



Yuma County Justice Court Precinct Two

1358 E. Liberty St. / PO Box 7650 Somerton, AZ Ph (928) 314-5100

SMALL CLAIMS

(Complaint & Summons)

SMALL CLAIMS CHECKLIST FOR PLAINTIFF

The following checklist may assist you in processing your case. Write down the applicable dates, and check off each event as it occurs:

[] _____ Date the complaint was filed. Note the amount of the filing fee paid: \$_____.

[] _____ Date of delivery of the summons, complaint, and Notice to Plaintiff and Defendant as shown on the return receipt. If there are multiple defendants, each named defendant must be served with a copy of the summons, complaint, and Notice to Plaintiff and Defendant. Note the cost of service for each defendant: \$_____.

Note: Service of the summons, complaint, and Notice to Plaintiff and Defendant in a small claims case is usually done by certified or registered mail with a return receipt requested. The return receipt (“green card”) will be returned to you by the postal service to confirm that your summons, complaint, and Notice to Plaintiff and Defendant have been delivered. The return receipt can also be the delivery receipt printed from the delivery service’s website.

If the postal service does not enter a date of delivery or the date is not legible, service is deemed complete on the date the return receipt is filed with the court.

Use the *Proof of Service by Registered or Certified Mail* form to file your proof that service has been completed.

[] _____ Deadline for filing the *Proof of Service by Registered or Certified Mail* with the court.

Note: Proof of service must be filed within 45 days of the complaint filing date, otherwise, the court will dismiss your case. See Rule 5 of the Arizona Rules of Small Claims Procedure (ARSCP).

[] _____ Date that the *Proof of Service by Registered or Certified Mail* was filed with the court.

[] _____ Date that the defendant’s time to file an answer will expire. The defendant has 20 days from the date of service to file an answer. See Arizona Revised Statutes (ARS) § 22-514 and Rules 3 and 7, ARSCP.

If an answer is not filed:

[] _____ Date that the *Application for Entry of Default* was filed with the court, with copies mailed to all parties in the case.

[] _____ Date you will file the *Request and Affidavit for Entry of Default Judgment*. (Must be at least 10 days from the filing date of the Application for Entry of Default. See Rule 140, JCRCP.)

[] _____ Date that the *Request and Affidavit for Entry of Default Judgment* was filed with the court, with copies mailed to all parties in the case. See Rule 140, JCRCP.

If an answer/counterclaim is filed:

- [] _____ Date the defendant filed an answer. The court will set a hearing date and hold a hearing within 60 days of the answer filing date.
- [] _____ Date the defendant filed a counterclaim.
- [] _____ Date of hearing. Bring all evidence, exhibits, and witnesses you will need to present your claim or your defense. Bring extra copies of documents for all parties and the court.

NOTICE

Transfer: If you wish to preserve your right to appeal, you may have your case transferred to the civil division of the justice court pursuant to ARS § 22-504(A) and Rule 11, ARSCP, if you request such transfer at least 10 days prior to the date of the scheduled hearing.

Dismissal: You may dismiss the complaint at any time before the defendant files an answer or counterclaim by filing a Notice of Voluntary Dismissal. If the defendant has filed an answer or counterclaim and you wish to dismiss your complaint, both parties must agree in writing to a dismissal.

Notice of Change of Address: All parties must provide the court with a mailing address, email address, and phone number, if available. You should notify the court of any changes to this information, as the court may use this information to communicate with you by mail, email, text message, or phone about your case.

NOTE: The information in this checklist is only a summary. It is not intended to be a complete list of the requirements of the Arizona Revised Statutes or the Arizona Rules of Small Claims Procedure.

JUSTICE COURT SMALL CLAIMS CASE INSTRUCTIONS AND GUIDE

If you want to start or are involved in a Small Claims case. . .

In situations where a civil dispute arises, Arizona's Justice of the Peace Courts (justice courts) offer a forum for small claims lawsuits. Justice courts have exclusive jurisdiction over small claims filings. "Jurisdiction" is the court's power to decide a case.

Exclusive of interest and costs, a small claims lawsuit cannot have a claim amount for more than \$5,000.

If you wish to file a lawsuit for an amount over \$5,000, but less than \$10,000, you may file a civil lawsuit in the justice court. If you wish to sue for more than \$10,000, you must file your lawsuit in the superior court.

The small claims division provides an expedited and less formal means to resolve civil disputes for money damages up to \$5,000. Attorney representation is not allowed in small claims, unless both parties agree, in writing, to the use of attorneys. Small claims cases do not have the right to appeal, and jury trials are not allowed. A small claims case will be heard by a small claims hearing officer or a Justice of the Peace.

Please STOP...

- If you are suing for more than \$5,000.
- If you wish to reserve the right to attorney representation, to a jury trial, or to appeal.
- If this case:
 - Involves a claim of defamation by libel or slander;
 - Is for forcible entry, forcible detainer, or unlawful detainer;
 - Seeks a remedy of specific performance;
 - Is part of a class action suit;
 - Requests or involves prejudgment remedies;
 - Seeks injunctive relief; or
 - Is against the State, its political subdivisions, or its officers or employees acting in an official capacity.

Please PROCEED...

- If you are suing for an amount of \$5,000 or less, not including interest and costs.
- If you DO NOT want to be represented by an attorney.
- If you DO NOT want to have a jury trial.
- If you DO NOT wish to retain the right to appeal.

FORMS Needed:

- SMALL CLAIMS SUMMONS
- SMALL CLAIMS COMPLAINT
- NOTICE TO PLAINTIFF AND DEFENDANT
- PROOF OF SERVICE BY REGISTERED OR CERTIFIED MAIL

INSTRUCTIONS

1. Review the "Information for Filing and Defending Small Claims Cases in Justice Court" below.
2. Check with the court clerk to ensure you are filing your claim in the proper court. You are responsible for filing your case in the correct court.
3. Complete the SUMMONS and COMPLAINT.

