Court.<sup>15</sup> Amendments to the section in 1933, however, resulted in one consolidated statute governing the standard form of summons.<sup>16</sup> The results of the consolidation process can be found in current section 412.20.

In the 1872, 1933, and 1969 statutes, the legislature consistently included four elements in the standard form of summons: (1) the title of the court in which the action is pending; (2) the names of the parties to the action; (3) a direction to the defendant that he or she file a written pleading in response to the complaint within a specified number of days; and (4) a notice that, unless the defendant so responds, his or her default will be entered upon the plaintiff's request and the plaintiff may apply to the court for the relief demanded in the complaint.

There have been two relatively recent additions to the summons statute. In 1967, the requirement of a notice describing the defendant's right to seek advice of counsel was added.<sup>17</sup> In 1974, an English-Spanish legend was added, explaining that the person is being sued and that he or she must respond within thirty days.<sup>18</sup> These amendments illustrate the legislature's concern that recipients of complaints who are unfamiliar with legal proceedings may not understand the consequences of the complaint.

Section 412.20 also is subject to the mandate of Code of Civil Procedure section 4 that the provisions of the Code "are to be liberally construed, with a view to effect its objects and to promote justice."<sup>19</sup> The California courts traditionally have liberally construed the legisla-

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14. Prior to 1933, section 407 was amended in 1880 and 1897. See "Historical Note" following CAL. CIV. PROC. CODE § 412.20 (West 1973).

15. A Justice Court is presided over by a Justice of the Peace. The form of summons and time of appearance for Justice Courts were to be found at §§ 844 and 845 of the Code of Civil Procedure (repealed by 1933 Cal. Stats. ch. 744, § 198, at 1904).

16. The statute required the following information to be included:

"1. The title of the court in which the action is brought, the name of the county in which the complaint is filed and, in municipal and justices' courts, the name of the city, town, or judicial township in which such court is established;

"2. The names of the parties to the action;

"3. A direction that the defendant appear and answer the complaint within ten days, if the summons is served within the county in which the action is brought; within thirty days if served elsewhere;

"4. A notice that, unless the defendant so appears and answers, the plaintiff will take judgment for any money or damages demanded in the complaint as arising upon contract, or will apply to the court for any other relief demanded in the complaint." Cal. Stats. 1933 ch. 744, § 15, at 1845.

17. 1967 Cal. Stats. ch. 576, § 1, at 1925.

18. 1974 Cal. Stats. ch. 363, § 1, at 697. See note 12 *supra*.

19. CAL. CIV. PROC. CODE § 4 (West 1954).

tive requirements for summonses.<sup>20</sup> There are, however, limits to this liberal construction,<sup>21</sup> and in changing the basic forms of summons, these limits, particularly as they protect the recipient's right to fair and adequate notice of the judicial proceeding, must be safeguarded.

### Clear Notice: A Continuing Concern

Clear notice in the summons has been a continuing concern. The California Judicial Council described the basic purpose of section 412.20 as follows: "Section 412.20 provides the mandatory form of summons by which various jurisdictional notices are given to the defendant and he is ordered to appear in court within 20 days after service."<sup>22</sup> Furthermore, in its recommendation to the 1969 General Session of the Legislature concerning amendment of statutes relating to jurisdiction and service of process, the Council acknowledged that its proposed changes in summons forms sought to achieve clearer notice: "In order to give defendants, wherever possible, a *better notice of the proceedings*, substantial changes in the present law have been made . . . ."<sup>23</sup>

20. *Clark v. Palmer*, 90 Cal. 504, 506, 27 P. 375, 376 (1891); see *Granger v. Sheriff*, 133 Cal. 416, 65 P. 873 (1901); *Stanquist v. Hebbard*, 122 Cal. 268, 54 P. 841 (1898).

21. In 1872, the California Supreme Court reviewed a summons issued by the plaintiff in a case in which there were three defendants: M.E. Milton, as administratrix of the estate of Daniel Milton; M.E. Milton, in her individual capacity; and I.M. Milton. The complaint named only "M.E. Milton (administratrix, etc.), *et al.*" as the defendants. The Supreme Court reversed the lower court's order denying M.E. Milton's motion to quash the summons against her in her individual capacity and held that the summons failed to state "the parties to the action." *Lyman v. Milton*, 44 Cal. 630, 633 (1872), *disapproved on other grounds*, *In re Clarke*, 125 Cal. 388, 392, 58 P. 22, 23 (1899). The court held the summons defective because the plaintiff failed to comply with the legislature's mandate that all of the parties to the action be stated in the summons. 44 Cal. at 634-35. In *Lyman* this requirement was imposed by CAL. PRACTICE CODE § 24, an early predecessor of section 412.20.

