

Person Filing: _____

Address (if not protected): _____

City, State, Zip Code: _____

Telephone: _____

Email Address: _____

ATLAS Number: _____

Lawyer's Bar Number: _____

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



SUPERIOR COURT OF ARIZONA
IN COCHISE COUNTY

(Name of Petitioner / Party A)

Case No. _____

APPLICATION AND AFFIDAVIT
FOR ENTRY OF DEFAULT
IN FAMILY CASES

(Name of Respondent / Party B)

NOTICE: THIS IS AN IMPORTANT COURT DOCUMENT. When this document is properly completed and filed, Default has been applied for and entered. The Default will be effective ten (10) court business days after the filing of this completed document, unless the Respondent files an Answer/Response or otherwise defends before the ten court business day period expires. In this case do not count Saturdays, Sundays and court holidays to calculate court business days.

I am the Petitioner in this court case. I understand and make the following statements under oath or by affirmation. I give notice that I am requesting entry of default against the other party, the Respondent, because the Respondent has not filed an Answer/Response.

1. Name of other party against whom I seek this default:

_____ has failed to respond within the time allowed by the Arizona Rules of Family Law Procedures, and (choose one)

the last known mailing address for the Party in default is _____
_____ ; OR

I do not know the whereabouts of the Party in default.

2. The name of the attorney known to represent the Party in default, either in this action or in a related matter, is

_____, (whether or not the attorney has formally appeared) OR

I do not know the identity and address of any such attorney.

3. Evidence of Service (one of the following must be true)

I attached to this Application a copy of the proof or acceptance of service establishing the date and manner of service on the Party in default. OR

I do not have a copy of the proof or acceptance of service but the proof or acceptance of service appears in the court record, and the Party in default was served by:

Acceptance of Service Process Server

Publication Signature Confirmation by Mail

Other: _____

Date of Service: _____.

4. Spousal Maintenance (choose one)

Does not apply.

I attached a completed Default Information for Spousal Maintenance form to the end of this Application, since I am asking for spousal maintenance and will proceed by motion without a hearing.

5. Service Members Civil Relief Act: The Party in default is either: (choose one)

not in the active military service of the United States OR

has waived his/her rights under the Service Members Civil Relief Act (formerly "Soldiers and Sailor's Civil Relief Act").

6. Certificate of Mailing:

As required by Arizona Rules of Family Law Procedures Rule 44(a):

a. Party in default: (must choose one)

I will mail a copy of this Application and Affidavit for Entry of Default and attachments to the Party in default, at the last known mailing address listed below, on the day I file this Application with the Clerk of Superior Court – even if the Party in default is represented by an attorney:

(Mailing address, city, state, and zip code)

OR

I do not know the whereabouts of the Party in default.

b. Attorney for Party in default: (must choose one)

If an attorney has filed a notice of appearance with the court on behalf of the Party in default or I have been contacted by an attorney who claimed to be representing the Party in default, I will mail a copy of this Application and Affidavit for Entry of Default to the attorney of the Party in default on the day I file this Application:

(Mailing address, city, state, and zip code)

OR

I do not know the identity and address of any such attorney.

c. Other parties who have appeared in this case (must choose one)

I will mail a copy of this Application and Affidavit for Entry of Default to all other parties who have appeared in this action, on the day I file this Application at the Clerk of Superior Court or soon thereafter.

(Name and mailing address, city, state, and zip code)

OR

No other parties have appeared in this action.

By signing below, I swear or affirm that the information above is true and correct

Date

Signature

STATE OF _____

COUNTY OF _____

Subscribe and sworn to or affirmed before me this: _____ by
(Date)

_____.

(Notary seal)

Deputy Clerk of Superior Court or Notary Public

Warning

1. If the Party in default fails to file a responsive pleading or otherwise defend this action within 10 working days after the filing of this Application, a default judgment may be entered.
2. Petitioner must still participate in a default hearing to be set by the court (see the procedures document in this packet for instructions on getting a hearing). If Petitioner qualifies, they may complete the process to obtain a default decree without a hearing pursuant to Rule 44.1, A.R.F.L.P.
3. A default hearing will not be scheduled if this Application and Affidavit for Entry of Default is missing information or not completed correctly.