4. Make 3 copies of the completed SUMMONS, COMPLAINT, and NOTICE TO PLAINTIFF AND DEFENDANT if you are filing against one person or a company. Make 4 copies if you are filing against two people (such as a married couple). Make additional copies as needed for each person you are filing against.
5. Bring the original forms and copies to the courthouse, file them, and pay the filing fee.
6. Within 45 days of filing, serve a copy of the SUMMONS, COMPLAINT, and NOTICE TO PLAINTIFF AND DEFENDANT to each named defendant.

You may serve the SUMMONS, COMPLAINT, and NOTICE TO PLAINTIFF AND DEFENDANT by registered or certified mail (“return receipt requested”), or by constable, process server, or sheriff.

IT IS IMPORTANT THAT ALL PARTIES KEEP THE COURT APPRISED OF ANY CHANGE IN ADDRESS. A NOTICE OF CHANGE OF ADDRESS must be filed with the court when a party changes their address, as the court may use this information to communicate with you by mail, email, text message, or phone about your case.

INFORMATION FOR FILING AND DEFENDING SMALL CLAIMS CASES IN JUSTICE COURT

THIS IS YOUR CASE

You have a responsibility to complete the forms properly and follow your lawsuit to conclusion. There are certain steps you must follow to properly pursue it. This information is provided to assist you with general procedures. You should also refer to Title 22, Chapter 5 of the Arizona Revised Statutes (ARS) and the Arizona Rules of Small Claims Procedure (ARSCP) for additional information. The [statutes](#) and [rules](#) may be viewed online or may be found at the courthouse and in many public libraries.

CLERK DUTY

The clerks in the justice court are not attorneys and cannot give legal advice, nor can they advise as to whether you have a legal claim. The clerks are responsible for taking your court filings, providing forms, and explaining court procedures. The clerk is not responsible for any error you may make in asserting or defending the claim. The court does not take sides or render an opinion regarding the merits of a claim. **ARS § 22-507**

COURT FEES

Fees are payable at the time of the filing. Refer to the court’s posted schedule of fees.

JURISDICTIONAL LIMIT

The plaintiff is the party who files a small claims lawsuit by filing a complaint and may file for any amount that does not exceed \$5,000. A plaintiff CANNOT avoid this requirement by splitting the claim amount into several smaller claim amounts. The plaintiff may ask for interest and costs in addition to the \$5,000 maximum. Court costs include, but are not limited to, filing fees and service fees.

A defendant is the party being sued. A defendant who wins the case may ask for reimbursement of costs. A defendant can also file a COUNTERCLAIM. A COUNTERCLAIM asserts that the plaintiff owes something to the defendant. A COUNTERCLAIM can be based on the same event described in the plaintiff’s complaint or based on a different event. If the amount of the COUNTERCLAIM is more than \$5,000, the court will transfer the case out of the small claims division. **ARS § 22-517 and Rule 9, ARSCP**

YOU MAY NOT FILE IN SMALL CLAIMS IF:

- The case is an action for defamation by libel or slander.
- The case is an action in forcible entry, forcible detainer, or unlawful detainer.
- The case is an action for specific performance.

- The case is brought or defended on behalf of a class.
- The case is an action requesting or involving prejudgment remedies.
- The case is an action seeking injunctive relief.
- The case is a traffic violation or criminal matter.
- The case is an action against this State, its political subdivisions, or its officers or employees acting in an official capacity. **ARS § 22-503(B)**

VENUE

Venue means the proper geographical area (justice precinct) in which a lawsuit may be filed. You must file the lawsuit in the precinct where the defendant resides, except:

1. If a defendant or all of several defendants reside outside the state or when their residence is unknown, the action may be brought in the justice precinct where the plaintiff resides.
2. A married person may be sued in the justice precinct where the person's spouse resides unless the spouse is living separate and apart from the defendant.
3. Transient persons may be sued in any justice precinct in which found.
4. Persons who have contracted a debt or obligation in one justice precinct and thereafter move to another precinct may be sued in either precinct.
5. Persons who have contracted in writing to perform an obligation in one justice precinct may be sued in that precinct or where the persons reside.
6. If there are several defendants residing in different justice precincts, an action may be brought in the justice precinct where any of the defendants reside. **ARS §§ 22-202(A) and 22-505(A)**

MOTION FOR CHANGE OF VENUE

A MOTION FOR CHANGE OF VENUE is one of only two motions allowed in a small claims action. A motion is an application that asks the court to make a specific ruling or order.

If the lawsuit is not filed in the correct justice court precinct, the defendant may file a motion to change the venue of the lawsuit. The plaintiff has 10 days to file a response. If the Justice of the Peace grants the motion, the court will transfer the lawsuit to the proper precinct. The parties must continue to appear at any scheduled court dates until they receive notice that the court has granted the motion. **ARS § 22-505(B) and Rules 4 & 10, ARSCP**

TRANSFER TO CIVIL DIVISION OF JUSTICE COURT

Either party can file a request to transfer the lawsuit to the civil division of the justice court no later than 10 business days before the hearing. You may choose to do this for several reasons, for example, to allow attorney representation without a written agreement, to allow a counterclaim for more than \$5,000, to allow motions that are not permitted in small claims, to preserve your right to appeal, or to allow for a jury trial. The transferring party may incur a transfer fee. **ARS § 22-504(A) and Rule 11, ARSCP**

If a defendant requests a transfer but has not filed an answer or counterclaim, a plaintiff who does not want the lawsuit to proceed in the civil division has 15 days after the transfer to voluntarily dismiss the lawsuit. **Rule 11, ARSCP**

ATTORNEYS

An attorney cannot appear or represent either party in the small claims division unless the parties stipulate (agree) by written agreement to the participation of attorneys. The stipulation can be filed at any time before the hearing. **ARS § 22-512(B) & (E)**

