Print Form

Pinal County Justice Courts, State of Arizona

SELECT A COURT FROM THE DROP DOWN ARROW AT RIGHT >>>>>>

EVICTION ACTION SUMMONS

Case Number: _____

_____ _____ _____ _____ Plaintiff(s) Name / Address / Phone	_____ _____ _____ _____ Defendant(s) Name / Address / Phone
_____ _____ _____ _____ Plaintiff Attorney Name / Address / Phone / Bar No.	_____ _____ _____ _____ Defendant Attorney Name / Address / Phone / Bar No.

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

1. YOU ARE SUMMONED TO APPEAR and answer this complaint in the above-named court

TRIAL DATE:_____ TIME:_____

Be in court at least 15 minutes before the scheduled hearing / trial

2. **IF YOU WISH TO ENTER A PLEA OF NOT GUILTY YOU MUST FILE A FORMAL WRITTEN ANSWER AND PAY THE REQUIRED ANSWER FEE ON OR BEFORE THE TIME SET FOR THE HEARING.**

3. **You must appear at the date and time shown above if you wish to contest the allegations of this complaint. You must be prepared for trial and be prepared to present all documents and witnesses needed to establish any claim, defense, or counterclaim you may assert.**

4. **IF YOU FAIL TO APPEAR OR FILE AN ANSWER a default judgment will likely be entered against you granting the relief requested in the complaint, including removing you from the property.**

5. The Plaintiff must be given a copy of any answer or counterclaim you file.

Date: _____ Judge/Clerk: _____

CERTIFICATE OF SERVICE

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

Person Served: _____

Location where Served: _____

Precinct: _____ County: _____

I certify that I personally served this document and a copy of the Complaint in this action as stated above.

Constable/Process Server: _____

STATEMENT OF COSTS

Service Fee $_____ Mileage Fee $_____ Other $_____ Total $_____

Request for reasonable accommodations for persons with disabilities must be made to the court as soon as possible.

RESIDENTIAL EVICTION ONLY
INFORMATION SHEET
(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 justice 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. 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 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 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 the Secretary of State's office or web page: www.azsos.gov. In Maricopa County if you wish to consult an attorney, you may want to contact the Arizona State Bar Attorney Referrals Line at (602) 257-4434 or Community Legal Services at (602) 258-3434. Contact the court in other counties for similar referrals. You can obtain a summary of the obligations of landlords and tenants on the web page for justice courts in Maricopa County: www.superiorcourt.maricopa.gov/justicecourts/info.