

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.

<p>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.</p>