However, any party has the right to choose to be represented by counsel and may file a request to transfer the case to the civil division of the justice court for that purpose. The request to transfer the lawsuit must be made no later than 10 business days before the hearing. The transferring party may incur a transfer fee. **ARS § 22-504(A) and Rule 11, ARSCP**

After entry of judgment, either party may employ an attorney if the prevailing party chooses to pursue available rights and remedies for the purpose of collecting the judgment award. **ARS § 22-512(E) and Rule 16, ARSCP**

PARTIES

The parties to a small claims lawsuit are the plaintiff and the defendant. A party can be an individual, a marital community, a corporation, a partnership, an association, or other organization. **ARS § 22-512(B) and Rule 2, ARSCP**

The plaintiff must be a real party to the original transaction (cannot sue on an assigned claim) that forms the basis of the lawsuit, unless the person is commencing a lawsuit as the personal representative duly appointed pursuant to a proceeding as provided in Title 14 of the Arizona Revised Statutes. **ARS § 22-512(A)**

In a small claims action:

- An individual shall represent himself.
- Either spouse or both may represent a marital community.
- An active general partner or an authorized full-time employee shall represent a partnership.
- A full-time officer or authorized employee shall represent a corporation.
- An active member or an authorized full-time employee shall represent an association.
- Any other organization or entity shall be represented by one of its active members or authorized full-time employees. **ARS § 22-512(B) and Rule 2, ARSCP**

A corporation, partnership, association, or any other business or organization must file a notice stating the name of an authorized person who will file and appear in court on its behalf. **Rule 1(c), ARSCP**

COMPLAINT REQUIREMENTS

1. Must be legible.
2. Must briefly state the plaintiff's reasons for the claims against the defendant.
3. Must state the claim amount.
4. Must contain the correct legal name for the plaintiff and defendant.
5. Must contain the following language in no smaller than ten-point bold-faced font:
“Warning - you do not have the right to appeal the decision of the hearing officer or the justice of the peace in a small claims court. If you wish to preserve your right to appeal, you may have your case transferred to the justice court pursuant to section 22-504, subsection A, Arizona Revised Statutes, if you request such transfer at least ten days prior to the day of the scheduled hearing.”

ARS § 22-504(B) and Rules 2 & 4, ARSCP

Forms can be obtained from https://www.azcourts.gov/selfservicecenter/Small_Claims/Forms or from the courthouse.

No amended complaints are allowed. You must pay a filing fee to the court to file a complaint, although you may request a deferral or waiver as provided by ARS § 12-302 and the Arizona Code of Judicial Administration § 5-206. **Rule 4, ARSCP**

METHODS OF SERVICE

The plaintiff must serve the SUMMONS, COMPLAINT, and NOTICE TO PLAINTIFF AND DEFENDANT. Service is usually done by certified or registered mail with a return receipt requested. The return receipt (“green card”) will be returned to you by the postal service to confirm that your SUMMONS, COMPLAINT, and NOTICE TO PLAINTIFF AND DEFENDANT have been delivered. The return receipt can also be the delivery receipt printed from the delivery service’s website. **ARS § 22-513 and Rule 5, ARSCP**

If the postal service does not enter a date of delivery or the date is not legible, service is deemed complete on the date the return receipt is filed with the court. **ARS § 22-513(A)**

If there are multiple defendants, **each named defendant must be served with a copy of the SUMMONS, COMPLAINT, and NOTICE TO PLAINTIFF AND DEFENDANT.** To ensure the named defendant signs the return receipt, restricted delivery should be used. **Rule 5, ARSCP**

If the claim is against a corporation, partnership, association, or other organization, there may be a statutory agent that must be served on behalf of the corporation, partnership, association, or other organization.

The plaintiff may file the return receipt (“green card”) with the court in person or by first class mail. Use the PROOF OF SERVICE BY REGISTERED OR CERTIFIED MAIL to file your proof that service has been completed. The form can be obtained from the courthouse or online at: https://www.azcourts.gov/selfservicecenter/Small_Claims/Forms

You can also arrange personal service by a licensed process server, constable, or sheriff.

IMPORTANT: YOU MUST FILE PROOF OF SERVICE OF THE SUMMONS, COMPLAINT, AND NOTICE TO PLAINTIFF AND DEFENDANT WITHIN 45 DAYS OF THE COMPLAINT FILING DATE OR YOUR CASE WILL BE DISMISSED.

PROVIDING ADDITIONAL DOCUMENTS TO THE OTHER PARTY

A complete and exact copy of every document filed with the court must be provided to all other parties in the lawsuit before or promptly after it is filed. **Rule 6, ARSCP**

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, as the court may use this information to communicate with you by mail, email, text message, or phone about your case.

DEFAULT

If the defendant does not file an ANSWER to the COMPLAINT within 20 days of service, the plaintiff must initiate default proceedings. **Rule 7, ARSCP and Rule 140, Justice Court Rules of Civil Procedure**

The plaintiff must file an APPLICATION FOR ENTRY OF DEFAULT, then mail it to the defaulting party. If the defendant files an ANSWER within 10 business days of the filing date of the APPLICATION FOR ENTRY OF DEFAULT, the default will not become effective and the case will proceed as if an answer had been timely filed. **Rule 140, Justice Court Rules of Civil Procedure**

If the defendant **DOES NOT** file an ANSWER within 10 business days of the APPLICATION FOR ENTRY OF DEFAULT filing date, the default becomes effective. The plaintiff must then file a REQUEST AND AFFIDAVIT FOR ENTRY OF DEFAULT JUDGMENT to ask the court to enter a default judgment. A copy of this form must be mailed to all parties in the case. **Rule 140, Justice Court Rules of Civil Procedure**

