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IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the matter of:	)	
	)	
PETITION TO AMEND RULES 4, 5, 8	)	Supreme Court No. 26-_____
THROUGH 11, 13 THROUGH 15, 17, 20,	)	(expedited consideration
AND APPENDIX A OF THE RULES OF	)	and emergency adoption
PROCEDURE FOR EVICTION ACTIONS)	)	requested)
_____	)	

Pursuant to Rule 28 of the Rules of the Supreme Court of Arizona, David K. Byers, Administrative Director, Administrative Office of the Courts, respectfully petitions this Court to amend the Rules of Procedure for Eviction Actions, as proposed in Appendix A. The proposed amendments are prompted by the enactment of [Senate Bill \(SB\) 1426](#), Unlawful Occupants; Forcible Entry; Detainer and [House Bill \(HB\) 2244](#), Evictions; Satisfaction of Judgments, during the Second Regular Session of the Fifty-seventh Legislature, as more particularly described below.

SB 1426 and HB 2244 have a general effective date and will become effective on September 12, 2026. Accordingly, Petitioner seeks expedited consideration of this petition and emergency adoption of the proposed amendments as set forth in Appendix A, with an effective date of September 12, 2026.

I. Contents of Proposed Rule Amendments

A. SB 1426, Unlawful Occupants; Forcible Entry; Detainer (Laws 2026, Ch. 69)

SB 1426 amends A.R.S. § 12-1173 to create a new subsection (A)(3)(b), establishing an expedited process for removing unauthorized individuals occupying residential property when the following conditions are met:

- The requester is the property owner or authorized agent;
- The property is a residential dwelling or used for residential purposes;
- The individual is unlawfully occupying the property;
- The owner has directed the individual to leave;
- The property was not open to the public at the time the individual entered the property;
- The individual is not a current or former tenant;
- The individual had no verbal or written cohabitation agreement with the owner;
- The individual is not an immediate family member of the owner; and
- No litigation exists between the owner and the individual.

SB 1426 also amends A.R.S. § 12-1173 to create a new subsection (B) requiring the court to issue a writ of restitution immediately after signing a judgment

against an unauthorized person in an eviction action under A.R.S. § 12-1173(A)(3)(b).

To implement the provisions of SB 1426, Petitioner proposes amending the Rules of Procedure for Eviction Actions as set forth in Appendix A. A summary of the proposed amendments follows:

- **Generally.** Replaces the term “landlord” with “plaintiff” and “tenant” with “defendant,” and refers to both collectively as “parties,” because while the Eviction Rules are applicable to landlord/tenant relationships, they are also applicable to non-landlord/tenant relationships, such as an eviction under A.R.S. § 12-1173(A)(3). This change also makes terms used to reference the parties consistent throughout the rule set. In the few instances where a rule addresses a scenario that exclusively applies to a landlord/tenant situation, Petitioner proposes no change in terminology (e.g., Rule 8(d)).
- **Rule 5(a).** Corrects punctuation and clarifies that the Residential Eviction Information Sheet in Appendix A is required only for residential property actions subject to a landlord/tenant relationship.
- **Rule 5(b).** Corrects punctuation and broadens the language required at the top of the complaint in (b)(6) to encompass non-landlord/tenant relationships.
- **Rule 5(c).** Corrects punctuation.

- **Rule 5(d).** Clarifies that (d)(2) applies to landlord/tenant actions only. Adds new subpart (d)(5) requiring plaintiffs filing under A.R.S. § 12-1173(A)(3)(b) to affirm whether each statutory factor in § 12-1173(A)(3)(b) is satisfied. Note that the use of the phrase “an eviction filed under A.R.S. § 12-1173(A)(3)(b)” throughout the proposed rule amendments, while lengthy, is intentional to make clear that the provision applies exclusively to evictions filed under A.R.S. § 12-1173(A)(3)(b) and not to other evictions of non-tenants who may also be unauthorized to occupy the premises, such as those under A.R.S. § 12-1173(A)(3)(a).
- **Rule 5(e).** Corrects punctuation and a cross-reference from Civil Rule “4(D)” to “4(d).”
- **Rule 10(d).** Replaced “and” with “or” to reflect that service of a subpoena must comply with Rule 4.1 *or* Rule 4.2 of the Arizona Rules of Civil Procedure, not both.
- **Rule 11(d).** Adds evictions filed under A.R.S. § 12-1173(A)(3)(b) to the matters the court must prioritize for hearing and resolution.
- **Rule 11(e).** Makes a technical correction by adding the missing word “be” in the final sentence.
- **Rule 13(a)(3).** Makes a technical correction by adding the missing word “the” in front of “plaintiff.”

