

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 amount of the filing fee paid: \$ 34.00.)

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

Note: Service of the summons and complaint in a small claims case is usually done by certified or registered mail with a return receipt requested. The return receipt card ("green") card with the defendant(s) signature will be returned to you by the postal service to confirm that your summons and complaint has been delivered.

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 "Evidence of Service" form to file your completed service.

_____ Date that the Evidence of Service was filed with the court.

_____ Date that the defendant's time to file an answer will expire. (20 days after defendant was served. See ARS §§22-513 and 22-514.)

If an answer is not filed:

_____ Date that the application for entry of default/affidavit for default judgment was filed with the court, with copies mailed to defendant(s). See Rule 55 of the Arizona Rules of Civil Procedure.

If an answer is filed:

_____ Date the defendant filed an answer. The court will set a hearing within 60 days and notify the parties.

If a counterclaim is filed:

_____ Date the defendant filed a counterclaim.

_____ Date that your time to file a reply to counterclaim will expire. (If the defendant files a counterclaim, you must file a reply within 20 days from the date of service.) If you fail to file a reply, the defendant may obtain a default judgment against you.

_____ Date that your reply to the counterclaim was filed and that a copy was mailed to defendant.

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 of Hearing: 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), 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 by filing a Notice of Voluntary Dismissal. Once the defendant has filed an answer, both parties must stipulate (agree in writing) to a dismissal.

Notice of Change of Address: All parties are required to inform the court in writing of a current address to ensure that the party can receive all notices mailed from the court.

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 of the Arizona Rules of Civil Procedure.

ROUND VALLEY JUSTICE COURT

P.O. Box 1356; 130 S. Mountain Avenue; Springerville, AZ 85938 928-333-4613

Plaintiff(s) Name/Address/Phone
V.

Defendant(s) Name/Address/Phone

CASE NUMBER _____
SUMMONS/COMPLAINT
SMALL CLAIMS

SMALL CLAIMS SUMMONS

TO THE ABOVE-NAMED DEFENDANT(S):

READ THIS CAREFULLY. The above-named Plaintiff(s) has sued you in the small claims division of this Justice Court. You are summoned to appear and defend. You must file your written answer to this complaint with this Court within 20 days after service. If you do not file an answer, judgment may be entered against you for the full amount of Plaintiff's claim, plus Plaintiff's court costs. You must pay a filing fee to this Court when you file your answer and mail or deliver a copy of your answer to the plaintiff(s).
NOTE: You may obtain an answer form from the court listed above or visit www.azturbocourt.gov to prepare your answer electronically.

Date: _____

Clerk

(SEAL)

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 civil division of the justice court pursuant to ARS §22-504(A), if you request such transfer at least ten days prior to the date of the scheduled hearing.

SMALL CLAIMS COMPLAINT

- This claim arises from: Tort Contract Debt
- Venue in this precinct is proper because: Defendant(s) reside(s) or does business in this precinct
 The debt, transaction, or incident that resulted in this claim occurred in this precinct
- The amount of this claim is \$ _____ (plus costs and interest, if applicable)
- Defendant(s) owes Plaintiff(s) this amount because (*state the basis of the claim*): _____

Date: _____

Plaintiff

REQUESTS FOR REASONABLE ACCOMMODATIONS FOR PERSONS WITH DISABILITIES MUST BE MADE TO THE COURT BY PARTIES AT LEAST 3 WORKING DAYS IN ADVANCE OF A SCHEDULED COURT PROCEEDING.

APACHE COUNTY JUSTICE COURTS, STATE OF ARIZONA

ROUND VALLEY JUSTICE COURT 130 S. Mountain Ave., Springerville, AZ 85938 928-333-4613

Plaintiff(s) Name/Address/Phone
V.

Defendant(s) Name/Address/Phone

CASE NUMBER _____
**EVIDENCE OF SERVICE BY
REGISTERED OR CERTIFIED MAIL
SMALL CLAIMS**

A copy of the SUMMONS and COMPLAINT in this action was served by registered or certified mail.

