

Rule 4.1. Service of Process Within Arizona, AZ ST RCP Rule 4.1

Arizona Revised Statutes Annotated

Rules of Civil Procedure for the Superior Courts of Arizona (Refs & Annos)

II. Commencing an Action; Service of Process, Pleadings, Motions and Orders; Duties of Counsel

16 A.R.S. Rules of Civil Procedure, Rule 4.1

Rule 4.1. Service of Process Within Arizona

Currentness

(a) Territorial Limits of Effective Service. All process--including a summons--may be served anywhere within Arizona.

(b) Serving a Summons and Complaint or Other Pleading. The summons and the pleading being served must be served together within the time allowed under [Rule 4\(i\)](#). The serving party must furnish the necessary copies to the person who makes service. Service is complete when made.

(c) Waiving Service.

(1) *Requesting a Waiver.* An individual, corporation, or association that is subject to service under Rule 4.1(d), (h)(1)-(3), (h)(4)(A), or (i) has a duty to avoid unnecessary expense in serving the summons. To avoid costs, the plaintiff may notify the defendant that an action has been commenced and request that the defendant waive service of a summons. The notice and request must:

(A) be in writing and be addressed to the defendant and any other person required in this rule to be served with the summons and the pleading being served;

(B) name the court where the pleading being served was filed;

(C) be accompanied by a copy of the pleading being served, two copies of a waiver form prescribed in [Rule 84](#), [Form 2](#), and a prepaid means for returning the completed form;

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(D) inform the defendant, using text provided in Rule 84, Form 1, of the consequences of waiving and not waiving service;

(E) state the date when the request is sent;

(F) give the defendant a reasonable time to return the waiver, which must be at least 30 days after the request was sent; and

(G) be sent by first-class mail or other reliable means.

(2) *Failure to Waive.* If a defendant fails without good cause to sign and return a waiver requested by a plaintiff, the court must impose on the defendant:

(A) the expenses later incurred in making service; and

(B) the reasonable expenses, including attorney's fees, of any motion required to collect those service expenses.

(3) *Time to Answer After a Waiver.* A defendant who, before being served with process, timely returns a waiver need not serve an answer or otherwise respond to the pleading being served until 60 days after the request was sent.

(4) *Results of Filing a Waiver.* When the plaintiff files an executed waiver, proof of service is not required and, except for the additional time in which a defendant may answer or otherwise respond as provided in Rule 4.1(c)(3), these rules apply as if a summons and the pleading being served had been served at the time of filing the waiver.

(5) *Jurisdiction and Venue Not Waived.* Waiving service of a summons does not waive any objection to personal jurisdiction or venue.

(d) Serving an Individual. Unless Rule 4.1(c), (e), (f), or (g) applies, an individual may be served by:

(1) delivering a copy of the summons and the pleading being served to that individual personally;

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(2) leaving a copy of each at that individual's dwelling or usual place of abode with someone of suitable age and discretion who resides there; or

(3) delivering a copy of each to an agent authorized by appointment or by law to receive service of process.

(e) Serving a Minor. Unless Rule 4.1(f) applies, a minor less than 16 years old may be served by delivering a copy of the summons and the pleading being served to the minor in the manner set forth in Rule 4.1(d) for serving an individual and also delivering a copy of each in the same manner:

(1) to the minor's parent or guardian, if any of them reside or may be found within Arizona; or

(2) if none of them resides or is found within Arizona, to any adult having the care and control of the minor, or any person of suitable age and discretion with whom the minor resides.

(f) Serving a Minor Who Has a Guardian or Conservator. If a court has appointed a guardian or conservator for a minor, the minor must be served by serving the guardian or conservator in the manner set forth in Rule 4.1(d) for serving an individual, and separately serving the minor in that same manner.

(g) Serving an Incapacitated Person or an Adult in Need of Protection Who Has a Guardian or Conservator. If a court has appointed a guardian or conservator for an incapacitated person or an adult in need of protection, the incapacitated person or the adult in need of protection must be served by serving the guardian or conservator in the manner set forth in Rule 4.1(d) for serving an individual, and separately serving the person in that same manner. If a court has appointed both a guardian and a conservator for the person, the person must be served by serving the conservator in the manner set forth in Rule 4.1(d) for serving an individual.

(h) Serving a Governmental Entity. If a governmental entity has the legal capacity to be sued and it has not waived service under Rule 4.1(c), it may be served by delivering a copy of the summons and the pleading being served to the following individuals:

(1) for service on the State of Arizona, the Attorney General;

(2) for service on a county, the Board of Supervisors clerk for that county;

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(3) for service on a municipal corporation, the clerk of that municipal corporation; and

(4) for service on any other governmental entity:

(A) the individual designated by the entity, as required by statute, to receive service of process; or

(B) if the entity has not designated a person to receive service of process, then the entity's chief executive officer(s), or, alternatively, its official secretary, clerk, or recording officer.

(i) Serving a Corporation, Partnership, or Other Unincorporated Association. If a domestic or foreign corporation, partnership, or other unincorporated association has the legal capacity to be sued and has not waived service under Rule 4.1(c), it may be served by delivering a copy of the summons and the pleading being served to a partner, an officer, a managing or general agent, or any other agent authorized by appointment or by law to receive service of process and--if the agent is one authorized by statute and the statute so requires--by also mailing a copy of each to the defendant.

(j) Serving a Domestic Corporation if an Authorized Officer or Agent Is Not Found Within Arizona.

(1) *Generally.* If a domestic corporation does not have an officer or an agent within Arizona on whom process can be served, the corporation may be served by depositing two copies of the summons and the pleading being served with the Arizona Corporation Commission. Following this procedure constitutes personal service on that corporation.

