

CERTIFICATE OF SERVICE

DATE RECEIVED: _____ DATE SERVED _____ TIME SERVED _____

PERSON SERVED: _____

LOCATION WHERE SERVED: _____

HOW SERVED: _____

_____PRECINCT, _____COUNTY

I certify that I personally served this document and a copy of the Complaint in this action as stated above.

CONSTABLE/PROCESS SERVER

STATEMENT OF COSTS

Service Fee \$ _____ Mileage Fee \$ _____ Other \$ _____

TOTAL \$ _____

**SANTA CRUZ COUNTY JUSTICE COURT, PRECINCT NO. 1
2160 N. CONGRESS, STE. 2100, NOGALES, AZ. 85621 (520)375-7762**

CIVIL SUMMONS AND COMPLAINT INSTRUCTIONS FOR PLAINTIFF

If you choose to represent yourself, you will act as your own attorney and be responsible for all aspects of the case.

**DO NOT REQUEST LEGAL ADVICE FROM THE CLERKS AT THE COURT
THESE INSTRUCTIONS ARE THE ONLY ASSISTANCE THE COURT CAN GIVE YOU**

This information that has been prepared to help you complete the Civil Summons and Complaint form, pursue your claim in the Court, and collect any monies awarded to you. Do not request legal advice from the clerks. The Court furnishes the forms and information packet and the Clerks can instruct you in the procedures for filing your claim.

PRE-FILING INFORMATION:

1. Before you file the Complaint, you may wish to research the Arizona Revised Statutes that apply to your situation. Research materials are available at the University of Arizona Law Library, the Pima County Superior Court Law Library, and most public libraries.
2. When you sue someone or some entity, you are the **PLAINTIFF**; the person or business being sued is the **DEFENDANT**.
3. If you are managing rental property for an owner and you are not an attorney, you may complete the paperwork, but the owner must sign the papers and appear in court. You may **not** represent the owner unless you are an attorney.
4. Amount involved and where to file civil claims pursuant to A.R.S. §22-201.
 - a. \$2500 or less excluding interest and costs, can file in Small Claims or Civil.
 - b. \$10,000 or less, excluding interest, costs and attorney fees, file in Justice Court.
 - c. \$10,000, excluding interest, costs and attorney fees, file in Justice Court or Superior Court.
 - d. Evictions \$10,000 or less excluding interest, costs and attorney fees, file in Justice Court or Superior Court. You may not split a claim and file two separate actions. You may file for 'court costs' in addition to the maximum. Court costs may include, but are not limited to, filing and service fees, and interest.
5. Before you file the Complaint, you must research any appropriate information necessary to proceed on the case inclusive of the **EXACT LEGAL NAME and address** of the person or business you are suing. Many valuable public information resources are available to you such as Consumer Affairs, City or County Business License Offices, State of Arizona Corporation Commission, telephone books, City Directories, Information and Referral Services, County Recorders, and County Assessors.
6. After the case is filed, you must inform the Court in writing of any address and telephone number changes.
7. If you are awarded a judgment as the result of an automobile accident, you may pursuant to A.R.S. §28-4072, after the judgment remains unpaid for 60 days, file paperwork to notify the Motor Vehicle Division. This will result in the Defendant's Drivers License, registration, and nonresident operating privileges being suspended until the judgment is paid in full. **See:** Collecting the Judgment, item #3 of this pamphlet for more information.

SOME TIPS FOR NAMING PARTIES:

1. *IF YOUR CLAIM IS AGAINST A MARRIED PERSON:*

You should name and serve both spouses because ARIZONA is a community property state. If you only know the name of one spouse the other may be referred to as "John Doe" Smith or "Jane Doe" Smith, h/w. See sample on attached instructions entitled "How to Designate Defendant".

2. *IF YOUR CLAIM IS AGAINST A CORPORATION:*

The corporation must be listed as the Defendant on the Summons and Complaint. Then you must list the name and address of an officer or the statutory agent of the corporation. The corporation is the actual Defendant and the officer or statutory agent is the person who accepts service of the Summons on behalf of the Corporation. See sample on attached instructions entitled "How to Designate Defendant". If you do not know this information, you may obtain it from either the corporation itself or by calling the State of Arizona Corporation Commission at 628-6560, at 400 W. Congress, Tucson, 85701.

