

AJO JUSTICE COURT
111 La Mina Avenue, Ajo, Arizona 85321 *** (520) 387-7684**

SMALL CLAIMS INSTRUCTIONS FOR DEFENDANT

Step 1: COMPLETE ANSWER FORM

You have twenty (20) days to file an answer to the complaint once it has been served. If you are served by certified mail, the twenty (20) days begins when you sign the green certified mail postcard. If the date on the green certified mail postcard is missing or illegible, the time begins when the plaintiff files the return receipt with the court.

Complete this section of the form "I do not owe the plaintiff because: _____". Sign and date the form where provided.

Complete the Certificate of Service information requested on this section of the form.

Step 2: FILE ANSWER WITH COURT

File a copy of your answer with the **Ajo Justice Court, 111 La Mina Avenue, Ajo, Arizona**. Appropriate fees must be paid by cash, personal check, cashier's check, VISA or MasterCard.

If you do not answer and pay the answer fee within the 20-day time period, the plaintiff may file for a judgment by default. If you fail to answer the *judgment by default* summons in 10 (ten) business days, the plaintiff may win the small claims case by default.

Step 3: FILE COUNTER-CLAIM (if applicable)

If you have a claim for money against the plaintiff, you may file a counterclaim at the same time as you file your answer. Counterclaim forms are available from the Pima County Consolidated Justice Court clerk. There is no fee to file a counterclaim. On the form, list the amount the plaintiff owes and why.

Write the date of mailing on the last page of the answer/counterclaim.

Mail a copy of the answer and/or counterclaim by first class mail to the plaintiff. Keep a copy for your records.

The plaintiff must file a written reply to the counterclaim within twenty (20) days. If the plaintiff does not file an answer, judgment by default may be entered against the plaintiff.

If you respond and the case proceeds to hearing, the court will assign the case a hearing date. The hearing date will be held within sixty (60) days of your response.

Note: If the plaintiff settles after you have filed an answer to the complaint, you both must sign the dismissal form.

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SMALL CLAIMS CHECKLIST FOR DEFENDANT

The following checklist may assist you in processing your case. Write down the applicable dates, and check off each event as it occurs:

- _____ Date the summons and complaint were served.
- _____ Date that your time to file an answer will expire. (20 days from date you were served. See ARS §22-514.) If you fail to file an answer the plaintiff may obtain a default judgment against you.
- _____ Date that a motion for change of venue was filed. (If you object to venue [the precinct in which the complaint was filed], you must file a Motion for Change of Venue before your answer is filed.)
- _____ Date that your answer was filed and a copy mailed to the plaintiff. (Note amount of the filing fee paid: \$_____.)

If a counterclaim is filed:

- _____ Date that your counterclaim was filed and a copy was mailed to the plaintiff(s). If you intend to file a counterclaim you must do so at the same time that your answer is filed.
- _____ Date that the plaintiff's time to file a reply to counterclaim will expire. (20 days from date of service of counterclaim. See Rule 12(a) of the Arizona Rules of Civil Procedure.)
- _____ Date that plaintiff's reply to your counterclaim was received.

If a hearing is scheduled by the court:

- _____ Date of Hearing. Bring all evidence, exhibits and witnesses you will need to present your claim or your defense. Bring extra copies of documents for all parties and the court.

NOTICE

Transfer of Hearing: If you wish to preserve your right to appeal, you may have your case transferred to the civil division of the justice court pursuant to ARS §22-504(A), if you request such transfer at least 10 days prior to the date of the scheduled hearing.

Dismissal: Plaintiff may dismiss the complaint at any time before the defendant files an answer by filing a Notice of Voluntary Dismissal. Once the defendant has filed an answer, both parties must stipulate (agree in writing) to a dismissal.

Notice of Change of Address: All parties are required to inform the court in writing of a current address to ensure that the party can receive all notices mailed from the court.

<p>Note: The information in this checklist is only a summary. It is not intended to be a complete list of the requirements of the Arizona Revised Statutes or of the Arizona Rules of Civil Procedure.</p>
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