Maricopa County Justice Courts, Arizona

Please select court from the drop down list --------

CASE NUMBER: _____

Plaintiff(s) Name / Address / Email / Phone

Defendant(s) Name / Address / Email / Phone

SMALL CLAIMS SUMMONS ☐ **Replacement** ARSCP 5(b)

The Statutory Agent / Corporate Officer to be served is: _____

Name / Address / Email / Phone

Notice: A separate Summons will be issued for each named defendant on the complaint.

TO THE ABOVE-NAMED DEFENDANT: You are directed to answer this complaint within **20 calendar days** by filing a written Answer in the court named above. If you do not answer or defend, you run the risk of having a judgment entered against you for the amount of plaintiff's claim, plus court costs. A filing fee must be paid at the time your answer is filed. If you cannot afford to pay the required fee, you may request that the Court either waive or defer the fee.

REQUESTING AN INTERPRETER OR SPECIAL ACCOMMODATIONS: The court should be notified of requests for an interpreter or special accommodations at least *15 calendar days* before a court date.

Date: _____ _____

Clerk

Please inform court staff if interpreter services are required.

☐ Yes, I need interpreter services. Language: _____

READ THIS NOTICE CAREFULLY

Notice to Plaintiff and Defendant: A small claims lawsuit has been filed in justice court.

- A small claims lawsuit is an informal way to resolve civil disputes that are $5,000.00 or less.
- Parties in a lawsuit are called "plaintiff" and "defendant." Plaintiffs start a lawsuit by filing a complaint against defendants.
- PLAINTIFF: A lawsuit against the defendant cannot proceed without proper service as described in the Arizona Rules of Small Claims Procedure. When you file your Complaint, the court will provide you with a Summons and a copy of this notice that you must serve on each defendant along with the Complaint. You must file proof of service within 45 calendar days or your case may be dismissed. If proof of service is not timely filed or your case is not concluded within 65 days of the date the defendant was served, the court may dismiss your case unless it finds a good reason not to.
- DEFENDANT: You must file a written answer and mail a copy to the plaintiff. Otherwise, judgment may be entered against you. If you have a claim against the plaintiff, even if it is based on a different event than described in the complaint, you may file a counterclaim and must mail a copy to the plaintiff.
- BOTH PARTIES: You must provide supporting evidence for your claims and defenses and must appear at all scheduled hearings or alternative dispute resolution conferences.
- A Justice of the Peace or a Hearing Officer with specialized training will conduct the hearing. You should be prepared to clearly present your evidence. Although you may be permitted to appear telephonically if needed, you must submit all evidence to the court before the hearing. If you fail to appear at a hearing, the court may enter a judgment against you. To ensure 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.
- You must follow the Arizona Revised Statutes and Arizona Rules of Small Claims Procedure that apply in your lawsuit. The statutes and rules are available in many public libraries and at the courthouse. The statutes are also online at the Arizona State Legislature webpage, and the rules are online at the Arizona Judicial Branch Court Rules webpage.
- You must properly complete court papers and file them when they are due. Blank forms are on the Arizona Judicial Branch website and available from any justice court.
- Some filings require a filing fee. Parties can request a fee waiver or deferral from the court but must still file documents on time.
- Court staff cannot give legal advice but can provide information about jurisdiction, venue, pleadings, and procedures for the small claims division of the justice court.
- **There are no attorneys in a small claims lawsuit unless the parties agree in writing**. Individuals usually represent themselves. One spouse may represent both spouses. A full-time corporate officer or authorized employee may represent a corporation; an active general partner or an authorized full-time employee may represent a partnership; an active member or an authorized full-time employee may represent an association; and any other organization may be represented by one of its active members or authorized full-time employees.
- **Parties cannot appeal a small claims judgment**. Parties may request to transfer the lawsuit from small claims to the regular Civil Division of the justice court. A transfer will allow:
  - Attorney representation without written agreement;
  - Counterclaims for more than $5,000.00;
  - Motions that are not permitted in small claims lawsuits;
  - A jury trial; and
  - An appeal.