

GREEN VALLEY JUSTICE COURT

EVICITION ACTION INSTRUCTIONS TO PLAINTIFF

1. PRE-FILING REQUIREMENTS

Before filing an eviction action, notice must be given to the tenant. The type of notice and time the tenant has to fix the problem depends on the nature of the allegation. (These time standards are different for tenants renting a space in a mobile home park.)

Non-Payment of Rent

Before a lawsuit requesting that the tenant be evicted for non-payment of rent can be filed, the tenant must be given a five-day (5) notice and an opportunity to pay the amount due in full. The eviction lawsuit can be filed on or after the sixth calendar day.

Material Non-Compliance

If the landlord alleges a material noncompliance with the lease, (e.g. violating the rules of the apartment complex, unauthorized pets) then the landlord must give the tenant a ten-day (10) notice and an opportunity to come into compliance with the terms of the lease. The eviction lawsuit can be filed on or after the eleventh day.

Material Non-Compliance Affecting Health and Safety

If the landlord alleges a material noncompliance with the lease that affects health and safety, then the landlord must give the tenant a five-day (5) notice and an opportunity to come into compliance with the terms of the lease. The eviction lawsuit can be filed on or after the sixth day.

Material and Irreparable Breach

If the landlord alleges that the tenant has committed a material and irreparable breach, then the landlord can deliver a notice of immediate termination of the rental agreement. The lawsuit requesting an eviction can be filed on the same day. Examples of a material and irreparable breach include but are not limited to gang activity, the discharge of a weapon on the premises or inflicting serious bodily harm on another.

If the notice was mailed by certified or registered mail, add an additional 5 days before filing the lawsuit. The notice time periods are mandatory and your case may be dismissed if you file too early.

All forms can be found on our website at <http://webcms.pima.gov> (Government Tab then select Justice Court Green Valley) or at our customer service windows at 601 N. La Cañada Drive, Green Valley, AZ 85614.

2. BEGINNING THE LAWSUIT

Complete the Eviction Action Summons and Complaint and provide the court with a copy of the “5 day notice” and the “Residential Eviction Information Sheet” (GV88 Packet). File these documents at the customer service window and pay the required filing fee. The clerk will create a case and provide a court date within 3 to 6 business days.

3. GIVING NOTICE TO THE TENANT

After the clerk has assigned a case number and court date and time, the tenant must be served. The summons, complaint, and the residential eviction information sheet must be served at least two days before the hearing date by a constable or process server, AND you must also mail (certified return receipt) a copy of the same documents to the defendant(s) last known address. The Constable in JP7 can serve your eviction for a fee and the fee can be paid at the same time you pay to filing fee at the court. You can also search for private process servers in the yellow pages or online and you will have to pay a service fee. After the tenant has been served, the process server or constable must file proof of service with the court prior to your court date.

4. FILING DISMISSALS

If the tenant pays the rent due, moves out, or has settled the dispute at least one day before the hearing date, you must file a voluntary dismissal (GV90 Form) with the court and give the tenant a copy. The hearing date will be vacated and the case will be closed.

5. APPEARING IN COURT

On the hearing date, you must appear and provide testimony. The Judge will listen to both you and the tenant(s) and will decide if judgment should be entered and whether or not the tenant(s) must move. Be prepared to provide documentation such as a contract, proof of past due rent or police report. If a judgment is entered, the Judge will also order a date when you may file a “Writ of Restitution” which is required to remove the tenant from the property.

6. THE EVICTION PROCESS

If the tenant has not moved out, you can file a Writ of Restitution (GV88 Packet) on or after the date ordered by the Judge. The Writ of Restitution must be served. The Writ of Restitution must be served by a constable or process server. The Constable in JP7 can serve the writ of restitution for a fee and the fee can be paid at the same time you pay the filing fee at the court. The Constable or Process Server will then go to the property and serve the tenant. The tenant will be required to leave the property immediately. After the tenant has been served, the process server or constable must file proof of service with the court.

7. THE COLLECTION OF A MONEY JUDGMENT

If you receive a money judgment, the court offers forms and instructions regarding collection options but does not assist in the collection process. You can try to collect by sending a demand letter to the tenant and if that is not successful, you can try additional collection remedies. Please see instructions in (GV88 Packet).

