THREE DAY NOTICE TO PAY RENT OR QUIT

(C.C.P. Section 1161 Subsection 2)

TO: _____, and all tenants in possession:

PLEASE TAKE NOTICE the rent has not been paid for the below described premises and is due and unpaid in the reasonably estimated sum of \$ _____:

THE PREMISES herein referred to are situated in the City of Vallejo, County of Solano, State of California, and are designated as follows: Address:

WITHIN THREE DAYS of the date of service of this Notice upon you, you are required to pay said rent or, in the alternative, to quit and deliver up possession of said premises.

SHOULD YOU FAIL to pay the rent or to deliver up possession of the premises within said three day period, your landlord will institute legal proceedings to evict you from said premises, to declare a forfeiture of the lease or rental agreement by which you hold possession of said premises, and to recover all unpaid rent, unlawful detainer damages, attorney's fees (if applicable), and Courts costs.

SHOULD YOU MAKE a partial payment, either within the three day notice period or, if unlawful detainer proceedings are commenced, after the commencement of such proceedings, your landlord will accept such partial payment; however, unless specifically agreed otherwise in writing signed by all parties, your landlord will continue with the prosecution of an unlawful detainer action notwithstanding such partial payment pursuant to the provisions of California Code of Civil Procedure section 1161.1.

Payment should be made to:	Name: Address:		
	Telephone:		
(Check should be made payable to:)
PAYMENT MAY BE MADE IN A	NY OF THE CH	ECKED ME	THODS BELOW:
By personal delivery: The usual days and hours when available to accept payments are the days of between the hours of and	By mail or courie to the above addr be postmarked wi three day notice p	ess (must ithin the	By deposit into Account #at Bank Name: Address: By electronic funds transfer pursuant to previously established procedure

COVID-19 DEFENSE: On March 16, 2020, Governor Gavin Newsome Issued Executive N-28-20 (the "Order"), that authorized local governments to limit a Landlord's ability to evict a tenant between the date of the Order and May 31, 2020. On March 17, 2020, the City of Vallejo adopted an emergency order limiting residential and commercial evictions (the "Order").

The Order prohibits evictions during the term of the proclamation of emergency adopted by the City Council in Resolution No. 20-026, that are based on non-payment of rent, where the tenant can document a substantial decrease in household income that was caused by the COVID-19 pandemic or the governmental response to it.

You may notify your Landlord of your intention to assert this defense by filling out and returning the attached form.

Dated:

By:_____

Name: Landlord/ Agent

Attachment 1: Notification to Landlord of Eviction Protection Due to COVID-19

THIS NOTICE SUPERSEDES ALL PREVIOUSLY SERVED NOTICES TO PAY OR QUIT

This form is provided to Landlords free of charge by **The Law Offices of Todd Rothbard** 100 Saratoga Ave., Suite 200 Santa Clara, CA 95051 Phone: (408) 244-4200 Email: <u>office@toddrothbardlaw.com</u>

Please feel free to call or email with any questions.

INSTRUCTIONS (DO NOT SERVE THIS PAGE OR THE PROOF OF SERVICE THAT FOLLOWS):

CA, Commercial - Three day notice to pay rent or quit – COVID-19

- □ Fill the notice out FULLY
 - <u>Tenants</u>: Write in the name of each tenant listed on the lease, and of each known adult occupant
 - <u>Rent</u>: Write the total amount of rent that is past due.
 - Do NOT include any other fees or charges (late fees, utilities)
 - Do NOT include any rent that came due more than ONE YEAR ago
 - You do not have to itemize (give the amount due by month), the law only requires a total
 - o Pay to: You must list all the information indicated, or the notice will be defective
 - Name: this is the name of the person who will receive the rent. If rent is received at a management office, list the name of the person who will most likely be present and a general statement: i.e. "Jane Smith, or any other staff member"
 - Address and Phone Number: legally required to be included
 - Check Payment to: The Name of the person or entity who should be on the rent check
 - <u>Payment Methods</u>: You must select AT LEAST ONE, and for each method you do select, you must fill out every blank space fully
 - In Person: you must include the hours and days when your office will be open and staffed
 - Deposit to Bank: The bank account and address must be given, and the bank must be within five miles of the property (use Google maps to confirm)
 - <u>Name</u>: After Signing, (including digitally), print or type your name

Serve this notice on your tenant (including all attachments and all pages prior to this page), as REQUIRED BY YOUR LEASE:

- Commercial Landlords must comply with the service requirements of the lease. If you would like us to review and advise you, please email us and we will do so.
- If the lease contains no service instructions, you can serve by one of the following statutory methods.
 - Personally handing the notice to your tenant
 - Handing the notice to some else at the property and mailing the notice to the tenants.
 - By Posting on the door and also mailing a copy to the tenants

- You must have first KNOCKED on the door, and the tenant did not answer.
- The posting must be UNFOLDED, taped to all 4 corners, do not post in an envelope.
- Once you have served your tenant, please fill out and sign the attached Proof.
- You must accept a tendered full payment during the three days (court days), and may accept a partial payment. You are not required to accept a payment after the three court days expires. If you do accept a payment in full after the notice or eviction case, it will waive the case and you will need to start over.
- □ After three court days, if your tenant has not paid, you can get your eviction started by emailing the following documents to <u>Office@ToddRothbardLaw.com</u>:
 - A copy of the filled out three day notice
 - A copy of the filled out and signed proof of service
 - A copy of the lease and any addendums
 - If there is no lease, include it the email, the name of all tenants, when the tenants started living in the unit, their initial rent, the current monthly rent
 - \circ Also send us in the email:
 - The name of the owner of the property (individual or entity)
 - What county the owner lives in, or is headquartered in if an entity
 - Contact persons, including emails and phone numbers
 - The current Rent Ledger
 - Confirm the current rental rate and include the most recent rental adjustment letter
 - Confirmation that the amount in the notice is only rent and is the correct amount past due
 - Whether there are any adults residing in the unit that are not listed on the notice, and whether any person included on the lease have moved out and given you confirmation

DECLARATION OF SERVICE OF NOTICE TO RESIDENT

I, the undersigned declare that at the time of service of the papers herein referred to, I was at least eighteen (18) years of age, and that I served the following notice:

[X] Three Day Notice to Pay Rent or Quit

On the following resident(s): ______, and all tenants in possession

on the _____ day of _____ 20___.

BY DELIVERING a copy for each of the above-named resident(s) PERSONALLY

OR

<u>BY LEAVING</u> a copy for each of the above-named resident(s) with a person of suitable age and discretion at the residence or usual place of business of the resident(s), said resident(s) being absent thereof;

<u>AND MAILING</u> by first class mail on said date a copy to each resident(s) by depositing said copies in the United States Mail, in a sealed envelope, with postage fully prepaid, addressed to the above-named resident(s) at their place of residence.

OR

<u>BY POSTING</u> a copy for each of the above-named resident(s) in a conspicuous place on the property therein described there being no person of suitable age or discretion to be found at the residence or any known usual place of business of said resident(s);

<u>AND MAILING</u> by first class mail on said date a copy to each resident(s) by depositing said copies in the United States Mail, in a sealed envelope, with postage fully prepaid, addressed to the above-named resident(s) at their place of residence.

I declare, under penalty of perjury, that the foregoing is true and correct and if called as a witness to testify thereto, I could do so competently.

Executed this _____ day of _____, 20____ at ____ California.

Declarant