

A.R.S 3-1295 LIVESTOCK - LIENS:

A person who furnishes pasture, feed or other services for livestock on the premises of that person has a lien on the stock for the amount of the charges that are due and unpaid. A person having such lien may retain the stock until the charges are paid. If possession continues for twenty days after the charges accrue, and the charges have not been paid, the person retaining possession of the stock may perfect the amount of the lien by filing an action in either superior court or justice court, according to the amount in controversy, in the jurisdiction of the holder of the stock. The hearing shall be held not less than ten and not more than twenty days after the date the action is filed in court. If the prevailing party does not receive payment due within ten days after the final judgment of the court, the prevailing party becomes the owner of the stock. The court shall award the prevailing party court costs and reasonable attorney's fees.

A.R.S. 3-1295(b) LIVESTOCK - LIENS

On presenting a judgment of the court in the appropriate jurisdiction awarding ownership to the holder of the stock in satisfaction of the lien, the department shall issue to the holder of the stock such ownership and hauling certificates, certificates of inspection or other papers ordinarily required on the transfer of ownership of livestock.



INSTRUCTIONS TO PLAINTIFF

**LIVESTOCK LIEN SUMMONS
AND COMPLAINT**

**PIMA COUNTY CONSOLIDATED JUSTICE COURT
240 N. STONE AVENUE TUCSON, AZ 85701
(520)724-3171**

**PIMA COUNTY
CONSOLIDATED JUSTICE COURT**

**LIVESTOCK LIEN SUMMONS AND
COMPLAINT- INSTRUCTIONS TO PLAINTIFF**

When you are representing yourself, you are acting as your own attorney and are responsible for your case. Please keep in mind that it is unlawful for Court Clerks to give you legal advice or suggest actions for you to take. The Court furnishes the forms and information packets and the Clerks may only instruct you in the procedures for filing your claim. This particular packet contains important written information to help you both complete the Livestock Lien Summons and Complaint form and pursue your claim in the Court.

PRE-FILING INFORMATION:

1. Before you file the Complaint, you may wish to review the Statutes surrounding Livestock Liens (A.R.S. §3-1295 & §3-1295B). Statutes are available at the University of Arizona Law Library, the Pima County Superior Court Law Library, and most public libraries.
2. When you sue someone or a business, you are the **PLAINTIFF**; the person or business being sued is the **DEFENDANT**.
3. You and the defendant may wish to use another way of settling your case called ALTERNATIVE DISPUTE RESOLUTION.

4. You may file for any amount not to exceed \$10,000. You may reduce a larger claim to \$10,000 and waive the remaining amount. You may not split a claim and file two separate actions. You may file for "court costs" in addition to the \$10,000 maximum. Court costs may include, but are not limited to, filing and service fees. Interest, as provided by law, may also be allowed.
5. Before you file the Complaint, you should research any appropriate information necessary to proceed on the case inclusive of the **EXACT LEGAL NAME and address** of the person or business you are suing. Many valuable public information resources are available to you such as Consumer Affairs, City or County Business License Offices, State of Arizona Corporation Commission, telephone books, City Directories, Information and Referral Services, County Recorders, and County Assessors.
6. After your case is filed, you must notify the Court in writing of any address and telephone changes.

HOW TO FILE:

1. After completing the Summons and Complaint form included in this packet, you must file the forms at the civil counter and pay the appropriate filing fee. A filing fee Chart is included in the packet. The clerk will assign a case number and set a hearing within 20 days from date of issuance of the Complaint in compliance of Statute A.R.S. §3-1295 LIEN FOR FEED, PASTURAGE AND OTHER SERVICES.

2. If you think you may qualify for a Waiver or Deferral of the filing and/or service fees, you must tell the Clerk before you file your Complaint. The Clerk will ask you to complete the proper forms and then arrange for you to speak with a Judge.
3. After your case is filed and the Summons is issued, you must have the Defendant served with a copy of the "Summons and Complaint". You may do so by taking the "service copies" to a Constable or Private Process Server. Please note that there will be a fee for service.

GOING TO TRIAL:

1. Your Complaint will be given a Case Number and a Hearing date will be set within 20 days and will be heard by a Justice of the Peace.

IF A JUDGMENT IS ENTERED IN YOUR FAVOR :

1. Ask the Judgment Debtor to pay the amount of the judgment.
2. If you are granted a judgment on your case, the Defendant has ten days to pay the judgment. If you do not receive payment within ten days, you become the owner of the stock.

THE COURT DOES NOT COLLECT FOR YOU

