



# APSA

**ARIZONA PROCESS SERVERS ASSOCIATION**  
*Certifying & Training Arizona's Professional Process Servers Since 1973*



THE ONLY NAPPS CHARTERED STATE ORGANIZATION IN ARIZONA

ARIZONA PROCESS SERVERS ASSOCIATION

## The NEWSLETTER

2nd Q 2018

[www.arizonaprocessservers.org](http://www.arizonaprocessservers.org)

**President:**

**Larry Ratcliff**

[larryratcliffpi@gmail.com](mailto:larryratcliffpi@gmail.com)

**Vice President:**

**Kelli McFarland**

[allianceinvestigations@msn.com](mailto:allianceinvestigations@msn.com)

**Secretary:**

**Patty Chlebanowski**

602-258-0022

[phxcourtsvs@nationwideasap.com](mailto:phxcourtsvs@nationwideasap.com)

**Treasurer:**

**Luis Figueroa**

[luis@alssinc.com](mailto:luis@alssinc.com)

(928) 343-9071

**Directors:**

**Barry R. Goldman**

[service@rapidrps.com](mailto:service@rapidrps.com)

877-472-7431

**Don Howell**

[azreadyprocessservice@q.com](mailto:azreadyprocessservice@q.com)

**Sean Laman**

[seanlamanwork@gmail.com](mailto:seanlamanwork@gmail.com)

623-628-3389

**Eric Sotelo**

[eric@integrityas.com](mailto:eric@integrityas.com)

**Immediate Past President:**

**Ron Ezell**

[rezell@firstlegal.com](mailto:rezell@firstlegal.com)

Published by the

**Arizona Process Servers Assn.**

PO Box 2233, Phoenix, AZ

85002 Phone: (602) 476-1737

Fax: (602) 258-9550

[azserverassoc@gmail.com](mailto:azserverassoc@gmail.com)

Edited & Produced by:

**Barry R. Goldman**

## President's Message *Larry Ratcliff*

April 25, 2018

Good Morning All Y'all,

Are you tired of having the same ole APSA President? Are you tired of the same ole APSA Classes? Do you want to see some online classes? How about online meeting attendance?

If so I welcome, you to get involved with your association.

We are currently looking for members who are willing to take on developing classes, becoming active board members, and assisting with the annual conference!

Are you willing to be a Door Greeter at the conference and help with registration?

Are you willing to be on our Legislative Committee and go to regular sessions of the Senate and House to make sure our Association is being represented?

If so I challenge you to step up and volunteer and become an active member of association.

Its really easy to get started. There are no fees, no test, all you have to do is **show up at the next regular board meeting in Flagstaff Arizona on June 2nd 2018 at the Flagstaff Country Club** and let us know you want to help.

Did you know in June it about 20 degrees cooler in Flagstaff than in the Valley?

Did you know that travel to your association meeting and classes are tax deductible?



Did you know that the Flagstaff Country Club has an *Awesome Club*

Sandwich for Lunch?

So in closing I challenge each and every member of APSA to become an active member of the Arizona Process Servers Association.

Remember — Be Safe out there!

**Larry**

Larry Ratcliff

APSA President 2017-2018



**New LLC Law Effective  
9/1/19—See Inside**

## Editor's Column



**Barry R. Goldman**

Having been a Process Server for over 30 years, I've had the (sometimes) pleasure of serving incarcerated individuals. I've served short timers and lifers, including thugs, brutes and creeps whose crimes were so heinous I thought they should have been on death row. Fortunately, my trips to the prisons and jails are relatively short, but sometimes bittersweet. I serve inmates and convicts with protective orders, termination of parental rights, divorce petitions, and other papers, including such disgusting characters as convicted child and spousal abusers face to face.

Recently, I had the displeasure of serving a heroin addicted gang banger with a voluntary consent for his child to be adopted by the mother's husband. This loser hasn't seen his kid since he was ten months old, hasn't contributed to the kid's well being and hasn't cleaned up his own act. He was a loser when the kid was born, abusive, into drugs and malfeasant activity, and the (unwed) mother took flight with the kid two years later to escape getting dragged into his downhill slide.

Predictably, this inmate was incensed at the nerve of the mother to ask him to sign the consent. Furious, he refused to sign the document and while handcuffed (for good reason) adamantly told me that she had no right to take his kid away. Needless to say, I told him I'm not the judge and not the person he should be telling his woes to. He went off on the ex, agitated that she could "do this" to him, as if he didn't bear some responsibility.

I have no sympathy for this clown. In my not so humble opinion, fathers (and mothers) who abandon their children deserve to lose their parental rights. A parent's first and utmost responsibility is to their child. Kids deserve two parent, loving, nurturing households. When the custodial parent finds a better fit to replace the absent parent, there isn't any reason for a parent who has had no contact with their child to step aside and give that kid the chance they deserve.

Our kids are our future, growing here and now. Kids deserve better.



