



Maricopa County Justice Courts

INFORMATION FOR FILING FOR A WRIT OF RESTITUTION IN JUSTICE COURT

WHEN TO FILE: If five (5) calendar days have passed since your eviction action judgment was entered and the defendant(s) continue to hold possession of the property, a Writ of Restitution may be obtained ordering the constable to enforce the judgment for possession by forcibly evicting the tenant(s).

If the judgment was issued as the result of a finding of irreparable breach, a Writ of Restitution may be obtained within 12-24 hours after the judgment is entered.

YOU CANNOT PROCEED with a WRIT OF RESTITUTION if you have:

- > Collected money in excess of the judgment amount.
- > Entered into a "new agreement" with the defendant or by accepting all or part of a new months rent.

A subsequent demand for the property to be vacated will require the initiation of a new eviction action.

FILLING OUT THE FORM: Complete the writ form and attach a copy of the judgment. Print clearly and legibly.

IMPORTANT INFORMATION FOR THE CONSTABLE: Please provide the Constable with a contact phone number for yourself or your property manager. If there is any special information about the premises or the tenant(s) that the Constable should be made aware of, please attach a note to the writ.

COST OF WRIT OF RESTITUTION: The fees are set by statute and are non-refundable. Refer to the court's posted schedule of fees for applicable filing fees.

THE JUDGE MUST SIGN THE WRIT: The Judge must sign the writ. The writ will be processed by the court and is generally signed on the same day. It will then be given to the Constable for service.

SERVICE OF THE WRIT: A Constable or a Deputy Constable must serve the writ. The Constable will serve the writ as promptly and expeditiously as possible. The Constable will serve the writ by posting, if the defendant is not on the premises.

PROVIDING FOR LOCK CHANGE, MOVERS AND/OR SECURING PROPERTY: If the defendant fails to vacate the property on demand, or within 24 hours thereafter, you may contact the Constable to schedule a date and time for changing the locks. You or your maintenance personnel, or a locksmith, must be available to change the locks and to secure the premises and any personal property left by the tenants. If any personal property is moved from the premises to another storage facility for safekeeping, you must provide the movers.

To reclaim their personal property, the tenants are required to pay **ONLY** for the cost of removal and storage of the property. The property cannot be held for ransom in lieu of payment of the judgment. You can pursue collection of the judgment through other means available to you through the court, (i.e., a Writ of Garnishment or a Writ of Execution).

Please refer to the *Arizona Residential Landlord & Tenant Act* for other important information concerning your obligation and responsibility regarding care, holding, moving, and notice and/or surrender and delivery of the tenant's property.

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CANCELING THE WRIT: Cancellation of the service or execution of the writ must be made in writing. Fees paid are non-refundable.