



If you want to file a...

**SMALL CLAIMS
(Lawsuit - \$5,000 or Under)**

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INFORMATION FOR FILING AND DEFENDING A SMALL CLAIMS CASE IN JUSTICE COURT

Small Claims: The small claims process provides an expedited and less formal means to resolve civil disputes for money damages up to \$5,000. Small claims cases do not have the right to appeal, and jury trials are not allowed. A small claims case will be heard by a small claims hearing officer or a Justice of the Peace. Amended complaints are not allowed in small claims.

You may not file in small claims if:

- The case is an action for defamation by libel or slander.
- The case is an action in forcible entry, forcible detainer, or unlawful detainer.
- The case is an action for specific performance.
- The case is brought or defended on behalf of a class.
- The case is an action requesting or involving prejudgment remedies.
- The case is an action seeking injunctive relief.
- The case is a traffic violation or a criminal matter.
- The case is an action against this State, its political subdivisions, or its officers or employees acting in an official capacity (A.R.S. §2 2 - 503(B)).

Representation: Attorney representation is not allowed in small claims, unless both parties agree, in writing, to the use of attorneys.

Authorization: If you are representing a partnership, an association or any other organization, a Notice of Authorization to Appear shall be filed with the court indicating your position and authority to represent an action on behalf of the partnership, association or organization. The notice must be signed by someone who has authority to appoint (A.R.S. 22-512).

Legal Advice: Court staff is not allowed to provide legal advice. You must follow the Arizona Revised Statutes and Rules of Procedure for Small Claims Cases 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 www.azleg.gov/arstitle/ and the rules are online at <https://govt.westlaw.com/azrules/>. For legal advice, you may contact [Southern Arizona Legal Aid, Inc.](#) or [Pima County Bar Association](#).

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

Venue: The Plaintiff may file where the defendant resides or does business or where the cause of the lawsuit occurred (A.R.S. 22-202).

Change of Venue: The defendant may object to the place where the lawsuit has been filed.

Precinct: New case filings must identify in the caption the Justice of the Peace precinct in which the case should be filed, as set forth in Title 22, Chapter 5. Precinct information can be obtained



on the Pima County Recorders website:

<https://www.recorder.pima.gov/VoterStats/PrecinctDistrictSearch> or scan the QR code below on your mobile device.

Jurisdictional Limit: \$5,000.00 not including interest and court costs. If you wish to file a lawsuit for an amount over \$5,000, but less than \$10,000, you may file a civil lawsuit in the justice court civil division. If you wish to sue for more than \$10,000, you must file your lawsuit in the Superior Court.

Parties: Persons in a lawsuit are called “parties.” There is a “plaintiff” and a “defendant”. A “plaintiff” is someone who files a lawsuit against a “defendant”.

Named Parties: Every lawsuit shall be prosecuted in the name of the real party. You must have named the correct party. Refer to the *HOW TO DESIGNATE AND SERVE A PARTY* handout.

INDIVIDUALS: All individuals need to be named in the lawsuit.

CORPORATIONS: A corporation is required to maintain a statutory agent upon who process (court papers) may be served.

UNINCORPORATED BUSINESSES When filing on behalf of, or against an unincorporated business, the true name or names of the party doing business under that business name be shown as the plaintiff or defendant.

PARTNERSHIPS A partnership may sue, or be sued, in the name that it has assumed or by which it is known. A partner may appear and represent his own partnership interest.

Filing Fees: You will be required to pay a filing fee when submitting your case to the court. If you cannot afford the filing fee you may apply for a Fee Waiver or Deferral at the court. You will not be able to file your case on-line if you are unable to pay the fee.

Service of Complaint and Summons: Each named defendant must be served a copy of the complaint, summons and “Notice to Plaintiff and defendant” within 45 calendar days or your case may be dismissed. Service must be accomplished by certified mail, a constable or private process server. Proof of service must be filed with the court.

Service After Appearance of All Parties: All pleadings after service of the summons and complaint may be served by regular first class mail.

Transfer to Civil Division: Either party may request a transfer of the lawsuit from the Small Claims Division to the regular Civil Division of the Justice Court up to 10 days prior to the hearing. A transfer will allow:

- Either party to have an attorney;
- The defendant to file a counterclaim for more than \$5,000;
- Either party to file motions that are not permitted in small claims lawsuits;
- Parties to have a jury trial; and
- A party to have the right to appeal.

Default Judgment: If the defendant(s) fail to file an answer within the specified time a default judgment may be filed. You must still provide evidence to support your claim

Dismissal: If the parties settle, they must file a voluntary or stipulated dismissal.

Voluntary: The plaintiff may dismiss the claim at any time before the defendant files an answer or other pleading.

