

**PINAL COUNTY**  
Apache Junction Justice Court  
Eloy Justice Court  
Superior/Kearny Justice Court  
Maricopa/Stansfield Justice Court



**JUSTICE COURTS**  
Casa Grande Justice Court  
Florence/Coolidge Justice Court  
Mammoth/San Manuel Justice Court  
Oracle Justice Court

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**INFORMATION FOR FILING SMALL CLAIMS  
CASES IN JUSTICE COURT**

In situations where a civil dispute arises, the justice court offers grounds for a civil lawsuit within its jurisdictional limit. Jurisdiction means the types of cases a court has authority to hear. The Pinal County Justice Courts have exclusive jurisdiction over all **small claims** filing within Pinal County.

In the justice court you may file a **small claims** lawsuit claiming an amount **UP TO AND INCLUDING \$2,500.00**. You may also ask for reimbursement of court costs and/or attorney fees.

*If you wish to file a lawsuit for an amount **over \$2,500.00 up to and including \$10,000.00**, you may file a **civil** lawsuit in the justice court. If you wish to sue for an amount **greater than \$10,000.00** then you must file your lawsuit in the **Superior Court**.*

This is your case. **YOU** have a responsibility to yourself and to the court to acquire a sufficient knowledge to complete the forms properly and to follow your lawsuit to conclusion. There are certain steps you must follow to pursue your lawsuit properly. This information is provided to assist you with general procedures. You should also refer to the Arizona Revised Statutes (A.R.S.) and Arizona Rules of Court (ARCP) online or at your local library or law library at the Superior Court.

**CLERKS DUTY (A.R.S. § 22-507)**

The clerks in the Justice Court are not attorneys and cannot provide legal advice. The clerks' responsibility is to provide forms, take your filing and fees, and explain court procedure. It is not the clerks' responsibility to advise you if you have a legal claim. The clerks are not responsible for any error you may make in asserting or defending your claim. The court does not take sides or render an opinion regarding the merits of a claim

**COURT FEES (A.R.S. §§ 22-281, 22-522)**

Small Claims Filing Fee: \$23.00  
Small Claims Answer Fee: \$13.00

Fees are payable at the time of filing.

**JURISDICTION (A.R.S. § 22-503A)**

The Plaintiff may file a small claims lawsuit for any amount up to \$2,500.00. A claim may NOT be split by filing two separate actions. The Plaintiff may ask for reimbursement of court costs in addition to the \$2,500.00 maximum. Court costs include but are not limited to filing and service fees. A prevailing defendant may also ask for reimbursement of court costs.



### **YOU MAY NOT FILE IF (A.R.S. § 22-503B)**

- The case involves a claim over \$2,500.00 (unless the overage is waived);
- The case involves a claim of defamation by libel or slander;
- The case is for forcible entry, forcible detainer or unlawful detainer;
- The case involves a claim for specific performance;
- The case is brought or defended on behalf of a class;
- The case requests relief by or involves pre-judgment remedies;
- The case is seeking injunctive relief;
- The case involves traffic violations or criminal matters; or
- The case is against the State, its political subdivisions or is against its officers or employees acting in an official capacity.

### **VENUE (A.R.S. § 12-401)**

Venue means the proper geographical area (precinct) in which a lawsuit may be filed. You must file the lawsuit in the precinct where the defendant resides or does business or where the cause of the lawsuit occurred. To view the Pinal County Precinct Map, please visit the court's website.

### **MOTION FOR CHANGE OF VENUE (A.R.S. § 12-404A)**

A motion for change of venue is one of only two motions allowed in a small claims action. A motion for change of venue for improper venue must be filed prior to filing the answer, or venue is waived. If a motion is filed alleging that the lawsuit is filed in the wrong precinct and the court orders a change of venue, the case will be transferred to the proper precinct. If you oppose a motion for change of venue you must file an objection in writing within ten (10) legal working days after service of the motion.

Venue may be proper in more than one precinct. However if, after hearing, the original venue is found to be wrong, additional fees may be assessed to the Plaintiff to transfer the case to the proper precinct.

### **TRANSFER TO CIVIL DIVISION OF THE JUSTICE COURT (A.R.S. 22-504A)**

Either party may transfer a small claims case to the Justice Court's Civil Division up to ten (10) legal working days before scheduled hearing date. The party requesting the transfer will be assessed a civil filing fee of \$45.00.

### **ATTORNEYS (A.R.S. § 22-512)**

An attorney cannot appear or represent either party in the small claims division unless:

- He/she is representing himself or herself;
- BOTH parties agree to use attorneys and file a STIPULATION TO USE OF ATTORNEYS, a form the court can provide. A stipulation to use attorneys must be filed at least 24 hours before the scheduled hearing date.

