



Supreme Court

STATE OF ARIZONA

402 ARIZONA STATE COURTS BUILDING
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RACHELLE M. RESNICK
CLERK OF THE COURT

KATHLEEN E. KEMPLEY
CHIEF DEPUTY CLERK

September 6, 2007

RE: RULE 5(c)(1), ARIZONA RULES OF CIVIL PROC. et al
Arizona Supreme Court No. R-06-0026

GREETINGS:

The following action was taken by the Supreme Court of the State of Arizona on August 27, 2007, in regard to the above-referenced cause:

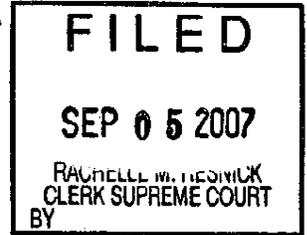
ORDERED: Petition to Amend Rule 5(c)(1), ARCVp & Rule 43(C), ARFLP = ADOPTED as modified, effective January 1, 2008.

Rachelle M Resnick, Clerk

TO:
Juanita Mann, President, Arizona Association of Superior Court Clerks
Hon James A Soto, Chairperson, Committee on Superior Courts
Final Rule Distribution List
cf

IN THE SUPREME COURT OF THE STATE OF ARIZONA

Supreme Court No. R-06-0026

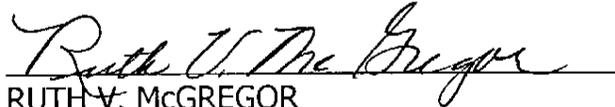


ORDER AMENDING RULE 5(c)(2)(D), Ariz. R. Civ. P.*

IT IS ORDERED that Rule 5(c)(2)(D), Ariz. R. Civ. P., be amended in accordance with the attachment hereto,** effective as of January 1, 2008.

DATED in the City of Phoenix, Arizona, at the Arizona Courts Building, this 5th day of September, 2007.

For the Court:


RUTH V. MCGREGOR
Chief Justice

* The petition proposed to amend Rule 5(c)(1), Ariz. R. Civ. P. However, that provision was changed to 5(c)(2)(D) by amendment effective June 1, 2006. The petition also proposed amendment of Rule 43(C)(2)(d), Ariz. R. Fam. L. Proc., to be consistent with the civil rule. The proposed family law rule change was approved by the Court in R-06-0022 and therefore is not repeated here.

** Changes or additions in rule text are indicated by underscoring and deletions from text are indicated by ~~strikeouts~~.

ARIZONA RULES OF CIVIL PROCEDURE

Rule 5. Service and Filing of Pleadings and Other Papers

Rule 5(c). Service After Appearance; Service After Judgment; How Made

(1) *Serving an Attorney.* If a party is represented by an attorney, service under this rule must be made on the attorney unless the court orders service on the party.

(2) *Service in General.* A paper is served under this rule by:

(A) handing it to the person;

(B) leaving it:

(i) at the person's office with a clerk or other person in charge or, if no one is in charge, in a conspicuous place in the office; or

(ii) if the person has no office or the office is closed, at the person's dwelling or usual place of abode with someone of suitable age and discretion who resides there;

(C) mailing it via U.S. mail to the person's last known address--in which event service is complete upon mailing; or

~~(D) leaving it with the court clerk if the person's address is unknown; or~~

~~(E) delivering the paper by any other means, including electronic means, if the recipient consents in writing to that method of service or if the court orders service in that manner--in which event service is complete upon transmission.~~

(3) *Certificate of Service.* The date and manner of service shall be noted on the original of the paper served or in a separate certificate. If the precise manner in which service has actually been made is not so noted, it will be conclusively presumed that the paper was served by mail. This conclusive presumption shall only apply if service in some form has actually been made.

(4) *Service After Judgment.* After the time for appeal from a judgment has expired or a judgment has become final after appeal, the service of a motion, petition, complaint or other pleading required to be served and requesting modification, vacation or enforcement of that judgment, shall be served pursuant to Rules 4, 4.1 or 4.2, as applicable, of these rules as if serving a summons and complaint.