

DECLARATION RE NOTICE OF
EX PARTE HEARING

Sample Only
Use At Your Own Risk



_____ [Use one of the following three clauses where appropriate:]

I hereby certify that within a reasonable time before this application for an ex parte temporary restraining order I informed _____ [name of opposing party or his or her attorney] that this application would be made on _____ [date] at _____ [place], by _____ [state facts fulfilling CCP section 527(a)(1)(2)(A) such as: telephoning to _____ (name) on _____ (date and time) and giving the time, place, and date of the hearing to _____ (name)].

[OR]

I hereby certify that I attempted in good faith to inform _____ [name of opposing party and his or her attorney, if any] of the date and time of this application for an ex parte temporary restraining order but was unable to do so. _____ [Specify attempts made in compliance with CCP section 527(a)(1)(2)(B), such as: I attempted to contact _____ (name of opposing party) at _____ (telephone number), which is the number given me by telephone information, on _____ (date and time) and again on _____ (date and time) but never reached any person or message machine. I telephoned the office of (name of attorney), defendant's attorney, and was told that (name of attorney) was out of the office on vacation until (date) and that (name of second attorney) was handling his cases during that time. I was then told that (name of second attorney) was in trial and I left a message with the receptionist for (names of

both attorneys) giving the time, place, and date of the hearing for a temporary restraining order involving (name of opposing party).]

[OR]

I hereby certify that I should not be required to inform _____ [name], the opposing party, or _____ [his or her] attorney because _____ [state facts satisfying CCP section 527(a)(1)(2)(C), such as: _____ (name) has stated an intent to remove a stated amount of wood and brush at the subject property, and would be likely to accelerate such unlawful removal to complete it before the court could hear the application for temporary restraining order if _____ (name) were informed that a hearing was pending].

I declare under penalty of perjury under the laws of the State of California that the foregoing declaration is true and correct and that it was signed at _____, California

Date: _____
_____ [Plaintiff's name]
Plaintiff *In Pro Per*

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