- **Rule 13(c)(1)(A).** The current language of this rule tracks A.R.S. § 12-1178(C), which remains unchanged by SB 1426. But because the legislature has carved out an exception for A.R.S. § 12-1173(A)(3)(b) evictions relating to when a writ of restitution must be issued, the proposed rule amendments add the text “Unless otherwise provided by law,” in front of “No writ of restitution shall be issued until five calendar days after the judgment is signed.” This accounts for writs of restitution that must be issued immediately under A.R.S. § 12-1173(B) and writs of restitution that may be issued in less than five days for an immediate and irreparable breach under A.R.S. § 33-1377(E).
- **Rule 13(c)(1)(E) [new].** Although a writ of restitution in an A.R.S. § 12-1173(A)(3)(b) eviction action must be issued immediately following the signing of the judgment, the defendant still has the right to appeal. See A.R.S. § 12-1179. Proposed Rule 13(c)(1)(E) is a new subpart allowing the court to hold a hearing immediately after judgment and issuance of a writ of restitution to determine the fair market rental value of the premises, for purposes of setting a supersedeas bond amount.
- **Rule 13(c)(2)(A).** A new sentence is added to Rule 13(c)(2)(A) allowing the court to admit evidence concerning the fair market value of the rent and award that fair market rental value when there is no lease providing for the amount

of rent; such evidence under this Rule 13(c)(2)(A) may be used in setting the bond under Rule 13(c)(1)(E).

- **Rule 14.** Divides the current first paragraph of Rule 14 (“writs of restitution”) into three subsections—application, contents, and issuance—and renumbers existing subsections. Adds a sentence to proposed Rule 14(c), which tracks A.R.S. § 12-1173(B), requiring the court to issue the writ of restitution immediately after signing the judgment in cases brought under § 12-1173(A)(3)(b), provided the Rule 14(a) requirements are met.
- **Rule 17(b)(2).** Reorganizes provisions on supersedeas bonds and clarifies that a party may post a supersedeas bond to (1) remain in possession of the premises while an appeal is pending, or (2) stop enforcement of the monetary portion of a judgment while an appeal is pending. The proposed language was intentionally crafted to make clear that a party may file a supersedeas bond for one or both purposes.
- **Rule 17(b)(2)(A).** Adds “before a writ of restitution is executed” to clarify timing requirements for posting a bond to remain in possession of the premises. Also adds language allowing an appellee to seek issuance of a writ where issuance had been stayed by a supersedeas bond, consistent with Rule 6(a)(5), Superior Court Rules of Appellate Procedure-Civil, “In forcible and

special detainer actions, the supersedeas bond to stay *issuance* of a writ of restitution . . .” Emphasis added.

- **Appendix A. Residential Eviction Information Sheet.** Makes a technical correction by adding the missing word “against” in the final sentence of the fourth paragraph (“at court”).

B. HB 2244, Evictions; Satisfaction of Judgments (Laws 2026, Ch. 194)

HB 2244 amends A.R.S. §§ 12-1567 and 22-247 to modify the process for compelling satisfaction of a judgment in landlord-tenant matters. Under the bill, when a tenant files a motion to compel satisfaction of the judgment and the landlord does not respond within fifteen days, the judgment is automatically deemed satisfied if the tenant provides proof of payment; the court is prohibited from holding a hearing on the motion; the court must waive any remaining balance of the filing fee for the motion; and the court is authorized to seal records related to the eviction.

To implement HB 2244, Petitioner proposes amendments to the Rules of Procedure for Eviction Actions as set forth in Appendix A. A summary of the proposed amendments follows:

- **Rule 4(d).** Relocates the final two sentences regarding motions to compel satisfaction to Rule 9 (“motions”) as a new subsection (h).

