

## Important Information About Your Eviction Case

**Notice.** Before a landlord can file an eviction case with the court, the landlord must provide a tenant with a written notice that states why the eviction process has started the reasons why the landlord will file the case. In certain cases, if the landlord claims a tenant has broken the terms of the lease with criminal or dangerous acts that the tenant cannot correct, then the landlord can provide the tenant with a written notice at the same time the landlord provides the tenant with the eviction papers. **The tenant should have received this notice before this lawsuit was filed or with the summons.**

**Rent Cases.** If the eviction case lawsuit has been filed only because the landlord claims that the tenant has not paid for not paying rent, the tenant can stop the case from going forward and continue living in their home residence if the tenant pays by paying all rent now due, late fees, attorney's fees and court costs any time before the court grants a judgment. After a judgment has been granted, a tenant may only stay in their home, if the landlord agrees to reinstate the tenant's lease. reinstatement of the lease is solely in the landlord's discretion. Inability to pay rent is not a legal defense and the judge cannot give more time to pay, even if the tenant is having financial problems.

**Before Court.** Eviction cases move through the court system happen very quickly. After a landlord files an eviction case with the court, the court can set a first hearing date within three (3) to six (6) days. Before the court date, the landlord must serve the tenant with a Summons and Complaint. The tenant will then have an opportunity to file an Answer.

- **The Summons:** The Summons is a document that tells the tenant the date, time, and location of the eviction hearing. The Summons must be served with the Complaint.
- **The Complaint:** The Complaint is a document that lists the address of the property at issue, the tenants who live in the property, whether the property is part of a subsidized program, the landlord's claims about how the tenant breached the lease agreement, and how much the tenant allegedly owes the landlord. The Complaint must be served with the Summons.
- **The Answer:** If the tenant disagrees with the landlord's allegations, the tenant is encouraged can to file a written Answer to the Complaint. There is no fee to file an Answer. An Answer form is available from the justice court and allows the tenant to admit or deny the claims allegations stated in the Complaint and explain their his or her position. There is no fee to file an answer. A tenant may also answer orally when they show up for their hearing. If a tenant believes that the landlord owes him or her money, the tenant may under some circumstances file a counterclaim if the tenant believes the landlord violated the lease agreement or a federal or state law in some way. The summons states that a trial will occur on the date listed, but due to the high volume of cases, a trial may not occur then.

A landlord, tenant, attorney, or witness will be permitted to may participate at the initial court hearing by telephone or video conference and should contact the court one (1) business day before the hearing or at least two (2) hours before the hearing to obtain information about how to connect to the hearing. If the tenant or landlord does not attend court fails to appear, and the landlord or his attorney is present other party is present, a judgment may will probably be entered against the missing party tenant.

**Legal Representation.** The court will not provide an attorney. Tenants can represent themselves or hire their own attorney arrange for lawyers to represent them. Some legal services are available for free to those who qualify through:

- **DNA People's Legal Services,**
  - o Serving Coconino County
  - o Phone: 1-833-362-1102
  - o Website: <https://dnalegalservices.org/>
- **Community Legal Services,**
  - o Serving Maricopa, Mohave, Yavapai, La Paz, and Yuma Counties

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**Appealing a Judgment.** Parties wishing to appeal from a judgment have five (5) days to do so after the judgment is entered and can obtain forms and information from the court filing counter. If a tenant wants to remain in the rental home during the appeal, the tenant must also continue to pay rent to the court as it becomes due. If the tenant wins, the court will dismiss the case. If a landlord receives a judgment, it may apply for a writ of restitution to remove the tenant(s) and all occupants. Writs of Restitution are served by constables, who will direct the residents to leave. A tenant may avoid the difficulties associated with a writ of restitution by vacating the property and returning the keys to the landlord. This ends the tenants' possession of the residence. A tenant will have five (5) days to vacate the premises unless the court has found a material and irreparable breach of the lease by the tenant, in which case the tenant has only twelve (12) to twenty-four (24) hours to vacate. A judgment will probably appear on a tenant's credit report for several years. Parties wishing to appeal from a judgment have five (5) days to do so after the judgment is entered and can obtain forms and information from the court filing counter. If a tenant wants to remain in the rental home during the appeal, the tenant must also pay an appropriate bond and continue to pay rent into court as it becomes due. If the tenant prevails the court will dismiss the case. Absent an appeal, the tenant will need to obtain the landlord's approval and enter a new lease to continue living in the residence.

**Sources of Additional Information.** You can get copies of the Arizona Residential Landlord Tenant Act, the Arizona Mobile Home Parks Residential Landlord and Tenant Act and the Long Term Recreational Vehicle Rental Space Act are available at from a library or from links on the Arizona Judicial Branch Eviction Actions web page, <https://www.azcourts.gov/eviction>. For information on the Residential Eviction Action process, please visit: <https://www.azcourthelp.org>. If you wish to consult an attorney, you may want to contact the Arizona State Bar Attorney Referrals Line or, in Maricopa County, Community Legal Services. Contact the court in other counties for similar referrals.

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