

Procedures: What to do after you have completed the petition for enforcement of property division

STEP 1. Complete all the paperwork: Here is the court paperwork you need to complete:

- ✓ The “*Petition to Enforce Court Order for Division of Property*”

STEP 2. Make copies and file the papers with the Clerk of Superior Court. Make three copies of all the paperwork you completed: one for you, one for the Judge, and one for the other party.

There is a filing fee for this process. If you cannot afford the fee, ask the clerk for the paperwork on waiving or deferring court filing fees, or you can get that paperwork at the Law Library Resource Center. You can also get a waiver or deferral of the fees for the Sheriff to serve the papers, if you qualify.

File the original of the “*Petition to Enforce Court Order for Division of Property*” with the Clerk of Superior Court. Ask the Clerk to stamp the extra copies for you too. These are called "conformed" copies. You may file your documents at any one of the following locations:

Clerk of Superior Court
Central Court Building
201 West Jefferson, 1st floor
Phoenix, Arizona 85003

Clerk of Superior Court
Southeast Court Complex
222 East Javelina Avenue, 1st floor
Mesa, Arizona 85210

Clerk of Superior Court
Northeast Regional Court Center
18380 North 40th Street
Phoenix, Arizona 85032

Clerk of Superior Court
Northwest Court Complex
14264 West Tierra Buena Lane
Surprise, Arizona 85374

STEP 3. *After you have filed your documents*, the Clerk will then direct you to the in-box of the Judge who will hear your case to deliver “the Judge’s Set” of papers.

- ✓ Copy of “*Petition to Enforce Court Order for Division of Property*”
- ✓ A 9 x 12 self addressed, stamped envelope so the staff can mail the Judge’s decision to you.

If you choose to mail the papers to the judge assigned to your case, send all of the above to:

(Name of the judge assigned to your case)
Superior Court of Arizona in Maricopa County
201 W. Jefferson St., 4th Floor
Phoenix, AZ 85003

STEP 4. What the Judge will do: The Judge will decide one of the following, based on the paperwork you submitted.

- ✓ Schedule a hearing for you and the other party to come to talk to the Judge about the case.
- ✓ Dismiss the case because the Judge thought your paperwork did not show a legal reason to proceed.
- ✓ Make other orders the Judge thinks proper.

STEP 5. Wait to hear back from the Judge about your court hearing.

Wait a week or so for the hearing date to be set. The Judge will write an order stating what the Judge decided to do with your case. Read the Judge's order carefully, so you know what the Judge decided to do next.

If you provided a self-addressed 9 x 12 inch envelope with sufficient postage, the Judge's staff will send the Judge's decision and papers back to you. Otherwise, you must come back to court about a week after you drop off the forms and get them from the Judge. You can call the Judge's office to learn whether a hearing date has been set.

If the Judge decided to hear your case, the staff will send you an original and copy of an "Order to Appear." One copy is for you, and one copy is for the other party.

STEP 6. Serve the papers on the other party.

If the Judge decided to set a hearing, you must arrange for service of the following papers on the other party:

- ✓ Copy of the "Petition to Enforce Court Order for Division of Property"
- ✓ The "Order to Appear"

Sometimes the other party will ACCEPT service in which case he or she must sign and you must file the "Acceptance of Service." If the other party does not accept service, then you must contact a process server or the sheriff to serve the papers on the other party. Give the process server or sheriff a copy and the original "Order to Appear," depending on what the Judge completed and sent back to you.

After service, the process server or sheriff will file an Affidavit of Service and also will file the original of the "Order to Appear" with the Clerk of Superior Court. If the other party accepted service, then you must file the original of the "Order to Appear," and the original of the "Acceptance of Service."

STEP 7. Go to the court hearing.

Bring the original "Order Enforcing Decree."

Be sure to write down the date, time and place of the court hearing, and come to the hearing. Be on time. Dress neatly. Be prepared to present your evidence about why the Judge should order the change you requested. Do not bring children to court.