



# MARICOPA COUNTY JUSTICE COURTS

If you want to file a...

## **WRIT OF RESTITUTION (to Enforce an Eviction Order)**



# MARICOPA COUNTY JUSTICE COURTS

If a judgment is entered in a Eviction Action case the judge will order, among other things, that a **WRIT OF RESTITUTION** will issue FIVE (5) calendar days from the date of judgment. In the case of IRREPARABLE BREACH, the judge will order that a WRIT OF RESTITUTION will issue not less than 12 nor more than 24 hours after judgment (or as soon thereafter as normal court hours allow).

**You must file a Writ of Restitution and pay the issuance and service fees.**

**If the tenant does not move as ordered, the writ will direct the constable to enforce the court order and carry out the eviction tenant.**

## **Please STOP...**

If there has not been a judgment rendered.

If the waiting period for the issuance of the Writ of Restitution has not passed.

If the judgment is satisfied.

If there has been a NEW lease agreement entered with the defendant or is all or part of a new months rent has been accepted.

If there is a satisfaction of judgment filed.

## **Please PROCEED**

Information for Obtaining A Writ of Restitution

## **FORMS Needed:**

Writ of Restitution

## **INSTRUCTIONS**

1. Review the Information for Obtaining a Writ of Restitution.
2. Complete the Writ of Restitution form
3. File the completed form with the court clerk and pay the required fees for issuing and serving the Writ. Fees are set by statute and are non-refundable. Executing the restitution process is subject to additional fees (\$40.00 for each hour over 3 hours).

**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.



## 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.

**ARS 33-1368 E, F**

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



# Maricopa County Justice Courts, Arizona

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

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

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

Plaintiff(s) Name / Address / Email / Phone

Defendant(s) Name / Address / Email / Phone

### WRIT OF RESTITUTION

Governor's Executive Order 2020-14

This Writ is hereby filed beyond 45 days of judgment issuance for the following reason(s):

Defendant(s) alleged protection under Governor's Executive Order 2020-14 to Plaintiff

Previous Writ returned to Court by Constable under Governor's Executive Order 2020-14

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

I declare under the penalty of perjury that the foregoing is true and correct. \_\_\_\_\_

Plaintiff Signature

THE CONSTABLE IN MARICOPA COUNTY, State of Arizona:

On \_\_\_\_\_ a judgment was entered against the defendant(s) for restitution of

Address: \_\_\_\_\_ Apt / Sp # \_\_\_\_\_

\_\_\_\_\_, Maricopa County, Arizona

YOU ARE COMMANDED to remove the defendant(s) from the premises and to return possession of the premises to the plaintiff.

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

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

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

I received this Writ from the court on \_\_\_\_\_, and executed same as follows:

Date / Time of Service: \_\_\_\_\_

I served this writ on: \_\_\_\_\_ (person served).

Property restored to plaintiff on this date: \_\_\_\_\_

Defendant already moved at time of service.

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

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

Constable