- **Rule 9(h) [new].** Creates new subsection (h) and renumbers current subsections (h) through (j) to (i) through (k). The first sentence of proposed Rule 9(h) was relocated from Rule 4(d). Subpart (h)(1):
 - Addresses situations in which a tenant files the motion and the landlord fails to timely respond.
 - A.R.S. §§ 12-1567(E) and 22-247(E) require a response from the landlord within 15 days, but the measurement between the superior court and justice courts differs—superior court is 15 days after the motion is filed and justice courts is 15 days after the motion is filed *and served*. Accordingly, the proposed rule amendment requires the landlord to file a written response “within the statutorily required time.”
 - Provides that if the landlord has not timely responded and the tenant has submitted the necessary documents evidencing proof of payment, the court must order that the judgment be deemed satisfied without holding a hearing. This requirement tracks the requirements of A.R.S. §§ 12-1567(E)(2) and (3) and 22-247(E)(2) and (3). The text “the court must . . . order that the judgment be deemed satisfied,” tracks the language of current Rule 4(d) which was relocated to proposed Rule 9(h)(2), further explained below.

- The statutes require waiver of the filing fee when the landlord fails to timely respond and because already-paid fees cannot be refunded, the proposed rule implements HB 2244 by requiring the court to waive the unpaid portion of the filing fee relating to the motion.

Subpart (h)(2) governs all other cases—where the tenant is not the filer or the landlord timely responds—providing that the court may, after an opportunity for a hearing, order the judgment satisfied. This language is relocated unchanged from Rule 4(d).

- **Rule 15(d).** Rule 15(d) provides a 10-day response deadline for post-judgment motions. Although Rule 15 is titled “Relief from Judgment or Order,” the term “post-judgment motions” is undefined and motions to compel satisfaction are inherently filed post-judgment. To avoid conflict with the 15-day response deadline in Rule 9(h)(1), Rule 15(d) is amended to provide that the response deadline for post-judgment motions that do not affect possession of the property is 10 days “unless these rules prescribe a different timeframe.”
- **Rule 20.** HB 2244 adds authority for the court to seal eviction records under A.R.S. §§ 12-1567 and 22-247, in addition to the mandatory sealing requirements in A.R.S. § 33-1379. Rule 20 is amended to reflect when the court must and may seal eviction records.

- **Rule 20(a).** Tracks A.R.S. § 33-1379 and identifies when sealing is mandatory.
- **Rule 20(b) [new].** Identifies when the court may seal records, incorporating the differing standards in superior and justice courts by providing that records may be sealed “as permitted by A.R.S. §§ 12-1567 and 22-247.”
- **Rule 20(c).** Former Rule 20(b), renumbered without substantive change.

II. Preliminary Comments

This petition was not widely circulated within the court community for pre-filing comment due to its technical nature and the limited time available following enactment of the new statutory provisions. However, Petitioner collaborated with the Self-Represented Litigants in Limited Jurisdiction Courts Workgroup of the Arizona Commission on Access to Justice in developing the amendments implementing SB 1426.

III. Similar Petitions Filed in Last Five Years

[R-26-0030](#) was filed April 24, 2026 proposing unrelated amendments to Appendix A, Residential Eviction Information Sheet. The petition was granted expedited consideration and will be considered during this Court’s August 2026 Rules Agenda.

[R-22-0027](#) was filed on June 22, 2022 to implement HB 2485, Eviction Dismissal; Sealed Records (Laws 2022, Ch. 286), which addressed the sealing of eviction records. Through that petition, this Court adopted Eviction Rule 20.

[R-22-0004](#) was filed on January 4, 2022 through which this Court adopted amendments to Rule 4(d), establishing a 30-day deadline for filing a satisfaction of judgment and removing the requirement that the landlord be unable to be located before a satisfaction of judgment may be compelled.

IV. Request for Expedited Consideration and Emergency Adoption

SB 1426 and HB 2244 become effective on September 12, 2026. Therefore, as permitted by Supreme Court Rule 28(h), Petitioner respectfully requests that this Court expedite its consideration of this petition for inclusion on the August 2026 Rules Agenda, consider adoption of the proposed amendments as set forth in Appendix A on an emergency basis at that Agenda with an effective date of September 12, 2026, open the petition for comment, and consider adopting the proposed amendments on a permanent basis at this Court's December 2026 Rules Agenda.

