



PINAL COUNTY JUSTICE COURTS

**WRIT OF
RESTITUTION
(to enforce an eviction order)**

**INSTRUCTIONS
&
FORMS**



If a judgment is entered in an Eviction Action the judge will order, among other things, that a **WRIT OF RESTITUTION** will issue five (5) calendar days from the date of judgment. In the case of *IRREPARABLE BREACH* the judge will order that a **WRIT OF RESTITUTION** will issue not less than 12 nor more than 24 hours after judgment (or as soon as thereafter as normal court house allow).

Please STOP...

	If there has not been a judgment rendered.
	If the waiting period for the issuance of the Writ of Restitution has not passed.
	If there has been a NEW lease or rental agreement entered with the defendant.
	If all or part of a new month's rent has been accepted per a partial payment agreement.
	If 45 days have passed since judgment was granted.

If any of the above is correct you may not file a WRIT OF RESTITUTION.

Please PROCEED...



If there is a judgment entered in your favor and the prescribed waiting time for the issuance of a Writ of Restitution has passed.

IMPORTANT INFORMATION FOR THE CONSTABLE

Please provide the Constable with a contact phone number for yourself or your property manager. If there is any special information about the premises or the tenant(s) that the Constable should be made aware of, please attach a note to the writ.

COST OF WRIT OF RESTITUTION

The fees are set by statute and are non-refundable. Refer to the court's posted schedule for fees for applicable filing fees. *(These fees are provided to give you an estimate of service costs. Please contact the court to discuss actual cost)*

Writ Issuance Fee: \$33.00 (A.R.S. § 22-281)
Constable Fee: \$48.00 (A.R.S. § 11-445) Plus \$40.00 per hour in excess of 3 hours
Writ Fee (County): \$ 5.00 (A.R.S. § 11-445)
Mileage: Call Court for mileage rates

NOTE: Additional fees may be assessed by the Constable if it is required that the property be moved and stored and an inventory made. Please contact the Constable for exact fees.

THE JUDGE MUST SIGN THE WRIT

The judge must sign the writ. The writ will be processed by the court and is generally signed on the same day. It will then be given to the Constable for service.

SERVICE OF THE WRIT

A Constable or a Deputy Constable must serve the writ. The Constable will serve the writ as promptly and expeditiously as possible. The Constable will serve the writ by posting if the defendant is not on the premises.

PROVIDING FOR LOCK CHANGE, MOVERS AND/OR SECURING PROPERTY (A.R.S. § 33-1368(E) and 33-1368(F))

If the defendant fails to vacate the property on demand, or within 24 hours thereafter, you may contact the Constable to schedule a date and time for changing the locks. You or your maintenance personnel, or a locksmith, must be available to change the locks and to secure the premises and any personal property left by the tenants.

If any personal property is moved from the premises to another storage facility for safekeeping, you must provide the movers.

The landlord must hold the tenant's property for twenty-one (21) calendar days beginning on the first day the Writ of Restitution is executed. To reclaim their personal property, the tenants are required to pay **ONLY** for the cost of removal and storage of the property. The property cannot be held for ransom in lieu of payment of the judgment. You can pursue collection of the judgment through other means available to you through the court (i.e. Writ of Garnishment or a Writ of Execution).

If the landlord fails to surrender possession of the personal property to the tenant, the tenant may recover the possessions or an amount equal to the damages determined by the court if the

landlord has destroyed or disposed of the possessions before the twenty-one (21) days or after the tenant's offer to pay.

Please refer to the Arizona Residential Landlord & Tenant Act for information concerning your responsibility regarding care, holding, moving, and notice and/or surrender and delivery of the tenant's property.

CANCELLING THE WRIT

Cancellation of the service or execution of the writ must be made in writing. Fees paid are non-refundable.

A new writ will be necessary if you choose to enforce the judgment or possession at a later time (providing you have not entered into a new agreement with the tenants).

RESOURCES:

Pinal County Justice Courts website:

<http://pinalcountyz.gov/Departments/JudicialBranch/JusticeCourts/Pages/Home.aspx>

Arizona Revised Statutes website:

<http://www.azleg.gov/ArizonaRevisedStatutes.asp>

Arizona Rules of Court website:

<http://government.westlaw.com/linkedslice/default.asp?SP=AZR-1000>

The Arizona Residential Landlord Tenant Act:

http://www.azsos.gov/public_services/Publications/Residential_Landlord_Tenant_Act/

The Arizona Mobile Home Parks Residential Landlord Tenant Act:

http://www.azsos.gov/public_services/Publications/Mobile_Home_Landlord_Tenant_Act/

Pinal County Justice Courts, State of Arizona

WRIT OF RESTITUTION

Case Number: _____

_____ _____ _____	_____ _____ _____
Plaintiff(s) Name / Address / Phone	Defendant(s) Name / Address / Phone

THE CONSTABLE IN PINAL COUNTY, STATE OF ARIZONA:

On _____ a judgment was entered against the defendant(s) for restitution of
(Date)

Address: _____ Apt / Sp # _____
_____, Pinal County, Arizona.

YOU ARE COMMANDED to remove the defendant(s) from the premises and to return possession of the premises to the plaintiff.

Date: _____
Justice of the Peace

NOTICE AND WARNING TO DEFENDANT

AFTER SERVICE OF THIS WRIT, IF YOU REMAIN ON, OR RETURN UNLAWFULLY TO, THE PROPERTY YOU WILL HAVE COMMITTED CRIMINAL TRESPASS IN THE THIRD DEGREE

CERTIFICATE OF SERVICE

I state under penalty and perjury that the foregoing is true and correct.

I received this Writ from the court on _____, and executed same as follows:

Date / Time of Service: _____

I served this Writ on: _____ (person served)

Property restored to plaintiff on this date: _____

Defendant already moved at time of service.

Other: _____

Date: _____
Constable