



## MARICOPA COUNTY JUSTICE COURTS

If you want to file a...

# **EVICTION ACTION ANSWER**

**(Deny or contest the allegations)**

**AND - if applicable . . .**

# **COUNTERCLAIM**

**(A claim resulting from the landlord's breach of the rental agreement or the Arizona Residential Landlord and Tenant Act)**



# MARICOPA COUNTY JUSTICE COURTS

## ANSWER

If you wish to contest the allegations of an Eviction Action, you will be required to file a formal written ANSWER (and pay a court filing fee) stating your defenses to the complaint against you.

***Non-payment of rent because you do not have sufficient funds (for whatever reason) is not a legal defense.***

### **Please STOP**

If you have not been served with a Summons and Complaint.  
If your court appearance date has passed or if a judgment has been entered.  
If you are not contesting the complaint.

### **Please PROCEED**

If you are contesting the complaint.  
If your court appearance date has not passed and no judgment has been entered.

### **FORMS Needed:**

Answer – Eviction Action form  
Party Contact Information form

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## COUNTERCLAIM

If you wish to file a counterclaim you must file it at the same time that you file your Answer.

A counterclaim may be considered in an Eviction Action ONLY IF the counterclaim is the result of the landlord's breach of the rental agreement or the Arizona Residential Landlord and Tenant Act. The allegations of the counterclaim will be considered and decided at the time of trial.

If the counterclaim is a valid claim and the amount of your counterclaim exceeds \$10,000.00 the case will immediately be transferred to the Superior Court and appropriate filing fees will be assessed by the Superior Court before processing can commence.

### **FORMS Needed:**

Counterclaim (Eviction Action) form  
A copy of the notice given to the landlord of the alleged breach.

### **INSTRUCTIONS:**

1. Read the Residential Eviction Information Sheet. You should have already been served with a copy of the Residential Eviction Information Sheet. It is included in this packet for your reference.
2. Read the attached Information for Landlords and Tenants included in this packet
3. Complete the Answer form (and counterclaim form if applicable).
4. Make two copies of the Answer (and counterclaim form if applicable).
5. File the completed form(s) with the court clerk and pay the required court filing fee.
6. If you are filing a Counterclaim, it must be filed with your Answer.
7. Mail or deliver a copy of the Answer form (and Counterclaim form if applicable) to the plaintiff (landlord).

**IT IS IMPORTANT THAT ALL PARTIES KEEP THE COURT APPRISED OF ANY CHANGE IN ADDRESS A NOTICE OF CHANGE OF ADDRESS** form must be filed with the court when a party changes their address.

Visit us at <http://justicecourts.maricopa.gov/> for additional filing information and online forms.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Attorney for Plaintiff(s) Name / Address / Email / Phone Bar Number



# Maricopa County Justice Courts, Arizona

CASE NUMBER: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Plaintiff(s) Name / Address / Email / Phone

Defendant(s) Name / Address / Email / Phone

## ANSWER (Eviction Action)

I am answering on behalf of:  Myself  Partnership  
 Marital Community  Other: \_\_\_\_\_  
(Requires signature of both husband and wife)

I ADMIT the following portion(s) of plaintiff's complaint. \_\_\_\_\_  
\_\_\_\_\_

I ask the court to dismiss plaintiff's complaint for the following reason(s):

This court does not have jurisdiction, because:

\_\_\_\_\_  
 Plaintiff is not the proper party to file the complaint against me, because:

I am not the person or party against whom this claim should be made because:

\_\_\_\_\_  
 Proper notice was not given to me as required by law.

Other Defenses: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I DENY that I have:

- Failed to pay rent as agreed. All rent has been paid as required by the rental agreement.
- Committed any material non-compliance of the rental agreement.
- Committed damage to the property.

Rent has not been paid because the plaintiff has violated the rental agreement or the Residential Landlord and Tenant Act. I gave the plaintiff written notice as required by the rental agreement and the Act. Attached is a copy of the notice that I gave. The plaintiff committed the following violations:

I am asking the court to deny Plaintiff's complaint. I am also asking for reimbursement of my court costs. I state under penalty of perjury that the foregoing is true and correct.

Date: \_\_\_\_\_ Defendant Defendant

I CERTIFY that I have / will mail a copy of this document on the same day to:

- Plaintiff at the above address
- Plaintiff's attorney

Date: \_\_\_\_\_ By \_\_\_\_\_  
Defendant

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Attorney for Plaintiff(s) Name / Address / Email / Phone Bar Number



# Maricopa County Justice Courts, Arizona

CASE NUMBER: \_\_\_\_\_

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\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Plaintiff(s) Name / Address / Email / Phone

Defendant(s) Name / Address / Email / Phone

## COUNTERCLAIM (Eviction Action)

Defendant, having filed an answer to plaintiff's complaint, now counterclaims as follows:

Identify the breach of the Residential Landlord and Tenant Act or the breach of the rental contract that has resulted in the alleged damages that is the basis of this counterclaim:

I gave the plaintiff written notice of the alleged breach. Attached is a copy of the notice that I gave. It was given to the plaintiff (or to their representative) on \_\_\_\_\_, in the following manner (e.g. mailed, hand delivered, etc.):

I am asking for judgment against the counter-defendant(s) herein named in the sum of \$\_\_\_\_\_. I am also asking for costs of court incurred herein and interest at the legal rate of \_\_\_\_\_% per annum from the date of judgment. I am entitled to this relief because:

I state under penalty of perjury that the foregoing is true and correct.

Date: \_\_\_\_\_  
Counterclaimant

I CERTIFY that I have / will mail a copy of this document on the same day to:

Plaintiff at the above address

Plaintiff's attorney

Date: \_\_\_\_\_ By \_\_\_\_\_  
Defendant