Stipulated: Once the defendant has filed an answer or other pleading, both parties must sign the agreement of dismissal.

Filing an Answer: An answer is the defendant's response to the plaintiff's allegations as stated in a complaint.

- The defendant has twenty (20) calendar days from the date of service to file a written answer with the Court and mail copy to plaintiff.
- If the complaint is served out-of-state the party served has thirty (30) calendar days to file

- an answer.
- If the last day falls on a Saturday, a Sunday, or a legal holiday, the answer may be filed on the next business day.

Filing a Counterclaim: A counterclaim is a claim made by the defendant against the plaintiff within the same lawsuit.

- A counterclaim is filed at the time of filing the answer.
- The plaintiff (counter-defendant) has twenty (20) days from the date of service in which to file a written reply. Note: no fee.
- If the counterclaim exceeds \$5,000.00 the case will be transferred to the civil division.
- Amended counterclaims are not allowed.

Reply to Counterclaim: The plaintiff has 20 calendar days from the date of service to file a reply to the counterclaim with the court and mail a copy to the defendant. Note: no fee.

Motions: A motion is made by either party asking the court to issue a ruling or an order. There are only two motions allowed in Small Claims: Motion for Change of Venue and a Motion to Vacate Judgment.

- The opposing party may file a written response with the court within ten (10) business days from the date the motion was served.
- The moving party may file a Reply to the Response within five (5) business days from receiving the Response.
- All motions, replies, and responses must be served on the opposing party.
- The Judge will consider the motion and any objections and enter an order. The Court may schedule a hearing before rendering an order.

How to Compute Time Limits:

- If it happened today, today does not count. Tomorrow is day 1.
- Business days: ten (10) days or less, weekends and legal holidays are not counted.
- Calendar days: eleven (11) days or more, weekends and legal holidays are counted.
- If a court document is served by mail or electronic means, five (5) calendar days shall be added.

Hearing Officer: A Justice of the Peace or a hearing officer will hear your case. Either party may request that a Justice of the Peace, rather than a hearing officer, to decide the lawsuit. The request must be made in writing at least 15 days before the hearing, and the case will be referred to and heard by the Justice of the Peace.

Hearing: The court will set a hearing within 60 days from the date the defendant's answer is filed. All parties will be notified and must appear at all scheduled hearing and provide supporting evidence for their claims and defenses. If you fail to appear at a hearing, the court may enter a judgment against you.

Continuance: Either party may request a continuance in writing for good cause at least 15 days before the hearing date.

Judgment Awarded: A judgment is valid for 10 years from the date it is entered.

Appeal: Parties do not have the right to appeal. The decision of the hearing officer or justice of the peace in a small claims case is final and binding on both parties. If you wish to preserve your right to appeal, you must have the case transferred to the Civil Division of the justice court. You may do this at any time up to 10 business days before a hearing.

Collection of a Money Judgment: A judgment is not self-collecting. If you are awarded a money judgment, it is your responsibility to legally collect from the debtor. Refer to the court's handout *Collecting a Money Judgment*.

Satisfaction of Judgment: When a judgment is paid in full, a satisfaction of judgment must be filed with the court. This form is available through the court on-line or in person.

Change of Address: You must keep the court informed of your current address and telephone number until the lawsuit is over.



The following checklist may assist you in processing your case.

PLAINTIFF CHECKLIST

- Date COMPLAINT filed and filing fee paid _____
- Date SUMMONS and COMPLAINT given to process server for service on defendant(s) _____
- Date COMPLAINT served _____
- Date time to ANSWER expires _____
(twenty (20) days after defendant served / thirty (30) days if served out-of-state)

IF ANSWER IS RECEIVED:

- Date defendant files an ANSWER _____

IF NO ANSWER IS RECEIVED:

- APPLICATION FOR ENTRY OF DEFAULT filed with court and copy mailed to defendant _____

NOTICE to PARTY filing for Default:

Anytime after ten (10) judicial days have passed since the filing of this Application, it is your responsibility to file a Request for Entry of Default Judgment or request a hearing. Statement of Cost and proof of the claim (receipts, contract, etc.) must also be served upon all the parties in this lawsuit.

- Date time to REPLY TO COUNTERCLAIM expires _____
If the defendant files a counterclaim YOU must file a reply to the counterclaim within twenty (20) calendar days. If you fail to file a reply, the defendant may obtain a default judgment against you.

DEFENDANT CHECKLIST

- If you object to the venue (*the precinct in which the complaint was filed*) you must file a Motion for Change of Venue for Improper Venue before the answer is filed.
- Date answer filed and filing fee paid _____
(Within twenty (20) calendar days of the date you were served / thirty (30) days if served out-of-state)

If you fail to file an answer, the plaintiff may obtain a default judgment against you.

