

**PROCEDURES: How to serve a Civil Complaint
By Certified Mail or Nationwide delivery service
With signature confirmation**

**** Only If Defendant Will Be Served Outside of Arizona but
Within the United States****

I. Background

Rule 4.2(c), Arizona Rules of Civil Procedure, authorizes service of the civil summons and complaint to the defendant outside of Arizona but within the United States by specific types of U.S. Mail or nationwide delivery services such as FedEx or UPS. These services provide delivery confirmation either by a *signed paper receipt* or by *electronic means such as by a printout* from the internet, fax, or email, and must include a copy of the other party's signature.

II. Requirements

A. You must obtain the party's actual signature confirming delivery.

B. It can **ONLY be the SIGNATURE of the OTHER PARTY** (and no one else).

C. To the Affidavit of Signature Confirmation you must attach:

- 1) a copy of the other party's signature confirmation and,
- 2) a cash register receipt –or- package label.
- 3) You can generally obtain a copy of the signature within a few hours of delivery from the delivering company's web site, or
 - ▶ by a toll-free phone call to have a copy of the signature sent to your fax machine, or
 - ▶ if using U.S. Mail with "Signature Confirmation", you may also use the same toll-free number to request a printed copy of the signature be mailed to you, which should reach any U. S. destination within three to five business days.

D. After you complete the Affidavit of Signature Confirmation with attachments, you must file it at the Clerk of the Court with your case number in clear view.

III. Steps for Serving by Mail or Delivery Service

STEP 1: GO to the post office or mail delivery service. Tell the clerk that you need signed confirmation of delivery and that you will need a copy of the signature on the confirmation receipt. Because only the signature of the other party can satisfy the requirements of the Court, you should also request "Restricted Delivery" which means no one except the named addressee (the other party) is allowed to sign for receipt of the documents. Not all businesses that send mail can provide "Restricted Delivery." Please discuss the process fully with whichever business you select to ensure you understand what to expect and whether "Restricted Delivery" is possible.

STEP 2: WAIT for the copy of other party's signature to return to you. If using Certified Mail, wait for the green receipt card with the other party's signature to return. When you get the green receipt, note the date the other party signed for the papers, and attach the card (or a photocopy of both sides of the card) to the Affidavit. If using another form of delivery with signature confirmation from the Postal Service or FedEx, etc., you may go to the company's web site to confirm delivery and get a copy of the signature of the party as described in part "II. Requirements" above.

STEP 3: COMPLETE THE AFFIDAVIT of SIGNATURE CONFIRMATION

ATTACH: You must attach a copy of the other party's signature confirming receipt of the court documents to the last page of the Affidavit.

- If using Certified Mail, note the date the other party signed for the papers, and attach the card (or a photocopy of both sides of the card) to the Affidavit. Also attach to the Affidavit the required cash register receipt or package label.
- If using another form of delivery service (with signature confirmation from the Postal Service or FedEx, etc.), get a copy of the delivery confirmation signature from the company's web site (as described in part "II. Requirements" above). Tape that copy of the other party's signature to the third page, as well as the cash register receipt or package label as proof of mailing.
- Fill in ALL information requested on the form before proceeding. Be sure you fill in the date the other party received the papers. If you are unsure of the date, use the date you received the return receipt card (if using Certified Mail). If you fail to list a date, the court may not process your papers and your case may be delayed and possibly dismissed.
- **COPY:** Make yourself a copy of the entire "Affidavit of Service by Signature Confirmation" including the third page with the return receipt card or copy of other document showing the signature of the other party acknowledging receipt of the documents for your records.

STEP 4: FILE PAPERS WITH THE COURT. File the complete Original "***Affidavit of Service by Signature Confirmation***" with attached signatures, return receipt, or other form of confirmation bearing the signature of the other party with the Clerk of the Court at any of these Superior Court locations:

Central Court Building

201 West Jefferson, 1st floor
Phoenix, Arizona 85003

Northwest Court Complex

14264 West Tierra Buena Lane
Surprise, Arizona 85374

Southeast Court Complex

222 East Javelina Avenue, 1st floor
Mesa, Arizona 85210

Northeast Court Complex

18380 North 40th Street
Phoenix, Arizona 85032

STEP 5: COUNT. Note the date the other party was served the papers and start counting the days the other party has to file a Response or Answer. When counting the days, start counting with the day **after** the other party signed the receipt.