

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: \$_____.)

_____ 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.
