



PROTECT YOUR PROPERTY

The importance of effective tenant screening and legal representation

BY BRYAN CABRERA, ASSOCIATE ATTORNEY,
SHULMAN BASTIAN FRIEDMAN & BUI LLP

Do you have a tenant that won't get out? Do you have an ex that won't leave? Is someone squatting in your summer/winter home? Evicting a tenant can be an expensive and frustrating experience. Tenant's rights in California are stronger than ever. Tenants are more sophisticated in navigating the legal system to their benefit. When a tenant refuses to leave the premises, a property owner's only legal remedy is the unlawful detainer process. This process is a unique animal in the civil arena, and if not properly executed, the owner will have to start the process again from the beginning. Usually, the owner wants possession as quickly as possible, so it is imperative to get it right the first time.

In California, there exists a strong policy under the law to get real property back into the hands of its rightful owner as quickly as possible. The unlawful detainer action moves on a "fast track." Whereas a garden variety civil action may take 1 ½ years or more from filing before it gets to trial or arbitration, the unlawful detainer action can get to trial as quickly as in a month or two. However, it is a very technical process, and the court holds the owner to very strict standards. After all, it is going to allow the owner to kick someone out of their home.

There are basically four steps in the eviction process: (1) preparation and service of proper notice, (2) the filing and service of a summons and complaint, (3) obtaining judgment, and (4) the lockout. Step one occurs prior to court involvement. Steps two, three, and four all occur through the court. Once the case is filed, it will either be contested or uncontested. If uncontested, the owner can get possession in one to two months. If contested it can be drawn out for months and become very costly. The best thing an owner can do is to get an attorney who knows this area of law. The best weapon an owner has to avoid getting into this situation in the first place is the tenant screening process. Spend the extra money upfront to do eviction checks and background checks. Confirm and require proof of financial income and capabilities.

I have been practicing law for fifteen years. I have handled hundreds of unlawful detainer actions. If you have a landlord/tenant dispute, call us at Shulman Bastian Friedman & Bui and let us solve the problem for you.

Let us be your legal solution.



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shulman bastian
friedman & bui LLP

100 Spectrum Center Dr., Ste 600
Irvine, CA 92618

949.340-3400
shulmanbastian.com