### I CANN PROCESS SERVICE

**LINDA M. COONTS, A.C.P.S.**

**OFFICE: (520) 249-5100**

P.O. Box 728

Sierra Vista AZ 85636

Registered Officer of Superior Court

State of Arizona

County of Cochise

**Nearly 1 million US households were ordered evicted in 2016, database shows**



By Debra Cassens Weiss

April 11, 2018

For the full story, see:

<http://www.abajournal.com/news/>

## Secretary's Corner

**Patty Chlebanowski, Secretary**



Hello everyone,

Well summer temperatures seem to be here, whether we want them to or not. Please remember to DRINK WATER while you are out and about in your cars.

Thank you for all of you that had renewed your membership for the 2018 term. Please always be sure to check out your listing, in case I had made a typographical error. It does happen from time to time.

I hope to see you at our next classes which we will be holding 10 hours up in cool country Flagstaff at the Continental Country Club on June 2<sup>nd</sup> and 3<sup>rd</sup>. We will have our board meeting on Saturday, following the Continuing Education Classes on June 2<sup>nd</sup>.

We hope you come and join us.

Be safe and we will talk soon,  
Patty Chlebanowski  
Work: 602-254-7427



## Legislative Beat

### SB 1012



Last edition, we gave you Senate Bill 1012, authored by Senator John Kavanagh. While the bill would have codified the State v. Starr decision, unfortunately, the bill went nowhere.

On January 8, 2018, the bill was assigned to the Rules and Judiciary committees of the Senate. After that, the bill took no action and died, leaving process servers with no protections nor safeguards against trespassing allegations in serving legal process within HOA or gate guarded communities. *Again.*

Rumor has it that one of the state's largest and most powerful lobbying groups put their two cents into the legislative ear to can the bill. Why? Who would do such a thing? My answer: *Follow the money.*

ARS §12-3301. B. IN ATTEMPTING TO SERVE OR WHILE SERVING PROCESS, A DULY APPOINTED OR CERTIFIED PRIVATE PROCESS SERVER IS AUTHORIZED TO:

1. ENTER AND REMAIN ON REAL PROPERTY.
2. ENTER UNANNOUNCED AND REMAIN IN A PLANNED COMMUNITY OR CONDOMINIUM ASSOCIATION THAT IS GUARDED OR GATED.

So, effectively by the time you read this, Senate Bill 1012 will be dead. — *BRG*

## United States v. Microsoft

Lawyers for Microsoft Corp. told the U.S. Supreme Court in April that they concur with the U.S. Justice Department that their dispute over law enforcement access to emails stored outside the country is now moot.



In the U.S. v. Microsoft case (US Supreme Court 17-2), the question raised was: Is an email provider who has been served with a warrant required, under 18 U.S.C. § 2703, to provide the federal government with emails, even when the email records are stored exclusively outside the United States?

With the passage of the *CLOUD Act* (Clarifying Lawful Overseas Use of Data Act, Consolidated Appropriations Act, 2018, H.R. 1625, Div. V, 115th Cong., 2d Sess. (2018)), domestic warrants served for emails held on servers outside of the U.S. may be enforceable. Microsoft was accordingly served anew.

## APSA Newsletter 2016 Quarterly Publishing Schedule

**1st Quarter: (Jan. 1-Mar. 31)**  
**All submissions are due no later than Feb. 1st; targeted publication date is Feb. 15th.**

**2nd Quarter: (Apr. 1-June 30)** **All submissions are due no later than May 1st; targeted publication date is May 15th. The annual publication of the Bylaws and Code of Ethics occurs in this edition.**

**3rd Quarter: (July 1-Sept. 30)**  
**All submissions are due no later than July 1st; targeted publication date is July 15th, but in no circumstance any later than 45 days prior to the scheduled Annual Conference and Educational Event. (See Bylaws, Article VIII, Section 1.)**

**4th Quarter: (Oct. 1-Dec. 31)**  
**All submissions are due no later than November 1st; targeted publication date is December 1st.**

**Schedule changes:** Publication schedule may be subject to change for any reason including but not limited to accommodating Board meeting dates, continuing education events, special submissions, news or other information to better serve our members and other readers. Additional Newsletter editions may be published at the direction of the APSA Board.

**Changes & Corrections:** If you have changes or corrections to your contact information, please let us know by contacting the APSA Secretary.

**National Affiliation:** APSA was originally founded in 1973. It is the sole state association of process servers recognized and chartered by NAPPS — the National Association of Professional Process

## Legislative Beat

## HB 2249



**NOTABLE: Requires the court, after granting an OP, to provide the order to a law enforcement agency or constable for service.**

From the Senate Fact Sheet:

### *IAH, IAWH and OP Filing*

- Requires a plaintiff's contact information to be disclosed to the court for purposes of an IAH, IAWH and OP service, but prohibits such information from being listed on a petition.
- Requires an affidavit, declaration, acceptance or return of service related to service of an IAH, IAWH or OP to be filed as soon as practicable within 72 hours and allows the filing to be done electronically.
- Requires the court to register an IAH, IAWH or OP with the National Crime Information Center within 24 hours of filing.
- Requires the Supreme Court, rather than a county sheriff, to maintain a central repository of filed orders.
- Clarifies that an IAH, IAWH and OP expires if not served on the defendant within one year after the date the injunction or order is issued.