8. NOTIFICATION OF SATISFACTION OF JUDGMENT

After you collect the judgment, you must file a Satisfaction of Judgment (GV89) with the Court.

GREEN VALLEY JUSTICE COURT
601 N. La Cañada Drive, Green Valley, Arizona 85614 (520)222-0200

PLAINTIFF <small>(Name/Address/Telephone)</small>	CASE NO. _____ EVICTON SUMMONS	DEFENDANT <small>(Name/Address/Telephone)</small>
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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: _____ a.m. / p.m.

LOCATION: 601 N. La Cañada Drive, Green Valley, AZ 85614

Be in the courtroom at least 15 minutes before the scheduled trial.

*If an interpreter is needed for this hearing, please call (520)222-0200. Please provide the court immediate notice if an interpreter will be needed. This will ensure an interpreter is available at your hearing.

Si necesita, un intérprete para esta audiencia, por favor llame al (520)222-0200. Por favor, proporciónale al juzgado un aviso inmediatamente si necesita un intérprete. Esto asegurara que un intérprete esté disponible en su audiencia.

Requests for reasonable accommodation for persons with disabilities must be made to the court by parties at least 3 working days in advance of a scheduled court proceeding.

Aquellos con discapacidades que requieran modificaciones razonables deberían solicitarlas al tribunal por lo menos 3 días hábiles antes de su audiencia programada.

2. You must appear at the date and time shown above if you wish to contest the allegations in the attached complaint. For additional information, please see the attached Residential Eviction Procedures Information Sheet.
3. IF YOU FAIL TO APPEAR, a default judgment will likely be entered against you, granting the relief specifically requested in the complaint, including removing you from the property.
4. If you do not agree with the allegations in the complaint, you should file a written Answer admitting or denying some or all of the allegations and pay the required answer fee. In cases of hardship, you may apply for a deferral or waiver of the filing fee. The Court can provide you with the forms for Answer and Application for Waiver/Deferral.
5. A trial may be held on the date stated above or it may be continued for up to three days.
6. The Plaintiff or the Plaintiff's attorney must be given a copy of your Answer and any other pleading you file in this case to the address above or before the court date above.

Date

Justice of the Peace

**RESIDENTIAL EVICTION INFORMATION SHEET
(PUBLICATION AND DISTRIBUTION REQUIRED BY THE ARIZONA SUPREME COURT)**

**HOJA DE INFORMACIÓN DE DESALOJO RESIDENCIAL
(PUBLICACIÓN Y DISTRIBUCIÓN REQUERIDA POR EL TRIBUNAL SUPREMO DE ARIZONA)**

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.

Aviso. *Un arrendador debe proveer a un inquilino con un aviso por escrito diciendo por qué el procedimiento de desalojo ha comenzado. El inquilino debió de haber recibido este aviso antes de que esta demanda fuese entablada o citada.*

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.

Casos de la renta. *Si esta demanda ha sido entablada por no haber pagado la renta, el inquilino puede detenerlo y continuar viviendo en la residencia pagando toda la renta que se debe ahora, cargos atrasados, honorarios del abogado(a) y costos del tribunal. Después que un fallo ha sido otorgado, el restablecimiento del arrendamiento está únicamente en la discreción del arrendador.*

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.

Antes del tribunal. *Los casos de desalojo avanzan muy rápido por medio del sistema judicial. Si el inquilino no está de acuerdo con los alegatos del arrendador, al inquilino se le anima de entablar una contestación por escrito. El formulario de la contestación que está disponible desde el tribunal de justicia permite al inquilino de admitir o negar los alegatos y explicar su posición. Si el inquilino no tiene dinero para pagar la cuota de la contestación, él o ella puede solicitar una exención o aplazamiento de esa cuota. Si el inquilino cree que el arrendador le debe dinero, el inquilino puede bajo ciertas circunstancias entablar una contrademanda. El citatorio afirma que un juicio va a ocurrir en la fecha anotada, pero debido al alto número de casos, un juicio puede que no suceda. Si el inquilino no comparece, y el arrendador o su abogado están presentes, un fallo probablemente será presentado en contra del inquilino. Los inquilinos pueden representarse a sí mismos o cambiar por abogados para que los representen. El tribunal no proporcionará un abogado.*

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.

