



MARICOPA COUNTY JUSTICE COURTS

If you want to file a...

MOTION TO VACATE A SMALL CLAIMS JUDGMENT



MARICOPA COUNTY JUSTICE COURTS

A Motion to Vacate a Small Claims Judgment can be filed by either party following a hearing.

If the motion to Vacate Judgment is your first filing in the case, you are required to pay an answer fee.

The opposing party has FIFTEEN (15) days after service of this motion to file a written response. If no response is received, the court will consider the motion and will enter an Order.

Please STOP...

If there has not yet been a judgment rendered from the court.
It has been more than six (6) months since the judgment has been rendered or date of the proceedings, whichever is later.

Please PROCEED...

If you want the court to vacate the judgment rendered.

FORMS Needed:

Motion to Vacate Judgment

INSTRUCTIONS

- 1) Read the Instructions for Filing and Service a Small Claims Motion to Vacate Judgment.
- 2) Complete the form.
- 3) Make one copy for yourself.
- 4) File the original form with the court and pay the fee.
- 5) Mail a copy on the other party (attorney if applicable):

IT IS IMPORTANT THAT ALL PARTIES KEEP THE COURT APPRISED OF ANY CHANGE IN ADDRESS A NOTICE OF CHANGE OF ADDRESS form must be filed with the court when a party changes their address.

Visit us at <http://justicecourts.maricopa.gov/> for additional filing information and online forms.



Maricopa County Justice Courts

INSTRUCTIONS for FILING and SERVING a SMALL CLAIMS MOTION to VACATE JUDGMENT

The Moving party should always review the appropriate rules:

Small Claims: Rule 16.

1. Reasons for Vacating a Judgment:

On either party's motion, the court may relieve a party from a judgment for the following reasons: 1) mistake, inadvertence, surprise, or excusable neglect; 2) fraud, misrepresentation, or other misconduct of an opposing party; 3) the judgment is void; 4) the judgment has been satisfied, released, or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or 5) any other reason justifying relief. ARSCP 16(a)

A motion must be made within a reasonable time, and for reasons (1) and (2) above, no more than 6 months after the entry of the judgment or date of the proceedings, whichever is later. The filing of the motion does not affect the judgment's finality or suspend its operation. ARSCP 16

2. Complete the Motion form. Explain the reason why you feel the judgment should be vacated. You may attach any supporting documents.

NOTE: Now is not the time to explain your allegations or defenses of the case-only why the judgment should be vacated.

3. Sign the motion form.

4. Return the completed form to the court and pay the appropriate filing fee. An application for waiver/deferral may be filed if applicable.

5. The moving party must deliver a copy of the motion to the other party on the date of filing. ARSCP 16(c)

6. The other party has 15 calendar days to file a written response, and must deliver a copy of the response to the moving party on the date the response is filed. ARSCP 16(c)

7. If you want to stay enforcement of the judgment you must post a supersedeas bond(s). The stay becomes effective when the bond(s) is posted. The amount of the supersedeas bond will be set by the court.

8. The court will consider your request with any supporting documentation offered and the opposing party's response. The court will rule on the motion with or without a hearing. If a hearing is set, the court will notify all parties of the hearing date; you must appear and be prepared to present your argument to the court.

9. The court will mail/deliver a copy of its ruling to all parties.

10. An attorney may represent a party on a Motion to Vacate a Judgment.