3. *IF YOUR CLAIM IS AGAINST A BUSINESS WHICH IS NOT A CORPORATION:*

Other types of businesses are sole proprietorships and partnerships. The City and County Business License Divisions can help you with the named owners. These types of businesses are shown differently on the Complaint. See samples on attached instructions entitled "How to Designate Defendant".

4. *IF YOUR CLAIM IS AGAINST AN INSURANCE COMPANY:*

When you sue an insurance company, the filing procedures are somewhat different. The State of Arizona Department of Insurance requires you to complete two sets of Summons and Complaint forms, each exactly the same. **VERY IMPORTANT:** Before you file your case, you must know specific information about the insurance company you will be suing and what the Department of Insurance's fee is. The **State of Arizona Department of Insurance** requires that you contact them at either of the following addresses and phone numbers **and** they will give you the required information:

PHOENIX OFFICE:

2910 N. 44th Street, Phoenix, AZ 85018-7269
Phone: 602-364-2499

TUCSON OFFICE:

400 W. Congress, #152, Tucson, AZ 85701
Phone: 520-628-6370

5. *IF YOU ARE SUING YOUR LANDLORD:*

You must sue the **OWNERS** of the property if known, and not the manager or the apartment complex.

6. *IF YOU ARE SUING YOUR FORMER TENANT:*

If you are managing property for an owner and if you are NOT an attorney, you may complete the forms, but **THE OWNER MUST SIGN THE PAPERS AND APPEAR IN COURT**. You CANNOT represent the owner unless you are an attorney.

7. *IF YOU ARE SUING FOR DAMAGES RESULTING FROM A MOTOR VEHICLE ACCIDENT:*

You may sue the person(s) owning the vehicle and/or the driver of the vehicle.

HOW TO FILE:

1. After completing the Summons and Complaint form included in this packet, **YOU MUST FILE THE FORMS AT THE CUSTOMER SERVICE COUNTER AND PAY THE FILING FEE (\$65.00)**. A Filing Fee Chart is included in the packet. The clerk will assign a case number and issue the Summons. The Clerk keeps the original Summons and Complaint for the Court's file and gives you all of the other copies.
2. After your case is filed and the Summons issued, the Defendant must be served by having the Constable or a Private Process Server, serve the Summons. Take your copies with you; a service fee will be required.

AFTER SERVICE:

1. THE TIMES LINES GIVEN TO THE DEFENDANT TO FILE AN ANSWER ARE:
 - a. If the Defendant was served **in** the State of Arizona, the defendant must file an answer within **TWENTY (20)** days from the date of service.
 - b. If the Defendant was served **OUTSIDE** of the State of Arizona, the defendant must file an answer within **THIRTY (30)** days from the date of service.
2. To check on your case, you may come to the Court's Customer Service Department. Please give the Clerk your case number and indicate you wish to check on the status of your case. If you do not understand what your next step may be, the Clerk may be able to help you. You may also contact the court at (520)375-7762.
3. If the Defendant does not file an Answer and pay the Answer Fee after the specified time period, you may file the documents necessary for a Default Judgment to be entered in your case. This filing can be in the amount of your Complaint plus court costs.
4. The Defendant may file a Counterclaim against you. If this happens, you have twenty days from the day you were served to file an answer to the Counterclaim with the Court and send a copy to the Defendant. If you do not file an answer to the Counterclaim, the Defendant may ask for a Default Judgment to be entered against you on the Counterclaim.

GOING TO TRIAL:

1. If the Defendant files an Answer and pays the appropriate fee, you will need to request a trial date. You must file a Motion to Set and Certificate of Readiness with the Court before a Judge will schedule your case for trial.
2. Once a trial date has been set, you will receive a 'Notice to Appear for Trial' in the mail. Remember to keep the Court notified of your correct mailing address and telephone number.

3. If your case is not settled before the trial date, be sure to appear on the right day and time. If you fail to appear, the trial may proceed without you. When you appear for your trial, bring all witnesses and evidence necessary to establish and prove your claim. You will not be able to provide additional information for consideration after the trial is held.

