

COCHISE COUNTY JUSTICE COURTS SMALL CLAIMS DIVISION DEFENDANT'S SMALL CLAIMS CHECKLIST

THIS IS *YOUR* CASE AND THERE ARE CERTAIN THINGS *YOU* MUST DO. THE FOLLOWING CHECKLIST HAS BEEN PREPARED TO ASSIST YOU. BE SURE TO CHECK OFF EACH ITEM AS IT HAS BEEN COMPLETED.

NOTE: IT IS IMPORTANT THAT EACH PARTY TO AN ACTION KEEP THE COURT APPRISED OF HIS OR HER CURRENT MAILING ADDRESS.

WRITE YOUR CASE NUMBER HERE: _____

FILING YOUR ANSWER:

- Defendant received Complaint.
- Defendant files Answer and pays answer fee to the court.
- Defendant mails answer to plaintiff.

IF A COUNTERCLAIM IS FILED:

- Counterclaim is filed.
- Counterclaim is mailed to plaintiff. Reply to counterclaim must be filed within twenty (20) calendar days.

IF AN ANSWER IS FILED, OR IF COUNTER CLAIM WAS FILED AND PLAINTIFF REPLIES TO COUNTERCLAIM THE COURT WILL EITHER SEND THE CASE TO ARBITRATION/MEDIATION OR SET A TRIAL DATE.

- Hearing/trial is set for _____ (date) at _____ (time). Bring all evidence and witnesses necessary to prove your case.

IF PLAINTIFF DOES NOT REPLY TO COUNTERCLAIM:

- File an *Application of Default* and mail a copy to defendant by first class mail.

IF YOU RECEIVE A JUDGMENT IN THE MAIL:

- You must make arrangements with the plaintiff for payment within ten (10) judicial days. **THE COURT WILL NOT MAKE ARRANGEMENTS FOR YOU.**

IF CASE IS SETTLED OUT OF COURT:

- Have the plaintiff file a dismissal with the court.
- Or-**
- Have the plaintiff file a *Satisfaction of Judgment* once he/she is paid in full.

WARNING: YOU DO NOT HAVE THE RIGHT TO APPEAL THE DECISION OF THE HEARING OFFICER OR THE JUSTICE OF THE PEACE IN A SMALL CLAIMS COURT. IF YOU WISH TO PRESERVE YOUR RIGHT TO APPEAL, YOU MAY HAVE YOUR CASE TRANSFERRED TO THE JUSTICE COURT PURSUANT TO A.R.S. 22-504(A). IF YOU REQUEST SUCH A TRANSFER, DO IT AT LEAST TEN (10) DAYS PRIOR TO THE DAY OF THE SCHEDULED HEARING AND PAY THE TRANSFER FEE.