DISMISSAL

The plaintiff may dismiss the complaint at any time before the defendant files an ANSWER or COUNTERCLAIM by filing a NOTICE OF VOLUNTARY DISMISSAL. If the defendant has filed an ANSWER or COUNTERCLAIM and the plaintiff wants to dismiss the complaint, both parties must agree in writing to a dismissal. **Rule 17, ARSCP**

FILING AN ANSWER

The defendant has 20 calendar days to file an ANSWER to the COMPLAINT. The ANSWER should respond to each allegation of the COMPLAINT. The case will then be set for a hearing which will be held within 60 days of the ANSWER filing date. Failure to file an ANSWER will result in a default judgment. You must pay a filing fee to the court to file an ANSWER, although you may request a deferral or waiver as provided by ARS § 12-302 and the Arizona Code of Judicial Administration § 5-206. **ARS § 22-514 and Rule 7, ARSCP**

FILING A COUNTERCLAIM

A COUNTERCLAIM is a claim made by the defendant against the plaintiff (a counter lawsuit within a lawsuit).

A COUNTERCLAIM may be filed at the same time the answer is filed. If the defendant files a COUNTERCLAIM and the amount claimed exceeds \$5,000, the court will transfer the case out of the small claims division. **Amended COUNTERCLAIMS are not allowed.**

If the court determines that a COUNTERCLAIM filed in excess of \$5,000 was filed for the sole purpose of avoiding the small claims proceedings, the court may award the plaintiff court costs, plus reasonable attorney fees for defending the COUNTERCLAIM. **ARS § 22-517**

MOTIONS

Only two motions are allowed in the small claims division: MOTION FOR CHANGE OF VENUE and MOTION TO VACATE A JUDGMENT. **ARS § 22-505**

HEARING OFFICERS

A Justice of the Peace or a hearing officer will hear your case. Either party may request that a Justice of the Peace, rather than a hearing officer, decide the lawsuit. The request must be made in writing at least 15 days before the hearing, and the case will be referred to and heard by the Justice of the Peace. **ARS § 22-506 and Rule 12, ARSCP**

SETTING FOR HEARING

The hearing will be set for a date within 60 days of the ANSWER filing date. All parties will be notified of the date and time of the hearing. **ARS § 22-515(A) and Rule 8, ARSCP**

REQUEST TO CONTINUE HEARING DATE

If for some reason you find that you are unable to appear for the hearing on the date and time scheduled, you may file a REQUEST FOR CONTINUANCE with the court, showing good cause why you are unable to appear. The judge will consider the merits of your request and either grant or deny it. Continuances are granted only for the most serious reasons. The REQUEST FOR CONTINUANCE must be in writing and should be made as soon as possible and at least 15 days before the hearing date. **ARS § 22-515(C) and Rule 12, ARSCP**

THE HEARING

Bring to the hearing anything necessary or relevant to establish or defend the claim or counterclaim. Examples: books, papers, bills, pictures of damages, or other exhibits. Both parties may also bring witnesses to testify on their behalf to substantiate their position.

You will be allowed a limited amount of time to present your claim or your defense. Be concise. Be prepared.

If the case is settled before the scheduled hearing date, be sure to notify the court. The plaintiff must file a NOTICE OF SETTLEMENT. **Rule 4, ARSCP**

In most cases, the judgment is announced at the hearing; however, the judge or hearing officer has 10 days to consider the facts in the case, conduct necessary research, make a decision, and notify the parties by mail. **ARS § 22-520 and Rule 15, ARSCP**

JURY TRIALS ARE NOT PERMITTED IN SMALL CLAIMS CASES. ARS § 22-518 and Rule 1, ARSCP

APPEAL

You DO NOT have the right to appeal in small claims. The decision of the Justice of the Peace or hearing officer is FINAL AND BINDING ON BOTH PARTIES.

If you wish to preserve your right to appeal, you must have the case transferred to the civil division of the justice court. You may do this at any time up to 10 days before trial. **ARS §§ 22-504(A) & 22-519, and Rules 1 & 11, ARSCP**

MOTION TO VACATE THE JUDGMENT

A MOTION TO VACATE A JUDGMENT is one of only two motions allowed in a small claims action. A motion is an application that asks the court to make a specific ruling or order. A MOTION TO VACATE A JUDGMENT can be filed by either party to vacate a default judgment or a judgment of the court following a hearing. The motion must be delivered to the other party on the date of filing. **ARS § 22-505(B)**

The motion does not affect the finality of the judgment or suspend operation of the judgment. The court may relieve a party from a judgment for the following reasons:

- (1) mistake, inadvertence, surprise, or excusable neglect;
- (2) fraud, misrepresentation, or other misconduct of an opposing party;
- (3) the judgment is void;
- (4) the judgment has been satisfied, released, or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or
- (5) any other reason justifying relief.

A MOTION TO VACATE A JUDGMENT must be filed within a reasonable time. For reasons (1) and (2), the motion must be filed no more than 6 months after the entry of the judgment or date of the proceeding, whichever is later.

If you oppose the MOTION TO VACATE A JUDGMENT, you must file a response in writing within 15 days and deliver a copy to the other party on the date the response is filed. **Rule 16, ARSCP**

COLLECTING A MONEY JUDGMENT

The judgment is due and payable immediately after the judgment is rendered by the Justice of the Peace or hearing officer. The prevailing party may collect the judgment in accordance with ARS Title 12, Chapter 9 and ARS §§

22-243 through 22-246. An attorney may represent you for post-judgment proceedings. **ARS § 22-520 and Rule 18, ARSCP**

Within 30 days of being paid in full, you must file a SATISFACTION OF JUDGMENT. This form is available from the court. **ARS § 22-525**

SMALL CLAIMS CHECKLIST FOR PARTIES

The following checklist may assist you in processing your case. Check off each action as it occurs or has been completed.

