

Procedures: How to file an “Application and Affidavit for Default” and schedule a default hearing

When to file the application for default:

- after the other party has been served with the court papers, and
- the time to respond has passed, and
- the other party has not filed a response or answer with the court, and
- you completed the “Application and Affidavit for Default” and other papers and made two photocopies of the papers.

Step 1: File the original “*Application and Affidavit for Default*,” and other required papers, plus at least two (2) copies with the Clerk of Superior Court at any of these locations:

- Central Court Building, 201 West Jefferson Street, Phoenix, AZ 85003 (1st Floor);
- Northwest Court Facility, 14264 West Tierra Buena Lane, Surprise, AZ 85374;
- Southeast Court Facility, 222 East Javelina Avenue, Mesa AZ 85210;
- Northeast Court Facility, 18380 North 40th Street, Phoenix, AZ 85032.

Hand the original & copies of the “*Application and Affidavit for Default*” to the Clerk of Superior Court at the filing counter. The Clerk of Superior Court will keep the original, date-stamp the copies and return the copies to you. Make sure the copies are stamped. Note: If the defaulting party has an attorney, make one more copy since you must file and mail an entire set to *both the party and the attorney*.

Step 2: Mail one of the date-stamped copies of the “*Application and Affidavit for Default*” (and attachments) to the other party on the same day you file the papers with the Clerk of Superior Court. Keep the other copy for your records. (The “*Application and Affidavit for Default*” must be mailed, hand delivery is not acceptable.) Note: If the defaulting party has an attorney, make one more copy since you must mail an entire set to *both the party and the attorney*.

Step 3: Count 10 Court business days. Starting the day after the “*Application and Affidavit for Default*” was filed, count 10 court business days before proceeding to next step. (In this case do not count Saturdays, Sundays and Court holidays.)

Step 4: Fill out the “*Default Decree Checklist*” to determine if you are ready to schedule a hearing or submit your default decree. If the “*Default Decree Checklist*” indicates you met all requirements, you can proceed to the next step.

Step 5: If you are requesting a default hearing, schedule your default hearing by calling 602-372-3332. You will need the information from the “*Default Screening Checklist*” with you when you schedule your hearing.

Prepare a default decree and go to your hearing. The default decree is a separate packet available online or at any Law Library Resource Center. See “Step 4 of 4: Default Decree.”

or

If you will not request a hearing and wish to submit your proposed default decree without a hearing proceed to the next packet in the series, see “Step 4 of 4: Default Decree.” This is a separate packet available online or at any Law Library Resource Center location.