

## **RESIDENTIAL EVICTION PROCESS**

If a “Writ of Restitution”, which is an Eviction Order, is granted against you today the Court Minute Entry will list the day in which it can be issued. The Eviction Order **cannot** be issued any sooner than this date. So you have until the issuance date to remove your personal belongings from within the residence prior to the Plaintiff, Landlord or Owner requesting the assistance of the Constables Office to remove any persons and property from within the residence. The Plaintiff, Landlord or Owner also has up to 45 days from the date of issuance to request the services of the Constables Office to return possession of the residence to them.

Typically if the Plaintiff, Landlord, or Owner gives the Eviction Order to the Constables Office for service they will most likely execute the order on the same day and at the latest within two days of receiving it. Please be aware, if you are still occupying the residence when the Constable arrives for service of the Eviction Order you will only be given approximately 10-15 minutes to gather some personal necessities from within the residence. Such as; cell phone(s), cell phone chargers, medication, important paperwork, change of clothes, food items, car keys, etc. Then the locks will be changed on the residence and you will be escorted out unless you have voluntarily left on your own. You then have 14 days from the date of service to contact the management or property owner to make arrangements to return to the residence to gather any personal items you have left behind. This is done Monday-Friday from 9am – 5pm, excluding holidays, and it is done at the manager’s or property owner’s convenience, unfortunately not yours. They may also allow you access to your items on holidays and weekends but they are not required by law to do so.

Typically the Plaintiff, Landlord or Owner will open the residence in the morning and give you all day to remove your items from inside at which time they will lock the residence up and future access can be denied. Anything you do not retrieve within the 14 day time period can be disposed of per Arizona Revised Statutes. The Plaintiff, Landlord or Owner may also charge you reasonable storage fees from the date of the eviction until arrangements have been made to remove your items but they are not required to. The reasonable storage fees are not based upon any monetary judgment that was granted today or the cost of rent per month for the residence. It’s basically what a storage unit would cost for a month to store your items, divided by 30 days in the month to achieve a daily rate. They can charge you for moving your items to storage but can only do so if they have actually moved your items from the residence to a secured storage facility.