

**ARIZONA  
FORECLOSURE TIMELINE**

<b>Functions To Be Performed</b>	<b>No. of Days After File Received</b>
1. Receipt of Referral from Client – Trustee Sale Guarantee is Ordered and Statement of Breach and Substitution of Trustee Is prepared and sent to client	1
2. Trustee’s Sale is set (91 days from recording date of NOS)*. Notice of Sale is recorded and Title Date down is ordered	2
3. Notice of Sale is mailed to all parties on the Deed of Trust (Mailings must be completed within 5 days of NOS recording)	7
4. Trustee Sale Guarantee report received and reviewed	9
5. Additional mailings to all parties with a recorded interest in the property. These are required to be sent within 30 days of the recording of the NOS.	30
6. Publication of Notice of Sale for 4 consecutive weeks – (statutory timeframe requires the last date of publication is at least 10 days prior to the Trustee Sale)	30
7. Posting of Notice of Sale – (statutory timeframe requires The posting to be completed at least 20 days prior to Trustee Sale)	30
8. IRS Date Down ordered – 30 days prior to sale	60
9. IRS Notices sent for liens filed 30 days prior to sale	75
10. Trustee Sale Held	92
11. Trustee’s Deed Upon Sale Recorded	93
12. Post Sale Functions for FHA & VA Title Package completed Within guidelines upon receipt of conveyance information	

\* The Trustee’s Sale can be initiated within 24 hours of receipt of the file, if the firm receives a complete referral file and fully executed documents necessary to initiate the process as set forth in paragraph 1 above.

**COMMENTS**

These timelines assume that no delays occurred during the foreclosure process. Delays may occur if the Substitution of Trustee is not returned for recording or if an assignment is missing or other title issues arise. A Trustee Sale may be continued on an hourly, daily, weekly or monthly basis for as long as necessary, but no one continuance may be for more than 90 days. There is not a statutory limit on the amount of times a sale can be postponed; however, we believe it is best practice to review the loan for possible cancellation once a sale has been postponed for eighteen (18) months or more.

**ARIZONA  
BANKRUPTCY MOTION FOR RELIEF TIMELINE  
AND ADDITIONAL SERVICES PROVIDED**

<b>Functions To Be Performed</b>	<b>No. of Days After Previous Action Taken</b>
1. Pursuant to Local Rule 4001, Movant must make an attempt to resolve the dispute prior to filing the MFR. This attempt must be made five (5) business days prior to filing the MFR.	1
2. The variance depends on how complete the referral packet received is. There are two (2) judges in the State of Arizona that require a copy of Note and complete chain of assignments to be attached to any Motion for Relief filed in their Court.	6-7
3. If no Objection to the Motion for Relief is filed within a 19-day period, the Order is e-filed with the Court for signature by the Bankruptcy Judge.	19
4. The Order granting relief is typically signed by the Judge within a week. Notification that the Order has been signed is given by ECF.	3-7
5. A copy of the Order is transmitted to the client via U.S. mail, e-mail or website.	1
6. If an Objection is filed, the matter is then considered a “contested days from matter”. Depending upon the Judge assigned to the case, a hearing Response received date can be obtained from the Court’s website and immediately noticed dateout, or a hearing date will be set by the Court	1-3
a. If Debtor agrees to pay the arrearages in a Chapter 7 Bankruptcy and there is no equity, all of the funds necessary for a full reinstatement must be received by the hearing date, or the Court will grant stay relief.	
b. If Debtor agrees to cure the post petition default in a Chapter 13 Bankruptcy, a six (6) month Stipulated Adequate Protection Order is prepared and circulated to all of the parties for execution, including the trustee.	
7. Relief Order: The order will be executed by the Court 3-7 days after the hearing date.	1-3
8. Adequate Protection Orders (“APO’s”): APO’s must be executed by all parties.	14-21

9. Final Bill:  
The final bill will be prepared within one (1) day from the date the Order is received.

1

10. Contested and Continued Cases:  
If disputed evidence is provided by both parties, an Evidentiary Hearing will be set by the Court.

The average time to complete a Chapter 7 Bankruptcy case in Arizona is approximately 30-35 days. The average time to complete a Chapter 13 Bankruptcy case in Arizona is approximately 45-60 days.

**ADDITIONAL SERVICES PROVIDED:**

- Proof of Claims
- Review of Plan
- Objection to Plan
- Attend Confirmation Hearings
- Motion to Dismiss
- Motion for In Rem relief
- Motion for Possession
- Defend Motion to Reinstate the Stay
- Declaration of Breach (Notice of Default)
- Payment Reconciliations
- Motions to Sequester Cash Collateral
- Motions and/or Responses to Sell Property Free and Clear of All Liens

All services are provided on a Flat Fee basis as agreed upon between the firm and client, except in the case of contested matters that are handled on a hourly basis, subject to prior written approved by the client.

**ARIZONA  
RESIDENTIAL FORCIBLE DETAINERS (EVICTIONS)**

Functions to be Performed	No. of Days After File Received
1. Hand-delivered and mail demand for possession letter to occupants of property demanding them to vacate the property within 5 business days from the date of the letter.	1
2. Have the property inspected on the sixth day to see if property still occupied or if the occupants have vacated.	6
a. If vacant, call client immediately to order securing	7
b. If property still occupied, prepare all necessary pleadings and file a forcible entry and detainer action in the superior court of the county where the property is located.	7
3. Forcible Entry and Detainer Hearing set; occupants served with the forcible entry and detainer action.	10
4. Forcible Entry and Detainer Hearing Held. If occupants fail to appear at the hearing, Judgment is entered against them for Possession. Or, if occupants appear at hearing and request a trial, then a trial is held within 10 judicial days. If trial is requested, it will generally delay the process for 14 days from that point forward.* Client's ownership of property is proven and Judgment is entered against occupants. In both instances, judge orders that a Writ of Restitution be issued in 5 judicial days directing the sheriff to remove the occupants.	21-28
5. Writ of Restitution is given to the Sheriff's Office to initiate the removal of the occupants from the property.	33
6. Sheriff's office takes action to remove occupants from property	40-55

**COMMENTS**

The average time to complete a Forcible Detainer action in Arizona is 27 days. However, some delays can occur. For example, if an executed Trustee's Deed cannot be obtained, the lawsuit cannot be filed until the Trustee's Deed is received. Service of process can cause a slight delay depending on the location of the property. Additionally, if the defendant appears at the Preliminary Hearing and pleads not guilty, the court will set the matter for a trial, which can cause a delay of up to two weeks. Delays can also occur at the Writ of Restitution stage. The Writ portion of the process is at the mercy of the Sheriff's Office and move-outs can take up to four to six weeks to complete. Arizona is not a redemption/ratification state.

## **PERSONAL PROPERTY DISPOSITION**

In Arizona, a move-out is completed by having a licensed, bonded moving company meet a local sheriff's deputy at the property. The party having the defendants moved out is required to have enough movers and trucks present at the move so that it can be completed in three hours. The sheriff will advise the party coordinating the move-out exactly how many trucks and movers must be present. The property is then removed from the property and placed in a prepaid storage facility. The storage must be prepaid for two months.