- Date COUNTERCLAIM filed and copy mailed to plaintiff _____

If you intend to file a counterclaim you must do so at the same time the Answer is filed. You must use the proper form and mail a copy to the plaintiff.

- Date time to REPLY expires _____
- Date plaintiff files a REPLY _____

IF NO REPLY TO COUNTERCLAIM IS RECEIVED:

- APPLICATION FOR ENTRY OF DEFAULT filed with court and copy mailed to plaintiff _____

NOTICE to PARTY filing for Default:

Anytime after ten (10) business days have passed since the filing of this Application, it is your responsibility to file a Request for Entry of Default Judgment or request a hearing. Statement of Cost and proof of the claim (receipts, contract, etc.) must also be served upon all the parties in this lawsuit.



HOW TO DESIGNATE AND SERVE A PARTY

AN INDIVIDUAL

JOHN JONES
1234 S. Main Street
Tucson, AZ 85040

SERVE: The party must be served with a copy of the summons and complaint.

HUSBAND AND WIFE

JOHN AND MARY JONES, HUSBAND AND WIFE
1234 S. Main Street Tucson, AZ 85040

SERVE: Each spouse must be served a copy of the summons and complaint. One spouse may be served with the other spouse's copies if they reside at the same residence.

TWO OR MORE DEFENDANTS

JOHN SMITH MARY JONES
1234 S. Main Street 1000 E. First Street
Tucson, AZ 85040 Tucson, AZ 85040

SERVE: Each named defendant must be served a copy of the summons and complaint.

WHEN THE NAME OF THE DEFENDANT IS UNKNOWN:

CIVIL - (Claims up to \$10,000)

JANE DOE, JOHN DOE, XYZ Corporation
Upon service, when the defendant's true name is discovered, the pleadings may be amended to reflect the true name.

SMALL CLAIMS - (Claims less than \$5,000)

Per Rules of Small Claims Procedure: A plaintiff must use the party's correct legal name when filing a lawsuit. Each defendant must be sued by the correct legal name.

SOLE OWNERSHIP

John Jones, Dba
Jones' Delicious Candy Shoppe
1234 S. Main Street
Tucson, AZ 85040

SERVE: The Owner

PARTNERSHIP

JOHN SMITH and JOE JONES, Partners
Dba JJ's Cafe
1000 E. First Street
Tucson, AZ 85040

SERVE either:

1. A Partner
2. A Managing or general agent
3. An Agent authorized by appointment

CORPORATION LLC COMPANY UNINCORPORATED ASSOCIATION

ABC Candy Store, Inc.
1234 S. Main Street
Tucson, AZ 85040

SERVE: Statutory Agent, as follows:

John Jones, Statutory Agent
5678 N. Eezee St.
Tucson, AZ 85040

If serving a statutory agent, you must mail a copy to the party on whose behalf the agent received service.

Service may also be effected upon:

1. An Officer of the corporation - President, Vice-President, Secretary, Treasurer
2. A Managing or general agent
3. An Agent authorized by appointment or law

CORPORATION COMMISSION: To determine Statutory Agent for a business or corporation contact: State of Arizona Corporation Commission 400 W. Congress, Tucson, AZ 85701 Phone: (602) 542-3026 Website: www.azcc.gov

PARENTS OF A MINOR

If the minor is under 16 years of age,
SERVE: The Minor and the parent or guardian
John and Mary Jones, husband and wife
Parents of Johnny Jones, a minor

1234 S. Main Street
Tucson, AZ 85040

If the minor is 16 years of age or more,
SERVE: The Minor

SERVING THE DIRECTOR OF INSURANCE

SERVE: The Statutory Agent

If the statutory agent is the DIRECTOR OF INSURANCE
SERVE: The DIRECTOR OF INSURANCE
400 W. Congress #152
Tucson, AZ 85701

SERVING THE REGISTRAR OF CONTRACTORS

SERVE: Registrar's Legal Officer and the Bonding company must be named as a defendant and served.



Pima County Consolidated Justice Court
 Precinct #: 01, 02, 04, 06, 08, 09, or 10 (Select one)
 240 N. Stone Ave., Tucson, AZ 85701 (520) 724-3171

CASE NUMBER: _____

Plaintiff(s) Name / Address / Email / Phone

Defendant's Name / Address / Email / Phone

SMALL CLAIMS SUMMONS

Replacement

The Statutory Agent / Corporate Officer to be served is:

 () -

Name / Address / Email / Phone

TO THE ABOVE-NAMED DEFENDANT: The above-named plaintiff(s) has sued you in small claims court. You are summoned to appear and defend. You must file with this court a written answer to the complaint within twenty (20) days after service and deliver a copy to the plaintiff. If you do not file an answer, judgment may be entered against you for the full amount of the plaintiff's claim, plus the plaintiff's court costs. You must pay a fee to the court to file an answer, although you may request a waiver or deferral.