The date of service is:

_____ the date of delivery to, and signature of, the defendant, as shown on the attachment.

OR

the date the return receipt is filed with the court (*because the date of delivery is not entered, or the date entered is illegible*).

Print your completed Evidence of Service form and attach the green card to the form as indicated. Then mail or deliver the Evidence of Service with the attached "green card" to the court. Keep a copy of the Evidence of Service and a copy of the "green card" for your records.

The Return Receipt (green card) is attached:

Date: _____

Plaintiff

PLACE
GREEN CARD
HERE

INSTRUCTIONS FOR OBTAINING A SMALL CLAIMS DEFAULT JUDGMENT

1. You may apply for default judgment if:
 - Evidence of Service has been filed with the court
 - Defendant(s) has not filed an answer within 20 days after 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 after service.
3. In order to proceed with a default, you must complete and file the "Application for Entry of Default/Affidavit for Judgment by Default".
4. You must mail a copy of the form (by regular U.S. mail) to each defendant who you are seeking to default.
5. If the defendant(s) files an answer within ten business days of the filing date of the "Application for Entry of Default/Affidavit for Judgment by Default", the default will not become effective. The case will proceed as if the answer had been timely filed.
6. If the defendant(s) does not file an answer within ten business days of the filing date of the "Application for Entry of Default/Affidavit for Judgment by Default", the default becomes effective.
7. The court will expect you to be able to prove your claim when a default is entered. A default judgment can be entered by request or by hearing. You must attach to the "Application for Entry of Default/Affidavit for Judgment by Default" any documents that support or prove the amount of your claim and court costs.
8. If your "Application for Entry of Default/Affidavit for Judgment by Default" indicate that the defendant(s) you want to default is in the military service, or if it cannot be determined if the defendant(s) is in the 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.
9. The court may either enter judgment based on the documents that you've filed, or it may set the matter for a default hearing.
10. A copy of any judgment or notice of hearing will be mailed to all parties by the court.

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APACHE COUNTY JUSTICE COURTS, STATE OF ARIZONA

ROUND VALLEY JUSTICE COURT 130 S. Mountain Ave., Springerville, AZ 85938 928-333-4613

Plaintiff(s) Name/Address/Phone
V.

Defendant(s) Name/Address/Phone

CASE NUMBER _____
APPLICATION FOR ENTRY OF DEFAULT/
AFFIDAVIT FOR JUDGMENT BY DEFAULT
SMALL CLAIMS

APPLICATION FOR ENTRY OF DEFAULT

NOTICE IS GIVEN TO:

Defendant(s):

At the last known address indicated herein.

If you do not answer or file a responsive pleading with this court within ten (10) working days of the filing of this application, default will be effective and a default judgment will be entered against you.

1. The above named defendant(s) has failed to plead or otherwise defend in this action within the time allowed by law.
2. The status of the Defendant(s) military status is set forth in the affidavit for judgment by default.
3. This application is made for the purpose of entering default against the defendant(s).

Date: _____

Plaintiff

AFFIDAVIT FOR JUDGMENT BY DEFAULT

Plaintiff moves for judgment against the defendant(s) named below, because the named defendant(s) has failed to plead or otherwise defend in this action within the time allowed by law: _____
Defendant(s)

I incorporate the application for entry of default made herein and submit this affidavit.

- 1. I am the plaintiff in this action.
- 2. Defendant(s) named herein is engaged in active military service.
Supporting facts are: _____
- Defendant(s) named herein is not in the armed forces of the United States
Supporting facts are: _____
- I am unable to determine whether the defendant(s) is in the military.

3. The following amount is due and owing on plaintiff's claim as of this date.

Amount	\$ _____
Costs	\$ _____
Total	\$ _____

- 4. The claim is for a sum certain (an amount that can be shown by clear computation).
- 5. I am attaching documents showing that the defendant owes what is claimed.
- 6. There are no exhibits.

I state under penalty of perjury that the foregoing is true and correct.

Date: _____

Plaintiff

CERTIFICATE OF MAILING

I certify that I will mail a copy of the Application for Entry of Default/Affidavit for Judgment by Default to the opposing party(ies) at the address(es) listed.

Date: _____

Plaintiff