

La Paz County Justice Court La Paz County, Arizona
1105 W Arizona Avenue Parker, AZ 85344
Phone (928) 669-2504

INFORMATION REGARDING EVICTION ACTIONS IN JUSTICE COURT

FILING FEES (ARS 28-281)

Forcible Detainer Filing Fee: \$41.00

Fees are due at time of filing. A Waiver for Deferral of fees are available upon request for parties.

The court accepts debit cards, credit cards, money order, cashier's checks and cash. No personal or business checks.

An Eviction action is filed for alleged violations of the lease or rental agreement or of the Arizona Residential Landlord and Tenant Act.

If you elect to represent yourself this is your case. YOU have a responsibility to yourself and the court to acquire a sufficient knowledge to complete the forms properly and to follow your lawsuit to conclusion. There are certain steps you must follow to pursue your lawsuit properly. This information is provided to assist you with the general procedures of the Justice Court. The statutes and rule of the court may be found online or at your local library.

Duties of Parties

Each party and attorney filing or appearing in an eviction action or defense shall ensure the action has a good faith basis; that the relief sought is consistent with the rental agreement or applicable law; and that all required notices and have been properly served. Rule 4, ARPEA

Clerk's Duties

The Clerks in the justice court are not attorneys and cannot provide legal advice of any kind. Per ARS 22-507, the Clerks' responsibility is to provide forms, process filings and fees and explain the procedures of the court. It is not the clerk's responsibility to advise you if your claim is suitable. The clerks are not responsible for any error you may make in declaring or defending your claim. The court is a neutral party who do not hear anything in regards to your case until the appropriate court hearing.

Jurisdiction

An eviction action may be filed in the Justice Court when the total amount of the claim does not exceed \$9,999.99. Per ARS 22-503A, any claim above the said amount must be filed in the Superior Court. Eviction actions must be filed in proper Venue (ARS 12-401) meaning the proper geographical area (precinct) in which the action may be filed. The lawsuit must be filed in the precinct where the defendant resides, does business, or where the action occurred.

Proper Notice

Proper notice must be served on the tenant (ARS 33-1368B), the complaint must be filed after allotted time for each notice. For example a 5-day-notice is served you may file on the 6th day. If the notice was served by certified mail an additional 5 days must be added to the notice period. Days means calendar days.

Court Appearance

No property manager or other agent shall be allowed to represent a party unless he or she is the property owner, a sub lessor entitled to possession or an attorney licensed to practice in the State of Arizona. Individual property owners, corporation, and partnerships may appear as the plaintiff.

Setting a Court Date

The summons will be issued on the same day the complaint is filed. The hearing will be set not more than 6 business days and no less than 3 business days from the date in which the summons is issued. Per ARS 33-1485B, a request to continue the court appearance must be in writing and submitted to the court in a timely manner. A continuance will only be granted for a good cause and will not be granted for a period greater than 3 business days unless both parties agree and Judge grants a longer continuance.

Service of Process

Service of an eviction action shall only be performed by a constable, private process server or any person authorized to do so under Rule 4D of ARCP. *IMPORTANT* the summons and complaint must be served 2 days before the court date. An affidavit of service must be filed with the court. A complaint that is not served properly may be dismissed at the time of the hearing. ARS 5(f) & (g)

The Hearing

If you are representing yourself you will be held to the same standard as an attorney. 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 case. The defendant may call witnesses and/or introduce exhibits that may prove or defend his position.

Judgement

The Judgement will be determined by the Judge at the hearing.

Default Judgment

If the defendant fails to appear in person or through counsel on the hearing date, and no continuance has been granted, the court will enter a default judgment against the defendant. The plaintiff shall promptly mail or deliver a copy of the default judgment to the defendant.

Satisfaction of Judgement

Once a Judgement has been satisfied, the party whose favor the judgement was entered shall file a Satisfaction of Judgement with the court that entered it and serve a copy on the Judgement debtor. The duty to file the Satisfaction of Judgment is on the party who was awarded Judgment not the attorney who represented the party.

Appeal

Either party may appeal from a judgment by filing a Notice of Appeal within 5 calendar days from the date of judgment or before the issuance of the Writ of Restitution. Appeal paperwork can be given at the window if needed.

Writ of Restitution

Per Rule 14 ARPEA If judgment is entered the Judge, amongst other things, will order that a Writ shall be issued 5 days from the date of the Judgment. The Writ directs the Constable or Sheriff to return possession of the premises to the party entitled to possession under the judgment. A party who obtains a judgment for possession in an eviction action shall have up to 45 days to apply for a writ of restitution.