

SERVICE OF COURT PAPERS



PINAL COUNTY

**HOW TO SERVE NOTICE AS
REQUIRED OR PERMITTED BY LAW**

INSTRUCTIONS AND FORMS

**Provided as a Public Service by
REBECCA PADILLA
Clerk of the Superior Court**

SERVICE OF COURT PAPERS

CHECKLIST

“Service” means giving legally required notice to other parties that you have filed papers that may result in a court order that may affect them. The court papers can **ONLY** be delivered in a manner permitted by law, and proof of proper delivery must be filed with the court.

You may use the forms and instructions in this packet if . . .

- ✓ You have filed a Petition, Complaint, or other document in the Superior Court and you are required to *serve notice* on other parties of what you have filed with the court,

AND

- ✓ You understand that your case cannot proceed until you have provided proof to the court that notice has been given in a manner permitted by law,

AND

- ✓ You understand that you may **NOT** hand-deliver the papers to the other party unless he or she (and no one else) will sign an “**Acceptance of Service**” form in front of a Notary or Clerk of the Superior Court, and return the form for **you** to file with the Court.

NOTE: If you know you are going to have the papers served by the Sheriff’s Department or by a private process server in Pinal County and you do not need information about other methods of service, both the Sheriff and private process servers will have their own forms and you will not need this packet.

NOTE: If you are required to serve notice on a person outside the United States, you may need to see a lawyer or research international law to determine what methods of service are permitted in your situation.

READ ME: Consulting a lawyer before filing documents with the court may help prevent unexpected results.

HOW TO SERVE COURT PAPERS ON THE OTHER PARTIES

TABLE OF CONTENTS

This packet contains general information, court forms, instructions and procedures for **servicing** court papers, delivering court papers as permitted or required by law. Use **only** the forms that apply to the method of service you have chosen. Do **NOT** copy or file information, instruction or procedures pages with the Court.

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You have permission to use them for any lawful purpose. These forms shall not be used to engage in the unauthorized practice of law. The Court assumes no responsibility and accepts no liability for actions taken by users of these documents, including reliance on their contents. The documents are under continual revision and are current only for the day they were received. It is strongly recommended that you verify on a regular basis that you have the most current documents.

INSTRUCTIONS

Serving the Other Party

1. SERVING THE OTHER PARTY:

- After you have filed your court papers with the Clerk of the Court, you must **serve** the papers on the other party.
- **Service** means giving legal notice to the other party (or parties) that you have filed court papers. You must provide proof of service to the court.
- This packet explains the steps you need to take to serve the other party and what forms you must use.
- By completing the steps for service, you tell the court that the other party has received a copy of the court papers. After the other party is served, the other party will be given a time limit to file a Response or Answer. The Response or Answer is the other party's written statement to your request. The Response or Answer tells you, and the court, what the other party wants.

2. METHODS OF SERVICE:

Read the choices below to make sure that you are using the correct method of service. Select the method of service that works best for you. *(If the other party lives outside of the United States, you should see a lawyer to find out which method of service will work best for you.)*

- A. Service by Acceptance.** This method requires you to give, or mail the court papers to the other party and include a **"Family Court Acceptance of Service"** form. The other party must sign the **"Family Court Acceptance of Service"** form in front of a Notary Public and return it to you. The other party cannot sign the **"Family Court Acceptance of Service"** until after you have filed the court papers with the court. The other party's signature on the **"Family Court Acceptance of Service"** does not mean that he/she agrees with the court papers. It means that the other party admits receiving the papers, without being served in person by the sheriff or a process server.

Service is complete at the time the other party signs the **"Family Court Acceptance of Service."** If you choose this method of service, use the **"Family Court Acceptance of Service"** form.

WARNING: Do **not** use this method of service if you are the victim of domestic violence, or believe the other party will hurt you, take your money, or take your children. If you believe the other party will become violent or uncooperative when you ask him/her to accept service, use one of the methods of service described below.

- B. Service by Registered Process Server.** This method requires you to hire, and pay, a registered process server to serve the other party with court papers. A process server is a person who will give the papers to the other party at home, work, or other location. This method of service costs more than service by acceptance and requires the process server to find the other party. If you decide to use this method, look under "Process Server" in the Yellow Pages to find someone who can serve your papers. Service is complete at the time the process server hands the other party the court papers. If you decide to use this method, and the other party lives outside of Arizona, you would need to find a registered process server in the state where the other party lives.
- C. Service by Sheriff.** This method requires you to contact the Sheriff's Office in the county where the other party lives to arrange for a Sheriff's deputy to give the other party the court papers. This method requires you to pay a fee to the Sheriff's Office. The Sheriff's Office will give the Court a Sworn Affidavit of Service stating that the person was served.