Respectfully submitted this 7th day of July, 2026.

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APPENDIX A

Rules of Procedure for Eviction Actions

(deletions shown with ~~strikethrough~~, new language is underlined)

Rule 4. Duties of Parties and Attorneys

a. through c. [No change]

d. Satisfaction of Judgments. Once a judgment has been satisfied by the payment of the monetary award, or the parties have entered into a new rental agreement or created a novation of the prior rental agreement, the party in whose favor the judgment was entered must file a Satisfaction of Judgment with the court that entered it within thirty days after the judgment has been paid in full and serve a copy on the judgment debtor. The duty to file the satisfaction of judgment is on the prevailing party and not on the attorney who represented the party. ~~In the event that a prevailing party fails to satisfy a judgment rendered the judgment debtor may file a motion to compel satisfaction of judgment. The court may, after an opportunity for a hearing, order that the judgment be deemed satisfied.~~

e. and f. [No change]

Rule 5. Summons and Complaint; Issuance, Content and Service of Process

a. Summons. The summons in an eviction action shall be a document separate from the complaint, shall be issued in accordance with applicable statutory provisions, and shall identify the defendants to the action. If the name of a defendant is unknown, the summons and complaint may name a fictitious defendant and any occupants of the property. The court shall liberally grant leave to amend the complaint and summons to reflect the true names of defendants if they become known to the plaintiff. The summons shall also include the following:

(1) [No change]

(2) The date and time set for the trial of the matter; and that a ~~landlord, tenant,~~ party, attorney, or witness may participate at the initial hearing through telephone or video conference. Unless the court has also provided instructions for appearing virtually, a person choosing to do so must contact the court for instructions at least two hours before the hearing, to ensure the court has time to make necessary arrangements;

(3) Notice that if the ~~tenant-defendant~~ fails to appear, a default judgment will likely be entered against the ~~tenant-defendant~~, granting the relief specifically requested in the complaint, including removing the ~~tenant-defendant~~ from the property; ~~and~~

(4) A disclosure in substantially the following form: “Requests for reasonable accommodation for persons with disabilities should be made to the court as soon as possible;” and

(5) In landlord/tenant residential property actions only, on a separate page served upon the ~~tenant~~ defendant, the information contained in the Residential Eviction Information Sheet substantially in the form included as Appendix A to these Rules.

b. Complaint. The complaint shall:

- (1) Be brought in the legal name of the party claiming entitlement to possession of the property-;
- (2) through (5) [No change]
- (6) State in bold print, capitalized, and underlined at the top center of the first page, below the case caption, “~~YOUR LANDLORD IS SUING TO HAVE YOU~~ **ARE BEING SUED TO BE EVICTED. PLEASE READ CAREFULLY**”;
- (7) State the specific reason for the eviction; that the defendant was served a proper notice to vacate, if applicable; the date the notice was served; and what manner of service was used. A copy of the notice shall be attached as an exhibit to the complaint-;
- (8) State that the action involves a subsidized rental property if the action involves a subsidized rental property-; and
- (9) [No change]

c. Complaint for Monetary Damages. If the complaint seeks a money judgment for rent, late charges, or other fees, charges or damages permitted by law, the complaint shall also state:

- (1) through (5) [No change]
- (6) The nature and amount of any rent concessions that the plaintiff contends must be reimbursed-; and
- (7) The amount of attorney fees, if permitted by law or contract, that would be due to plaintiff in the event of a default by the defendant-; and
- (8) If the rental property is a subsidized housing unit, the ~~landlord~~-plaintiff must state the total amount of the rent per month, the ~~tenant's~~-defendant's portion of the monthly rent, and the total amount of the ~~tenant's~~-defendant's portion of the rent that the ~~tenant~~-defendant owes.

d. Additional Requirements for Complaint.