✓ PLAINTIFF CHECKLIST	✓ DEFENDANT CHECKLIST
☐ Date complaint filed and filing fee paid. _____	☐ Date the summons, complaint, and Notice to Plaintiff and Defendant were served. _____
☐ Date of delivery of the summons, complaint, and Notice to Plaintiff and Defendant as shown on the return receipt. If there are multiple defendants, each named defendant must be served with a copy of the summons, complaint, and Notice to Plaintiff and Defendant. _____	☐ Date that your time to file an answer will expire. You have 20 days from the date of service to file an answer. If you fail to file an answer, the plaintiff may obtain a default judgment against you. _____
Service of the summons, complaint, and Notice to Plaintiff and Defendant in a small claims case is usually done by certified or registered mail with a return receipt requested. The return receipt ("green card") will be returned to you by the postal service to confirm that your summons, complaint, and Notice to Plaintiff and Defendant have been delivered. The return receipt can also be the delivery receipt printed from the delivery service's website.	☐ Date complaint filed and filing fee paid. _____
If the postal service does not enter a date of delivery or the date is not legible, service is deemed complete on the date the return receipt is filed with the court.	☐ Date that a motion for change of venue, if applicable, was filed. _____
☐ Date <i>Proof of Service by Registered or Certified Mail</i> filed. _____	If a counterclaim is filed:
Proof of service must be filed within 45 days of the complaint filing date, otherwise, the court will dismiss your case.	☐ Date that your counterclaim was filed and a copy was mailed to the plaintiff. _____
☐ Date that the defendant's time to file an answer will expire. The defendant has 20 days from the date of service to file an answer. _____	Hearing:
	☐ Date of hearing. Bring all evidence, exhibits, and witnesses you will need to present your claim or your defense. Bring extra copies of documents for all parties and the court. _____

If an answer is not filed:

- ☐ Date that the *Application for Entry of Default* was filed with the court, with copies mailed to all parties in the case. _____
- ☐ Date that the *Request and Affidavit for Entry of Default Judgment* was filed with the court, with copies mailed to all parties in the case. _____

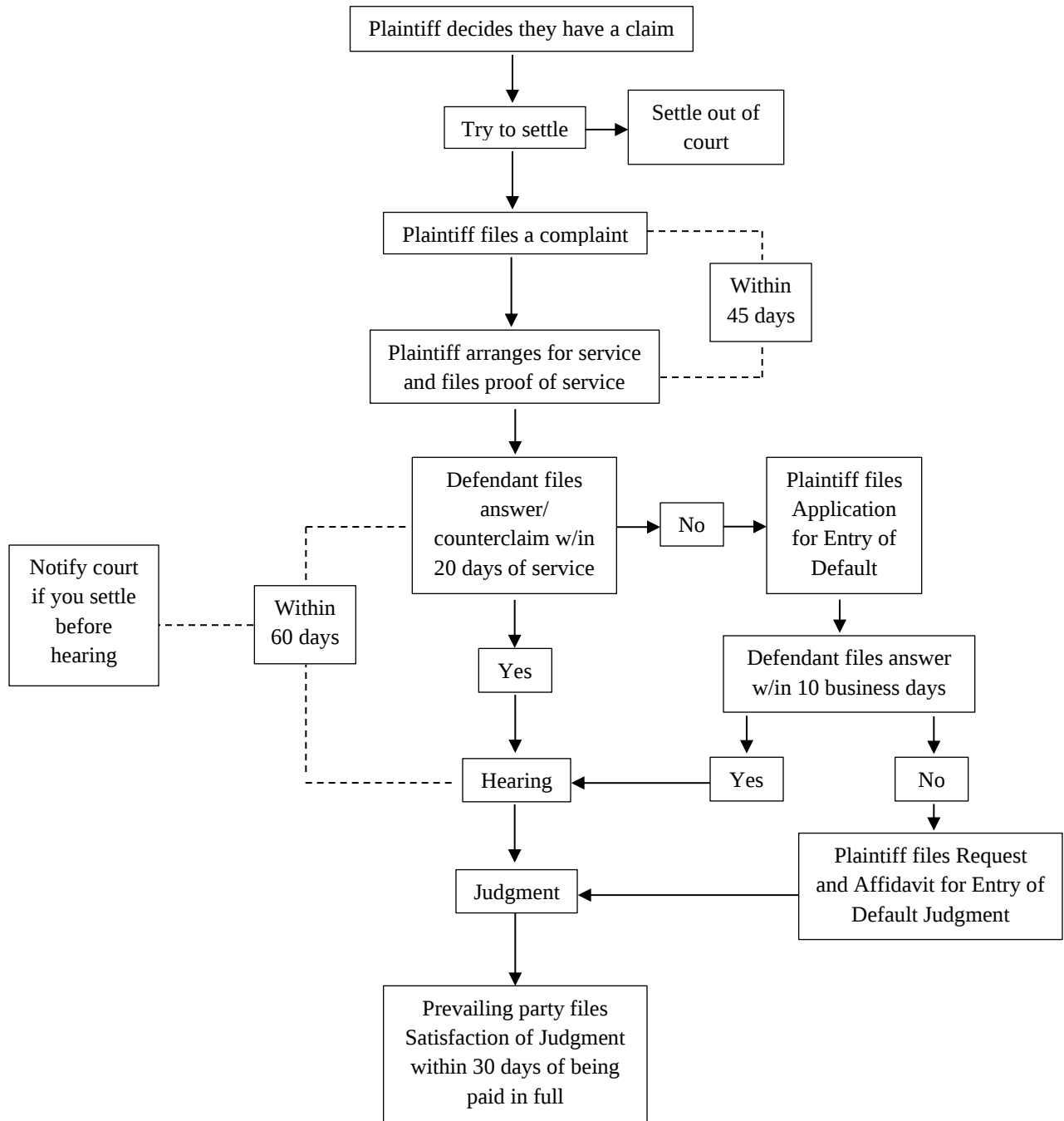
If an answer/counterclaim is filed:

- ☐ Date the defendant filed an answer or counterclaim. The court will set a hearing date and hold a hearing within 60 days of the answer filing date. _____

Hearing:

- ☐ Date of hearing. Bring all evidence, exhibits, and witnesses you will need to present your claim or your defense. Bring extra copies of documents for all parties and the court. _____

SMALL CLAIMS PROCESS



Who Is Authorized To Appear?

