

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

TX 2006-000123

06/05/2007

HON. THOMAS DUNEVANT, III

CLERK OF THE COURT
S. Brown
Deputy

RAWLEIGH H GROVE, et al.

DAWN M GROVE

v.

MARICOPA COUNTY

RACHELLE Z LEIBSOHN

MINUTE ENTRY

The Court has considered Defendant Maricopa County's Motion To Dismiss and the briefs.

Rule 4.1(i) provides that service on a county is to be effected by delivering a copy of the summons and of the complaint to its chief executive officer, or the secretary, clerk, or recording officer thereof. The Board of Supervisors is the chief executive officer of a county. *Falcon ex rel. Sandoval v. Maricopa County*, 213 Ariz. 525, 528 ¶ 16 (2007); *Blauvelt v. County of Maricopa*, 160 Ariz. 77, 79 (App. 1988). Service on the Assessor's Office was not legally sufficient. *Ellman Land Corp. v. Maricopa County*, 180 Ariz. 331, 337 (App. 1994). That the County may have had actual notice is immaterial when the wrong representative is served. *Falcon, supra* at 527 ¶ 10.

Rule 6(b) permits post-deadline enlargement of time only if the party demonstrates excusable neglect. Plaintiff's only explanation for serving the Assessor rather than the Board of Supervisors or its clerk is that the law governing property tax appeals was unfamiliar to her. But Rule 4.1(i) is not an arcane provision known only to tax attorneys; it applies to all civil cases. A reasonably prudent lawyer, if not already familiar with the Rules of Civil Procedure, would be prepared to research them; failure to do so is not a mistake of the kind expected to be occasionally and excusably made. *Ellman, supra* at 339. The Court therefore cannot agree that the untimely service on the Board may be treated as excusable neglect. The representations

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allegedly made by the Assessor's employees, to the extent that they suggested some action on the Complaint might be forthcoming, are of no consequence, as even the earliest of them, on December 4, 2006, came long after the deadline.

Therefore, IT IS ORDERED:

1. Maricopa County's Motion to Dismiss is granted.
2. Approving Defendant's Motion to Dismiss all in accordance with the formal written Order signed by the Court on June 4, 2007.