

SERVICE OF COURT PAPERS

2

**YOU NEED MORE TIME TO
SERVE THE OTHER PARTY**

SELF-SERVICE CENTER

SERVICE OF COURT PAPERS YOU NEED MORE TIME TO SERVE THE OTHER PARTY

CHECKLIST

Use the forms and instructions in this packet only if the following factors apply to your situation:

- ✓ You have filed a Petition or Complaint, or other court papers that are required to be served for a matter in court
- ✓ You have received a notice from the court telling you that your case will be dismissed if you do not serve the other party, and you need more time to serve the other party.

READ ME: Consulting a lawyer before filing documents with the court may help prevent unexpected results. A list of lawyers you may hire to advise you on handling your own case or to perform specific tasks, as well as a list of court-approved mediators can be found on the Self-Service Center website.

SELF SERVICE CENTER

SERVICE OF COURT PAPERS YOU NEED MORE TIME TO SERVE THE OTHER PARTY

This packet contains court forms and instructions to file service of court papers you need more time to serve the other party. Items in **BOLD** are forms that you will need to file with the Court. Non-bold items are instructions or procedures. Do not copy or file those pages!

Order	File Number	Title	No. Pp.
1	GN2dt	Table of Contents (this page)	1
2	GN2dk	Checklist	1
3	GN41i	Instructions: How to fill out the “Motion for More Time to Serve the Other Party”	1
4	GN41p	Procedures: What to do with the “Motion for More Time to Serve the Other Party” After You Have Filled it Out.	1
5	GN41f	“Motion for More Time to Serve Other Party”	1
6	GN42f	“Order for More Time to Serve Other Party”	1

The documents you have received are copyrighted by the Superior Court of Arizona in Maricopa County. You have permission to use them for any lawful purpose. These forms shall not be used to engage in the unauthorized practice of law. The Court assumes no responsibility and accepts no liability for actions taken by users of these documents, including reliance on their contents. The documents are under continual revision and are current only for the day they were received. It is strongly recommended that you verify on a regular basis that you have the most current documents.

SELF-SERVICE CENTER

INSTRUCTIONS: HOW TO FILL OUT THE MOTION FOR MORE TIME TO SERVE THE OTHER PARTY

USE THIS FORM ONLY if you have received a notice from the court telling you that your case will be dismissed because you have not served the other party and you need more time to serve the other party. Make sure you file this form before your case is scheduled to be dismissed. Here are the instructions and a step-by-step guide to filling out the **“Motion for More Time to Serve the Other Party.”**

STEP 1: Make sure your form is titled **“Motion for More Time to Serve the Other Party.”**
Type or print using black ink only.

STEP 2: In the top left corner of the first page, fill out the following: Your Name; Address; City, State and Zip Code; Telephone Number; and your ATLAS Number, if you are receiving or have received AFDC from the Arizona Department of Economic Security. If you are represented by an attorney, the attorney should fill out this form and put his or her bar number. Then check the box to say whether you are representing yourself or you are represented by an attorney.

STEP 3: Fill in YOUR name in the space that says "Name of Petitioner/Plaintiff" if you filed the original action. If the other party filed the original action, they will be the Petitioner/Plaintiff. In the space that says "Name of Respondent/Defendant," fill in the name of the Respondent/Defendant that has been used throughout your case. Whoever was the Respondent/Defendant for the original action will be the Respondent/Defendant for any other papers related to this case.

STEP 4: Fill in your case number where it says "Case Number." Your case number stays the same any time you file any papers in your case. Then fill in the name of the judge assigned to your case. If you do not know the name of the Judge assigned to your case, call the court where your case was filed:

Family Court Administration 602-506-1561
Civil Court Administration 602-506-1497

STEP 5: Write in your name in the space provided.

STEP 6: **REASONS.** Write in the reasons why you need more time to serve the other party. You must have good reasons or good cause why you need more time or the Judge will not give you more time.

STEP 7: **REQUESTS TO THE COURT.** Check the box to tell the Judge how many more days you need to serve the other party.

STEP 8: **DATED:** Write in the day, month and year you signed the Motion in the space provided. Then sign your name. Then check the box to say whether you mailed or delivered the Motion to the Judge. Write in the day, the month and the year you mailed/delivered the documents, and the name of the Judge you mailed or delivered the documents to. Then sign your name to tell the Court that you gave/mailed the papers to the Judge.

STEP 9: After you have filled out the **“Motion for More Time to Serve the Other Party,”** read the Self-Service Center form called **PROCEDURES: WHAT TO DO WITH THE MOTION FOR MORE TIME TO SERVE THE OTHER PARTY NOW THAT YOU HAVE FILLED IT OUT.** This will tell you what you need to do next.