- (1) [No change]
- (2) In a landlord/tenant action, if-~~If~~ the complaint seeks a judgment for reasons permitted by law other than the non-payment of rent, the complaint shall state the reason for the termination of the tenancy with specific facts, including the date, place and circumstances of the reason for termination, so the ~~tenant~~-defendant has an opportunity to prepare a defense.
- (3) and (4) [No change]

(5) If the eviction is an action filed under A.R.S. § 12-1173(A)(3)(b), the complaint must state whether each requirement in A.R.S. § 12-1173(A)(3)(b) has been met.

e. Service of Process. Service of the summons and complaint shall be accomplished by either personal service or post and mail service for a special detainer action, and for a forcible detainer action, as provided by Rule 4.1 or 4.2 of the Arizona Rules of Civil Procedure. Service of process shall only be performed by a person authorized to do so under Rule 4(~~D~~d) of the Arizona Rules of Civil Procedure. Return of service and proof thereof shall be made by affidavit.

f. [No change]

Rule 8. Counterclaims and Consolidation

a. Basis. Unless specifically provided for by statute, no counterclaims, cross claims, or third party claims may be filed in eviction actions. Any counterclaim filed without a statutory basis shall be stricken and dismissed without prejudice. All counterclaims must be filed in writing and served upon the opposing party. A counterclaim shall:

(1) State specific facts claiming that the ~~landlord~~ plaintiff has violated the rental agreement or an applicable statute so that the ~~landlord~~ plaintiff has an opportunity to prepare a defense; and

(2) [No change]

b. and c. [No change]

d. If the plaintiff is a residential landlord who is not in compliance with the rental agreement or statute, the ~~tenant~~ defendant may counterclaim for any amount the ~~tenant~~ defendant is entitled to recover under the rental agreement or statute.

Rule 9. Motions

a. through g. [No change]

h. Motion to Compel Satisfaction of Judgment. If a prevailing party fails to satisfy a judgment rendered, the judgment debtor may file a motion to compel satisfaction of the judgment.

(1) Tenant Files the Motion. If a tenant files the motion to compel satisfaction of the judgment, the landlord must file a written response within the statutorily required time. If the landlord does not timely respond and the tenant has submitted the necessary documents evidencing proof of payment, the court must, without holding a hearing, order that the judgment be deemed satisfied. If any portion of the filing fee for the motion remains unpaid, the court must also waive the balance of the unpaid filing fee.

(2) All Other Cases. In cases in which the tenant is not the filing party or the landlord timely files a written response, the court may, after an opportunity for a hearing, order that the judgment be deemed satisfied.

h-i. Other motions. Other appropriate motions may be made by either party.

~~i-j~~. Failure to timely respond to a written motion filed by an opposing party, or failure to appear at the time and date set for an oral argument on a filed motion may be deemed to be consent to the denial or granting of the motion, and the court may dispose of the motion summarily.

~~j-k~~. All written motions shall be considered without oral argument unless ordered by the court upon request of a party or the court's own motion. All motions requesting an order for relief filed with the superior court shall be copied to the assigned judge, accompanied by a proposed order, which shall comply with the formatting requirements of Rule 5.1(d) of the Arizona Rules of Civil Procedure.

Rule 10. Disclosure

a. through c. [No change]

d. Any party may request the issuance of a subpoena by the court to compel testimony and/or the production of documents. The person subpoenaed may object to the subpoena. The court may quash a subpoena upon good cause shown. Failure to comply with a subpoena may constitute contempt of court. Subpoenas shall be served upon the subject person pursuant to Rule 4.1 ~~and or~~ 4.2 of the Arizona Rules of Civil Procedure.

Rule 11. Initial Appearance and Trial Procedures

a. In General. All proceedings in eviction actions shall be recorded, either through a recording device or by a certified reporter. Each court shall provide the option for ~~landlords, tenants~~ parties, attorneys, and witnesses to participate at an initial appearance by telephone or video conference. A court may require participants to provide notice of their intent to participate by telephone or video conference up to two hours before the hearing as is necessary to avoid delaying hearings. A participant may submit such notice via email, facsimile, telephone, or other electronic process. If one participant appears remotely, all other participants must also be permitted to appear remotely. Each court may provide this option routinely to all participants in all initial appearances.

b. and c. [No change]

d. Continuances. Whenever possible, the trial should be held on the initial return date. The court may order the continuance of a trial date by up to three court days in justice court or ten days in superior court on the request of a party for good cause shown or to accommodate the demands of the court's calendar, but the court nevertheless shall give priority to hearing and resolving alleged “immediate and irreparable” evictions and evictions filed under A.R.S. § 12-1173(A)(3)(b). No continuance of more than three court days in justice courts or ten days in superior courts may be ordered unless both parties are in agreement.

e. Trial Settings. Contested detainer matters shall be set for a trial by a judge alone unless a jury trial is demanded by the plaintiff in the complaint or by the defendant at or before the initial appearance. Failure to request a jury trial at or before the initial appearance shall be deemed a waiver of that party's right to a jury trial. At the initial

appearance, if a jury trial has been demanded, the court shall inquire and determine the factual issues to be determined by the jury. If no factual issues exist for the jury to determine, the matter shall proceed to a trial by the judge alone regarding any legal issues or may be disposed of by motion or in accordance with these rules, as appropriate.