En el tribunal. *En la hora y la fecha anotada en el citatorio, el juez empezará a decir los casos. Si ambas partes están presentes, el juez le preguntará al inquilino si la querrela es verdadera. Si el inquilino dice "no", él o ella necesitará decirle brevemente el porqué. Si la razón es una defensa legal, el juez necesitará escuchar el testimonio de ambos lados y hacer una decisión después de un juicio. Después de haber hablado con el arrendador o su abogado, el inquilino puede desear a concordar a lo que el arrendador está solicitando así firmando una "estipulación". Una estipulación es un acuerdo en la cual las partes resuelven la disputa sobre*

la base de lo que dice el acuerdo. Sólo asuntos contenidos en un acuerdo por escrito pueden ser ejecutados. Estos acuerdos deben ser claros y comprensibles por ambas partes. La mayoría de las estipulaciones incluyen fallos en contra de los inquilinos.

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.

Seguimientos. *Cualquier parte puede solicitar que la fecha del tribunal sea demorada. El tribunal concordará sólo si existe una buena razón. La demora no pasará a ser más de tres días hábiles. No hay ninguna garantía que la demora sea otorgada, por tanto las partes deben asistir al tribunal preparadas para el juicio y traer consigo los testigos y documentos necesarios.*

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.

Después de un fallo. *Si un arrendador recibe un fallo, puede que aplique para una orden de restitución para quitar al inquilino(s) y a todos los residentes. Las ordenes de restitución son servidas por agentes de policía, quiénes van a decirles a los residentes que se retiren. El inquilino puede evitar las dificultades asociadas con una orden de restitución por anular la propiedad y regresarle las llaves al arrendador. Esto trae fin a la posesión del inquilino de la residencia. Un inquilino tendrá cinco (5) días para anular las instalaciones a menos que el tribunal haya encontrado un material y un incumplimiento irreparable del arrendamiento por el inquilino, en lo cual el inquilino sólo tiene doce (12) a veinticuatro (24) horas para anular. Un fallo probablemente aparecerá en el informe de crédito del inquilino por algunos años. Las partes que deseen apelar sobre un fallo tienen cinco días para hacerlo después que el fallo haya sido presentado y pueda obtener formularios e información del mostrador del tribunal que hace las entablaciones. Si un inquilino quiere permanecer en un hogar de renta durante la apelación, el inquilino también debe de pagar una fianza apropiada y continuar de pagar la renta en el tribunal así se convierta exigible. Si el inquilino prevalece el tribunal va a desestimar el caso. En ausencia de una apelación, el inquilino necesitará obtener la aprobación del arrendador y presentar un nuevo arrendamiento para seguir viviendo en la residencia.*

Sources of Additional Information. You can get copies of the Arizona Residential Landlord Tenant Act from a library or from the Arizona Department of Housing or www.azhousing.gov. The Arizona Mobile Home Parks Residential Landlord and Tenant Act is available at the Department of Fire, Building and Life Safety web page: www.dfbls.az.gov and the Long Term Recreational Vehicle Rental Space Act can be found at www.aamho.org In Pima County if you wish to consult an attorney, you may want to contact the Pima County Bar Association's Lawyer Referral Service at (520) 623-4625.

Fuentes de información adicional. *Usted puede obtener copias de la Ley del Arrendador e Inquilino Residencial de Arizona en una biblioteca o del Departamento de Viviendas de Arizona o en www.azhousing.gov. La Ley del Arrendador e Inquilino Residencial de las Casas Móviles de Arizona está disponible en el Departamento de Fuego, la página web Edificio y Seguridad de Vida: www.dfbls.az.gov y la Ley del Alquiler de Espacio para Vehículo Reactivo de largo plazo puede ser encontrado en www.aamho.org. Si usted desea consultar un abogado en el condado de Pima, podría querer contactar al Servicio de Referencia de Abogados de la Asociación de la Barra del Condado de Pima al (520) 623-4625.*

GREEN VALLEY JUSTICE COURT
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COLLECTION OF A MONEY JUDGMENT

If you receive a money judgment, it is your responsibility to legally collect from the debtor. The Justice Court can provide you with many of the forms and instructions needed to start your collection proceedings.

