



PINAL COUNTY JUSTICE COURTS

**MOTION FOR
CHANGE OF VENUE
(IMPROPER VENUE)**

Small Claims & Civil

**INSTRUCTIONS
&
FORMS**

PINAL COUNTY
Apache Junction Justice Court
Central Pinal Justice Court
Western Pinal Justice Court



JUSTICE COURTS
Casa Grande Justice Court
Copper Corridor Justice Court
Pioneer Justice Court

Venue is the proper geographical location (precinct) in which a lawsuit may be filed. To determine proper venue in a case, one can file a lawsuit in the justice court precinct where the defendant resides or does business OR the justice court precinct where the incident occurred that brought about the debt or where the debt or obligation was incurred.

A motion for change of venue for improper venue must be filed PRIOR to filing an answer in the case, or else venue is waived. A motion for change of venue is filed to allege the lawsuit was filed in the wrong justice court precinct. However, venue may be proper in more than one justice court precinct. If the court grants the motion for change of venue the case will be transferred to the proper justice court.

The defendant must pay the answer fee for a small claims or a civil case (depending on which type of case) when a motion for change of venue for improper venue is filed. The defendant filing the motion for change of venue must mail/deliver a copy of the motion as well as a blank copy of the Plaintiff's Controverting Certificate Re: Affidavit for Change of Venue for Improper Venue to the plaintiff.

If the plaintiff opposes this motion, they may file an objection in writing within five (5) business days after service of the motion.

INSTRUCTIONS:

- 1) Complete the form and make copies. The court will require the original form and you must make a copy for each party (including yourself if you wish to have one).
- 2) File the original form with the court clerk and pay the applicable answer fee.
- 3) Mail or have delivered a copy to the Plaintiff (and Plaintiff's 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.

RESOURCES:

Pinal County Justice Courts website:

<http://pinalcountyaz.gov/Departments/JudicialBranch/JusticeCourts/Pages/Home.aspx>

Arizona Revised Statutes website:

<http://www.azleg.gov/ArizonaRevisedStatutes.asp>

Arizona Rules of Court website:

<http://azrules.westgroup.com/>

Pinal County Justice Courts, State of Arizona

MOTION AND AFFIDAVIT FOR CHANGE OF VENUE FOR IMPROPER VENUE

Case Number: _____

_____ _____ _____	_____ _____ _____
Plaintiff(s) Name / Address / Phone	Defendant(s) Name / Address / Phone
_____ _____ _____	_____ _____ _____
Plaintiff Attorney Name / Address / Phone	Defendant Attorney Name / Address / Phone

I am the Defendant in this action and I move for a change of venue. This motion is timely and is made before the expiration of the time allowed to answer herein. An affidavit is made a part of this motion. I make this affidavit pursuant to A.R.S. § 12-404(A).

The venue in this action is improper because:

- I reside at _____, in the _____ precinct.
- The debt or obligation which gives rise to this action occurred at _____ in the _____ precinct.
- The incident occurred at _____, in the _____ precinct.
- Other (state reason, pursuant to ARS 12-404A) _____.

I state under penalty of perjury that the foregoing is true and correct.

Date: _____
Defendant

CERTIFICATE OF MAILING

I CERTIFY that I mailed a copy of this MOTION and AFFIDAVIT to:

- Plaintiff at the above address or Plaintiff's Attorney Defendant at the above address or Defendant's Attorney

Date: _____ By Defendant: _____

TO PLAINTIFF: You have five days after service of this motion to controvert the defendant's affidavit if you wish to do so. If no response is given the Court will order the action transferred to the proper precinct and assess the associated costs of transfer against you, pursuant to A.R.S. § 12-407(E).

Pinal County Justice Courts, State of Arizona

PLAINTIFF'S CONTROVERTING CERTIFICATE RE: AFFIDAVIT FOR CHANGE OF VENUE FOR IMPROPER VENUE

Case Number: _____

_____	_____
_____	_____
_____	_____
Plaintiff(s)	Defendant(s)
Name / Address / Phone	Name / Address / Phone

_____	_____
_____	_____
_____	_____
Plaintiff Attorney	Defendant Attorney
Name / Address / Phone	Name / Address / Phone

I am the Plaintiff in this action. I oppose the Defendant's affidavit for a change of venue. I make this affidavit pursuant to A.R.S. § 12-404(B). The venue in this action is proper because:

- Defendant lives in this precinct at: _____
- The debt/obligation which gives rise to this action occurred in this precinct at: _____
- The incident occurred in this precinct at: _____
- Other (state reason, pursuant to A.R.S. § 12-404A) _____

I state under penalty of perjury that the foregoing is true and correct.

Date: _____
Plaintiff

CERTIFICATE OF MAILING

I CERTIFY that I mailed a copy of this CONTROVERTING CERTIFICATE to:
 Plaintiff at the above address or Plaintiff's Attorney Defendant at the above address or Defendant's Attorney

Date: _____ By Clerk: _____