



Yuma County Justice Court Precinct Three

10260 Dome St. / PO Box 384 Wellton, AZ 85356 Ph. 928-785-3321

SMALL CLAIMS

(ANSWER)

SMALL CLAIMS CHECKLIST FOR DEFENDANT

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 summons, complaint, and Notice to Plaintiff and Defendant were served.
- [] _____ 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. See Arizona Revised Statutes (ARS) § 22-514 and Rules 3 and 7, Arizona Rules of Small Claims Procedure (ARSCP).
- [] _____ Date that your answer was filed and a copy was mailed to the plaintiff. Note amount of the filing fee paid: \$_____.
- [] _____ Date that a motion for change of venue, if applicable, was filed.

If a counterclaim is filed:

- [] _____ Date that your counterclaim was filed and a copy was mailed to the plaintiff.

If a hearing is scheduled by the court:

- [] _____ 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: The plaintiff may dismiss the complaint at any time before you file an answer or counterclaim by filing a Notice of Voluntary Dismissal. If you have filed an answer or counterclaim and the plaintiff wishes to dismiss the 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.

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 *Haberborn 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.

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

For Clerk's Use Only

YUMA JUSTICE COURT PRECINCT THREE
10260 Dome St. / PO BOX 384 Wellton, AZ 85356
Ph: (928) 785-3321

Case Number: _____

ANSWER (SMALL CLAIMS)
(ARSCP 7)

()

vs.

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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.

DEFENDANT'S ANSWER

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. The court will schedule a hearing date and hold a hearing within 60 days after you file your answer.

I am answering on behalf of ☐ Myself ☐ Marital Community ☐ Other: _____

Case Number: _____

I do not owe the plaintiff because:

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and extend across the width of the page. There are no margins, text, or other markings on the paper.

Date

Defendant 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: _____

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

☐ hand-delivery

[] first-class mail

[] electronic means on _____ to the plaintiff and any other named defendants.

Date

Defendant Signature

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

For Clerk's Use Only

YUMA JUSTICE COURT PRECINCT THREE
10260 Dome St. / PO BOX 384 Wellton, AZ 85356
Ph: (928) 785-3321

Case Number: _____

COUNTERCLAIM (SMALL CLAIMS)
(ARSCP 9)

() _____

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)

Defendant's counterclaims in the amount of \$_____.

In addition to my answer to the plaintiff's complaint, I counterclaim for the amount listed above for the following reasons:

Case Number: _____

Date

Defendant Signature

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

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

☐ hand-delivery

☐ first-class mail

☐ electronic means on _____ to the plaintiff and any other named defendants.

Date

Defendant Signature