Maricopa County Justice Courts
Instructions for filing and serving a Small Claims Motion to Vacate Judgment

Supreme Court rules and State Statutes govern how the court and all parties involved must proceed with a case. **It is in your best interest to review the Arizona Rules of Small Claims Procedure (ARSCP), especially Rule 16.**

1. On either party's motion, the court may relieve a party from a judgment for the following reasons laid out in ARSCP Rule 16(a):
   a) mistake, inadvertence, surprise, or excusable neglect;
   b) fraud, misrepresentation, or other misconduct of an opposing party;
   c) the judgment is void; the judgment has been satisfied, released, or discharged;
   d) it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable;
   e) or any other reason justifying relief.

2. You must file the Motion within a reasonable time, and when using reasons (a) or (b) above, no more than six months after the entry of the judgment or date of the proceedings, whichever is later. The filing of the Motion **does not affect** the Judgment's finality or suspend its operation until and unless the court grants the Motion.

3. Complete the Motion form. Explain the reason why you feel the court should vacate the Judgment. You may attach any supporting documents.

   IMPORTANT: Now is not the time to revisit your allegations or defenses of the case- this is where you explain why you believe at least one of the above five conditions may apply to allow the judge to vacate the Judgment.

4. Sign the Motion form.

5. Return the completed form to the court and pay the appropriate filing fee. An application for waiver/deferral of fees may be filed if applicable.

6. The moving party must deliver a copy of the Motion along with a blank Response to Motion to Vacate, to the other party on the date you file it with the court. ARSCP 16(c).

7. The other party has 15 calendar days to file their Response to Motion to Vacate, and must deliver a copy of the Response to the moving party on the date they file the Response with the court. ARSCP 16(c).

8. If you want to stay (pause) enforcement of the judgment you must post a supersedeas bond. The stay becomes effective when the bond is posted. The court will set the amount of the supersedeas bond.

9. The court will consider your Motion with any supporting documentation offered and the opposing party's Response. The court has the option to rule on the motion without a hearing. However; if a hearing is set the court will notify all parties of the hearing date. You must appear and be prepared to present your argument to the court.

10. The court will mail/deliver a copy of its ruling to all parties.

11. An attorney may represent a party on a Motion to Vacate a Judgment.

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

Attorney for Plaintiff(s) Name / Address / Email / Phone

Attorney for Defendant(s) Name / Address / Email / Phone

SMALL CLAIMS MOTION TO VACATE JUDGMENT

ARSCP 16

I am the ☐ Plaintiff ☐ Plaintiff's Attorney

I am the ☐ Defendant ☐ Defendant's Attorney

Pursuant to ARSCP 16(a), I would like the court to vacate the Judgment because (please attach additional page(s) if more room is needed):

Date: _____ _____

☐ Plaintiff ☐ Defendant

If you are filing this motion:
The motion is required to be delivered to the other party along with the Response to Motion to Vacate on the date of filing with the court.

If you were served this motion:
You have 15 calendar days from date of mailing of this motion to file a written response using the Response to Motion to Vacate, if you wish to do so. If no response is given, the court will consider the relief requested and will enter an order without hearing any objection you may have.

I CERTIFY that I delivered / mailed a copy of this document to:

☐ Plaintiff ☐ Plaintiff's attorney ☐ Defendant ☐ Defendant's attorney

Date: _____ By _____
Signature

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

Attorney for Plaintiff(s) Name / Address / Email / Phone

Attorney for Defendant(s) Name / Address / Email / Phone

SMALL CLAIMS RESPONSE TO MOTION TO VACATE JUDGMENT

ARSCP 16

I am the ☐ Plaintiff ☐ Plaintiff's Attorney

I am the ☐ Defendant ☐ Defendant's Attorney

My Response to the Motion to Vacate Judgment:
(please attach additional page(s) if more room is needed):

Date: _____ _____

☐ Plaintiff ☐ Defendant

You have 15 calendar days from date the motion was filed with the court to file your response, if you wish to do so.

If no response is given, the court will consider the relief requested and will enter an order without hearing any objection you may have.

The response is required to be delivered to the other party on the date of filing with the court.

I CERTIFY that I delivered / mailed a copy of this document to:

☐ Plaintiff ☐ Plaintiff's attorney ☐ Defendant ☐ Defendant's attorney

Date: _____ By _____
Signature