NOTE: Pinal County Sheriff's Deputy can only serve parties that are located within Pinal County. If the other party lives outside Pinal County, you will need to contact the Sheriff's Office in that county for information regarding service.

- D. Service by Certified Mail.** This method of service allows you to give notice by a special type of mail. You can send the court papers by giving the post office copies of the court papers in an envelope, postage prepaid, to be sent to the other party by any form of mail requiring a signed and returned receipt. This is often called **Certified Mail, Restricted Delivery** by the post office. This means that the other party must sign for the papers.

If the other party signs a receipt (green receipt) for the papers, the green receipt will be returned to you in the mail. You must then file an affidavit with the court stating (1) that the court papers were sent to the other party, (2) that the papers were received by the other party, as evidenced by the original green receipt you attach to the affidavit; and (3) the date the party received the documents. A copy of the affidavit you will need is provided in the packet.

- E. Other Methods of Service.** There may be other ways to serve the other party. To learn more about these other ways, you should see a lawyer for help.

3. WHEN YOU CANNOT FIND THE OTHER PARTY:

Before you begin service by Publication, you must first complete the **"Declaration of Due Diligence and Request for Alternate Means of Service (Publication)"** for the Judge to grant service by Publication.

If the Judge approves service by Publication the **"Order for Alternate Means of Service"** will be signed and a copy of the Order mailed to you, at that time you can continue with Publication.

- A. Service by Publication. You may use this method only if you do not know where the other party lives, or cannot find the other party.** Service by publication is your "last resort." It is used **only** if you do not have a current address for the other party and have tried, unsuccessfully, to find the other party. Use a paper of general circulation and that are familiar with the requirements and regularly publishes legal notices.

Tips for Finding the Other party: Before the Court will accept **"Service by Publication,"** you must have made every reasonable effort to find the Respondent and to give actual notice of this case by personal service of the required documents. You will be required to state, under penalty of perjury, the steps you have taken to try to locate the Respondent and if the Court is not satisfied that you have taken all reasonable steps, your case may be delayed until the Court is satisfied all such steps have been taken.

Examples of steps you **MUST** take: verify the Respondent is not at any last known address(es), talk to Respondent's friends, family members, employer, co-workers, former co-workers or employer(s), or anyone else you think may have a current address. Search telephone directories, the Internet, voter registration records, obituaries, and even the morgue. You may also have to consider hiring a private detective or a company that charges a fee to do computer searches to help you track down the other party. If you know the other party's date of birth and/or Social Security Number, this method may work for you.

Service by Publication can be expensive and may delay your court case. You would need to contact the newspaper to determine the cost of publication. Application for Deferral is only applicable to Pinal County newspapers. If you need to publish in another County or State, the Deferral of Fees is not applicable.

1. Publication must be done in the county were the case originated:

This method requires that a copy of the **“Summons”** be published in a newspaper of general circulation in Pinal County once a week for four consecutive weeks.

If the other party’s last known address was also in Pinal County then the publication above will suffice for service to the other party.

2. How to publish service if the other party’s last known address is in Arizona, but not in the county in which your case is pending:

- i. You must publish in the county in which your case is pending and you must publish in a newspaper in the county of the last known residence of the person to be served.
- ii. To publish in another county (not Pinal County) you will need to contact a newspaper in that county.
- iii. After you have contacted the newspaper and inquired about publication, mail or deliver the payment (or certified copy of the Order of Deferral) and **“Letter to Newspaper”** provided in this packet, along with copies of the **“Summons”** or documents you filed with the Court, to the newspaper for publication.
- iv. Wait for the newspaper to send you the original document called **“Affidavit of Service”** in five weeks.

3. Complete Your Paperwork. Fill out the **“Affidavit Supporting Publication”** provided in this packet. The **“Affidavit Supporting Publication”** is a statement affirming or swearing under oath that you have done everything possible to try to find the other party. File the original **“Affidavit Supporting Publication”** with the Clerk of the Superior Court.

You must also file the original **“Affidavit of Service”** that you received from the newspaper(s), verifying and stating the dates of publication.