COLLECTING THE JUDGMENT:

1. Ask the Judgment Debtor to pay the amount of the Judgment.
2. Debtor's Exam. This is a process, in which the Judge will advise the debtor to disclose the debtor's income, bank account, assets, and provide supporting documentation.
3. If you are granted a Judgment on a case resulting from a motor vehicle accident, you have the option of notifying the Motor Vehicle Division of the Judgment. If you choose this option, you must provide the Court with **a police report, a certified copy of the judgment, and a Notice of Non Satisfaction of Judgment**. The Court will then notify MVD. *Note:* The Judgment must remain unpaid for 60 days before you may pursue this option. (A.R.S. §28-4072)
4. A JUDGMENT COLLECTION handout is available at the Court's Information Center or on-line at the Court's website. This handout gives you different options to collect your Judgment. If the Judgment Debtor does not pay, you may file any of the following actions at this Court:
 - a. **Writ of Garnishment:** If you file in person, the Clerk will give you the forms packet to complete.
 - b. **A Writ of Execution:** Pamphlets on Writs of Execution are available at the Information Center or on-line. If you file in person, the Clerk will give you the forms packet to complete.
 - c. **A Transcript of the Judgment:** After this is filed with Superior Court and then Recorded at the Recorder's Office, the Judgment becomes a lien on any real property the Judgment Debtor has in the County where the Judgment Transcript is recorded.

AFTER YOU COLLECT THE JUDGMENT:

After you are successful in collecting the judgment using any of the options mentioned above, you **must** sign and file a **Satisfaction of Judgment** with the Justice Court. This form is available from the Front Counter Clerks. If your case has been Transcribed and transferred to Superior Court, the Satisfaction of Judgment **must** be filed in the office of the Clerk of Superior Court. If you have recorded your judgment in the Recorder's Office, you must also file a copy of the Satisfaction of Judgment in their office as well.

**NOTICE TO PERSONS REPRESENTING THEMSELVES
IN LAWSUITS WITHOUT AN ATTORNEY**

A person acting on his or her own behalf is, under the law, held to the same standards and duties as an attorney admitted to the practice of law in the State of Arizona. You are expected to know what the law requires and how to accomplish your purposes in accordance with applicable statutes and court rules.

No Court employee is obligated to tell you what you have to do, how you are to do it or what you should or should not do under the circumstances. The law prohibits Judges, Commissioners, Clerks, and all Court personnel from giving legal advice.

If you need legal advice, seek assistance from an attorney. If you do not have a lawyer and don't know a specific lawyer to contact, you can be referred to counsel through:

Pima County Bar Association Lawyer Referral Service
177 N. Church Ave., Suite 101 · Tucson, Arizona 85701
Telephone: (520) 623-4625
<http://www.pimacountybar.org/>
Monday through Friday, 9:00 AM to 3:00 PM

You will be referred to a lawyer who will consult with you for one-half hour for a small fee. If you have no further legal problem, the lawyer will tell you so. If further legal services are necessary, you may arrange for them directly with the lawyer on a fee basis to be arranged between you and the lawyer.

If you do not have the funds necessary to hire counsel, you may seek assistance from the following:

Southern Arizona Legal Aid, Inc.
2343 East Broadway Blvd., Suite 200
Tucson, Arizona 85701
(520) 623-9465 / (800) 234-7252

HOW TO DESIGNATE THE PARTIES ON YOUR COURT PAPERS

When representing yourself in Court, you are acting as your own attorney and responsible for completing your own forms. This handout shows examples of commonly used party designations used in civil litigation and how to display these parties on your papers. Please choose and adopt the sample that best applies to your situation when naming the parties on your papers.

INDIVIDUAL:

JOHN SMITH
111 S.W. "Z" Street
Nogales, AZ. 85621
Phone: 555-1111

PARENTS OF A MINOR:

JOHN AND MARY SMITH, h/w,
parents of JOSEPH SMITH, a minor
111 S.W. "Z" Street
Nogales, AZ. 85621
Phone: 555-1111

HUSBAND AND WIFE:

JOHN AND MARY SMITH, h/w
111 S.W. "Z" Street
Nogales, AZ. 85621
Phone: 555-1111

JOHN AND MARY SMITH, h/w
111 S.W. "Z" Street
Nogales, AZ. 85621
Phone: 555-1111

TWO OR MORE DEFENDANTS:

