

MOHAVE COUNTY JUSTICE COURT

If you want to obtain a...

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

MOHAVE COUNTY JUSTICE COURT

If a judgment is entered in an Eviction Action (Forcible/Special Detainer) case the judge will order, among other things, that a **WRIT OF RESTITUTION** will issue **FIVE 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 thereafter as normal court hours allow).

If the tenant does not move as ordered, the writ will direct the constable or the Mohave County Sheriff to enforce the court order and carry out the eviction of the tenant.

You must file a Writ of Restitution and pay the issuance and service fees.

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 the judgment is satisfied.
	If there has been a NEW lease agreement entered with the defendant or is all or part of a new month's rent has been accepted.

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.

FORMS Needed: *(Click on the form name in the table below to download the form)*



[Writ of Restitution](#)

INSTRUCTIONS:

1. Review the Information for Obtaining a Writ of Restitution.
2. Complete the Writ of Restitution form
3. File the completed form with the court clerk and pay the required fees for issuing and serving the Writ.

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 www.mohavecourts.az.gov/Justice/JCSS_Home.html for additional filing information and online forms.

INFORMATION FOR FILING FOR A WRIT OF RESTITUTION

WHEN TO FILE

If five (5) calendar days have passed since your Eviction Action (forcible detainer) judgment was entered and the defendant(s) continue to hold possession of the property, a Writ of Restitution may be obtained ordering the constable to enforce the judgment for possession by forcibly evicting the tenant(s).

If the judgment was issued as the result of a finding of irreparable breach, a Writ of Restitution may be obtained within 12 – 24 hours after the judgment is entered.

If more than 45 calendar days have passed since the judgment, you will need to certify that the tenancy has not been reinstated. If it is not clear to the court that the tenancy has not been reinstated, the court shall set a hearing within 3 business days and a notice shall be served on the person(s) in possession of the property.

Ø **YOU CANNOT PROCEED** with a WRIT OF RESTITUTION if you have:

- Collected money in excess of the judgment amount.
- Entered into a “new agreement” with the defendant or by accepting all or part of a new months rent.

A subsequent demand for the property to be vacated will require the initiation of a new Eviction Action (forcible detainer).

FILLING OUT THE FORM

Complete the writ form. Print clearly and legibly.

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 of fees for applicable filing fees.

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

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 or the Mohave County Sheriff.

SERVICE OF THE WRIT

A Constable or the Mohave County Sheriff must serve the writ.

The Constable or Sheriff 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

If the defendant fails to vacate the property on demand, or within 24 hours thereafter, you may contact the Constable or Sheriff 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.

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., a Writ of Garnishment or a Writ of Execution).

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. **ARS 33-1368E,F**

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