WHEN IS A WRITTEN RESPONSE TO THE COURT PAPERS DUE?

- **LOOK AT THE TIMETABLE BELOW.** If the **last day** for the other party to respond falls on a Saturday, Sunday, or legal holiday, you **do not** count that day. The last day you count to determine if you can file the default papers, must be a day when this court is open for business.
- **INCLUDE WEEKENDS AND HOLIDAYS.** In counting the days, include weekends and holidays until you reach the number of days in the Timetable below. If the other party files a written Response or Answer with the court, you **CANNOT FILE BY DEFAULT.**

DEFAULT TIMETABLE		
<u>SERVICE BY</u>	<u>COUNT</u>	<u>EVENT</u>
• “Acceptance of Service” (in Arizona)	20 Days	after other party signs “Acceptance of Service”
• Process Server (in Arizona)	20 Days	after other party receives papers from process server
• Sheriff (in Arizona)	20 Days	after other party receives papers from sheriff
• “Acceptance of Service” (out of State)	30 Days	after other party signs “Acceptance of Service”
• Registered mail (out of State)	30 Days	after other party signs green card
• Process Server (out of State)	30 Days	after other party receives papers from process server
• Sheriff (out of State)	30 Days	after other party receives papers from sheriff
• Publication	60 Days	after the 1st day of publication

Name of Person Filing: _____
 Street Address: _____
 City, State, Zip Code: _____
 Telephone Number: _____
 Email Address: _____
 ATLAS Number (if applicable) _____
 Representing Self (No Attorney) or Represented by Attorney
 If Attorney, Bar Number: _____

**SUPERIOR COURT OF ARIZONA
 PINAL COUNTY**

 (Name of Petitioner / Plaintiff)

CASE NUMBER: _____

ACCEPTANCE OF SERVICE

 (Name of Respondent / Defendant)

HONORABLE: _____

Read Carefully. By signing your name on the next page in the presence of a Notary Public, you are stating under oath or affirmation that you have read this document and understand its content and that you have received and accepted the documents listed. Accepting these papers does not affect your right to disagree with what is written.

THE PERSON WHO SIGNED BELOW MAKES THESE STATEMENTS UNDER OATH:

1. **ACCEPT AND WAIVE FORMAL SERVICE.** I waive formal service of process (service by a process server or sheriff), and understand by accepting these papers, it is the same as if I were personally served under Arizona Law Rules 4 (f), Arizona Rules of Civil Procedure. I am aware that by accepting service of these court papers and signing this paper, my right or obligation to file a written Response or Objection to this action is not affected.
2. **DEFAULT JUDGMENT, ORDER OR DECREE.** I understand that if I do not appear and defend this action in court, within the time allowed by law, that I may lose my right to be heard in this case. I understand that failure to Respond or Objection could result in the court giving the other party any and all things requested in their legal papers through a Default Judgment, Order or Decree.
3. **TYPE OF CASE.**

I have received and voluntarily accept service of the legal documents listed below:

I swear or affirm that I have read and understood the contents of this document and that the information I have provided is true and correct to the best of my knowledge and belief.

Date

Signature

State of Arizona)
)
County of _____)
)
 (Arizona County)

Subscribed and sworn (or affirmed) before me this _____ day _____, 20 _____
 (Day) (Month) (Year)
by _____
 (Name of Signer)

Seal **(Affix notary seal here)**

Notary Public **(Notary's Signature)**

PROCEDURES

How to Serve Court Papers by Certified Mail

USE THIS PROCEDURE ONLY after you have filed your papers with the court.

STEP 1: **GO TO THE POST OFFICE** and tell the clerk you would like to mail the other party a letter as follows:

- Certified Mail, and
- Deliver to Addressee Only, and
- Restricted Delivery, and
- Return Receipt Requested, and
- Pay the postage.

STEP 2: **WAIT** for green receipt to be returned with the other party's signature. When you get the green receipt, note the date the other party received and signed for the papers.

STEP 3: **PAPERS FOR THE COURT**

- **COMPLETE:** Original of "***Affidavit of Service by Certified Mail.***" Fill in *ALL* information requested on the form before proceeding. Be sure you fill in the date the other party received the papers. If you are unsure of the date, use the date you received the return receipt card. If you fail to list a date, the court may not process your papers and your case may be delayed.
- **ATTACH:** You must attach the original green receipt to the Affidavit to prove how you served the other party.
- **COPY:** Make yourself a copy of the "***Affidavit of Service by Certified Mail***" and a copy of the green receipt to keep for your files.