Regular Civil	Special/Forcible Detainer	Small Claims	Order of Protection or Harassment Injunction
Rule of the Supreme Court; Rule 31 <i>An Individual</i> (Spouse may not represent spouse*) Or An attorney <i>For a Corporation</i> Officer of the corporation specifically authorized and having additional duties other than representation Or An Attorney <i>For a Partnership</i> Partner appearing in person Or An Attorney *Haberkorn v Sears, Roebuck & Co. (1967) 5 Ariz. App. 397, 427 P2d 378.	Rule of the Supreme Court; Rule 31 <i>An Individual</i> (Spouse may not represent spouse*) An attorney <i>For a Corporation</i> Officer of the corporation specifically authorized and having additional duties other than representation Or An Attorney <i>For a Partnership</i> Partner appearing in person Or An Attorney	ARSCP 1(c) <i>An Individual</i> Either Spouse may represent the marital community Active general partner or authorized full time employee for partnership Full-time officer or authorized full time employee corporation Active member or authorized full-time employee for association Any other organization or entity shall be represented by active member or <u>authorized</u> full-time employee. The employee of the association or the management company is authorized in writing by the association to appear on behalf of the association <i>Attorneys:</i> May represent self or Appear by Stipulation	ARS 13-3602A (OP) ARS 12-1809A (HA) <i>An Individual</i> An attorney Third party (subject to judicial discretion) Work Place Injunction ARS 12-1810A Employer <u>Authorized</u> agent of employer

Yuma County Justice Courts

HOW TO DESIGNATE AND SERVE A PARTY

Refer to ARSCP 2, Parties to a Lawsuit and ARSCP 5 Service

AN INDIVIDUAL

John Jones
1234 S. Main Street
Phoenix, AZ 85040

SERVE : Each party must be served with a copy of the Complaint, Summons, and Notice not later than 45 days after the filing date of the complaint.

HOW TO SERVE : By either registered or certified mail (return receipt requested), Constable, Sheriff, or Private Process Server. ARSCP 5

HUSBAND AND WIFE

John and Mary Jones, husband and wife
1234 S Main Street
Phoenix, AZ 85040

SERVE : Each spouse must be served a copy of the Complaint, Summons and Notice. One spouse may be served with the other spouse's copies if they reside at the same residence. Unless served by Certified Mail, Restricted Delivery, each party must receive and sign their own individual green card.

TWO OR MORE LEGAL NAME OF DEFENDANTS

JOHN SMITH 1234 s. Main Street Phoenix, AZ 85040	MARY JONES 1000 E. First Street Phoenix, AZ 8504
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SERVE: Each named defendant must be served a copy of the Complaint, Summons and Notice ARSCP 5(b)

USE OF CORRECT LEGAL NAME OF DEFENDANT RULE 2(B)

A plaintiff must use the party's correct legal name when filing a lawsuit. Each defendant must be sued by the correct legal name

No amended complaints will be allowed.

ARSCP 4(c)

SOLE OWNERSHIP

John Jones, Dba
Jones' Delicious Candy Shoppe
1234 S. Main Street
Phoenix, AZ 85040
SERVE: The Owner

PARTNERSHIP

JOHN SMITH and JOE JONES, Partners
DBA JJ's Café
1000 E. First Street
Phoenix, AZ 85040

SERVE: either:

1. A Partner
2. A Managing or general agent
3. An Agent authorized by appointment

CORPORATION

LLC COMPANY

UNINCORPORATED ASSOCIATION

ABC Candy Store, Inc.
1234 S. Main Street
Phoenix, AZ 85040
SERVE: Statutory Agent
5678 N. Eegee St.
Phoenix, AZ 85040

If serving a statutory agent, the statutory agent must also mail a copy to the party on whose behalf the agent received service.

Service may also be effected upon:

1. An Officer of the corporation - President, Vice-President, Secretary, Treasurer
2. A Managing or general agent
3. An Agent authorized by appointment or law

PARENTS OF MINOR

If the minor is under 16 years of age
SERVE: the Minor and the parent or guardian
John and Mary Jones, husband and wife
Parents of Johnny Jones, a minor
1234 S. Main Street
Phoenix, AZ 85040

If the minor is 16 years of age or more

SERVE: the Minor

SERVING THE DIRECTOR OF INSURANCE

SERVE: the Statutory Agent

If the Statutory agent is the DIRECTOR OF INSURANCE

SERVE: The DIRECTOR OF INSURANCE
100 n. 15TH Avenue, Suite 102
Phoenix, AZ 85007
602-264-3100

SERVING THE REGISTRAR OF CONTRACTORS

SERVE: Registrar's Legal Officer and the Bonding company must be named as a defendant and served.

INSTRUCTIONS FOR OBTAINING A SMALL CLAIMS DEFAULT JUDGMENT

1. You may apply for a default judgment if:
 - Proof of service has been filed with the court, AND
 - The defendant has not filed an answer within 20 days of service.
2. If you have brought your claim against multiple defendants, the default applies only to those defendants who have been properly served and who have failed to file an answer within 20 days of service.
3. To proceed with a default, you must complete and file the *Application for Entry of Default*.
4. You must mail a copy of the *Application for Entry of Default* to all parties in the case.
5. If the defendant files an answer within 10 business days of the filing date of the *Application for Entry of Default*, the default will not become effective and the case will proceed as if an answer had been timely filed.
6. If the defendant does not file an answer within 10 business days of the *Application for Entry of Default* filing date, the default becomes effective. You must then file a *Request and Affidavit for Entry of Default Judgment* form to ask the court to enter a default judgment. You must mail a copy to all parties in the case.
7. The court will expect you to be able to prove your claim before it will enter a judgment in your favor. A default judgment can be entered by request or by hearing. You must attach to the *Request and Affidavit for Entry of Default Judgment* form any documents that support or prove the amount of your claim and court costs.
8. The court may either enter judgment based on the documents that you have filed, or it may set the matter for a default hearing.
9. If your *Request and Affidavit for Entry of Default Judgment* form indicates that the defendant you want to default is in military service, or if it cannot be determined whether the defendant is in military service, this may impact whether the court will enter a default judgment. See the Servicemembers Civil Relief Act, 50 United States Code § 521 and related sections.
10. The court will mail a copy of any judgment or notice of hearing to all parties.