In *Greene v. Municipal Court*, 51 Cal. App. 3d 446, 124 Cal. Rptr. 139 (1975), the court of appeal held defective a summons that stated that the defendant had only 5 days to answer, when in fact he had 30 days based upon the cause of action set forth in the complaint. The court concluded that it therefore did not acquire jurisdiction over the parties served with the summons. *Id.* at 451-52, 124 Cal. Rptr. at 142; see also *State v. Woodlief*, 2 Cal. 241 (1852). *Greene* affirms the rule that a "substantially defective summons does not confer jurisdiction over a party," 51 Cal. App. 3d at 451, 124 Cal. Rptr. at 142, and also stands for the broader proposition that the references contained in the summons must be supported by the other documents served upon the defendant, including the complaint. See *id.*; see also *Baldwin v. Foster*, 157 Cal. 643, 647, 108 P. 714, 716 (1910) (to bring new parties into the action, the original summons must be amended; otherwise, jurisdiction is not acquired over them).

22. JUDICIAL COUNCIL OF CALIFORNIA, 1969 ANNUAL REPORT TO THE GOVERNOR AND THE LEGISLATURE 38.

23. *Id.* at 29 (emphasis added). This general concern for clear notice in a summons is also evident from the changes made in § 412.20 over the past fifteen years. The reminder to seek legal advice in subsection (a)(5) was added by statute in 1967. See CAL. CIV. PROC.

## Deficiencies in the Current General Form of California Summons

The information contained in the current form of California summonses is communicated in a confusing manner and, therefore, the forms should be revised. At a minimum, a summons should clearly inform recipients of the following: (1) what the summons is; (2) what the recipient must do in response to the summons; (3) what the time limitation for response is; (4) where the recipient can obtain legal services; and (5) the possible consequences of ignoring the summons. Furthermore, as the legislature has attempted to enact "plain English" provisions and certain Spanish-language translations for the standard summons,<sup>24</sup> the Judicial Council should develop standard summonses using modern design techniques, simple words and phrases, and adequate Spanish translations.

The current general form of summons,<sup>25</sup> as a result of several deficiencies, is likely to confuse the lay recipient. Foremost among these deficiencies is the title's lack of prominence. Although printed matter is normally read from top to bottom, the current form has the word

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CODE § 412.20 note (West 1973). In 1974, subsection (a)(4) was amended to require the additional notice that a default judgment "could result in garnishment of wages, taking of money or property, or other relief." Also in 1974, a State Bar-sponsored amendment added subsection (a)(6) to § 412.20 requiring, in English and Spanish, the introductory legend beginning, "Notice! You have been sued." 1974 Cal. Stats. ch. 363, § 1, at 697.

Thus, the proposal to simplify the forms of summons follows a tradition of periodic changes designed to enhance the protection of constitutional rights by giving clear and fair notice of the initiation of a civil action against the defendant.

Moreover, simplified language in the California summons will substantially aid in attaining the objectives of the Pilot Project for Economical Litigation, enacted by the 1976 California Legislature. CAL. CIV. PROC. CODE §§ 1823-1833.2 (West Supp. 1981). The fundamental purpose of the pilot project is to develop "simplified procedures to reduce the expense of litigation," especially with regard to relatively small claims. CAL. CIV. PROC. CODE § 1823 (West Supp. 1981). Pursuant to § 1823.4, the Judicial Council promulgated rules applicable to courts participating in the five-year pilot project effective January 1, 1978. See CAL. CIV. & CRIM. CT. R. 1701-1859 (West 1981).

Procedural innovations of the Pilot Project include the use of simplified pleadings. Allegations in a complaint "shall be simple, concise, and direct," CAL. CIV. PROC. CODE § 1824.1(a) (West Supp. 1981), and an answer "shall state in short and plain terms defenses to each claim asserted and shall admit or deny allegations upon which the adverse party relies." CAL. CIV. PROC. CODE § 1824.1(c) (West Supp. 1981). The trend in legislatively-mandated simplified pleadings is most recently illustrated by CAL. CIV. PROC. CODE § 425.12, enacted in 1979. 1979 Cal. Stats. ch. 843, § 1, at 2934. The provision requires the Judicial Council to develop and approve form pleadings for use in certain types of specified actions. The provision further provides that: "The forms shall be drafted in nontechnical language . . ." Enactment of this provision illustrates the abiding concern of the legislature with encouraging development of easily understandable legal form pleadings.

