



# Maricopa County Justice Courts

## TIME LINE FOR EVICTION ACTION CASES IN JUSTICE COURT

### NOTICES

#### SPECIAL DETAINDER

- Notice of Non-payment of Rent 5-day notice ARS 33-1368B
- Notice to Terminate Week-to-Week 10-day notice ARS 33-1375A
- Notice of Violations of Health & Safety 5-day notice ARS 33-1368A
- Notice of Violations of Rental Agreement 10-day notice ARS 33-1368A
- Notice to Terminate the Rental Agreement 30-day notice ARS 33-1375B
- Notice of Abandonment 5-day notice ARS 33-1370A
- Notice of Application of Security Deposit The landlord is obliged to inform the tenant of how any security deposit, not returned, was applied, within 14 days . . . after termination of tenancy ARS 33-1321
- Service of the notice A notice served by mail is deemed to be served 5 days after the date the notice is mailed or signed for, whichever occurs first. ARS 33-1313B

#### EVICTION ACTION

- Notice of demand for possession 5-day notice ARS 12-1173

#### IMMEDIATE

- Notice of Irreparable Breach An immediate notice. Served with the Summons and complaint. ARS 33-1368A

### SUMMONS ISSUED / COURT DATE

#### SPECIAL DETAINDER

- SUMMONS shall be issued on the day the complaint is filed. ARS 33-1313B
- COURT DATE for special detainer shall be set not more than 6 nor less than 3 days from the date of summons. ARS 33-1377B

#### EVICTION ACTION

- SUMMONS must be issued no later than the next judicial day from the date of filing.
- COURT DATE for forcible detainer shall be set "no more than 5 judicial days after complaint is filed". ARS 12-1176A

#### IMMEDIATE

- SUMMONS shall be issued on the day the complaint is filed. ARS 33-1377B
- COURT DATE for irreparable breach shall be set "no later than the 3rd day following filing of complaint". ARS 33-1377E

### SERVICE

#### SPECIAL DETAINDER

- The tenant must be served 2 days before the day of trial.
- "Post and Mail" Personal service is attempted first within 1 day of issuance of the summons. A copy of the summons can then be posted in a conspicuous place at the main entrance of the tenant's residence. On that same day a copy of the summons must be mailed to defendant by certified mail, return receipt requested Service is deemed complete 3 days after the summons is mailed Tenant must receive the mailed summons 2 days before the day of trial.

**EVICTION ACTION** Summons shall be served at least 2 days before the date of trial.

**IMMEDIATE** The tenant must be served 2 days before the day of trial.

### FILING AN ANSWER

- If the defendant enters a plea of "not guilty" in a eviction action, defendant must file a written answer asserting their defenses before trial. If the defendant admits to owing rent, a written answer is not required.

### FILING A COUNTER CLAIM Filed with the Answer

**MOTION TO CONTINUE SPECIAL DETAINDER** Special Detainer: "not more than 3 (judicial) days" ARS 33-1377C

**EVICTION ACTION** Eviction Action: "not to exceed 3 calendar days" ARS 12-1177C

### WRIT OF RESTITUTION

**SPECIAL DETAINDER** SAME as EVICTION ACTION

**EVICTION ACTION** Writ of Restitution: to issue on the expiration of 5 calendar days after judgment. ARS 12-1178C

**IMMEDIATE** Writ of Restitution: for irreparable breach to issue "not less than 12 nor more than 24 hours" after judgment. ARS 33-1377E

**APPEAL** Within 5 (calendar) days of the date of Judgment or Order being appealed.

- NOTICE OF APPEAL 5 calendar days from judgment or order .

#### PAYMENT OF APPLICABLE APPEAL FEES / OR FILE APPLICATION FOR WAIVER

- Within 5 calendar days of judgment.
- Court must rule on application within 5 working days of the request.
- Court must notify requesting party of the ruling within 3 working days of the ruling.

#### NOTICE OF FILING COST BOND / OR AFFIDAVIT OF INABILITY

- Within 5 calendar days of judgment.

#### OBJECTION TO AFFIDAVIT OF INABILITY

- 5 calendar days from filing Notice or Affidavit.
- Court must rule on the Affidavit and any objections within 5 calendar days.

**JUDGE SUSTAINS OBJECTION** COST BOND must be filed within 5 calendar days of Order.

**DESIGNATION OF APPEAL RECORD** Within 5 calendar days of judgment.

**TIME FOR FILING MEMORANDUM** Within 60 days of filing NOTICE OF APPEAL.

#### SUPERSEDEAS BOND

- May be filed anytime (to stop enforcement of judgment pending appeal).
- When it is filed is when execution stops.
- If execution has issued the court will recall the execution, including a writ of restitution.

**RENT** Must continue to be paid to the court when due or Writ may issue.