

## HOW TO USE THE “*WAIVER OF SERVICE*” METHOD AFTER YOU HAVE FILED YOUR COURT PAPERS

### WHAT IS THE WAIVER OF SERVICE PROCESS AND HOW CAN IT BENEFIT YOU.

- You can notify the Defendant of the commencement of the lawsuit and at the same time request that the Defendant waive service. This is done in accordance the Arizona Rules of Civil Procedure 4.2(c) to avoid the costs associated with service of process.
- This request must be made in writing and accompany the summons from the original complaint. A request to waive service may only be used when the Defendant is an individual that is competent and over the age of eighteen years old, a government entity, corporation, partnership or unincorporated association.
- The forms that will need to go with a copy of the Complaint and Certificate Regarding Compulsory Arbitration include:
  - **Notice of Lawsuit and Request for Waiver of Service**
  - **Waiver of Service**

**NOTE:** BOTH THESE FORMS ARE NECESSARY FOR THIS PROCESS AND CAN BE PURCHASED AT THE SUPERIOR COURT LAW LIBRARY RESOURCE CENTER OR FOUND ON THE COURT WEBSITE.

- Because you are requesting that the Defendant help you avoid service fees, you must arrange a cost-free return of the signed waiver you are requesting. This can be as simple as a self-addressed stamped envelope provided so that the Defendant may get the signed waiver back to you.
- In accordance with Arizona Rules of Civil Procedure 4.1(c) (1) and 4.2(d) (1), a Defendant has a duty to avoid unnecessary service costs. If a Defendant does not agree to the Waiver of Service process, the court must impose service expenses, or any reasonable expenses including attorney’s fees that are accrued if separate motions are required to collect those service expenses.

### SEND THE PAPERS.

- Send the Defendant a copy of the *Complaint* and *Certification Regarding Compulsory Arbitration*, along with **TWO COPIES** of the *Notice of Lawsuit and Request for Waiver of Service* and *Waiver of Service* forms, and a **self-addressed stamped envelope via first class mail**.

### WAIT FOR THE PAPERS TO RETURN OR PROCEED WITH NORMAL SERVICE PROCESS.

- ***If the Defendant does not return the signed waiver*** you may begin the process of service in one of traditional ways. Because of your efforts to request a waiver of service from the Defendant, the Defendant who denies waiving service will be responsible for the costs of service.
- ***If the waiver is returned to you signed*** then it must be filed. The action will proceed as if the summons had been served. The Defendant who waives service then has sixty (60) days from the date on which the request for waiver of service was mailed to respond. If the Waiver of Service was send out of the United States to a Defendant, the Defendant who waives the service must respond with ninety (90) days of when the Request for Waiver of Service was sent to them. A Defendant who agrees to the waiver process does not waive any objections to jurisdiction or venue of the court case.