

DO NOT
FILE THIS
PAYROLL

DECLARATION SUPPORTING PUBLICATION

SERVING BY PUBLICATION

You Cannot Find the Other Party.

- A. Service by Publication.** You may use this method only if you do not know where the other party lives, or cannot find the other party. Service by publication is your "last resort." It is used **only** if you do not have a current address for the other party and have tried, unsuccessfully, to find the other party. Service by Publication can be expensive and may delay your court case.

WARNING: YOU GENERALLY WILL NOT BE ABLE TO ESTABLISH OR CHANGE CHILD SUPPORT OR SPOUSAL MAINTENANCE (alimony) WITH SERVICE BY PUBLICATION!

This method requires that information from the "**Summons**" be published in a newspaper in Graham County once a week for four weeks in a row if the other party's last known address was in Graham County or the other party's last known address was **not** in Arizona. If the other party's last known address was in Arizona, but **not** in Graham County, a copy of the summons must be published in a newspaper in Graham County, and the county in which the other party's last known address is. To use this method, you must fill out several forms including the "**Declaration Supporting Publication**" explaining to the court what you have done to try to find the other party. Service is complete thirty (**30**) days after the date of the first publication.

TIPS FOR FINDING THE OTHER PARTY:

- A. Before the Court will accept Service by Publication, you must have made every reasonable effort to find the other party (or parties) and to give actual notice of this case by personal service of the required documents.** You will be required to state, under penalty of perjury, the steps you have taken to try to locate the other parties and if the Court is not satisfied that you have taken all reasonable steps, your case may be delayed until the Court is satisfied all such steps have been taken. Examples of steps you **MUST** take: verify the Respondent is not at any last known address(es), talk to Respondent's friends, family members, employer, co-workers former co-workers or employer(s), or anyone else you think may have a current address. Search telephone directories, the Internet, voter registration records, obituaries, and even the morgue. 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. If you know the other party's date of birth and/or Social Security Number, this method may work for you.
- B.** The Court requires you to file an "**Affidavit Supporting Publication**" a statement affirming or swearing under oath that you have done everything possible to try to find the other party.

WHEN IS A WRITTEN RESPONSE TO THE COURT PAPERS DUE?

- **LOOK AT THE TIMETABLE BELOW.** If the **last day** for the other party to respond falls on a Saturday, Sunday, or legal holiday, you **do not** count that day. The last day you count to determine if you can file the default papers, must be a day when this court is open for business.
- **INCLUDE WEEKENDS AND HOLIDAYS.** In counting the days, include weekends and holidays until you reach the number of days in the Timetable below. If the other party files a written response with the court, you CANNOT GO BY DEFAULT.

DEFAULT TIMETABLE

| SERVICE BY | COUNT | EVENT |
|---|---------|--|
| "Acceptance of Service" (in Arizona) | 20 days | after other party signs "Acceptance of Service" |
| Process Server (in Arizona) | 20 days | after other party receives papers from process server |
| Sheriff (in Arizona) | 20 days | after other party receives papers from sheriff |
| "Acceptance of Service" (out of State) | 30 days | after other party signs "Acceptance of Service" |
| Registered mail (out of State) | 30 days | after other party signs green card |
| Process Server (out of State) | 30 days | after other party receives papers from process server |
| Sheriff (out of State) | 30 days | after other party receives papers from sheriff |
| Publication | 60 days | after the 1st day of publication |

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

FOR CLERK'S USE ONLY

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

SUPERIOR COURT OF ARIZONA IN GRAHAM COUNTY

In the Matter of:

Case Number: _____

Name of Petitioner/Plaintiff

DECLARATION SUPPORTING PUBLICATION A.R.C.P. 4.1, 4.2, A.R.F.L.P. 41, 42

Name of Respondent/Defendant

UNDER PENALTY OF PERJURY I make this declaration to inform the Court why service by publication was necessary, and to show how service by publication was done.

1. **SERVICE BY PUBLICATION** is the best way to notify the other party of this court case because the other party is:

- Avoiding service of process, or
- The residence and location of the persons to whom notice was given by publication is unknown to me. I have made every reasonable effort to find those persons but despite a diligent search have been unable to find an address or location and to have the court papers personally served.

Note: If the Court is *not satisfied* that you have made *every reasonable effort* to locate the other party, you may be required to take additional steps adding delay and expense to your case, including being required to publish notice again.)