(1) and (2) [No change]

f. [No change]

Rule 13. Entry of Judgment and Relief Granted

a. Items to Review. Except for stipulated judgments entered pursuant to Rule 13(b)(4), in each eviction action the court shall:

(1) [No change]

(2) Determine whether the ~~tenant or occupant of the premises~~ defendant received proper termination notice if one was necessary, and was afforded any applicable opportunity to cure. If the notice does not comply with the statute or is not properly served, the court shall dismiss the action.

(3) Determine whether the facts alleged, if proven, would be sufficient to determine that the plaintiff has a right of superior possession due to a material breach of the lease agreement or for any other basis in law.

(4) [No change]

(5) If the court determines that the rental property is subsidized, determine whether there is unpaid rent that the ~~tenant~~ defendant is obligated to pay as the ~~tenant's~~ defendant's portion of the rent.

b. [No change]

c. Relief Granted.

(1) *Possession of the premises.*

A. Except as provided in subsection (2) of this section, if the judgment is for the plaintiff, possession of the premises shall be awarded to the plaintiff. Unless otherwise provided by law, no ~~No~~ writ of restitution shall be issued until five calendar days after the judgment is signed.

B. through D. [No change]

E. For purposes of determining the bond amount under Rule 17, in an eviction filed under A.R.S. § 12-1173(A)(3)(b) the court may hold a hearing immediately following the entry of judgment and issuance of a writ of restitution to determine the fair market rental value of the premises. The court may consider evidence submitted under Rule 13(c)(2)(A) in making the determination.

(2) *Damages.* In addition to determining the right to actual possession, and if either party seeks a money judgment, the court may award damages to the party entitled to possession if the party seeking money damages provided proof to the court of a factual and legal basis for an award of rent or any reasonable late fees, attorney fees or other requested fees, charges or damages. If a written rental

agreement exists, the party seeking money damages shall have a copy of the written rental agreement available for the court to review at the initial appearance or subsequent hearing at which the judgment is rendered.

The court shall not award any amount for damages or categories of relief not specifically stated in the complaint or counterclaim. The amounts awarded in the judgment must be consistent with the amounts sought in the complaint or counterclaim, although the judgment may also include additional rent, late charges, fees and other amounts that have accrued since the filing of the complaint, if appropriate.

A. Rent. If appropriate, rent shall be awarded to a prevailing plaintiff together with any additional rent that has accrued since the complaint was filed. If the plaintiff is entitled to rent incurred after the judgment has been entered, then the plaintiff may seek that amount in a separate civil action. If there is no lease providing an amount of rent, the court may admit evidence concerning the fair market value of the rent and award that fair market rental value.

B. Utilities. If the ~~landlord~~—plaintiff charged utilities to the ~~tenant~~ defendant under a written or oral rental agreement, unpaid amounts may be awarded to the prevailing plaintiff.

C. through F. [No change]

G. If undisputed rent has been deposited with the court in connection with a defendant's counterclaim, it shall be distributed in accordance with the judgment without undue delay after the time for appeal has expired. If no rent remains due after such proceedings or the ~~tenant~~ defendant is found to have acted in good faith and satisfies a judgment for rent entered for the ~~landlord~~ plaintiff, judgment shall be entered for the ~~tenant~~ defendant in the action for possession.

