

SUPREME COURT OF ARIZONA

In the Matter of) Arizona Supreme Court
) No. R-25-0032
RULES 4 AND 55(a), RULES OF CIVIL)
PROCEDURE)
) **FILED 08/28/2025**
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_____)

**ORDER AMENDING RULES 4 AND 55(a) OF
THE RULES OF CIVIL PROCEDURE**

A petition having been filed proposing to amend Rules 4 and 55(a) of the Rules of Civil Procedure and comments having been received, upon consideration,

IT IS ORDERED that Rules 4 and 55(a) of the Rules of Civil Procedure are amended in accordance with the attachment to this order, effective January 1, 2026.

DATED this 26th day of August, 2025.

/s/
ANN A. SCOTT TIMMER
Chief Justice

TO:

Rule 28 Distribution
Lisa M Panahi
Paige A Martin
Hon Samuel A Thumma

ATTACHMENT¹

RULES OF CIVIL PROCEDURE

Rule 4. Summons

(a) [No change]

(b) **Contents; Replacement Summons**

(1) *Contents.* A summons must:

(A)-(C) [No change]

(D) state the time within which the defendant must ~~appear and~~ plead or otherwise defend;

(E) notify the party to be served that a failure to ~~appear and~~ plead or otherwise defend ~~will~~ may result in a default judgment against that party for the relief demanded in the pleading;

(F)-(H) [No change]

(2) [No change]

(c)-(d) [No change]

(f) **Accepting or Waiving Service; Voluntary Appearance.** There are two ways to accomplish service with the assent of the served party—waiver and acceptance. A party also may voluntarily appear without being served.

(1)-(2) [No change]

(3) *Voluntary Appearance.*

(A) In Open Court. A party on whom service is required may, in person or by an attorney or authorized agent, enter an appearance in open court. The appearance must be noted by the clerk on the docket and entered in the minutes. A party who voluntarily appears must also plead or otherwise defend within the time limits set by these rules to avoid entry of default or a default judgment under Rule 55.

(B) [No change]

(4) [No change]

(g)-(i) [No change]

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¹ Additions to the text of the rule are shown by underscoring and deletions by ~~strike-through~~.

Rule 55. Default; Default Judgment

(a) Entering a Default.

(1) *Generally.* If a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend as provided in these rules, default may be obtained under the procedures set forth in this rule. Default is effective 10 days after an application for entry of default is filed under Rule 55(a)(2). If, within those 10 days, the party claimed to be in default pleads or otherwise defends as provided in these rules, default does not become effective, and the court may not enter a default judgment against that party.

(2) *Application for Entry of Default.* A party ~~seeking~~ requesting entry of default must file a written application that:

(A) identifies the party ~~against whom~~ claimed to be in default ~~is sought~~;

(B) states that the identified party has failed to plead or otherwise defend within the time allowed by these rules;

(C) provides ~~a current~~ the last-known mailing address for the identified party ~~claimed to be in default or, if none~~ or states that no such mailing address is known ~~, so states~~;

(D) identifies any attorney known to represent the identified party ~~claimed to be in default~~ in the action in which default is ~~sought~~ requested or in a related matter, or states that no such attorney is known;

~~(E) if applicable, states that the party requesting the entry of default does not know the whereabouts of a party claimed to be in default, or the identity and address of an attorney known to represent the party in the action or a related action; and~~

~~(F)(E)~~ attaches a copy of the Rule 4(g) proof of service, establishing the date and manner of service on the party claimed to be in default; and

(F) includes the following language in bold font of no less than 13-point typeface: “Under the authority of Arizona Rule of Civil Procedure 55(a)(2), an application has been filed requesting entry of default against [insert party name]. If [insert party name] pleads or otherwise defends within 10 days after the application is filed, default does not become effective, and the court may not enter a default judgment against that party. The 10-day period begins the day after the application is filed with the court, it does not include Saturdays, Sundays, or holidays, and no additional time is added for service by mail.”

(3) *Notice.* ~~For any default entered under Rule 55(a)(1), notice~~ Notice must be provided as follows:

(A) To the Party. ~~If the A party requesting the entry of default knows the whereabouts of the party claimed~~ must make a good faith effort to be in default, a copy provide notice of the application for entry of default ~~must be mailed to the party claimed to be in default, even if the party claimed to be in default is represented by an attorney who has entered an appearance in the action.~~ To comply with this obligation, the party requesting entry of default must mail a copy of the application for entry of default to the last-known mailing address for the party claimed to be in default. If the party requesting default has a reasonable belief that the party claimed to be in default can be contacted by email, that party must also transmit the application for entry of default by such means.

(B) To the Attorney for a Represented Party. If the party requesting the entry of default knows that the party claimed to be in default is represented by an attorney in the action in which default is ~~sought~~ requested or in a related matter, that party must also mail and email a copy of the application ~~also must be mailed~~ to that attorney, whether or not that attorney has formally appeared in the action. A party requesting the entry of default is not required to make affirmative efforts to determine the existence or identity of an attorney representing the party claimed to be in default.

(C) Time of Notice. Any required notice under Rule 55(a)(3)(A) or (B) must be mailed or transmitted on the date that the application is filed, or as soon as practicable ~~after its filing thereafter.~~

(D) [No change]

~~(4) A Default's Effective Date. The filing of the application for default constitutes the entry of default. A default is effective 10 days after the application for entry of default is filed.~~

~~(5) Effect of Responsive Pleading. A default will not become effective if the party claimed to be in default pleads or otherwise defends as provided in these rules within 10 days after the application for entry of default is filed.~~

(b)-(e) [No change]