(2) *Evidence.* If the sheriff of the county in which the action is pending states in the return that, after diligent search or inquiry, the sheriff has been unable to find an officer or agent of such corporation on whom process may be served, the statement constitutes prima facie evidence that the corporation does not have such an officer or agent in Arizona.

(3) *Commission's Responsibilities.* The Arizona Corporation Commission must retain one of the copies of the summons and the pleading being served for its records and immediately mail the other copy, postage prepaid, to the corporation or any of the corporation's officers or directors, using any address obtained from the corporation's articles of incorporation, other Corporation Commission records, or any other source.

(k) Alternative Means of Service.

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(1) *Generally*. If a party shows that the means of service provided in Rule 4.1(c) through Rule 4.1(j) are impracticable, the court may--on motion and without notice to the person to be served--order that service may be accomplished in another manner.

(2) *Notice and Mailing*. If the court allows an alternative means of service, the serving party must make a reasonable effort to provide the person being served with actual notice of the action's commencement. In any event, the serving party must mail the summons, the pleading being served, and any court order authorizing an alternative means of service to the last-known business or residential address of the person being served.

(3) *Service by Publication*. A party may serve by publication only if the requirements of Rule 4.1(l), 4.1(m), 4.2(f), or 4.2(g) are met and the procedures provided in those rules are followed.

(l) Service by Publication.

(1) *Generally*. If a party shows that the service provided by Rule 4.1(c) through 4.1(k)--including an alternative means of service--is impracticable, the court may, on motion and without notice to the person to be served, order that service be accomplished by publication. A serving party may initiate the service by publication procedure described in Rule 4.1(l)(2) prior to moving for such an order or while the motion is pending. The court may permit service by publication, in such manner and form as the court may direct, if:

(A) the serving party, despite reasonably diligent efforts, has been unable to determine the person's current address; or the person to be served has intentionally avoided service of process;

(B) service by publication is the best means practicable in the circumstances for providing the person with notice of the action's commencement; and

(C) the motion is supported by affidavit that sets forth the serving party's reasonably diligent efforts to serve the person.

(2) Procedure.

(A) *Generally*. Service by publication is accomplished by publishing the summons and a statement describing how a copy of the pleading being served may be obtained at least once a week for 4 successive weeks:

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(i) in a newspaper published in the county where the action is pending; and

(ii) if the last-known address of the person to be served is in a different county, in a newspaper in that county.

(B) Who May Serve. Service by publication may be made by the serving party, its counsel, or anyone authorized under [Rule 4\(d\)](#).

(C) Alternative Newspapers. If no newspaper is published in a county where publication is required, the serving party must publish the summons and statement in a newspaper in an adjoining county.

(D) Effective Date of Service. Service is complete 30 days after the summons and statement is first published in all newspapers where publication is required.

(3) *Mailing*. If the serving party knows the address of the person being served, it must, on or before the date of first publication, mail to the person the summons and a copy of the pleading being served, postage prepaid.

(4) *Return*.

(A) Required Affidavit. The party or person making service must prepare, sign and file an affidavit stating the manner and dates of the publication and mailing, and the circumstances warranting service by publication. If no mailing was made because the serving party did not know the current address of the person being served, the affidavit must state that fact.

(B) Accompanying Publication. A printed copy of the publication must accompany the affidavit.

(C) Effect. An affidavit that complies with these requirements constitutes prima facie evidence of compliance with the requirements for service by publication.

(m) Service by Publication on an Unknown Heir in a Real Property Action. An unknown heir of a decedent may be sued as an unknown heir and be served by publication in the county where the action is pending, using the procedures provided in Rule 4.1(l), if:

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(1) the action in which the heir will be served is for the foreclosure of a mortgage on real property or is some other type of action involving title to real property; and

(2) the heir must be a party to the action to permit a complete determination of the action.

Credits

Added Sept. 2, 2016, effective Jan. 1, 2017. Amended Aug. 30, 2021, effective Jan. 1, 2022; Aug. 29, 2022, effective Jan. 1, 2023.

Editors' Notes

STATE BAR COMMITTEE NOTE

1991 Amendments to Rule 4.1(f) and 4.1(m)

Even where the conditions specified in the Rule are present, service by publication must also satisfy due process standards of being the best means of notice practicable under the circumstances and reasonably calculated to apprise interested parties of the institution and/or pendency of the proceedings. *Mullane v. Central Hanover Bank & Trust Company*, 339 U.S. 306, 94 L. Ed. 865 (1950). The party who elects to make service by publication is at risk that the service will be subject to a subsequent successful constitutional challenge. Where the last-known address of the person to be served by publication is outside Arizona, the procedures set forth in [Rule 4.2\[f\]](#) are to be followed. The provision requiring a supplementary mailing of a copy of the summons and of the pleading being served where the person's address is known has been retained, but it is stressed that service by publication on a person whose current address is known is only to be employed where it can be shown that that person is attempting to evade service. While the new Rule retains the provision that only the summons need be published, it adds the requirement that the publication contain a statement as to the manner in which a copy of the pleading being served may be obtained.

[Rule 4.1(m), formerly [Rule 4\(f\)](#)] is former Rule 5(f), the specific provision authorizing service of process by publication upon the unknown heirs of a decedent in certain actions involving real property. The Rule is included here because it deals with service of process at the initiation of the action rather than the service of pleadings and other papers generated during the course of the action. Because, by definition, both the identities and the residences of these heirs, if any, will be unknown, publication under this Rule need only be made in the county where the action is pending.

[Notes of Decisions \(78\)](#)

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State Court Rules are current with amendments received through May 15, 2025. The Code of Judicial Administration is

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current with amendments received through May 15, 2025.

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