24. See note 24 *supra*.

25. Adopted by Judicial Council of California as CAL. CIV. & CRIM. CT. R. 982 (West 1981). The general form of summons is reproduced in Appendix B.

"summons" printed in the middle and at the bottom of the page. The name of the plaintiff's attorney is at the top of the present form. The title's lack of prominence may be one reason why many lay defendants do not understand the nature of the document they have received. The summons should not depart from the convention of placing document titles at the top of a page. Additionally, the word "summons" should be enlarged to approximately four times its current size.

Other deficiencies appear in the first paragraph. The second sentence of this paragraph begins: "If you wish to defend this lawsuit . . . ." By implying that the defendant has an effective option not to defend, this language lessens the sense of urgency that the summons should impart. In the same paragraph, the formal phrases "relief demanded in the complaint" and "garnishment" could be stated in simpler terms without loss of meaning: for example, "everything sought against you in the complaint" and "taking part of your wages." Moreover, the sentence describing the defendant's right to seek an attorney's advice is deficient; it should include information that will aid the defendant in seeking such advice.<sup>26</sup>

Finally, the instructions typed in small print at the bottom of the current form of summons do not impart helpful information to the lay defendant about how to proceed in the lawsuit. For example, one can only imagine the confusion of a lay recipient upon reading: "The time when a summons is deemed served on a party may vary depending on the method of service. For example, see CCP 413.10 through 415.50."

Because of these deficiencies, the current form should be revised in accordance with the form reproduced in Appendix A.

### The Proposed Form

The revised form sets forth the word "summons," in both English and Spanish, at the top of the page and in larger type than in the present form. The intent is to improve the recipient's initial comprehension of what the document is.

The recipient next reads his or her name. Directly underneath the name is printed: (1) the message that the defendant has been sued and by whom; (2) the names of the parties to the action (name of plaintiff); and (3) the title of the court (name of court and address).<sup>27</sup>

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26. Another problem with the message is its Spanish translation. According to Professor Arthur Askins, Chairman of the Department of Spanish and Portuguese, University of California, Berkeley, the word "registrada," used in the current Spanish translation, means "searched" rather than "filed." Thus, the Spanish translation may give the wrong impression to a Spanish-speaking person by suggesting that the advice of an attorney should be obtained promptly so a response may be "searched," rather than "filed," on time.

27. For a listing of the elements that the legislature has consistently included in the standard form of summons, see text following note 16 *supra*.

Next, the recipient is told that he or she must respond, that is, file a formal legal written response to the complaint,<sup>28</sup> within a definite time period.

The consequence of failing to take the required action are then stated, preceded by the word, "WARNING!" This sentence, listing some possible consequences of failing to take action, improves the existing form, which uses such legal phrases as "relief demanded" and "garnishment."

The next section advises the recipient to consider obtaining legal counsel and suggests sources of legal services. The clerk's seal and signature line, and the "Notice to the Person Served," remain unchanged from the existing form.

Finally, the name of the plaintiff's attorney is moved to the bottom of the proposed form, resulting in better use of the space at the top of the form.

### Summary

The consequences for the judicial system of the use of a form of legal process that is incomprehensible to most lay recipients are serious. Such consequences include the parties' and the court's time spent in adjudicating motions to set aside default judgments. Of equal concern is the dilution of a litigant's constitutional rights to fair notice and an opportunity to defend.

The existing forms of California summons, as illustrated by the general form, clearly have room for substantial improvement in their overall comprehensibility. The form of summons proposed in this Commentary would communicate more effectively the significance of the summons and the importance of quick action. It follows in the wake of heightened concern over ensuring that recipients of summonses understand the document's full significance and appreciate its "time-is-of-the-essence" quality.

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28. CAL. CIV. PROC. CODE § 431.40 (West 1981) provides that, in actions in which the demand, exclusive of interest, or the value of property in controversy, does not exceed \$1000, the defendant may file a general written denial on a blank available at the place of filing and in a form prescribed by the Judicial Council. While referencing such information in the text of a *general* (i.e., 30-day response time) form of summons might be unduly suggestive to a lay defendant about how he or she should proceed in defense of the action, including the information in the English-Spanish Notice-Aviso section of the standard *unlawful detainer* (i.e., 5-day response time) form of summons may be of significant value to recipients of those summonses.