NOTE: The information in this checklist is only a summary. It is not intended to be a complete list of the requirements of the Arizona Revised Statutes or the Arizona Rules of Small Claims Procedure.

Person Filing: _____
Address (if not protected): _____
City, State, Zip Code: _____
Telephone: _____
Email Address: _____
Fax: _____

For Clerk's Use Only

YUMA JUSTICE COURT PRECINCT TWO
1358 E. Liberty St. / PO Box 7650 Somerton, AZ 85349
Ph: (928) 314-5100

Case Number: _____

COMPLAINT (SMALL CLAIMS)
(ARSCP 4)

() _____

vs.

() _____

Plaintiff(s) Name / Address / Phone / Email
(The person, business, or entity that is suing)

Defendant(s) Name / Address / Phone / Email
(The person, business, or entity being sued)

THERE ARE NO APPEALS IN SMALL CLAIMS CASES.

Warning—you do not have the right to appeal the decision of the hearing officer or the justice of the peace in a small claims court. If you wish to preserve your right to appeal, you may have your case transferred to the justice court pursuant to § 22-504, subsection A, Arizona Revised Statutes, if you request such transfer at least ten days prior to the day of the scheduled hearing.

PLAINTIFF'S CLAIM

\$_____ is the total amount owed to me by the defendant because:

Case Number: _____

Date

Plaintiff Signature

NOTICE: If you are representing a corporation, partnership, association, or other organization, you must attach a notice of authorization.

Please inform court staff if interpreter services are required.

[☐] YES, I need interpreter services. Language: _____

Person Filing: _____
Address (if not protected): _____
City, State, Zip Code: _____
Telephone: _____
Email Address: _____
Fax: _____

For Clerk's Use Only

YUMA JUSTICE COURT PRECINCT TWO
1358 E. Liberty St. / PO Box 7650 Somerton, AZ 85349
Ph: (928) 314-5100

Case Number: _____

SUMMONS (SMALL CLAIMS)

(ARSCP 5(b))

☐ **Replacement**

() _____

vs.

() _____

Plaintiff(s) Name / Address / Phone / Email
(The person, business, or entity that is suing)

Defendant(s) Name / Address / Phone / Email
(The person, business, or entity being sued)

TO THE ABOVE-NAMED DEFENDANT: The above-named plaintiff has sued you in small claims court. You are summoned to appear and defend. You must file with this court a written answer to the complaint within 20 days after service and deliver a copy to the plaintiff. If you do not file an answer, judgment may be entered against you for the full amount of the plaintiff's claim, plus the plaintiff's court costs. You must pay a fee to the court to file an answer, although you may request a waiver or deferral. You may obtain an answer form from the court listed above or visit www.azcourts.gov/efilinginformation for information on how to prepare your answer electronically.

Date

Clerk

{ COURT SEAL }

Case Number: _____

The Statutory Agent / Corporate Officer to be served is:

Name: _____

Address: _____

Phone: _____

Email: _____

NOTICE: A separate summons must be issued and served to each defendant named in the complaint.

Yuma County Justice Court Precinct Two
1358 E. Liberty St. / PO Box 7650 Somerton, AZ
928-314-5100

READ THIS NOTICE CAREFULLY

Notice to Plaintiff and Defendant: A small claims lawsuit has been filed in justice court.

- A small claims lawsuit is an informal way to resolve civil disputes that are \$5,000 or less.
- Parties in a lawsuit are called “plaintiff” and “defendant.” Plaintiffs start a lawsuit by filing a complaint against defendants.
- PLAINTIFF: A lawsuit against the defendant cannot proceed without proper service as described in the Arizona Rules of Small Claims Procedure. When you file your complaint, the court will provide you with a summons and a copy of this notice that you must serve on each defendant along with the complaint. You must file proof of service within 45 calendar days or your case may be dismissed. If proof of service is not timely filed or your case is not concluded within 65 days of the date the defendant was served, the court may dismiss your case unless it finds a good reason not to.
- DEFENDANT: You must file a written answer and mail a copy to the plaintiff. Otherwise, judgment may be entered against you. If you have a claim against the plaintiff, even if it is based on a different event than described in the complaint, you may file a counterclaim and must mail a copy to the plaintiff.
- BOTH PARTIES: You must provide supporting evidence for your claims and defenses and must appear at all scheduled hearings or alternative dispute resolution conferences.
- A justice of the peace or a hearing officer with specialized training will conduct the hearing. You should be prepared to clearly present your evidence. Although you may be permitted to appear telephonically if needed, you must submit all evidence to the court before the hearing. If you fail to appear at a hearing, the court may enter a judgment against you. To ensure that you receive these notices, you must keep the court informed, in writing, of your current address and telephone number until the lawsuit is over.
- You must follow the Arizona Revised Statutes and Arizona Rules of Small Claims Procedure that apply in your lawsuit. The statutes and rules are available in many public libraries and at the courthouse. The statutes are also online at the [Arizona State Legislature](#) webpage, and the rules are online at the [Arizona Judicial Branch Court Rules](#) webpage.
- You must properly complete court papers and file them when they are due. Blank forms are on the [Arizona Judicial Branch](#) website and available from any justice court.
- Some filings require a filing fee. Parties can request a fee waiver or deferral from the court but must still file documents on time.