STEP 4: **FILE PAPERS WITH THE COURT.** File the Original "***Affidavit of Service by Certified Mail***" and the original green receipt with the Clerk of the Court.

STEP 5: **COUNT.** Note the date the other party was served the papers and start counting the days the other party has to file a Response or Answer. (When counting the days, start counting with the day **after** the other party signed the green receipt.)

DO NOT BRING CHILDREN TO COURT

Name of Person Filing: _____
Street Address: _____
City, State, Zip Code: _____
Telephone Number: _____
Email Address: _____
ATLAS Number (if applicable) _____
 Representing Self (No Attorney) or Represented by Attorney
If Attorney, Bar Number: _____

**SUPERIOR COURT OF ARIZONA
PINAL COUNTY**

Name of Petitioner

CASE NUMBER: _____

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

Name of Respondent

HONORABLE: _____

1. I am familiar with the facts stated in this Affidavit, and I make this Affidavit to show that I have served the court papers on the other party by certified mail, postage prepaid, return receipt requested, pursuant to Arizona Rules of Civil Procedure, Rule 4.2(c).

Person served (name of other party): _____

Address where other party was served: _____

Date of receipt by the other party: _____ **Date of return of receipt to sender:** _____

2. The following documents were sent to the other party by certified mail (**List all of the documents sent to the other party:**)

These court papers were received by the other party as shown by the **original RETURN** receipt that is attached to this Affidavit.

Date

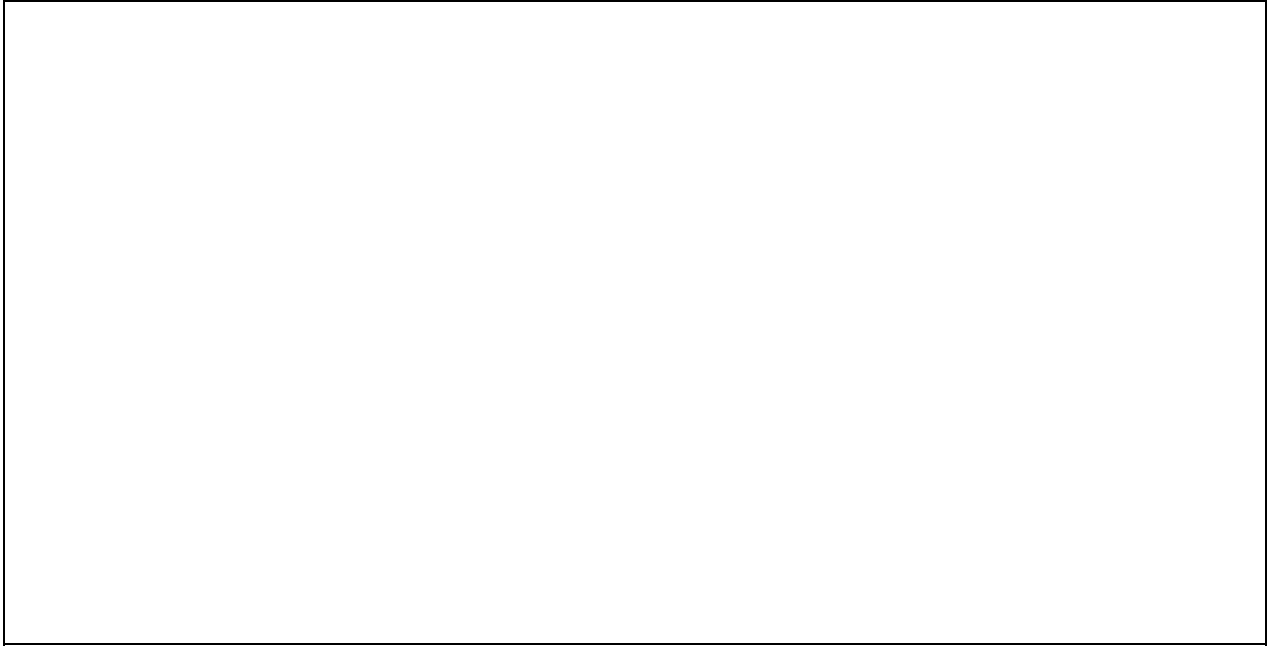
Signature

State of Arizona)

County of _____)

Subscribed and sworn (or affirmed) before me this _____ day of _____, 20____
(Day) (Month) (Year)

by _____
(Name of Signer)



ATTACH THE ORIGINAL MAIL RETURN RECEIPT HERE

INSTRUCTIONS

How to Serve Court Papers by Registered Process Server

STEP 1: **FIND.** You must hire a Registered Process Server. You may locate process servers in the commercial section of the phone book under "Process Server," or online by using the search term "Arizona Process Servers" or similar, or at the web site of the Arizona Process Server's Association at <http://arizonaprocessservers.org/>.

