



## Pima County Justice Courts EVICION ACTION NOTICE TO LANDLORDS

New Rules of Procedure for Eviction Actions (RPEA) have been approved by the Supreme Court and are effective on January 1, 2009.

Below are highlights of new landlord requirements when filing and serving Eviction cases (you may pick up a copy of the complete Rules at the Court).

### Summons and Complaint

**The landlord has a duty to make sure all documents meet the requirements of the new rules**

- The summons and complaint must be separate documents.
- The summons must have the Court's name, address, and phone number included on the face of the summons.
- The complaint must include the landlord's name, address, and phone number.

### When filing a Summons and Complaint,

- Submit a copy of the Eviction notice (i.e. 5-day notice).

### Summons, Complaint and Judgment format

- The Court will provide summons, complaint and judgment forms that meet the new requirements. If you use your own forms, those forms must also comply with the new rules.

### When serving the tenant

- The plaintiff must also serve, a copy of the new Residential Eviction Information Sheet (RPEA Appendix A, or substantially in the same form). You may obtain a copy of the Residential Eviction Information Sheet from the court.

### Who can appear for the landlord

- The owner
- An attorney (an attorney continues to be responsible for the case 30 days after the time for appeal has expired or 35 days from the date of judgment).
- A party satisfying the standards of Supreme Court Rule 31.
- A property manager or other agent may NOT appear for the landlord.

### Judgments

- It is the responsibility of the plaintiff to promptly deliver or mail a copy of a judgment obtained by default, on all defendants.

### Writs of Restitution

- An application for a Writ of Restitution must be made within 45 days of the date of judgment.
- A plaintiff seeking a Writ of Restitution after 45 days from the date of judgment must explain the reason for the delay (by filing a motion for writ of restitution) and shall certify as part of the motion that tenancy has not been reinstated since the date of judgment.

### Sanctions

- The court may impose sanctions against a party or attorney found to have violated his duties after due process.