SELF-SERVICE CENTER

PROCEDURES: WHAT TO DO WITH THE MOTION FOR MORE TIME TO SERVE NOW THAT YOU HAVE FILLED IT OUT

USE THIS FORM ONLY if you have filled out the *“Motion for More Time to Serve the Other Party”*. Here are the steps you need to take:

STEP 1: **COPIES and ENVELOPES.** Make **2 copies** of the *“Motion for More Time to Serve the Other Party,”* and Order and follow these instructions:

ORIGINAL MOTION. File the original Motion with the Clerk of the Court where you filed your case.

ORIGINAL ORDER AND COPY OF MOTION: Give one copy to the Family Court Administration if you have a Family Court (FC) case or go to Civil Court Administration if you have a Civil (CV) case and ask them to put a copy in the Judge’s box, or mail a copy to the Judge. Court staff will deliver this copy to the Judge??. Also attach one self-addressed stamped envelope so that the Judge’s staff can mail you a copy of the Order/decision.

COPY OF MOTION AND ORDER: When you file the Original with the Clerk of the Court, ask the Clerk of the Court to stamp this copy for you. This is called a “conformed copy.” It is proof that the original was filed. Keep this copy for your records.

STEP 2: **WAIT TO RECEIVE A NOTICE FROM THE COURT.** Once you have filed the Motion, the Judge will sign the Order or return a *“Minute Entry”* to you telling you whether you have more time to serve the other party. If the Judge gives you more time to serve the other party, make sure you follow the Judge’s order. If the Judge does not give you more time to serve the other party, see a lawyer for help.

Person Filing: _____
Address (if not protected): _____
City, State, Zip Code: _____
Telephone: _____
Email Address: _____
Lawyer's Bar Number: _____

FOR CLERK'S USE ONLY

Representing Self, without a Lawyer or Attorney for Petitioner OR Respondent

SUPERIOR COURT OF ARIZONA MARICOPA COUNTY

Name of Petitioner/Plaintiff

Case Number: _____

Name of Respondent/Defendant

MOTION FOR MORE TIME TO SERVE OTHER PARTY

(RULES 4(i) and 6(b) A.R.Civ.P.)
A.R.F.L.P. 40(I)

Assigned to: _____
(Name of Judge)

1. My name: _____

2. **REASONS:** Good cause exists to give me more time to serve the other party. I need more time to serve the other party for the following reasons: _____

3. **REQUESTS TO THE COURT:** I request that the court enter an Order letting me have 30, 60, 90 days to serve the other party.

DATED: _____
Name of Person Filing Document

I mailed or delivered a copy of this Motion on: _____ (Month/Day/Year)
to: _____

Honorable _____
Superior Court of Arizona in Maricopa County

Phoenix Cases:
201 West Jefferson
Phoenix, Arizona 85003
OR
18380 N. 40th St.
Phoenix, Arizona 85032

Mesa Cases:
222 East Javelina Avenue
Mesa, Arizona 85210

Surprise Cases:
14264 W. Tierra Buena Lane
Surprise, Arizona 85374

(Signature of Person mailing or delivering motion)

Person Filing: _____
Address (if not protected): _____
City, State, Zip Code: _____
Telephone: _____
Email Address: _____
Lawyer's Bar Number: _____

FOR CLERK'S USE ONLY

Representing Self, without a Lawyer or Attorney for Petitioner OR Respondent

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

Name of Petitioner/Plaintiff

Case Number: _____

Name of Respondent/Defendant

ORDER FOR MORE TIME TO SERVE THE OTHER PARTY

Based upon the Petitioner's/Plaintiff's or Respondent's/Defendant's "**Motion for More Time to Serve the Other Party**" and good cause appearing,

IT IS ORDERED:

1. Granting the "**Motion for More Time to Serve the Other Party**" and ordering Petitioner/Plaintiff or Respondent/Defendant to serve the other party on or before _____ by 5:00 p.m.
2. This means that your case will be dismissed without prejudice by operation of law on date described above without further notice to you unless an "**Affidavit of Service**" or "**Acceptance of Service**" is filed with the court or you have a good reason why the other party has not been served and you file **another "Motion for More Time to Serve the Other Party"** and the Court grants that Motion prior to the dismissal date. If you allow your case to be dismissed, the only document you can file in your case is a "**Motion to Reinstate**" the Case. If the Clerk of Court accepts any document for filing after your case has been dismissed except for the "**Motion to Reinstate the Case**" your case is still subject to being vacated or canceled at any time a judicial officer discovers the dismissal. If your case is dismissed, any document filed after the dismissal date, except for the "**Motion to Reinstate the Case,**" is ineffective.

DONE IN OPEN COURT: _____

Judge of the Superior Court