- Court staff cannot give legal advice but can provide information about jurisdiction, venue, pleadings, and procedures for the small claims division of the justice court.
- **There are no attorneys in a small claims lawsuit unless the parties agree in writing.** Individuals usually represent themselves. One spouse may represent both spouses. A full-time corporate officer or authorized employee may represent a corporation; an active general partner or an authorized full-time employee may represent a partnership; an active member or an authorized full-time employee may represent an association; and any other organization may be represented by one of its active members or authorized full-time employees.
- **Parties cannot appeal a small claims judgment. Parties may request to transfer the lawsuit from small claims to the regular civil division of the justice court. A transfer will allow:**
 - Attorney representation without written agreement;
 - Counterclaims for more than \$5,000;
 - Motions that are not permitted in small claims lawsuits;
 - A jury trial; and
 - An appeal.

Person Filing: _____
Address (if not protected): _____
City, State, Zip Code: _____
Telephone: _____
Email Address: _____
Fax: _____

For Clerk's Use Only

YUMA JUSTICE COURT PRECINCT TWO
1358 E. Liberty St. / PO Box 7650 Somerton, AZ 85349
Ph: (928) 314-5100

Case Number: _____

**PROOF OF SERVICE BY
REGISTERED OR CERTIFIED MAIL
(SMALL CLAIMS) (ARSCP 5(b))**

()

vs.

()

Plaintiff(s) Name / Address / Phone / Email
(The person, business, or entity that is suing)

Defendant(s) Name / Address / Phone / Email
(The person, business, or entity being sued)

A copy of the summons, complaint, and Notice to Plaintiff and Defendant in this action was served by registered or certified mail to the above-named defendant.

☐ The return receipt is attached (green card or return receipt printed from the postal or delivery service website).

The date of service is:

☐ The date of delivery, as shown on the attached return receipt.

☐ The date the return receipt is filed with the court because the date of delivery was not entered or the date is illegible.

ATTACH RETURN
RECEIPT HERE

Person Filing: _____
Address (if not protected): _____
City, State, Zip Code: _____
Telephone: _____
Email Address: _____
Fax: _____

For Clerk's Use Only

YUMA JUSTICE COURT PRECINCT TWO
1358 E. Liberty St. / PO Box 7650 Somerton, AZ 85349
Ph: (928) 314-5100

Case Number: _____

**APPLICATION FOR ENTRY OF
DEFAULT (SMALL CLAIMS)**
(JCRCP 140)

() _____

vs.

() _____

Plaintiff(s) Name / Address / Phone / Email
(The person, business, or entity that is suing)

Defendant(s) Name / Address / Phone / Email
(The person, business, or entity being sued)

NOTICE

If you do not answer or file a responsive pleading with this court within ten business days of the filing date of this application, the default will become effective and the other party may request that a judgment be entered against you.

I am the plaintiff. The above-named defendant was served with the summons, complaint, and Notice to Plaintiff and Defendant by [] registered or certified mail or [] constable, sheriff, or process server. The above-named defendant has failed to file an answer or otherwise respond within the time allowed by the Arizona Rules of Court. I am applying for an entry of default against the above-named defendant.

Date

Plaintiff Signature

Case Number: _____

NOTICE TO PLAINTIFF: After ten business days have passed since the filing of this application, it is your responsibility to file a *Request and Affidavit for Entry of Default Judgment* or request a hearing.

I certify that a copy of this document will be provided by

☐ hand-delivery

☐ first-class mail

☐ electronic means on _____ to the above-named defendant and any other parties to the lawsuit.

Date

Plaintiff Signature

Person Filing: _____
Address (if not protected): _____
City, State, Zip Code: _____
Telephone: _____
Email Address: _____
Fax: _____

For Clerk's Use Only

YUMA JUSTICE COURT PRECINCT TWO
1358 E. Liberty St. / PO Box 7650 Somerton, AZ 85349
Ph: (928) 314-5100

Case Number: _____

**REQUEST AND AFFIDAVIT FOR
ENTRY OF DEFAULT JUDGMENT
(SMALL CLAIMS)**

() _____

vs.

() _____

Plaintiff(s) Name / Address / Phone / Email
(The person, business, or entity that is suing)

Defendant(s) Name / Address / Phone / Email
(The person, business, or entity being sued)

I am the plaintiff. The above-named defendant was served with the summons, complaint, and Notice to Plaintiff and Defendant by ☐ registered or certified mail or ☐ constable, sheriff, or process server. The above-named defendant has failed to file an answer or otherwise respond within the time allowed by the Arizona Rules of Court. At least ten business days have passed since the *Application for Entry of Default* was filed.

The above-named defendant ☐ is in military service ☐ is not in military service. Supporting facts are:

OR

☐ I am unable to determine whether the above-named defendant is in military service.

Case Number: _____

The total amount due and owing on my claim as of today's date is:

Principal \$ _____

Costs \$ _____

Interest \$ _____

Total \$ _____

☐ If I am requesting a default judgment without a hearing, (1) my claim is for a specific amount or can be determined by a mathematical calculation, AND (2) I have attached documents that prove my claim amount.

☐ If I am requesting an award of court costs, I have attached a statement of verified costs.

☐ If I have included a proposed default judgment form, I have provided the court with stamped envelopes addressed to each party who has appeared in the lawsuit and to each party in default.

I declare under penalty of perjury that the foregoing is true and correct. Signed on the _____ day of _____, 20____.

Date

Plaintiff Signature

I certify that a copy of this document will be provided by

☐ hand-delivery

☐ first-class mail

☐ electronic means on _____ to the above-named defendant and any other parties to the lawsuit.

Date

Plaintiff Signature