NOTICE: There are fees for service of court papers.

- May offer greater flexibility in serving papers "after-hours" or on short notice.
- Are paid directly by you, not through the court.
- If you qualify, Process Server Fees may be deferred or waived within Pinal County only.
- Out of County Process Server Fees may not be deferred or waived by the court.

STEP 2: **GO.** Go to the Registered Process Server's office. **TAKE** with you the following items:

- Copy of "**Summons**" (if your case has a summons).
- Other party's set of copies of the court papers.
- A picture or a written physical description of the other party.
- A written description of the automobile that the other party drives.
- The address where the other party can be served.
- The amount you need to pay for this service. (You can call ahead of time to ask the Process Server what type of payment they require.)

STEP 3: **WAIT.** The Process Server will mail you a copy of the "**Affidavit of Service**" after he/she serves the other party with the papers. **IMPORTANT:** If the Process Server does not file an "**Affidavit of Service**" with the Clerk of the Court, you must get the "**Affidavit of Service**" from the Process Server and file it.

STEP 4: **COUNT.** Look at the "**Affidavit of Service**" to find out the date the other party was served with the court papers and start counting the days for the other party to file a Response or Answer. When counting the days, start counting with the day **after** the other party was served the papers. Look at the "**Affidavit of Service**" to find out the date the other party was served with the court papers and start counting the days for the other party to file a Response or Answer. When counting the days, start counting with the day **after** the other party was served the papers.

DO NOT BRING CHILDREN TO COURT.

PROCEDURES

How to Serve Court Papers by Sheriff

STEP 1: **GO.** Contact the Sheriff's Office in the county where the other party lives. Bring your court papers with you, **or** send a copy of the court papers to the Sheriff's Office if the other party does **not** live in the same county as you do. The Pinal County Sheriff's Office is located at:

Pinal County Sheriff's Office

971 Jason Lopez Circle, Bldg C

Florence, AZ 85132

1-800-420-8689

NOTICE: There are fees for service of court papers.

STEP 2: **WRITE.** If you are asking that the papers be served by a Sheriff's Department *other than* Pinal County's, fill out the attached sheet for identifying the other party and provide:

- Other party's set of copies of the court papers.
- A picture or written physical description of the other party.
- A written description of the automobile the other party drives.
- The address where other party can be served.
- **"Certified Order Waiving/Deferring Fees,"** or a \$200.00 deposit fee - cash/money order.

STEP 3: **WAIT.** The Sheriff may mail you a copy of the **"Affidavit of Service"** after the other party is served with the papers, **or** the Sheriff may file these papers instead of sending them back to you.

STEP 4: **COUNT.** Read the **"Affidavit of Service"** to find out the date the other party was served with the court papers and start counting the days the other party has to file a Response or Answer. (When counting the days, start counting with the day **after** the other party was served with the court papers.)

DO NOT BRING CHILDREN TO COURT.

 (YOUR NAME)

 (ADDRESS)

 (CITY/STATE/ZIP)

 (TELEPHONE NUMBER)

 (DATE)

 (COUNTY NAME) **County Sheriff**

 (ADDRESS)

 (CITY/STATE/ZIP) **COURT CASE NO.** _____

REGARDING: (NAME OF PERSON TO BE SERVED) _____

I enclose a copy of the following documents: (LIST ALL DOCUMENTS YOU WANT TO BE SERVED)

Please serve these papers on the other party. His or her current address and physical description are:

 (OTHER PARTY'S NAME)

 (HOME ADDRESS) _____
 (HOME CITY/STATE/ZIP) _____ (WORK ADDRESS)

 (WORK CITY, STATE, ADDRESS)

SEX	RACE	BIRTH	HGT.	WGT.	EYES	HAIR	SSN

Please return a notarized **"Affidavit of Service"** to my address at your earliest convenience. The court requires that each document served be named in the **"Affidavit of Service."**

- I also enclose a deposit of \$200. I understand there is a \$16.00 service fee, a travel fee of \$2.40 per mile (one way), for each attempt at service, and a \$8.00 notary fee. I understand that the difference between my deposit and the fees accrued for service will be billed, or returned, to me. **OR,**
- I also enclose a certified copy of the **"Order for Waiver/Deferral of Fees for Service of Process."**

Thank you for your cooperation in this matter.

