

REQUEST FOR WRIT OF RESTITUTION POST CDC ORDER

Resident name: _____

Unit Number: _____ Case Number: _____

I. NEW COURT RULES - The Arizona Supreme Court has made new changes requiring managers and owners to provide the following information at the time a writ of restitution is requested on a judgment stayed by the CDC:

1. Has the Landlord **APPLIED FOR** any rental assistance on behalf of this resident: ___ Yes ___ No
2. Has the Landlord **RECEIVED** rental assistance for this resident: ___ Yes ___ No
 - a. If you have **RECEIVED** rental assistance, how much have you **RECEIVED**: _____
 - b. Have you **APPLIED** the rental assistance to the resident’s ledger: ___ Yes ___ No
 - c. If you have obtained rental assistance have you filed this action in compliance with the terms of the rental assistance agreement (i.e. no agreement to delay eviction)? ___ Yes ___ No
 - d. Have you waived any portion of the balance ? ___ Yes ___ No
3. What is the current rental balance, including application of rental assistance? _____

(PLEASE INCLUDE THE TENANT LEDGER, A COPY OF RENTAL ASSISTANCE AGREEMENT, AND ANY POST JUDGMENT AGREEMENT)

II. CARES Act - The federal C.A.R.E.S. Act prohibits certain landlords from filing evictions for non-payment of rent, from charging late fees and from serving “notices to vacate” between March 27 and July 25, 2020. Such landlords were required to serve 30-day notices for nonpayment of rent following the eviction moratorium. This rule only applied to federally backed mortgages or if the property participated in certain federal programs. If you do not know if CARES applied to your property, see the CARES information sheet and contact your lender and request confirmation.

The property address listed above: _____ **WAS NOT** covered by CARES Act between 3/27/20- 7/25/20
_____ **WAS** covered by CARES Act between 3/27/20- 7/25/20

III. Forbearance - Is your property currently receiving mortgage forbearance? ___ Yes ___ No

IV. Prior Judgment - In the past fifteen months, have you previously received a judgment against Defendants? ___ Yes ___ No

*******Pursuant to Court Rules, we will use this to file a Motion to Amend. The Court is required to set a hearing within 3-6 days of the filing of this motion. A copy of this Motion and the Notice of Hearing must be served on Defendants. At the hearing the Court will confirm compliance with current rules and will, if appropriate, amend the judgment previously granted and order a Writ of Restitution to issue five days from the date of the amended judgment.*******

V. Amended Judgment. I am requested the following amendment of my judgment:

_____ **Amend Judgment to Include Current Balance AND a New Writ of Restitution Date.**

_____ **Amend Judgment ONLY to Provide for New Writ of Restitution Date.**

Name: _____ Date: _____

Signature: _____

