



## MARICOPA COUNTY JUSTICE COURTS

If you want to file a...

# EVICTION ACTION COUNTERCLAIM



# MARICOPA COUNTY JUSTICE COURTS

A Counterclaim is a claim made by the defendant against the plaintiff. A Counterclaim should be filed at the same time the defendant's Answer is filed (Refer to the Eviction Action Answer packet).

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 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.

## **Please STOP**

If you have not been served with an Eviction Action Summons and Complaint.  
If your court appearance date has passed or if there has been a judgment entered.

## **Please PROCEED**

If you have a claim against the plaintiff due to a breach of contract and/or the Arizona Residential and Tenant Act.  
If you are filing your Answer with the Counterclaim.

## **FORMS Needed:**

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

## **INSTRUCTIONS:**

1. Review the Tenant's Rights in Special Detainer Actions handout (see packet for ANSWER TO EVICTION ACTION).
2. Complete the Counterclaim form.
3. File the completed form together with your Answer with the Justice Court Clerk (after having paid a fee to file the answer, there is no additional fee in the justice court for filing a counterclaim).
4. Mail or deliver a copy of the Answer and Counterclaim 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.

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

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