However, any party has the right to choose to be represented by counsel and may file a request to transfer the case to the Civil Division of the Justice Court for that purpose. The case will then be transferred to the Civil Division and appropriate fees charged to the party requesting the transfer.

After entry of judgment, the prevailing party has a right to employ an attorney to pursue available rights and remedies for the purpose of collecting the judgment award.

**PARTIES (A.R.S. § 22-512)**

The statutes governing small claims procedures set forth who may file a small claims action nor appear or represent on behalf of such an action.

The Plaintiff must be the original owner of a claim and may not sue on an assigned claim. However, after judgment, a party may make an assignment of the judgment.

- An individual may represent himself or herself.
- Either spouse or both may represent a marital community.
- An active general partner or an authorized full-time employee shall represent a partnership.
- A full-time officer or authorized employee shall represent a corporation.
- An active member or an authorized employee shall represent an association.
- Any other organization or entity shall be represented by one of its active members or authorized full-time employee.

*If you are representing a partnership, an association, or any other organization please provide the court with a letter stating your position and authority to represent an action on behalf of the partnership, association or organization.*

*If you are a full-time employee representing an association or any other organization, please provide the court with a letter stating your position and authority to represent the corporation. The letter must be signed by a corporate officer.*

*Homeowner’s Association (HOA) management companies and the individuals who work for them are usually not active members or full-time authorized employees of the HOA and therefore cannot represent the HOA. The property manager can testify as a witness but an active member (board member or otherwise) or an authorized full-time employee must be the HOA’s representative in court.*

**PLEADINGS**

Pleadings shall set forth a short and plain statement. See the court’s website at or visit any Pinal County Justice Court for an acceptable copy of the pleading form.

**METHODS OF SERVICE (Rule 4.1(d), Arizona Rules of Civil Procedure; A.R.S. § 22-513)**

Regardless of any other available methods of service found in Rule 4.1(d), Arizona Rules of Civil Procedure, the Plaintiff should serve the SUMMONS and COMPLAINT on the Defendant by registered or certified mail. Service is deemed complete upon the delivery of the mailing to the Defendant and signed by the Defendant (as evidenced on the return receipt that must be filed with the court). If the Plaintiff is unable to serve the Defendant by certified or registered mail, the Plaintiff may choose to have the Defendant served by a constable or private process server. Service may be made personally upon the defendant or served on someone of reasonable age and discretion at the residence.

**EACH NAMED DEFENDANT MUST BE SERVED A COPY OF THE COMPLAINT / SUMMONS.** To ensure the named party signs the return receipt, restricted delivery should be used.

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. The Plaintiff may file the return receipt (the green card) on the approved form in person or by first class mail.

If the defendant refuses to accept the mailing or a person other than the named defendant signs for the registered or certified mailing, then service *has NOT* been properly accomplished.

If the defendant cannot be served by registered or certified mail, personal service by a licensed process server must be used.

If the claim is against a corporation, the statutory agent or an officer of the corporation must be served on behalf of the corporation named in the complaint. You may obtain the name and address of a statutory agent or corporate officer by calling the Arizona Corporation Commission at (602) 452-3026 – Phoenix, (520) 628-6560 – Tucson, or *Toll Free* 1-800-345-5819, or visit their website at [www.azcc.gov](http://www.azcc.gov).

**YOU HAVE 120 DAYS TO SERVE THE SUMMONS AND COMPLAINT OR YOUR CASE IS SUBJECT TO DISMISSAL.**

#### **SERVICE AFTER APPEARANCE**

A copy of all pleadings filed with the court must be mailed or delivered to the opposing party.

**IT IS IMPORTANT THAT ALL PARTIES KEEP THE COURT APPRISED OF ANY CHANGE IN ADDRESS.** A NOTICE of CHANGE OF ADDRESS form is provided on the court's website and at any Pinal County Justice Court and must be filed with the court when a party changes their address.

#### **DEFAULT**

If the defendant does not file an answer to the complaint within twenty (20) calendar days after service is complete, the Plaintiff may apply for an ENTRY of DEFAULT against the Defendant.

If a COUNTERCLAIM has been filed and the Plaintiff fails to file a reply to the counterclaim within twenty (20) days the counter-claimant (Defendant) may apply for an ENTRY of DEFAULT against the counter-defendant (Plaintiff) on the counterclaim.

The party seeking the default must mail a copy of the APPLICATION FOR ENTRY OF DEFAULT form to the defaulting party. If the party claimed to be in default fails to file an answer or pleading or otherwise defend in the lawsuit within ten (10) legal working days of the filing of the application, the default will take effect and a default judgment will be entered against the party or parties in default.

## **DISMISSAL**

The Plaintiff may dismiss the claim at any time prior to the Defendant filing an answer or other pleading. Once the Defendant has filed an answer both parties must stipulate to a dismissal (agree to dismiss in writing).

## **FILING AN ANSWER (A.R.S. § 22-514)**

An answer is the Defendant's response to the Plaintiff's allegations as stated in the complaint.

