



MARICOPA COUNTY JUSTICE COURTS

If you are a residential tenant and want to file a...

COMPLAINT BY TENANT

Unlawful Ouster or Failure to Provide Essential Services



MARICOPA COUNTY JUSTICE COURTS

UNLAWFUL OUSTER

A COMPLAINT FOR UNLAWFUL OUSTER is filed in cases where the tenant believes the landlord has unlawfully locked him/her out of the rental property. State law says the tenant may file this case to either recover possession OR end the rental agreement. If successful in court, the tenant is entitled to damages equal to either two months' rent or twice the tenant's actual damages, whichever is greater. See [A.R.S. § 33-1367](#).

FAILURE TO PROVIDE ESSENTIAL SERVICES

A COMPLAINT FOR FAILURE TO PROVIDE ESSENTIAL SERVICES is filed in cases where the tenant believes the landlord has willfully diminished services to the tenant by interrupting or causing the interruption of electricity, air conditioning, gas, water or other essential service to the tenant. State law says the tenant may file this case to end the rental agreement. If successful in court, the tenant is entitled to damages equal to either two months' rent or twice the tenant's actual damages, whichever is greater. See [A.R.S. 33-1367](#).

Note: If you are a tenant and have been served with an Eviction Action, this same claim can be raised as a Counterclaim to the eviction case.

Please STOP...

If the location of the rental property is not located in the proper justice court precinct (venue). Go here to find the appropriate precinct: (<https://bit.ly/FindCourtPrecinct>)

If the total amount claimed exceeds \$10,000.00.

Claims over \$10,000 must be filed in Superior Court. Alternately, you may waive the excess amount to keep the case in Justice Court.

If you are a landlord, this is not the correct type of case for you to file.

Please PROCEED...

If you are filing within the correct jurisdiction (venue).

If you are claiming \$10,000.00 or less in damages.

Forms to be served on landlord and filed with court:

Summons

Complaint By Tenant

Forms to have at your court appearance:

All the above and:

Affidavit of Service

Form of Judgment

INSTRUCTIONS:

1. Check the venue for your complaint on the court precinct map at the above link. You are responsible for filing your case in the correct court.
2. Complete the Summons and Complaint forms. Make 3 copies of the forms if you are filing against one person; make 4 copies if you are filing against two persons (such as a married couple), etc.
3. File the Summons and Complaint forms with the court clerk and pay the court filing fee.
4. Make arrangements with a licensed process server to serve the papers on the defendants. You can search the internet for process servers in your area.

IT IS IMPORTANT THAT ALL PARTIES INFORM THE COURT OF ALL ADDRESS CHANGES. We have a "NOTICE OF CHANGE OF ADDRESS" form on our web site for this purpose.

Additional resources are available at:

www.justicecourts.maricopa.gov for our forms, instructions, and more information.

www.azcourts.gov/eviction for videos, forms, FAQs, and more from the State of Arizona.

www.azcourts.gov/desalojo es lo mismo que el anterior pero en español



Maricopa County Justice Courts

INFORMATION FOR FILING A COMPLAINT BY TENANT IN JUSTICE COURT

In a Complaint by Tenant case, the tenant is the plaintiff and the landlord is the defendant.

This form should not be used if the plaintiff is seeking money damages and not possession or termination of a lease. For a complaint of money damages, the plaintiff will need to file a civil suit in a Justice Court's Civil Division.

If the rental agreement is terminated the defendant shall return all security recoverable under section 33-1321.

AN UNLAWFUL OUSTER is when a defendant unlawfully locks the plaintiff out of the rental unit. The plaintiff can file an Unlawful Ouster case in the Justice Court asking for the following:

- 1) Recover possession of the rental unit.
- 2) Terminate the rental agreement (plaintiff must return the security deposit as required by the law).
- 3) Sue for an amount not more than 2 months rent or twice the actual financial harm suffered, whichever is greater.

FAILURE TO PROVIDE ESSENTIAL SERVICES is when a landlord willfully diminishes services to the tenant by interrupting or causing the interruption of electric, gas, water or other essential service. **This type of eviction action requires the plaintiff to serve the defendant with a 5 day notice.** The tenant can file an Failure to Provide Essential Services in the Justice Court asking for the following:

- 1) Terminate the rental agreement (landlord must return the security deposit as required by the law).
- 2) Sue for an amount not more than 2 months rent or twice the actual financial harm suffered, whichever is greater.

REPRESENTING AN EVICTION ACTION: A property manager or other agent may not appear for the defendant.

The property owner is the defendant. If the property is owned by:

- AN INDIVIDUAL: that individual may appear personally or by an attorney.
- A CORPORATION may be represented by an officer of the corporation, who has been specifically authorized to represent the corporation in Justice Court and otherwise satisfies the requirements of Supreme Court Rule 31.