**A JUDGMENT IS NOT SELF-COLLECTING
GARNISHMENTS, EXECUTIONS, AND LIENS
ARE AVAILABLE OPTIONS WHEN PURSUING COLLECTION ON YOUR JUDGMENT**

GARNISHMENT

A garnishment is a process that may enable you to gain access to monies owed to the judgment debtor by others, such as wages the person is earning at a job, or through a bank account. To do this, you must know where the judgment debtor works, banks, or who may owe the judgment debtor money. After completing the forms and paying the filing fee, a Writ of Garnishment will be issued by the Court Clerk. You may then take the papers to either a Constable or a private process server to have them served upon the party or business holding the money. After the business, employer, or party holding the money files an answer to the garnishment, you may file a Motion and Order requesting the Court to release the money to you.

EXECUTION

A Writ of Execution is used when you want to have the Constable go to the judgment debtor and attempt collection of the judgment for you. The Writ of Execution form is available at the Information Counter. After the filing fee is paid, the form is completed and Writ issued, it will be forwarded along with a check or money order for service fees to the Constables' Office. The Constable will go to the defendant's home or business and try to collect the judgment. The Execution may be returned unsatisfied, partially satisfied, or satisfied. A more detailed pamphlet is available at the Information Counter, but be sure to contact the Constable's Office (724-5442) for proper information on service charges and answers to any questions you may have regarding the specifics of this Execution.

JUDGMENT LIENS ON REAL PROPERTY

A judgment entered in a Justice Court can be transcribed to Superior Court and recorded as a lien in the county where the judgment is docketed. It affects the judgment debtor's real property currently owned or acquired later (except certain real property exempt from execution) including the interest in the homestead. The judgment lien is active for five years from the date of the judgment. If you choose this procedure, a request to issue a Transcript of the judgment must be filed and a fee paid in the Justice Court. When the Transcript is ready, you may take it to the office of the Clerk of the Superior Court for filing. When the filing fee is paid a case number will be assigned. You may then take the Superior Court Transcript of the judgment to any County Recorder's Office in a county where you think the debtor owns real property. A recording fee will be required to record the judgment. When the recording is completed, the Judgment Lien is then effective.

JUDGMENT LIENS ON DRIVER'S LICENSES

A lien can be put against a judgment debtor's driver's license 60 days after a judgment is entered in civil cases involving motor vehicle accidents (A.R.S. §28-4071). Before the Motor Vehicle Department will allow a lien on someone's license, you will have to complete a document at the Justice Court certifying that the judgment is not satisfied and pay a fee for a certified copy of the judgment. When the certification is ready, you may deliver it to the Motor Vehicle Department and file it with that office.

SATISFACTION OF JUDGMENT

After you are successful in collecting the judgment through the options mentioned above, you **must** sign and file a Satisfaction of Judgment with the Justice Court. This form is available from the Information Counter. If your case has been transcribed to Superior Court, the Satisfaction of Judgment **must** be filed in the office of the Clerk of Superior Court. If you have recorded your judgment in the Recorder's Office, you must also file a copy of the Satisfaction of Judgment in their office as well.

GREEN VALLEY JUSTICE COURT
601 N. La Cañada Drive, Green Valley, AZ 85701 (520)222-0200

PLAINTIFF <small>(Name/Address/Telephone)</small>	CASE NO. WRIT OF RESTITUTION DEFENDANT OWNS MOBILE HOME YES NO	DEFENDANT <small>(Name/Address/Telephone)</small>
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WRIT

THE STATE OF ARIZONA TO THE SHERIFF OR ANY CONSTABLE IN PIMA, COUNTY:

On _____, Plaintiff obtained Judgment against the Defendant(s) for restitution of
(DATE)
the following premises:

(ADDRESS)(APT./SP.#)

(CITY)(COUNTY)(ZIP CODE)

THEREFORE, YOU ARE COMMANDED to remove the Defendant(s) from the premises and to return possession of the premises to the Plaintiff. MAKE SERVICE AND RETURN OF THIS WRIT.

Clerk of the Green Valley Justice Court

DATED: _____ By _____
Justice of the Peace

NOTICE AND WARNING TO DEFENDANT: After service of this Writ, if you remain on, or return unlawfully to the property, you will have committed criminal trespass in the third degree.

CERTIFICATE OF SERVICE

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

Person(s) Served: _____

County: _____

I certify that I personally served this document as stated above.

CONSTABLE/SHERIFF

STATEMENT OF COSTS:
Service Fee \$ _____; Mileage Fee \$ _____; Other \$ _____; TOTAL \$ _____