

Forcible Detainer

**GREEN VALLEY JUSTICE COURT, 601 N. La Canada Dr. Green Valley, AZ. 85614
(520) 648-0658**

Forcible Detainer and Entry

- Makes an entry into lands, tenements or other real property, except in cases where entry is given by law
- Makes entry by force
- Willfully and without force holds over any lands, tenements or other real property after proper notice of termination is made
- Forcible Detainer implies a wrongful holding of possession after the tenancy has been terminated

Eviction Process

- A landlord may file a forcible detainer action against a tenant for nonpayment of rent; however, a 5 day notice must be served to the tenant indicating the lease will terminate for nonpayment.
- Demand for possession is required prior to initiating a special detainer action
- The complaint may be filed in Justice Court or Superior Court
Tenant can pay all of the rent and late fees any time before the forcible/special detainer is filed and avoid eviction
- If forcible/special detainer has been filed, then the tenant must pay all past due rent, late fees, attorney's fees and court costs. If tenant pays prior to judgment being entered, eviction is avoided
- After judgment is entered, reinstatement of the lease is solely in the landlord's discretion

The Complaint

- Must be made in writing and under oath
- Must list as defendants all tenants listed on the rental agreement
- Must include the address and description of the premises of which possession is sought
- State the facts that entitle the plaintiff to possession of the property
- Indicate how the 5 day notice was delivered
- Must include the amount owed
- Must pay a **filing fee and service fees**

Summons

- Upon filing the forcible/special detainer complaint, the court shall issue a summons no later than the next business day

- The summons shall contain all the names listed on the complaint and the court's seal
- The summons should include the hearing date, which should be at least 3 and no more than 6 business days after the complaint is filed

The Hearing

- The Plaintiff, at the time of filing the complaint, may request a trial; the Defendant may also request a trial
- Defendant may appear and plead guilty or not guilty; if Defendant fails to appear, a default judgment may be entered by the court.
- The Judgment may include rent due as provided in the rental agreement, attorney fees, filing fees, etc.

Judgment

- If the Plaintiff prevails, the judgment should set out the following,
Rent to the date of possession or to the end of the periodic rental period
- Late charges if they are specifically provided for in the written rental agreement
- Damages, attorney fees and all charges stated in the rental agreement
- Court costs
- Grant a writ of restitution, which may be issued to the landlord for repossession of the residence 5 calendar days after entry of judgment