

**MOTION FOR CONTINUANCE and  
AFFIDAVIT/DECLARATION IN SUPPORT OF MOTION FOR CONTINUANCE  
(Forms #26 and #27)  
and  
ORDER REGARDING MOTION FOR CONTINUANCE  
(Form #28)  
LANDLORD OR TENANT INSTRUCTIONS**

**WHAT IS THE PURPOSE OF A MOTION FOR CONTINUANCE?**

This Motion can be used to request the court to postpone any hearing or trial date.

**WHEN SHOULD YOU USE THIS FORM?**

Each court may adopt its own process by which it sets cases for trial or hearing, including eviction cases. If you are going to need a continuance you should ask for one at the very earliest point in time possible. Courts do not like requests for a continuance at the very last minute. If there is an emergency that requires a last-minute request, you should be sure to describe such emergency in Number 5 of Form #27, Affidavit/Declaration in Support of Motion for Continuance.

**FILLING OUT FORM #26**

**Header**

You must fill in the blanks indicating what township and county as set forth on the Landlord/Plaintiff's Complaint for Unlawful Detainer, Form #10.

**Parties**

You must fill in the names, addresses and phone numbers of the Landlord/Plaintiff and Tenant/Defendant as set forth on the Landlord/Plaintiff's Complaint for Unlawful Detainer, Form #10.

**Case No. and Dept. No.**

Use the identical Case Number and Department Number as was assigned on the Landlord/Plaintiff's Complaint for Unlawful Detainer, Form #10.

**Body of the Motion**

Print your name where indicated. Put in the earliest date you can appear in court for your hearing. Be aware that you must be reasonable and the date you are

requesting should be related to the reason for the continuance you give in Form #27. Be aware the continuance may not be granted. It is your responsibility to know when you are due in court.

### **Points and Authorities**

You do not need to fill out anything here. The reason the Points and Authorities are here is because they explain the law that supports the motion. Though there is nothing for you to fill out in this section, be aware that by signing this motion you are asserting to the court that you have a good reason for requesting the additional time.

### **SIGNATURE SECTION**

You must sign, print your name, and put in the date where indicated in the signature block.

Fill in the appropriate blanks.

### **CERTIFICATE OF SERVICE**

This document requires a "Certificate of Service." The purpose is to prove you notified the other party that you have filed or intend to file the document. The service of this document on the other party may occur before or after actual filing with the court. It is best to serve and file on the same day.

**Note:** As this form can be used by either the tenant or the landlord, be sure that you provide the correct landlord or tenant information on this document.

Provide the date and name of the document you delivered to the landlord (or tenant) or the landlord's (or tenant's) attorney.

Fill in the address of the landlord (or tenant) or landlord's (or tenant's) attorney. If the landlord (or tenant) is represented by an attorney, the Certificate of Service must indicate that the document is being sent to the attorney and indicate the attorney's address. If the landlord (or tenant) is represented by an attorney, you should not send a copy to the landlord (or tenant).

Check the method by which the document was delivered.

The signature and printed name of the server are required.

## **FILLING OUT FORM #27**

### **Header**

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### **Parties**

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### **Case No. and Dept. No.**

Use the identical Case Number and Department Number as was assigned on the Landlord/Plaintiff's Complaint for Unlawful Detainer, Form #10.

### **Body of the form**

#### **Number 1**

Print your name.

#### **Number 2**

Print your address.

#### **Number 3**

State the court date of the hearing you want continued.

#### **Number 4**

State the reason you want more time and attach any documents you have to support your need for a continuance.

#### **Number 5**

Fill in the date you placed in your Motion for Continuance, Form #26, and state the reasons why you requested this date.

### **Signature/ Notary or Declaration section**

You have a choice. You may either sign the Affidavit portion (the portion that involves the signature of a Notary Public) or the Declaration portion. If you sign the Affidavit section you must sign in front of a Notary. Generally, clerks are available to certify that you signed the document. A Notary is not required if you sign in the

Declaration section. Either choice means that if you are not being truthful you could be prosecuted for perjury.

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Check the method by which the document was delivered.

The signature and printed name of the server are required.

### **FILLING OUT FORM #28**

Fill in the top portion of this form as you have for your motion.

#### **Header**

You must fill in the blanks indicating what township and county as set forth on the Landlord/Plaintiff's Complaint for Unlawful Detainer, Form #10.

#### **Parties**

You must fill in the names, addresses and phone numbers of the Landlord/Plaintiff and Tenant/Defendant as set forth on the Landlord/Plaintiff's Complaint for Unlawful Detainer, Form #10.

#### **Case No. and Dept. No.**

Use the identical Case Number and Department Number as was assigned on the Landlord/Plaintiff's Complaint for Unlawful Detainer, Form #10.

### Body of the Order

Give it to the clerk, who will give it to the judge to decide. You must check with the court to find out what happened. You are responsible for being in court on the date and time the judge says.

### **CERTIFICATE OF SERVICE**

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Check the method by which the document was delivered.

The signature and printed name of the server are required.