

For Clerk's Use Only

Person Filing: _____
Address (if not protected): _____
City, State, Zip Code: _____
Telephone: _____
Email Address: _____
Lawyer's Bar Number: _____

Representing Self, without a Lawyer or Attorney for Petitioner OR Respondent

SUPERIOR COURT OF ARIZONA IN COCHISE COUNTY

Name of Plaintiff

Case Number: _____

Name of Defendant

APPLICATION and AFFIDAVIT For DEFAULT (Civil Cases Only)

NOTICE: This is an important Court Document. Properly complete and file this Application and Affidavit. Filing of this Application constitutes "Entry" of Default. The Default is effective ten (10) working days after you file this completed Application, unless the Defendant files an Answer/Response or otherwise defends before the ten working day period expires.

APPLICATION FACTS:

1. IDENTIFICATION of PARTIES:

I am the Plaintiff in this court case. I understand and make the following statements under oath or by affirmation. I give notice that I am applying for default against the other party, the Defendant, because the Defendant has **not** filed an Answer/Response.

I am seeking a default against, Defendant, _____, in this case. (name of defendant)

(Check all that apply)

Defendant has not filed an Answer/Response, and has failed to appear, or defend within the time allowed by A.R.C.P Rule 55.

Defendant is not in the active military service of the United States, or has otherwise waived his/her rights under the Service Members Civil Relief Act (formerly "Soldiers and Sailor's Civil Relief Act").

Defendant is not a minor and is not incompetent.

Defendant's current mailing address is: _____

I do not know Defendant's current address, or the Defendant's whereabouts.

2. IDENTIFICATION of PARTIES' ATTORNEYS:

(Check One)

- I have no attorney.
- I am represented by an attorney whose name and address is:

(Check One)

- Defendant is not represented by an attorney that I know of.
- Defendant is represented by an attorney whose name and address is:

- I do not know the identity and address of the attorney known to represent the Defendant in this action or a related action.

3. PROOF OF SERVICE: I served Defendant as follows:

(Check One)

- Defendant signed an **"Acceptance of Service"** form, and accepted service of the **"Summons"**, **"Complaint"**, and other papers.
- I attached the **"Acceptance of Service"** form to this Application as proof of service.
- I served the Defendant by process server, alternative service, or by publication, with the **"Summons"**, **"Complaint"**, and other papers.
- I attached the proof of service to this Application.

4. NOTICE:

(Check all that apply)

- To the Defendant**
- I know the Defendant's address, and mailed a copy of the **"Application and Affidavit for Default"** to his/her last known address giving NOTICE of default; even if the Defendant is represented by an attorney who has entered an appearance in this action.
- I have not mailed a copy of this **"Application and Affidavit"** to the Defendant because I do not know Defendant's address or whereabouts, and I do not believe the Defendant is represented by an attorney. (You can only check this box, if you served the Defendant by publication.)
- To the Attorney of the Defendant:** I mailed a copy of the **"Application and Affidavit"** to Defendant's attorney, giving NOTICE of Default whether or not the attorney has formally appeared in this action.
- To Other Parties (If applicable):** I mailed a copy of the **"Application and Affidavit"** to all other parties who have appeared in this action, which gives the parties NOTICE of default.
- Time of Notice:** I mailed a copy of this **"Application and Affidavit"** to the Defendant on the date that I filed this Application, or as soon as practicable after its filing, thus giving NOTICE. Please see the Affidavit and Certificate of Mailing or Delivery at the bottom of this form.

APPLICATION REQUEST:

- 1. I file this Application and Affidavit to give notice to all parties in this action, and the Court, that I am beginning default proceedings against the named Defendant, who has failed to answer, plead, or otherwise defend this action.
- 2. With this document, I apply for Entry of Default. I understand my filing of this document at the Office of the Clerk of the Superior Court constitutes "Entry of Default."

AFFIDAVIT:

I, _____, the Plaintiff in this action, hereby swear or affirm that:

- _____ is the Defendant in this action.
- I served the Summons, Complaint, and other court documents to the above-named Defendant according to law.
- Defendant is the party against whom I seek a judgment for affirmative relief.
- Defendant has failed to answer, plead or otherwise defend in this action.
- I filed this Application and Affidavit for Default on _____ (date) which constitutes the official Entry of Default.

This Affidavit is executed in support of the above Application for Entry of Default.

 Plaintiff Signature _____
Date

STATE OF _____

COUNTY OF _____

Subscribed and sworn to or affirmed before me this: _____ by _____
(date)
 _____.

(notary seal)

Deputy Clerk or Notary Public

CERTIFICATE OF MAILING: On (date) _____ 20_____, a copy of this Application and Affidavit for Default was mailed, postage-prepaid, to the Defendant at:

current address (as listed below),

(address, city, state)

OR (if current address is unknown)

his/her last known address, as listed below:

(address, city, state)

IF I know the Defendant, who I claim to be in default, is represented by an attorney, I have **also** mailed a copy of this Application and Affidavit to that attorney.