IF YOU ELECT TO REPRESENT YOURSELF you have a responsibility to yourself and to the court to acquire a sufficient knowledge to complete the forms properly and to present your Complaint by Tenant case before the court. You should familiarize yourself with important information contained in the Arizona Residential Landlord & Tenant Act. If you choose to represent yourself, you will be held to the same standard as an attorney. There are certain steps you must follow. This information is provided to assist you in general procedures in processing your case.

THE CLERKS IN THE JUSTICE COURT are not attorneys and cannot give legal advice. The clerks' responsibility is to take your court filing, provide forms, and explain court procedures. It is not the clerks' responsibility to advise you if you have a legal claim. The clerk is not responsible for any error you may make in filing, asserting, or defending the claim.

JURISDICTION: The total amount claimed cannot exceed \$10,000.00.

VENUE: The rental property that is the subject of the Complaint by Tenant must be located within the court's precinct boundaries.

COURT FEES: Refer to the court's posted schedule of fees for applicable filing fees.

COURT FORMS: You must file a Summons, Complaint and a Judgment. These forms are available at the court. If you use your own forms, you have a duty to make sure all documents meet the requirements and comply with the rules. The summons and complaint must contain the court's name, address, and phone number on the face of the summons AND, the name, address and phone number of the attorney representing the defendant (or the name, address and phone number of the defendant, if the defendant does not have an attorney). The summons will issue on the same day the complaint is filed.

SETTING THE COURT DATE: The court will set the court date for not more than six (6) calendar days, nor less than three (3) working days from the date of the summons.

CONTINUING THE COURT DATE: Any request made to continue a court date must be in writing and must be supported by an affidavit. A continuance will only be granted for good cause and will not be granted for a period greater than three (3) judicial days.

SERVICE: Make arrangements with a licensed process server to serve the defendant with a copy of the Summons and the Complaint. Service must be made at least two (2) days before the scheduled trial date.

RETURN OF SERVICE must be filed with the court by affidavit and prior to the scheduled court date.

AT THE SCHEDULED COURT DATE: The judge will review the allegations of the complaint. The defendant will be asked to enter a plea:

- **GUILTY/ NO CONTEST** If the plea is guilty or no contest, the judge will proceed to determine how much the tenant is entitled to and in the case of an Unlawful Ouster, whether the tenant can retake possession of the property.
- **NOT GUILTY** If the landlord pleads not guilty, s/he will be required to file a formal answer to the complaint. If a counterclaim is filed, it will also be considered and decided at the time of trial.

THE TRIAL: Either party can request a jury trial. The party requesting a jury will be assessed jury fees, if judgment is not found in favor of the requesting party. If a jury trial is requested, the parties will be required to submit prepared jury instructions to the court before trial. If a jury is not requested, the judge will hear and decide the case (a bench trial). Both parties may be required to exchange disclosure (names of witnesses and a list of exhibits expected to be called or presented at trial). The plaintiff will proceed first and may call witnesses and/or introduce exhibits. The defendant may cross-examine any witnesses or object to the admission of any exhibit. After the plaintiff rests, the defendant will then present his/her case. The defendant may call witnesses and/or introduce exhibits that may prove or defend his position.

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

WRIT OF RESTITUTION (for Unlawful Ouster): If the judgment is for the plaintiff and the defendant has possession of the premises, possession of the premises shall, at the request of the tenant, be awarded to the plaintiff with a writ of restitution to issue after five calendar days of the judgment.

APPEAL: Either party may appeal from a Complaint by Tenant Judgment by filing a Notice of Appeal within five (5) calendar days from the date of judgment. The court cannot extend the time for appeal. Ask the court clerk for information regarding bonds and appeal costs.

Please review valuable information and videos at

<https://www.azcourts.gov/selfservicecenter/Landlord-Tenant-Disputes-Eviction-Actions>



Maricopa County Justice Courts, Arizona

CASE NUMBER: _____

Plaintiff(s) Name / Address / Email / Phone

Defendant(s) Name / Address / Email / Phone

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

Attorney for Defendant(s) Name / Address / Email / Phone

COMPLAINT BY TENANT

☐ UNLAWFUL OUSTER ☐ FAILURE TO PROVIDE ESSENTIAL SERVICES

This court has jurisdiction to hear this case. The property is within this court's judicial precinct and is located at:

Unlawful Ouster: the Plaintiff claims that the Defendant is a current or former landlord who has either wrongfully removed the Plaintiff or has unlawfully prohibited the Plaintiff from having access to the property.

OR

Failure to Provide Essential Services: the Plaintiff claims that the defendant is a current or former landlord who has willfully diminished essential services to the property (5 day notice is required).