NOTICE: A separate Summons must be issued and served to each defendant named in the complaint.

Date: _____

Clerk

Seal



Pima County Consolidated Justice Court

240 N. Stone Ave., Tucson, AZ 85701 (520) 724-3171

CASE NUMBER: _____

Defendant Name _____

Defendant Name _____

Plaintiff(s) Name / Address / Email / Phone _____

Defendant Name _____

Defendant Name _____

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

NOTICE OF AUTHORIZATION TO APPEAR

If you are representing a partnership, an association or any other organization, please provide this notice to the court indicating your position and authority to represent an action on behalf of the partnership, association or organization. This letter must be signed by someone who has authority to appoint, such as the president of your organization.

The lawsuit will not go forward without the written authorization. (A.R.S. 22-512)

1. List the name, address and position of the person appearing:

Name: _____

Address: _____

City, State, Zip Code: _____

Job Title or relationship to the defendant or plaintiff you want to appear for:

2. Who are you appearing for?

A defendant in this case (name): _____

A plaintiff in this case (name): _____

3. Tell us about the defendant or plaintiff you are appearing for:

I am appearing for a (check one)

Corporation and I am an employee, officer, or director of that corporation.

Partnership and I am an employee, officer, director or partner of that partnership.

Other business (not a corporation, partnership or sole proprietorship) and I am an employee, officer, or director of that business.

Government agency or other public entity and I am an employee, officer, or director of that agency or entity.

Sole proprietorship and I am an employee of that business. I am qualified to testify about business record made in the regular court of business at or near the time of the event.

Association created to manage a common interest development and I am an agent, management company representative or bookkeeper for that association.

Husband or wife and my spouse and I are both listed on this claim and agree that either spouse can appear for the other.

Other (explain): _____

4. I declare under penalty of perjury that the information above is true and correct.

Date: _____

Signature: _____



Pima County Consolidated Justice Court

240 N. Stone Ave., Tucson, AZ 85701 (520) 724-3171

CASE NUMBER: _____

Plaintiff(s) Name / Address / Email / Phone

Defendant(s) Name / Address / Email / Phone

SMALL CLAIMS PROOF OF SERVICE BY REGISTERED OR CERTIFIED MAIL

A copy of the summons, complaint, and Notice to the Plaintiff and Defendant in this action was served by registered or certified mail to the above-named defendant.

The return receipt is attached (green card or return receipt printed from the postal or delivery service website).

The date of service is:

The date of delivery, as shown on the attached return receipt.

The date the return receipt is filed with the court because the date of delivery was not entered or the date is illegible.

**ATTACH
GREEN CARD
HERE**

FOR COURT USE ONLY

Received On: _____ Clerk: _____



Pima County Consolidated Justice Court

240 N. Stone Ave., Tucson, AZ 85701 (520) 724-3171

CASE NUMBER: _____

Plaintiff(s) Name / Address / Email / Phone

Defendant's Name / Address / Email / Phone

SMALL CLAIMS ANSWER

THERE ARE NO APPEALS IN SMALL CLAIMS CASES.

WARNING: You do not have the right to appeal the decision of the hearing officer or the justice of the peace in a small claims court. If you wish to preserve your right to appeal, you may have your case transferred to the justice court pursuant to § 22-504, subsection A, Arizona Revised Statutes, if you request such transfer at least ten (10) days prior to the day of the scheduled hearing.

DEFENDANT'S ANSWER

You must file with this court a written answer to the complaint within twenty (20) days after service and deliver a copy to the plaintiff. If you do not file an answer, judgment may be entered against you for the full amount of the plaintiff's claim, plus the plaintiff's court costs. You must pay a fee to the court to file an answer, although you may request a waiver or deferral. The court will schedule a hearing date and hold a hearing within sixty (60) days after you file your answer.

I am answering on behalf of Myself Marital Community Other: _____

I do not owe plaintiff because:

Date: _____
Defendant (Print Name) Defendant (Signature)

NOTICE: If you are representing a corporation, partnership, association, or other organization, you must attach a letter of authorization.

Interpreter: Yes, I need interpreter services. Language: _____

I CERTIFY that a copy of this document will be provided by **(circle one)** hand-delivery/ first-class mail/ electronic means on _____ Date
to: Plaintiff _____ Any other named defendants
By: _____ Date: _____
Defendant Signature

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 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;
 - Motions that are not permitted in small claims lawsuits;
 - A jury trial; and
 - An appeal.