

**PROCEDURES: HOW TO FILE AN APPLICATION AND AFFIDAVIT FOR DEFAULT and
HOW TO GET A DEFAULT HEARING IN FAMILY COURT CASES without MINOR
CHILDREN DEFAULT TIME TABLE**

**If the other party files a Response/Answer with the court, YOU CANNOT GET A
DEFAULT HEARING.**

APPLICATION AND AFFIDAVIT FOR DEFAULT: TIME FRAMES AND FILING

STEP 1: **BEGIN COUNTING THE DAY AFTER THE OTHER PARTY WAS SERVED WITH THE PETITION/COMPLAINT.** Look at the Default Timetable below to find the method of service you used and the number of days you should count.

INCLUDE WEEKENDS AND HOLIDAYS until you reach the number of days listed in the Default Timetable. If the last day for the other party to respond, falls on a Saturday, Sunday, or legal holiday, **DO NOT** count that day.

DEFAULT TIMETABLE

<u>SERVICE MADE IN ARIZONA</u>	<u>COUNT</u>	<u>EVENT</u>
Acceptance of Service	20 Days	after other party signed the “Acceptance of Service”
Delivery with Signature Confirmation*	20 Days	after the other party signs an acknowledgement of delivery*
Process Server	20 Days	after other party receives papers from a process server
Service by Sheriff	20 Days	after other party receives papers from sheriff
 <u>SERVICE MADE OUT OF STATE</u>		
Acceptance of Service out of State	30 Days	after other party signed the “Acceptance of Service”
Delivery with Signature Confirmation*	30 Days	after the other party signs an acknowledgement of delivery*
Process Server out of State	30 Days	after other party receives papers from a process server
Service by Sheriff	30 Days	after other party receives papers from sheriff
Registered Mail out of State	30 Days	after other party signs a green return receipt card
 <u>SERVICE BY PUBLICATION</u>	 60 Days	 after 1 st publication

***available for family court matters only**

STEP 2: Depending on HOW the papers were served on the other party, wait the number of days indicated above. If the other party did not file an Answer/Response with the court within the time frame indicated, on the next day after the number of days indicated (day 21, 31 or 61), complete the **“Application and Affidavit for Default.”** File it and mail or deliver a copy to the other party as instructed below. You must take this action for your case to proceed.

STEP 3: **COPIES:** You will need the original and two (2) copies of the **“Application and Affidavit for Default.”**

SIGNATURE: Go to a Deputy Clerk of the Superior Court or a Notary Public and sign the **“Application and Affidavit for Default.”** Bring a picture ID with you and make sure you date the **“Application and Affidavit for Default”** with the date you are signing it. Do not go to the Notary Public or Clerk of the Court or sign the **“Application and Affidavit for Default”** before the amount of time shown in the Default Timetable above has passed.

STEP 4: FILE: File the original with the Clerk of the Court at any of these locations listed below.

Clerk of Superior Court
1400 E. Ash St.
Globe, AZ 85501
(928) 402-8866
Monday-Friday
8:00a-5:00p

Clerk of Superior Court
714 S. Beeline Hwy, Ste. 104
Payson, AZ 85541
(928) 474-3978
Monday-Friday
8:30a-12:00p, 1:30p-4:30p

CLERK: Hand the original and both copies of the ***“Application and Affidavit for Default”*** to the Clerk of Court at the filing counter. The clerk will keep the original, date-stamp both sets of copies and return the copies to you. Make sure both copies are stamped.

MAIL: Mail or hand-deliver one of the date-stamped copies of the ***“Application and Affidavit for Default”*** to the other party on the same day you file the papers with the Clerk of the Court. Keep the other copy for your records.

STEP 5: There is a waiting period of 10 days from the date of filing the ***“APPLICATION AND AFFIDAVIT.”***

STEP 6: ONCE THE 10 DAY PERIOD HAS ELAPSED YOU WILL BE CONTACTED BY THE COURT AS TO THE DATE AND TIME OF YOUR COURT HEARING

STEP 7: PREPARE FOR THE COURT HEARING

- **GET YOUR PAPERS TOGETHER.** Read the instructions for the Court Order/Decree packet that applies to your case. Fill out the Order or Decree and make copies as instructed. Bring all required court papers to your hearing. If you do not bring all required documents, your hearing may be rescheduled.
- **IF THE COURT PAPERS YOU FILED INCLUDE A REQUEST TO ESTABLISH SPOUSAL MAINTENANCE (ALIMONY),** and you do not already have a Temporary Order for Spousal Maintenance, bring Social Security Numbers and Employer Information (names(s), address(es) and telephone number(s)) for you and the Respondent.

STEP 8: READ “ATTENDING YOUR DEFAULT HEARING – WHAT TO DO IN THE COURTROOM”

STEP 9: GO TO YOUR HEARING AT THE SCHEDULED DATE AND TIME.

- **DO NOT BRING CHILDREN**
- **ARRIVE BEFORE THE TIME SCHEDULED FOR YOUR HEARING (If you are late or if you bring children, your hearing may be rescheduled to a different day.**
- Bring an original and two (2) copies of your proposed court Order/Decree.