The Plaintiff is entitled to damages in an amount equal to two months rent or twice the actual damages sustained, whichever is greater. ARS 33-1367

As of the date of this complaint being filed, the Defendant owes the following:

Damages \$ _____

Costs \$ _____

Attorney's Fees \$ _____

Total Amount Requested \$ _____

The Plaintiff requests a money Judgment for the amount described above.

☐ The Plaintiff requests the court issue a Writ of Restitution returning the property to the plaintiff's possession (5) five days from the date of the Judgment.

By signing this complaint, I verify that the statements are true and correct to the best of my knowledge.

Date: _____ Plaintiff _____

Please inform court staff if interpreter services are required.

☐ Yes, I need interpreter services. Language: _____



Maricopa County Justice Courts, Arizona

CASE NUMBER: _____

Plaintiff(s) Name / Address / Email / Phone

Defendant(s) Name / Address / Email / Phone

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

Attorney for Defendant(s) Name / Address / Email / Phone

COMPLAINT BY TENANT SUMMONS

☐ Amended

THE STATE OF ARIZONA TO THE DEFENDANT(S) NAMED ABOVE:

1. YOU ARE SUMMONED TO APPEAR and answer this complaint in the court named above.

This court proceeding will be held _____

Date: _____ Time: _____

- ☐ Check in at the court window _____ minutes prior to your appearance.
- ☐ Call the court _____ minutes before your appearance for instructions on virtual attendance.
- ☐ Other: _____

More help is on the Attend a Hearing page on our web site: www.justicecourts.maricopa.gov

Please review valuable information and videos at

<https://www.azcourts.gov/selfservicecenter/Landlord-Tenant-Disputes-Eviction-Actions>

2. You must appear at the date and time shown above if you wish to contest the allegations in the attached complaint.
3. **IF YOU FAIL TO APPEAR**, a judgment will likely be entered against you, granting the relief specifically requested in the complaint, including recovery of possession of the property.
4. If you do not agree with the allegations in the complaint, you may file a written answer admitting or denying some or all of the allegations.
5. A trial may be held on the date stated above or it may be continued for up to three days.
6. The attorney for the Plaintiff (or the Plaintiff, if the plaintiff does not have an attorney) must be given a copy of your answer and any other pleading you file in this case. The address is:

Date: _____
Justice of the Peace

REQUESTS FOR REASONABLE ACCOMMODATIONS FOR PERSONS WITH DISABILITIES SHOULD BE MADE TO THE COURT AS SOON AS POSSIBLE.

(LAS SOLICITUDES PARA ARREGLOS O ADAPTACIONES RAZONABLES PARA PERSONAS CON DISCAPACIDADES SE DEBEN PRESENTAR ANTE EL TRIBUNAL LO MAS ANTES POSIBLE.)

If an interpreter is needed, please contact the court listed above to request an interpreter be provided.

(En caso de necesitarse un intérprete, favor de comunicarse con el Tribunal antes mencionado para solicitar que se brinden los servicios de un intérprete.)



Maricopa County Justice Courts, Arizona

CASE NUMBER: _____

Plaintiff(s) Name / Address / Email / Phone

Defendant(s) Name / Address / Email / Phone

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

Attorney for Defendant(s) Name / Address / Email / Phone

COMPLAINT BY TENANT JUDGMENT

This matter was heard by the Court on this date: _____

The Plaintiff appeared ☐ in person ☐ by counsel ☐ failed to appear

The Defendant appeared ☐ in person ☐ by counsel ☐ failed to appear

The Defendant pleads ☐ GUILTY ☐ NOT GUILTY, and ☐ has ☐ has not filed a responsive pleading.

☐ The Defendant has filed a counterclaim.

IT IS ORDERED granting judgment to:

☐ Plaintiff(s)

☐ Defendant(s)

1. \$ _____ Court costs
2. \$ _____ Damages
3. \$ _____ Attorney fees, if any
4. \$ _____ Other: _____
- \$ _____ **TOTAL**

1. \$ _____ Court costs
2. \$ _____ Attorney fees, if any
3. \$ _____ Other: _____
- \$ _____ **TOTAL**

With interest thereon at the rate of _____ % per annum from the date of judgment until paid in full, plus accruing costs.

☐ The court finds that the defendant has committed a violation of ARS 33-1367, and a Writ of Restitution shall be granted on: _____ (five calendar days after date of judgment).

IT IS ORDERED dismissing this case ☐ with prejudice ☐ without prejudice

Date: _____
Justice of the Peace

I CERTIFY that I delivered / mailed a copy of this document to:

☐ Plaintiff at the above address ☐ Plaintiff's attorney ☐ Defendant at the above address ☐ Defendant's attorney

Date: _____ By _____
Clerk