

Mohave County Justice Courts, State of Arizona

<https://www.mohavecourts.com/court-departments/justice-courts>

CASE NUMBER: _____

Plaintiff(s) Name / Address / Phone Defendant(s) Name / Address / Phone

SUMMONS-EVICTION ACTION

THE STATE OF ARIZONA TO THE DEFENDANT(S) NAMED ABOVE:

1. YOU ARE SUMMONED to appear and answer this complaint in the court named above.

Trial Date: _____ Time: _____

2. A landlord, tenant, attorney, or witness may participate at the initial hearing through telephone or video conference upon written notice to the court. If the court continues a contested matter to a later date, at the discretion of the court, the court may require all parties, attorneys, and witnesses to participate in person.
3. Requests for reasonable accommodation for persons with disabilities should be made to the court as soon as possible.
4. IF YOU FAIL TO APPEAR, a judgment will likely be entered against you, granting the relief specifically requested in the complaint, including removing you from the property.
5. The attorney for the Plaintiff (or the Plaintiff, if the plaintiff does not have an attorney) must be given a copy of your answer and any other pleading you file in this case. The address is:

Date: _____

Justice of the Peace

CERTIFICATE OF SERVICE

Date Received: _____ Date Served: _____ Time Served: _____

Person Served: _____

Location Where Served: _____

Precinct: _____ County _____

I personally served this document with Exhibit A (REIS) attached and a copy of the Complaint and exhibits in this action as stated above. I declare under penalty of perjury that the foregoing is true and correct.

Signed on the ___ day of _____, 20 ____.

Constable/Process Server

Statement of Costs

Service Fee\$ _____ Mileage Fee\$ _____ Other \$ _____ Total:\$ _____

Person Filing: _____
Address (if not protected): _____
City, State, Zip Code: _____
Telephone: _____
Email Address: _____
Representing Self or Lawyer for _____
Lawyer's Bar Number: _____

For Clerk's Use Only

JUSTICE COURT, ARIZONA

PRECINCT NAME/ADDRESS/PHONE/FAX/EMAIL/WEBSITE

<https://www.mohavecourts.com/court-departments/justice-courts>

Case Number: _____

COMPLAINT (*Eviction Action*)

Immediate Residential

vs.

Plaintiff(s) Name / Address / Phone /
Email

Defendant(s) Name / Address / Phone /
Email

YOUR LANDLORD IS SUING TO HAVE YOU EVICTED, PLEASE READ CAREFULLY THE ALLEGATIONS AGAINST YOU LISTED BELOW.

1. This court has jurisdiction to hear this case. The rental is within this court's judicial precinct and is located at: _____. The business name of the property, if any, is _____.
2. The Plaintiff wants you evicted and wants possession of the rental for the reasons stated in section 7.
3. Any required written notice was served on the Defendant on _____ and was served: by hand, by certified mail, or other (explain) _____.
4. A copy of the notice that was served is attached.

- 5. This case involves [] a subsidized rental property.
- 6. The Plaintiff is the owner or is authorized by law to file this case on behalf of the owner.
- 7. The Plaintiff claims (check and complete all that apply):

[] **NON-SUBSIDIZED HOUSING:** The Defendant has failed to pay the rent owed. The rent is unpaid since _____. There is a prior unpaid balance of \$_____. The rental agreement requires rent of \$_____ to be paid on the _____ day of each [] month [] week. The rental agreement provides for late fees calculated in the following manner:
_____.

[] **SUBSIDIZED HOUSING:** The Defendant has failed to pay the rent owed.
Total rent per month is \$_____.
Tenant's portion of rent per month is \$_____.
Housing assistance payment per month is \$_____.
Total amount of tenant's portion owed by tenant is \$_____.

Notice: If you are a residential tenant and the only claim your landlord makes is that you have not paid your rent, you may contact your landlord or your landlord's attorney and offer to pay all of the rent due, plus any reasonable late fees, court costs and attorney's fees. If you pay these amounts before a judgment is entered, then this case will be dismissed, and your rental agreement will be reinstated and will continue.

[] **NON-COMPLIANCE:** After getting a notice, the Defendant failed to do the following:

on this date: _____, at the following location _____.

[] **IRREPARABLE BREACH:** The Defendant has committed a material and irreparable breach. Specifically, on this date _____, at the following location _____ the Defendant did the following: _____

_____.

[] OTHER ALLEGATIONS OF NON-COMPLIANCE ON WHICH EVICTION ACTION IS

BASED: State the date or dates notice of non-compliance was given and attach a copy of each notice, if applicable, to this Complaint: _____

8. As of the filing date the Defendant owes the following:

Rent (current and prior months accrued since filing)	
totaling.	\$ _____
Late fees: (if any in written agreement).	\$ _____
Utilities (as authorized by law)	\$ _____
Other fees or charges (as authorized by law).	\$ _____ (Add more lines for specific fees and charges)
Rental concessions (if any in written agreement)	\$ _____
Specify how calculated: _____	
Reimbursable court costs	\$ _____
Attorney's fees (if allowed)	\$ _____
Other allegations of damages (as authorized by law). . . .	\$ _____
Total Amount Requested	\$ _____

9. The Plaintiff requests a Judgment for the amounts owed above and for possession of the rental, plus after accruing rent and late fees due as of the date of the judgment, court costs and attorney fees.

10. WRIT OF RESTITUTION: The Plaintiff requests the court issue a Writ of Restitution returning the rental to the Plaintiff's possession 5 calendar days after the date of the Judgment. If the eviction is for the material and irreparable breach explained above, return of possession is requested 12 to 24 hours from the time of the Judgment.

11. By signing this complaint, I am agreeing that the allegations written are true and correct to the best of my knowledge.

Date

Plaintiff / Attorney for Plaintiff

Please inform court staff if interpreter services are required:
[] Yes, I need interpreter services. Language: _____

RESIDENTIAL EVICTION INFORMATION SHEET (REIS)

(PUBLICATION AND DISTRIBUTION REQUIRED BY THE ARIZONA SUPREME COURT)

Notice A landlord must provide a tenant with written notice saying why the eviction process has started. The tenant should have received this notice before this lawsuit was filed or with the summons.

Rent Cases If this lawsuit has been filed for not paying rent, the tenant can stop it and continue living in the residence by paying all rent now due, late fees, attorney's fees and court costs. After a judgment has been granted, 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 very quickly. If the tenant disagrees with the landlord's allegations, the tenant is encouraged to file a written answer. The answer form available from the court allows the tenant to admit or deny the allegations and explain his or her position. If the tenant cannot afford to pay the answer fee, he or she may apply for a waiver or deferral of that fee. If a tenant believes that the landlord owes him or her money, the tenant may under some circumstances file a counterclaim. 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 participate at the initial hearing by telephone or video conference and should contact the court at least two hours before the hearing to obtain information about how to connect to the hearing. If the tenant fails to appear, and the landlord or his attorney is present, a judgment will probably be entered against the tenant. Tenants can represent themselves or arrange for lawyers to represent them. The court will not provide a lawyer.

At Court At the time 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 agreement can be enforced. These agreements should be clear and understandable by both parties. Most stipulations include judgments against tenants.

Continuances Either party may ask that the court date be delayed. The court will agree only if there is a very good reason. A delay will be no more than three business days. There is no assurance a delay will be granted and parties should come to court prepared for trial and bring necessary witnesses and documents.

After a Judgment 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 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 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.