

SUPREME COURT OF ARIZONA

In the Matter of) Arizona Supreme Court
) No. R-17-0020
RULE 13(b) (4), RULES OF)
PROCEDURE FOR EVICTION ACTIONS)
)
) **FILED 08/31/2017**
)
)
_____)

ORDER

AMENDING RULE 13(b) (4), RULES OF PROCEDURE FOR EVICTION ACTIONS

A petition having been filed proposing to amend Rule 13(b) (4), Rules of Procedure for Eviction Actions, and comments having been received, upon consideration,

IT IS ORDERED that Rule 13(b) (4), Rules of Procedure for Eviction Actions, be amended in accordance with the attachment hereto, effective January 1, 2018.

DATED this 31st day of August, 2017.

_____/s/
SCOTT BALES
Chief Justice

TO:

Rule 28 Distribution

Hon Lawrence F Winthrop

Michael A Parham

Melissa Parham

Denise M Holliday

Jay Young

Pamela M Bridge

Ellen S Katz

Christian B Carlsen

ATTACHMENT¹

RULES OF PROCEDURE FOR EVICTION ACTIONS

Rule 13. Entry of Judgment and Relief Granted

* * *

b. Forms of Judgment.

* * *

~~(4) Stipulated Judgments. The court may accept a stipulated judgment, but only if the court determines that the conditions of Rule 13(a)(1) (2) have been satisfied and the form to which the defendant stipulated contains the following warning:~~

~~Read carefully! By signing below, you are consenting to the terms of a judgment against you. You may be evicted as a result of this judgment, the judgment may appear on your credit report, and you may NOT stay at the rental property, even if the amount of the judgment is paid in full, without your landlord's express consent.~~

~~The amounts awarded in the judgment must be consistent with the amounts sought in the complaint, although the judgment may also include additional rent, late charges, fees and other amounts that have accrued since the filing of the complaint, if appropriate. Notwithstanding Rule 13(e)(2), if all parties or their attorneys personally appear before the court and the addition is reasonable, the court may award an amount for damages or categories of relief not specifically stated in the complaint.~~

(4) Stipulated Judgments. The court may accept a stipulated judgment only when the court finds one of the following:

- A. Both parties or their attorneys personally appear before the court;
- B. The plaintiff's attorney asserts to the court that the defendant was informed of the right to appear and declined;
- C. The court determines that, because of distance or other circumstances, the defendant cannot personally appear, that good cause exists and it is in the interest of justice to proceed; or
- D. An attorney for the defendant has signed the stipulation.

¹ Because the changes to this rule are so substantial, the current rule is shown as stricken in its entirety, and the newly revised rule is shown as underlined.

Prior to accepting the stipulated judgment, the court must determine that the conditions of Rule 13(a)(1)-(2) and (b)(4) have been satisfied, and that defendant has signed the warning language on the judgment form to which the defendant stipulated that reads as follows:

WARNING!

- 1. The plaintiff's representative is not a court employee.**
- 2. By signing below, you are consenting to the terms of a judgment against you and the plaintiff will now be able to evict you.**
- 3. You may have your wages garnished and the judgment may appear on your credit report.**
- 4. You may lose your right to subsidized housing.**
- 5. You may NOT stay at the property, even if the amount of the judgment is paid in full, unless you get the agreement in writing or get a new written rental agreement.**