



Pima County Justice Courts, Arizona

240 N. Stone Ave., Tucson, AZ 85701 (520) 724-3171

PLAINTIFF CHECKLIST

For Residential Eviction Actions Filed in the Superior Court or Justice Court for Nonpayment of Rent, Penalties, or Interest

The following checklist may assist you in processing your complaint and preparing you for a court hearing.

Filing the Summons and Complaint.

You can file your Summons and Complaint by delivering them to the appropriate justice court or superior court file counter or by mailing it. Eviction Summons and Complaint forms and instructions are available from this webpage: <https://www.azcourts.gov/selfservicecenter/Landlord-Tenant-Disputes-Eviction-Actions/Forms-and-Notices>.

[] Attach to the Complaint a copy of the Notice to Vacate that you served on the defendant/tenant.

[] Due to regulations that have been enacted to deal with the Coronavirus pandemic, in your Complaint you must also state:

1. **Mortgage Forbearance:** Whether the rental is in a building with five or more units that had or has a mortgage backed by Fannie Mae or Freddie Mac (FHFA), the Federal Housing Administration (FHA), the U.S. Department of Agriculture (USDA), or the Veterans Administration (VA) for which the borrower was or is receiving mortgage forbearance relief;
2. **Rental Assistance:** Whether The plaintiff has applied for or has received rental assistance from any source based on defendant's rental obligation. If so, plaintiff must state in the pleading and the accounting of payments the amount received and how it has been applied toward the obligation and whether the plaintiff entered into any agreement releasing plaintiff's claims against the defendant. The plaintiff must further attest to compliance with any agreement concerning the receipt of rental assistance to pay the defendant's rental obligation, and that plaintiff is not seeking a judgment for a claim that was waived;
3. **Prior Judgment:** Whether during an eviction moratorium, the plaintiff obtained a prior judgment against the defendant that has not been vacated. If so, the plaintiff must attest that the current amounts claimed exclude amounts awarded in the prior judgment.

Serving the Summons and Complaint.

The Summons and Complaint (with any required attachments) must be served on each Defendant by a constable, sheriff, or registered private process server at least two days before the date set for the Initial Appearance in court. See A.R.S. § 12-1175(C); and A.R.S. § 33-1377(B). Service fees will apply.

- [] For each defendant, print and serve one copy of the Summons, the Complaint, and the following documents:
 - [] Residential Eviction Information Sheet available from:
<https://www.azcourts.gov/selfservicecenter/Landlord-Tenant-Disputes-Eviction-Actions/Forms-and-Notices>;
 - [] Any lease agreement related to the eviction action;
 - [] The accounting of charges and payments for the preceding six months; and

Amending the Complaint.

- [] The plaintiff must move to amend a complaint delayed by an eviction moratorium to provide any update needed about application of the mortgage forbearance, a rental assistance agreement, and other judgments against the defendant.

Initial Appearance in Court.

- [] At the date and time provided on the Summons, you must appear at the Initial Appearance. Otherwise, the judge may dismiss the case. You may appear remotely; typically, by web-based audio-visual or telephone connection by contacting the court.
- [] Prior to the Initial Appearance hearing, fill in the caption on the Judgment form and the Writ of Restitution form and bring them to the Initial Appearance. These forms are available from this website: <https://www.azcourts.gov/selfservicecenter/Landlord-Tenant-Disputes-Eviction-Actions/Forms-and-Notices>. The Judge will complete the Judgment form when the case is decided; if the judge rules in your favor, the judge will sign the Writ of Restitution. See A.R.S. § 33-1370 regarding your obligations after service of the Writ.
- [] At the Initial Appearance, you or your attorney must state on the record that you have complied with all requirements of applicable state and federal statutes and executive and administrative orders. You may reach an agreement with the defendant to postpone eviction proceedings in order to apply for rental assistance.

Motion to Amend a Judgment or Application for a Writ.

- [] Through November 1, 2021, you may move to amend a judgment or apply for a writ in a case in which a writ was delayed due to an eviction moratorium. In the motion or application, you must provide any update needed since you filed your complaint about application of the mortgage forbearance, a rental assistance agreement, and other judgments against the defendant.

- [] You must state in the application whether tenants are protected by the FHFA Multifamily Protection (Fannie Mae or Freddy Mac mortgage). If yes, the tenant cannot be evicted sooner than 30 days after providing the Notice to Vacate to the tenant.

- [] You must file a motion to amend the judgment and an accounting of any rental assistance payments received since the judgment was entered.

Serving the Motion to Amend or Application for Writ.

- [] You must serve the motion or application on the defendant either personally or by posting the notice on the main entrance to the premises.

- [] You must serve on the defendant a notice you receive from the court of the date, time, place and purpose of any hearing scheduled on your motion or application. You must do this either in person or by posting the notice on the main entrance to the premises.

You may visit <https://www.azcourthelp.org> to view Residential Eviction Action informational videos or www.azcourts.gov/eviction for additional information regarding Mobile Home and RV evictions.