JOHN SMITH
111 S.W. "Z" Street
Nogales, AZ. 85621
Phone: 555-1111

MARY JONES
123 S.W. "Z" Street
Nogales, AZ. 85621
Phone: 555-1234

CORPORATION:

ABC CANDY STORE, INC.
c/o John Smith, Statutory Agent
111 S.W. "Z" Street
Nogales, AZ 85621
Phone: 555-1111

SOLE OWNERSHIP:

JOHN SMITH, dba SMITH'S CANDY SHOP
111 S.W. "Z" Street
Nogales, AZ 85621
Phone: 555-1111

PARTNERSHIP:

JOHN SMITH and JOE JONES, Partners
dba XYZ CANDY SHOP
111 S.W. "Z" Street
Nogales, AZ. 85621
Phone: 555-1111

JOHN SMITH and JOE JONES, Partners
dba XYZ CANDY SHOP
111 S.W. "Z" Street
Nogales, AZ. 85621
Phone: 555-1111

PARTNERSHIP AND SERVICE ON PARTNERS AS INDIVIDUALS:

JOHN SMITH and JOE JONES, Partners
dba XYZ CANDY SHOP
111 S.W. "Z" Street
Nogales, AZ. 85621
Phone: 555-1111

Notice to the Defendant: A lawsuit has been filed against you in justice court!
You have rights and responsibilities in this lawsuit. Read this notice carefully.

1. In a justice court lawsuit, individuals have a right to represent themselves, or they may hire an attorney to represent them. A family member or a friend may not represent someone in justice court unless the family member or friend is an attorney. A corporation has a right to be represented by an officer of the corporation, and a limited liability company (“LLC”) may be represented by a managing member. A corporation or an LLC may also be represented by an attorney.

If you represent yourself, you have the responsibility to properly complete your court papers and to file them when they are due. The clerks and staff at the court are not allowed to give you legal advice. If you would like legal advice, you may ask the court for the name and phone number of a local lawyer referral service, the local bar association, or a legal aid organization.

2. You have a responsibility to follow the Justice Court Rules of Civil Procedure (“JCRCP”) that apply in your lawsuit. The rules are available in many public libraries, at the courthouse, and online at the Court Rules page of the Arizona Judicial Branch website, at <http://www.azcourts.gov/>, under the “AZ Supreme Court” tab.

3. A “plaintiff” is someone who files a lawsuit against a “defendant.” You must file an answer or other response to the plaintiff’s complaint **in writing** and **within twenty (20) days** from the date you were served with the summons and complaint (or thirty (30) days if you were served out-of-state.) If you do not file an answer within this time, the plaintiff may ask the court to enter a “default” and a “default judgment” against you. Your answer must state your defenses to the lawsuit. Answer forms are available at the courthouse, and on the Self-Service Center of the Arizona Judicial Branch website at <http://www.azcourts.gov/> under the “Public Services” tab. You may prepare your answer electronically at <http://www.azturbocourt.gov/>; this requires payment of an additional fee. You may also prepare your answer on a plain sheet of paper, but your answer must include the court location, the case number and the names of the parties. You must provide to the plaintiff a copy of any document that you file with the court, including your answer.

4. You may bring a claim against the plaintiff if you have one. When you file your answer or written response with the court, you may also file your “counterclaim” against the plaintiff.

5. You must pay a filing fee to the court when you file your answer. If you cannot afford to pay a filing fee, you may apply to the court for a fee waiver or deferral, but you must still file your answer on time.

6. You may contact the plaintiff or the plaintiff’s attorney and try to reach an agreement to settle the lawsuit. However, until an agreement is reached you must still file your answer and participate in the lawsuit. During the lawsuit, the court may require the parties to discuss settlement.

7. Within forty (40) days after your answer has been filed, you and the plaintiff are required to provide a disclosure statement to each other. The disclosure statement provides information about witnesses and exhibits that will be used in the lawsuit. A party may also learn more about the other side’s case through discovery. Read the Justice Court Rules of Civil Procedure for more information about disclosure statements and discovery.

8. The court will notify you of all hearing dates and trial dates. You must appear at the time and place specified in each notice. If you fail to appear at a trial or a hearing, the court may enter a judgment against you. To assure 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.