APPENDIX A
SUMMONS/CITACIÓN JUDICIAL

FOR COURT USE ONLY:

TO: (Name of Defendant)

NOTICE: YOU HAVE BEEN SUED BY: ¡AVISO! USTED HA SIDO DEMANDADO POR:

(Name of Plaintiff)

in Case No:

(Plaintiffs):

(Defendants): v.

in the

(Name of Court, Judicial District or Branch, if any, and Post Office and Street Address)

NOTICE (Traducción en Inglés) and AVISO (Spanish Translation) sections with legal instructions in both languages.

WARNING! If you fail to respond within 30 calendar days, the court may grant the plaintiff everything sought against you in the complaint, and that may include taking part of your wages, and taking other money or property belonging to you.

YOU MAY WANT TO SEE A LAWYER. If you want a lawyer to represent you, but do not have one, you may wish to contact a lawyer referral service or, if you are poor, your nearest free legal aid office.

USTED PUEDE CONSULTAR A UN ABOGADO. Si Ud. quiere un abogado que lo represente, pero no tiene uno, podría dirigirse a un servicio de referencias legales o, si no tiene recursos para pagarlo, vea su oficina gratuita de ayuda legal más próxima.

DATED: Clerk. By Deputy

(SEAL)

2. NOTICE TO THE PERSON SERVED: You are served

- a. As an individual defendant.
b. As the person sued under the fictitious name of
c. On behalf of

- Under: CCP 416.10 (Corporation), CCP 416.20 (Defunct Corporation), CCP 416.40 (Association or Partnership), Other, CCP 416.60 (Minor), CCP 416.70 (Incompetent), CCP 416.90 (Individual)

d. By personal delivery on (Date):

(Name, Address & Telephone No. of Attorney)

Attorney for:

Form Adopted by Rule 382 Judicial Council of California Revised Effective January 1 1982

APPENDIX B

NAME AND ADDRESS OF ATTORNEY:	TELEPHONE NO:	FOR COURT USE ONLY:
ATTORNEY FOR (Name):		
Insert name of court, judicial district or branch court, if any, and Post Office and Street Address		
PLAINTIFF		
DEFENDANT:		
<b>SUMMONS</b>		CASE NUMBER

**NOTICE!** You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

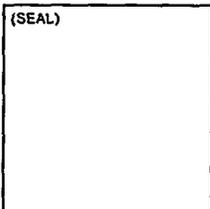
**¡AVISO!** Usted ha sido demandado. El tribunal puede decidir contra Ud. sin audlencia a menos que Ud. responda dentro de 30 días. Lea la información que sigue.

If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your written response, if any, may be filed on time.

Si Usted desea solicitar el consejo de un abogado en este asunto, debería hacerlo inmediatamente, de esta manera, su respuesta escrita, si hay alguna, puede ser registrada a tiempo.

**1. TO THE DEFENDANT:** A civil complaint has been filed by the plaintiff against you. If you wish to defend this lawsuit, you must, within 30 days after this summons is served on you, file with this court a written response to the complaint. Unless you do so, your default will be entered on application of the plaintiff, and this court may enter a judgment against you for the relief demanded in the complaint, which could result in garnishment of wages, taking of money or property or other relief requested in the complaint.

DATED: \_\_\_\_\_, Clerk, By \_\_\_\_\_, Deputy



- 2. NOTICE TO THE PERSON SERVED:** You are served
- a.  As an individual defendant.
  - b.  As the person sued under the fictitious name of: .....
  - c.  On behalf of: .....
- Under:  CCP 416.10 (Corporation)                       CCP 416.60 (Minor)
- CCP 416.20 (Defunct Corporation)             CCP 416.70 (Incompetent)
- CCP 416.40 (Association or Partnership)     CCP 416.90 (Individual)
- Other:
- d.  By personal delivery on (Date): .....

A written response must be in the form prescribed by the California Rules of Court. It must be filed in this court with the proper filing fee and proof of service of a copy on each plaintiff's attorney and on each plaintiff not represented by an attorney. The time when a summons is deemed served on a party may vary depending on the method of service. For example, see CCP 413.10 through 415.50. The word "complaint" includes cross-complaint, "plaintiff" includes cross-complainant, "defendant" includes cross-defendant, the singular includes the plural.

Form Adopted by Rule 982  
Judicial Council of California  
Revised Effective January 1, 1979

(See reverse for Proof of Service)

**SUMMONS**

CCP 412.20, 412.30,  
415.10.