 (YOUR SIGNATURE)

Enclosures

PROCEDURE

How to Serve the Court Papers by Publication

STEP 1: PUBLISH THE COURT PAPERS. As per A.R.S., Rules of Civil Procedure, Rule 4.2 (f).

A. How to serve the court papers by publication if you do not know if the other party lives in the county in which your case is pending (Pinal County) and/or the other party's last known address was not in Arizona.

1. If you are paying the costs to publish, use any paper of general circulation and that are familiar with the requirements and regularly publishes legal notices.

NOTICE: There are fees for service of court papers.

B. How to publish service if the other party's last known address is in Arizona and that address is not in the county in which your case is pending:

1. You must publish in the county in which your case is pending and you must publish in a newspaper in the county of the last known residence of the person to be served.
2. To publish in Pinal County follow the instructions in "A" above how to publish service of process if the other party lives in the same county in which your case is pending.
3. To publish in another county (not Pinal County) you will need to contact a newspaper company in that county.

C. How to publish service if the other party is known to live in another country:

1. You will have to contact an attorney to see if this method of service is appropriate for your situation.

STEP 2: WAIT. Wait for the newspaper to send you the original of the document called "***Affidavit of Service***" in about five weeks.

STEP 3: COMPLETE YOUR PAPERWORK.

A. Fill out the "*Affidavit Supporting Publication***,"** where you will list everything you did to attempt to find the other party before resorting to publication.

NOTICE: If the Court is not satisfied that you have made *every reasonable effort* to locate the other party, you may be required to take additional steps adding delay and expense to your case, including being required to publish notice again.

B. ATTACH a copy of the published notice from the newspaper(s).

C. KEEP A COPY for your records of the "***Affidavit Supporting Publication***."

STEP 4: FILE THE COURT PAPERS.

- A. File the original "**Affidavit Supporting Publication**" and a copy of the publication(s),
AND;
- B. File the original "**Affidavit of Service**" you received from the newspaper(s).

STEP 5: COUNT.

- A. Find out the date the other party was served with the court papers. You can find this date by looking at the date of the first newspaper publication. Then count the days for the other party to file a Response or Answer. (When counting down the days, start counting with the day after the first day of publication.)
- B. If the other party does not file a Response or Answer within the required time period, see a lawyer for help.
- C. If the other party files a Response or Answer, see a lawyer for help.

DO NOT BRING CHILDREN TO COURT

Arizona Rules of Family Law Procedure, Rule 6.3(h)

Print Name

Your Address

Date

Name of Newspaper

Address

To Whom It May Concern:

I need to publish notice in the newspaper about the following matter:

Court Case Number _____

Enclosed is a copy of the following documents stamped by the Clerk of Court (list all the documents here:)

1. _____
2. _____
3. _____
4. _____

Please publish a Notice in your newspaper about this court case once a week for four successive weeks. Also enclosed is (Check One Box):

- A check or money order in the amount of \$_____ for the cost of the publication as requested.
- A certified copy of the Order from the court waiving the publication costs.

When you receive this letter, please call me at to tell me when the first publication will occur. When all four weeks of publication have been completed, please send to me the original and one copy of an Affidavit of Publication.

Thank you for your help in this matter.