The Defendant has twenty (20) calendar days to file an answer with the court.

If the complaint is served out-of-state, the Defendant has thirty (30) calendar days to file an answer with the court.

To compute time to file an answer, the date of service is not included. If the last day falls on a Saturday, Sunday, or legal holiday the answer may be filed on the next legal workday.

The answer should respond to each allegation in the complaint. The case will then be set for hearing. Failure to file an answer may result in a default judgment.

## **FILING A COUNTERCLAIM (A.R.S. § 22-517)**

A counterclaim is a claim made by the Defendant against the Plaintiff – a counter lawsuit within a lawsuit.

A counterclaim may be filed at the same time the answer is filed. If the Defendant files a counterclaim, the Plaintiff has twenty (20) calendar days to file an answer. A default judgment may be entered against the Plaintiff for failure to answer the counterclaim. If the Defendant files a counterclaim and the amount claimed exceeds \$2,500.00, the court will require the case be transferred to the Civil Division of the Justice Court.

If the court determines that the amount of the counterclaim in excess of the small claims jurisdiction was filed for the sole purpose of avoiding the small claims proceedings, the court may award the Plaintiff court costs plus reasonable attorney fees for defending the counterclaim.

## **MOTIONS (A.R.S. § 22-505)**

Only two motions are allowed in the small claims court: a MOTION for CHANGE of VENUE (filed before an answer) and a MOTION to VACATE JUDGMENT (filed after a judgment).

## **HEARING OFFICERS (A.R.S. § 22-506)**

Either a Justice of the Peace or an appointed Volunteer Hearing Officer may hear your case. Any party may object to the use of a hearing officer prior to the hearing date. The court can provide you with a form to make this objection or you can visit the court's website.

## **SETTING FOR HEARING (A.R.S. § 22-515A)**

The trial will be set for a date within sixty (60) days after the answer has been filed with the court. All parties will be notified by mail of the date and time of the hearing.

### **REQUEST TO CONTINUE COURT DATE (A.R.S. § 22-515C)**

If for some reason you find that you are unable to appear for trial on the date and time scheduled, you may file a REQUEST for CONTINUANCE with the court, showing good cause why you are unable to appear. The Judge will consider the merits of your request and either grant or deny it. Continuances are granted only for the most serious reasons. The request for a continuance must be in writing and should be filed timely – at least ten (10) days prior to the trial date.

### **HEARING (A.R.S. § 22-518)**

**YOU CANNOT HAVE YOUR SMALL CLAIMS CASE HEARD BEFORE A JURY.**

Bring to the trial anything necessary or relevant to establish or defend the claim or counterclaim. Examples: books, papers, bills, pictures of damages or other exhibits. Both parties may also bring witnesses to testify in their behalf to substantiate your position.

You will only be allowed a limited amount of time to present your claim or your defense. Be concise. Be prepared.

If the case is settled before the scheduled trial date, be sure to notify the court. A stipulated DISMISSAL or JUDGEMENT form must be filed. Within ten (10) days after the trial a copy of the Judgment Order will be mailed to each party.



### **APPEAL (A.R.S. § 22-519)**

**YOU DO NOT HAVE THE RIGHT TO APPEAL.** The decision of the Hearing Officer or Justice of the Peace is **FINAL and BINDING ON BOTH PARTIES.**

If you wish to preserve your right to appeal, you may have the case transferred to the Civil Division of the Justice Court. You may do this at any time up to ten (10) legal working days before trial.

### **IF YOU ARE AWARDED JUDGMENT**

Refer to the court's handout COLLECTING A MONEY JUDGMENT.

### **MOTION to VACATE JUDGMENT (Rule 5(c)(2), Arizona Rules of Civil Procedure)**

A motion to vacate a judgment is one of only two motions allowed in a small claims action. A MOTION to VACATE JUDGMENT can be filed by either party to vacate a default judgment or a judgment of the court following a hearing. The motion must be served on the other party in the same manner as if serving a summons and complaint.

If you oppose a motion to vacate the judgment you must file a response in writing ten (10) legal working days after service of the motion.

If the motion to vacate judgment is the defendant's first filing, he or she must pay a filing fee.

### **SATISFACTION OF JUDGMENT**

When you are paid in full you must file a SATISFACTION OF JUDGMENT with the court. You can obtain a copy of this form at the court's website or at any Pinal County Justice Court.

**RESOURCES:**

Pinal County Justice Courts website:

<http://pinalcountyyaz.gov/Departments/JudicialBranch/JusticeCourts/Pages/Home.aspx>

Arizona Revised Statutes website:

<http://www.azleg.gov/ArizonaRevisedStatutes.asp>

Arizona Rules of Court website:

<http://government.westlaw.com/linkedslice/default.asp?SP=AZR-1000>