H. [No change]

d. through g. [No change]

Rule 14. Writs of Restitution

a. Application. The court shall promptly issue a writ of restitution upon timely application of a party entitled to it if the application is accompanied by the appropriate fee and deposits.

b. Contents. The writ of restitution shall direct the constable or the sheriff, as appropriate, to return possession of the premises to the party entitled to possession under the judgment.

c. Issuance. A judge, justice of the peace, court commissioner, or the clerk of the superior court may issue the writ of restitution if it appears that a judgment granting possession has been entered in favor of the party filing the writ and the action has not

been stayed. In an eviction filed under A.R.S. § 12-1173(A)(3)(b), the court must issue the writ of restitution immediately after signing the judgment if the application requirements in (a) have been met.

a–d. Delays in Issuance. Neither the issuance nor the enforcement of a writ of restitution will be suspended, delayed, or otherwise affected by the filing of a motion to set aside or vacate the judgment or similar motion unless the court finds good cause.

b–e. Time Standards for Writs of Restitution.

(1) and (2) [No change]

e–f. Quashing a Writ of Restitution. After a judgment for possession has been issued, a party may file a motion to stay the issuance of a writ or quash a writ already issued. The court shall promptly review the motion. If the court finds good cause to believe that the writ was improperly or prematurely issued, it may stay the issuance or enforcement and schedule a hearing on the motion. Any such hearing shall be conducted as soon as possible but in no event later than three court days after the filing of the motion.

Rule 15. Relief from Judgment or Order

a. through c. [No change]

d. Where a post judgment motion does not affect possession of property, the other party may file a response within 10 court days of service of the motion unless these rules prescribe a different timeframe. The moving party may then file a reply within 5 court days of service of the response.

Rule 17. Appeals

a. [No change]

b. Justice Court Appeals.

(1) [No change]

(2) ~~Rent Pending Appeal~~ Supersedeas Bonds. A party may file a supersedeas bond to remain in possession of the premises while an appeal is pending. A party may also, or alternatively, file a supersedeas bond to stop enforcement of the monetary portion of a judgment while an appeal is pending.

(A) Remaining in Possession of the Premises. If the appellant wants to remain in possession of the premises while the appeal is pending, before a writ of restitution is executed the appellant must pay to the clerk of the court any rent due apart from amounts included in the judgment and continue paying to the clerk additional rent as it becomes due during the appeal. Failure of the appellant to pay any rent due as it accrues is cause for the appellee to seek issuance of a writ of restitution or an order allowing it to enforce a writ of restitution previously issued, but shall not be cause for the dismissal of the appeal. In this event, the appeal will proceed

despite the appellant's loss of possession of the premises while it is pending.

(3) ~~Supersedeas bond~~(B) Stopping Enforcement of the Judgment for Money Damages. If the appellant wants to stop the enforcement of the monetary portion of the judgment while the appeal is pending, he or she shall post a supersedeas bond in an amount equal to the dollar amount of the judgment being appealed. Failure to post a supersedeas bond shall allow the enforcement of the monetary portion of the judgment but shall not be cause for dismissal of the appeal.

c. [No change]

Rule 20. Sealing Records

a. When Required. The court must ~~enter~~issue an order sealing all records related to the case as provided by A.R.S. § 33-1379 if:

(1) [No change]

(2) the court enters judgment in favor of the ~~defendant~~tenant; or

(3) the ~~parties~~landlord and tenant file a stipulation to set aside the order of eviction and seal the eviction case.

b. When Permitted. The court may order all records related to the case sealed as permitted by A.R.S. §§ 12-1567 and 22-247.

c. Access to Sealed Records. Records sealed under this rule may be made available only as permitted by A.R.S. § 33-1379.

Appendix A. Residential Eviction Information Sheet (Publication and Distribution Required by the Arizona Supreme Court)

Notice. [No change]

Rent Cases. [No change]

Before Court. [No change]

At Court. At the time and date listed on the summons, the judge will start calling cases. If both parties are present, the judge will ask the tenant whether the complaint is true. If the tenant says “no,” he or she will need to briefly tell the judge why. If the reason is a legal defense, the judge will need to hear testimony from both sides and make a decision after a trial. After talking to the landlord or its attorney, a tenant may wish to agree to what the landlord is requesting by signing a “stipulation.” A stipulation is an agreement under which the parties resolve the dispute on the basis of what the agreement says. Only matters contained in the written stipulation agreement can be enforced. These stipulation agreements should be clear and understandable by both parties. Most stipulations include judgments against tenants.

Continuances. [No change]

After a Judgment. [No change]

Sources of Additional Information. [No change]