Yours truly,

Sign Your Name

Enclosures:

- Court documents **AND**
- Check or Money Order **OR**
- Certified copy of Court Order of Waiver/Deferral of Publication Fees

Name of Person Filing: _____
 Street Address: _____
 City, State, Zip Code: _____
 Telephone Number: _____
 Email Address: _____
 ATLAS Number (if applicable) _____
 Representing Self (No Attorney) or Represented by Attorney
 If Attorney, Bar Number: _____

**SUPERIOR COURT OF ARIZONA
 PINAL COUNTY**

 Name of Petitioner CASE NUMBER: _____

**DECLARATION OF DUE DILIGENCE AND
 REQUEST FOR ALTERNATE MEANS OF
 SERVICE (PUBLICATION)**

 Name of Respondent HONORABLE: _____

1. I make this Affidavit to tell the Court why service by publication is needed.
2. Pursuant to Arizona Rules of Civil Procedure, Rules 4.1(e) and 4.2(e), service by publication is the best way to notify the other party of this court case because the other party is:

Avoiding Service of Process. I have mailed, postage prepaid, a copy of the following legal documents:

to the last known address of the other party on or before the first date of publication, **OR**

The other party's residence is unknown. I have not mailed copies of the proceedings to the other party.

3. The residence and whereabouts of the other party is unknown to me, even though I have made a diligent search to find out. My search failed to reveal any information that might lead to knowledge about the other party's residence or whereabouts. This is what I did to try to find the other party. (Explain in detail here everything you did to try to find the other party.)

4. To the best of my knowledge, information and belief, the other party is not in the military service of the United States.

5. I have read this statement and know of my own knowledge that the facts stated herein are true and correct.

Date

Signature

State of Arizona)

)

County of _____)

Subscribed and sworn (or affirmed) before me this _____ day of _____, 20 _____

(Day) (Month) (Year)

by _____

(Name of Signer)

(Affix notary seal here)

Notary Public (Notary's Signature)

**SUPERIOR COURT OF ARIZONA
PINAL COUNTY**

Name of Petitioner

CASE NUMBER: _____

**ORDER FOR ALTERNATE MEANS OF
SERVICE (PUBLICATION)**

Name of Respondent

HONORABLE: _____

The Court having reviewed the "*Declaration of Due Diligence and Request for Alternate Means of Service,*" and good cause appearing,

IT IS HEREBY ORDERED granting "*Declaration of Due Diligence and Request for Alternate Means of Service.*"

DONE IN OPEN COURT this _____ day of _____, 20____

JUDGE/COMMISSIONER OF THE SUPERIOR COURT

Name of Person Filing: _____
Street Address: _____
City, State, Zip Code: _____
Telephone Number: _____
Email Address: _____
ATLAS Number (if applicable) _____
 Representing Self (No Attorney) or **Represented by Attorney**
If Attorney, Bar Number: _____

**SUPERIOR COURT OF ARIZONA
PINAL COUNTY**

_____ **CASE NUMBER:** _____
Name of Petitioner

AFFIDAVIT SUPPORTING PUBLICATION
A.R.C.P. 4.1, 4.2 - A.R.F.L.P. 41, 42

_____ **HONORABLE:** _____
Name of Respondent

1. I make this Affidavit to tell the Court why service by publication was used and to show how service by publication was done.
2. Pursuant to Arizona Rules of Civil Procedure, Rules 4.1(e) and 4.2(e), service by publication is the best way to notify the other party of this court case because the other party is:

Avoiding service of process. I have mailed, postage prepaid, a copy of the following legal documents:

to the last known address of the other party on or before the first date of publication, OR

The other party's residence is unknown. I have not mailed copies of the proceedings to the other party.

3. The residence and whereabouts of the other party is unknown to me, even though I have made a diligent search to find out. My search failed to reveal any information that might lead to knowledge about the other party's residence or whereabouts. This is what I did to try to find the other party. (Explain in detail here everything you did to try to find the other party.)

4. To the best of my knowledge, information and belief, the other party is not in the military service of the United States.
5. **The following documents were published in a newspaper in the county where my case is pending.**
 (List title/name of each document. Example: Petition, Summons)

The documents above were published on the following dates:

A. _____ B. _____ C. _____ D. _____

AND/OR

The following documents were published in a newspaper in the Arizona County of the other party's last known address, or in an adjoining county if no newspaper is published in that county, and neither is the county in which my case is pending.

The documents above were published on the following dates:

A. _____ B. _____ C. _____ D. _____

6. An Affidavit of Publication for each newspaper has been filed into court record.
7. I have read this statement and know of my own knowledge that the facts stated herein are true and correct.

Date
 State of Arizona)
 County of _____)

Signature

Subscribed and sworn (or affirmed) before me this _____ day of _____, 20____

(Day) (Month) (Year)

by _____
 (Name of Signer)

Notary Public (Notary's Signature)

INSTRUCTIONS: ATTACH the original of the Affidavit of Publication from the Newspaper(s) to this page.