2. **I TOOK THE FOLLOWING ACTIONS BEFORE RESORTING TO PUBLICATION:**

- I mailed, postage prepaid, a copy of the following legal documents to the *last known* address of the person(s) entitled to notice on or before the first date of publication:*
(List title of each document *and the address mailed* to below.)

Name & Address

Mailed to:

| |
|--|
| |
| |

(continues)

OR

- I do not know and have never known of ANY address for the other party. He or she never lived at my address, and I have not mailed copies of the court papers.*

* IF the person entitled to Notice put in a mail forwarding order, mailing to the last known address (even if this is *your* address and you *know* the person is no longer there) should result in delivery of the court papers.

IF the person entitled to Notice did NOT put in a mail forwarding order, and the mail is returned to you as "Undeliverable", this may be helpful in demonstrating your good faith, reasonable efforts to have notice delivered.

- I also sent scanned copies of the documents to the other party's email address at: (address) _____ on (date): _____ *

I took the following actions to try to locate the other party: (Check all that apply. Supply details.)

- Checked the jail in Graham County and/or: _____
- Checked state prisons (Dept. of Corrections) in Arizona and/or: _____
- Checked phone directories Checked court records at: _____
- Contacted Post Office for forwarding address information.
- Checked obituaries at: (List where) _____
- Searched the Internet* at: (Check all that apply. List others.) Facebook MySpace Windows Live (Live.com) LinkedIn.com Spokeo.com Friendster.com Other Internet sites (List):* _____

*** I UNDERSTAND:**

1. I UNDERSTAND searching online and emailing alone are not enough to justify service by publication;
2. I UNDERSTAND If these are the only efforts i made to locate and actually serve notice, the court will not approve service by publication, and:
 - a. My case will be delayed,
 - b. Could be dismissed, and
 - c. I may have to take additional steps at my own expense, including having to publish notice again;
3. I UNDERSTAND that if my case is dismissed for failure to properly serve notice within the time limits set by law:
 - a. I will not get a refund of any fees paid,
 - b. I may have to start over, fill out all forms, and file the forms again, and
 - c. I may have to pay all fees, including filing fees and cost of publication *again*.

SIGN BELOW to indicate you have read and understand the above.

(Your Signature)

(Your Printed Name)

I contacted the persons listed below to try to get information about the location of the other party:

- **Name:** _____
Last Known Address: _____
How I contacted this person: _____
Relationship to Other Party: _____
Examples: friend, ex-wife, parent, brother, roommate, co-worker, employer)

- **Name:** _____
Last Known Address: _____
How I contacted this person: _____
Relationship to Other Party: _____

- **Name:** _____
Last Known Address: _____
How I contacted this person: _____
Relationship to Other Party: _____

- **Name:** _____
Last Known Address: _____
How I contacted this person: _____
Relationship to Other Party: _____

- **Name:** _____
Last Known Address: _____
How I contacted this person: _____
Relationship to Other Party: _____

3. MILITARY STATUS OF OTHER PARTY:

To the best of my knowledge, information, and belief, the other party is not in the military service of the United States.

4. **PUBLICATION INFORMATION: The following documents were published in a newspaper in the county where my case is pending.** (List title/name of each document. Example: Petition, Summons)

| | | |
|--|--|--|
| | | |
| | | |

The documents above were published on the following dates:

- A. _____ B. _____ C. _____ D. _____
 Month/Date/Year Month/Date/Year Month/Date/Year Month/Date/Year

AND/OR

The documents above were published in a newspaper in the Arizona county of the other party's last known address, _____ County, or if no newspaper is published in that county, in adjoining _____ County, and neither is the county in which my case is pending.

The documents above were published on the following dates:

- A. _____ B. _____ C. _____ D. _____
 Month/Date/Year Month/Date/Year Month/Date/Year Month/Date/Year

5. (REQUIRED) **A copy of the "Affidavit of Publication" and the actual Notice that was published is attached.** (The newspaper will send this to you after the last Notice has been published.)

UNDER PENALTY OF PERJURY

By signing below, I declare to the Court that I read, understood, and completed this document, and the information I have provided is true and correct under penalty of perjury.

Date

Signature

Printed Name

(Attach the **AFFIDAVIT OF PUBLICATION** supplied by the newspaper that published Notice.)