SELF-SERVICE CENTER

PROCEDURES: HOW TO SERVE THE COURT PAPERS BY PUBLICATION

(Arrange for Service AFTER you file your papers with the Court.)

WARNING: If the Court is not satisfied that you have made EVERY REASONABLE EFFORT to locate and actually serve notice on the other party BEFORE publishing, the Court will NOT accept service by publication; Your case will be delayed, could be DISMISSED, and you may be required to take additional steps at your own expense, including being required to publish notice *again*.

STEP 1 **COMPLETE ATTACHED LETTER to NEWSPAPER** describing the documents that need to be referenced by the newspaper, and submit copies of those documents along with the letter to the paper.

A. **IF YOU HAVE A COURT ORDER WAIVING/DEFERRING COSTS of PUBLICATION, YOU MUST PUBLISH IN THE *ARIZONA BUSINESS GAZETTE*.**

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: **Arizona Business Gazette, Legal Advertising, P.O. Box 194, Phoenix, AZ 85001.** You may also **fax** the documents to (**602**) **444-7364,**

- 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*** those mentioned below;
2. The Arizona Corporation Commission maintains a list of eligible publications along with their contact information online.
3. Fees vary. You may call and ask for "Legal Advertising" to compare prices.

You may publish in ***any*** of the more than 15 newspapers listed on the web page referenced above, **including** the three listed below. **Only two** maintain drop-boxes in the downtown Phoenix Superior Court complex where you may drop off your papers and **non-cash** payment. You may also make or arrange payment over the phone.

i. **THE ARIZONA BUSINESS GAZETTE**. Call (**602**) **444-7315**) to determine the cost of publishing your legal ad and to confirm how you wish to pay. Visa, MasterCard, Discover, and checks and money orders, are accepted.

- **Mail or deliver payment and papers as described in "A" above** (except for the Order Deferring/Waiving Costs)**.**
- If you have already arranged payment, you may **fax** the documents to (**602**) **444-7364,**

- OR –

ii. **THE RECORD REPORTER**. Call (**602**) **417-9900** to determine the cost of publishing your legal ad and to confirm how you wish to pay. Visa, MasterCard, Discover, American Express, and checks or money orders made payable to the Record Reporter are accepted.

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- **Mail or deliver payment and papers** (a copy of the documents you filed with the Clerk, and the letter that is attached to these instructions) to: **Record Reporter, Legal Advertising, 2025 N. Third Street, Suite 160, Phoenix, AZ 85004**. If you have already arranged payment, you may **fax** the documents to (**602**) **417-9910 -**
  – OR –
- **Deposit your papers in the drop box** maintained by the Reporter located in the *Probate Court* filing area on the first floor of the Old Court House at 125 W. Washington Street, in downtown Phoenix.

iii. **ARIZONA CAPITOL TIMES.** Call (**602**) **258-7026** to determine the cost of publishing your legal ad and to confirm how you wish to pay. Visa, MasterCard, Discover, American Express, and checks or money orders made payable to the **Capitol Times** are accepted.

- **Mail or deliver payment and papers** (a copy of the documents you filed with the Clerk, and the letter that is attached to these instructions) to: **Arizona Capitol Times, Legal Advertising, 1835 W. Adams, Phoenix, AZ 85007**. If you have already arranged payment, you may **fax** the documents to (602) 258-2504.
- **Email scanned copies** of the documents in PDF or Word format to publicnotices@azcapitoltimes.com **– OR –**
- **Deposit your papers in the drop box** maintained by the Capitol Times located in the *Probate Court* filing area on the first floor of the Old Court House at 125 W. Washington Street, in downtown Phoenix.

Notice: There are fees or costs for service of court papers (***unless*** by recipient voluntarily signs an **"Acceptance of Service"** in front of a Notary). If you intend to use the Sheriff's Office for service or to notify by publication, you may apply for a deferral (payment plan), or waiver (to not have to pay at all), when you file your papers with the Clerk of the Court.

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 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 person to be served.
2. To publish in Maricopa County follow the instructions in "A" above how to publish service of process if the other party 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.

Please Note: If service is through publication, the Court may not be able to issue orders for support or property.

STEP 2: WAIT.

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

STEP 3: COMPLETE YOUR PAPERWORK:

A. Fill out the ***"DECLARATION SUPPORTING PUBLICATION",*** where you will list everything you did to attempt to find the other party before resorting to publication.

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

- **Verify the Respondent 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's your OWN address** (he or she 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" may 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 Respondent 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 other party.

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

B. **ATTACH** a copy of the published notice from the newspaper(s).

C. **KEEP A COPY** for yourself of the **"*DECLARATION SUPPORTING PUBLICATION*".**

STEP 4: FILE THE COURT PAPERS:

A. File the original of the **"DECLARATION SUPPORTING PUBLICATION"**, and a copy of the publication(s), and

B. File the original ***"AFFIDAVIT OF PUBLICATION"*** you received from the newspaper(s).

WHAT NEXT? COUNT DAYS, and APPLY FOR DEFAULT *or* APPEAR AT HEARING

A. **Determine the date of the first newspaper publication.** This is considered to be the date the other party was served with the court papers. Then, count the days for the other party to file a *Response* or *Answer* (if required). When counting down the days, start counting with the day ***after*** the first day of publication.

B. **If a *summons* was published** and the party to receive notice does not file a response or "answer" within the designated time period, he or she is said to have ***defaulted***, and you **may** need to submit an ***application for default*** for your case to proceed. See the checklist in the Self-Service 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.

C. **If an "Order to Appear"** was published instead of a summons, unless the Court specifically orders otherwise, any response to a ***"Petition for Order to Appear"*** is optional, according to **Arizona Rules of Family Law Procedure, Rule 6.3(h).**

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_____
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 in the amount of $ _____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 been completed, 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

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