

HOW to SERVE by PUBLICATION

You may use this method only if you do not know where the Defendant lives, or cannot find the Defendant. Service by publication is your "last resort." Use this method of service only if you do not have a current address for the Defendant and have tried unsuccessfully, to find the Defendant. Service by Publication can be expensive and may delay your court case.

WARNING: You must make EVERY REASONABLE EFFORT to locate and actually serve the Defendant BEFORE publishing. Make a list of the ways you attempted to serve the Defendant. If you cannot prove to the court that you exhausted your attempts to serve the Defendant, the Court will NOT accept service by publication; your case will be delayed, and may be DISMISSED. You may also be required to take additional steps at your own expense, including being required to publish notice *again*.

This method requires that information from the "**Summons**" be published in a Maricopa County newspaper once a week, for four weeks in a row if the Defendant's last known address is in Maricopa County. If the Defendant's last known address is in Arizona, but **not** in Maricopa County, a copy of the summons must be published in a Maricopa County newspaper **and** a newspaper in the county of the Defendant's last known address.

STEP 1: Complete the attached letter to newspaper listing the documents that need to be printed by the newspaper.

STEP 2: Deliver or mail the letter and Defendant's civil complaint packet to the newspaper.

A. IF YOU HAVE A COURT ORDER WAIVING/DEFERRING COSTS of PUBLICATION, YOU MUST PUBLISH IN *The Record Reporter*.

MAIL OR DELIVER the letter that is attached to this form, a copy of the documents you filed with the Clerk, and the **CERTIFIED ORDER WAIVING/ DEFERRING COSTS of PUBLICATION** to: **The Record Reporter, 2025 N. Third Street, #155, Phoenix AZ 85004.** You may also fax the documents to **(602) 417-9910**,

– OR –

B. IF YOU ARE PAYING THE COST of PUBLICATION, YOU MAY USE ANY NEWSPAPER OF "GENERAL CIRCULATION" in this county. Note that:

1. There are **numerous** eligible publications **other than** the one mentioned above;
2. The Arizona Corporation Commission maintains a list of eligible publications along with their contact information online at

<http://www.azcc.gov/Divisions/Corporations/Newspaper-list-for-publishing.pdf>.

3. **Fees vary.** You may call and ask for "Legal Advertising" to compare prices

C. How to publish service if the other party's last known address is in Arizona *and* that address is not in the county in which your case is pending:

1. You must publish in TWO (2) newspapers: A newspaper in the county in which your case is pending **and** you must publish in a newspaper in the county of the last known residence of the Defendant.
2. To publish in Maricopa County follow the instructions in "Step 2" above how to publish service of process if the Defendant lives in the same county in which your case is pending.
3. To publish in another county (not Maricopa County) you will need to contact a newspaper company in that county.

STEP 3: WAIT. Wait for the newspaper to send you the original of the document called "**AFFIDAVIT OF PUBLICATION**" in about five weeks.

STEP 4: COMPLETE YOUR PAPERWORK:

- A. Fill out the "**DECLARATION SUPPORTING PUBLICATION**", where you will list everything you did to attempt to find the Defendant before resorting to publication.
- B. **ATTACH** a copy of the published notice from the newspaper(s).
- C. **KEEP A COPY** of the "**DECLARATION SUPPORTING PUBLICATION**".

STEP 5: FILE THE COURT PAPERS at the Court Clerk's filing counter:

- A. File the original "**DECLARATION SUPPORTING PUBLICATION**", and a copy of the publication(s).
- B. File the original "**AFFIDAVIT OF PUBLICATION**" you received from the newspaper(s).

WHAT NEXT? Wait for Defendant's Answer or Count days and apply for default.

- A. **Determine the date of the first newspaper publication.** This date is considered as the date the Defendant was served with the court papers. Then, count the days for the Defendant to file an **Answer**. When counting down the days, start counting with the day **after** the first day of publication. **Service is completed 30 days after the first publication** (see Rule 4.1(l)). If publication is in-state, then Defendant has **20 days** after the completion of service to file a response to the complaint. If publication is out-of-state, then Defendant has **30 days** after completion of service to file a response.
- B. **If a summons was published** and the Defendant does not file an Answer within the designated time, he or she is said to have **defaulted**, and you **may** need to submit an **application for default** for your case to proceed. The Defendant has an additional 10 court business days to file a response to complaint after the application for default is filed. See the checklist in the Law Library Resource Center's **Default** packet to see if this applies to your situation. You may also fill out an application for default online by clicking on "**Application for Default**" on the right side of the web page for the Superior Court's ezCourtForms.

HOW to SHOW Due Diligence in attempting PERSONAL SERVICE on the Defendant

You must make every reasonable effort to locate and personally serve the Defendant before publishing. Make a list of the ways you attempted to serve the Defendant, and the efforts you completed before publishing. If questioned by the court, you may be asked to prove you exhausted the list of ways to locate the Defendant.

Examples of steps you MUST take BEFORE you can serve by Publication:

- **Verify** the Defendant is not at any last known address(es),
- **MAIL a copy of the documents to be served to the last known address even if it is your OWN address** (Defendant may have put in a mail-forwarding order with the Post Office). If it comes back marked “Undeliverable”, you may present that envelope as proof of your efforts.
- **Talk to Respondent’s friends, family members, current or former employers, co-workers, or anyone else you think may have a current address.**

Additional “reasonable efforts” include:

- **Searching telephone directories and obituaries** online or in print (phone book and newspaper),
- **Checking the county jail and the state prisons** (Department of Corrections).
- **Searching online networking sites** such as Facebook, MySpace, Hi5, Friendster, LinkedIn and Plaxo, as well as Internet “people search” sites such as Spokeo.com and ZabaSearch.com.
- If the Defendant has a working email account, you may also consider mailing **scanned copies of all the documents to his or her email address.**
- You may also have to consider hiring a private detective or a company that charges a fee to do computer searches to help you track down the Defendant.

Note: SEARCHING THE INTERNET and EMAILING ALONE ARE NOT ENOUGH!

Do not copy
or file this page

LETTER TO NEWSPAPER

Print Name

Your Address

_____, 20____
Date

Name of Newspaper

Address

To Whom It May Concern:

I need to publish notice in the newspaper about the following matter: Court Case No. _____
Enclosed is a copy of the following documents stamped by the Clerk of Court (list all the documents here:)

1. _____
2. _____
3. _____
4. _____

Please publish a Notice in your newspaper about this court case once a week for four successive weeks. Also enclosed is (check one box):

- A check or money order for \$ _____ for the cost of the publication as requested.
- A certified copy of the Order from the court waiving the publication costs.

When you receive this letter, please call me at _____ to tell me when the first publication will occur. When all four weeks of publication have passed, please send to me the original and one copy of an Affidavit of Publication.

Thank you for your help in this matter.

Sincerely,

Sign your name

Enclosures:

- Court documents AND
- Check or Money Order OR
- Certified copy of Court Order of Waiver/Deferral of Publication Fees