### *Service of OPs*

- Requires the court, after granting an OP, to provide the order to a law enforcement agency or constable for service.
- Designates the appropriate body to complete the service depending on where the order originates.
- Requires the agency or entity serving the order to provide confirmation of service to the plaintiff as soon as practicable.
- Requires the agency or entity to notify the plaintiff and continue to attempt service if service cannot be completed within 15 days of the receipt of the order.
- Permits plaintiff notification through a victim notification system.
- Removes the requirement for a law enforcement agency to request that a prosecutorial agency file charges for a violation of an OP.
- Stipulates that an emergency OP expires at the close of the next judicial business day, or 72 hours after issuance, whichever is longer.
- Requires the judicial officer who issues an oral emergency OP to document the issuance as soon as practicable.

### *Miscellaneous*

- Defines *victim notification system*.
- Makes technical and conforming changes.
- Becomes effective on January 1, 2020.

Background (Senate Fact Sheet):

An OP is a civil court order issued to prevent continuing acts of family violence (A.R.S. § 13-3602). Such acts of violence include any act by one member of a family or household intended to physically harm another member, a serious threat of physical harm or the abuse of a child. An OP is used for situations where the parties live together, have children together or have a qualifying familial relationship to one another (A.R.S. § 13-3601). If a court is closed for business, a party wishing to receive an OP may seek an emergency order from local law enforcement agencies which may be granted telephonically (A.R.S. § 13-3624).

An IAH is a civil order that does not depend upon familial relationships and is available if the conduct of any person is harassment. An IAWH is a civil order issued to protect employees at an employer's place of business. Only an employer or an authorized agent of an employer may file an IAWH (A.R.S. §§ 12-1809; 12-1810). The sheriff is required to maintain a central repository for IAHs, IAWHs and OPs for verification purposes.

*The Governor signed this bill into law on April 17, 2018. — BRG*

## Legislative Beat



# Arizona Adopts an Entirely New LLC Law Effective 9/1/19

*From Richard Keyt, KEYTLaw, L.L.C., Published on May 1, 2018 on LinkedIn*

On April 10, 2018, Arizona Governor Ducey signed Senate Bill 1353, a law that will entirely replace existing Arizona limited liability company law with a new LLC law. Arizona's new LLC law called the "Arizona Limited Liability Company Act" (ALLCA) is effective September 1, 2019, for Arizona LLCs created after August 31, 2019. All Arizona LLCs created before September 1, 2020, will become subject to the ALLCA from and after August 31, 2020.

Here are some important facts about Arizona's new LLC law:

- The new ALLCA will govern all 800,000+ Arizona LLCs that exist after August 31, 2020.
- Beginning September 1, 2020, all Arizona court cases that deal with Arizona's current LLC law will be effectively eliminated.
- Beginning September 1, 2020, Operating Agreements drafted for current LLC law will become obsolete and all Arizona LLCs will need an Operating Agreement drafted pursuant to the new ALLCA.
- All Arizona LLCs created after August 31, 2019, will need an ALLCA compliant Operating Agreement.

## From the Senate Fact Sheet for SB1353—Service of Process

- Allows an LLC without a statutory agent, or a statutory agent that cannot with reasonable diligence be served, to be served by registered mail, certified mail or commercial delivery to the principal address of the LLC.
- Allows service to be made by handing a copy to the individual in charge of any regular place of business associated with the LLC, if process, notice or demand cannot otherwise be served.
- **Repeals the ability of a person to serve the ACC if process, notice or demand cannot otherwise be served and the requirement that the LLC has 30 days to respond after service to the ACC.**

## 29-3119. Service of process, notice or demand (Effective Sept. 1, 2019)

A. A limited liability company or registered foreign limited liability company may be served with any process, notice or demand required or permitted by law by serving its statutory agent.

B. If a limited liability company or registered foreign limited liability company ceases to have a statutory agent, or if its statutory agent cannot with reasonable diligence be served, the company or foreign company may be served by registered or certified mail, return receipt requested, or by a similar commercial delivery service, addressed to the company or foreign company at its principal address. The principal address must be as shown on the company's or foreign company's most recent filing with the commission. Service is effected under this subsection on the earliest of any of the following:

1. The date the company or foreign company receives the mail or delivery by the commercial delivery service.
2. The date shown on the return receipt, if signed by the company or foreign company.
3. Five days after the mail or delivery is deposited with the United States postal service or with the commercial delivery service, if correctly addressed and with sufficient postage or payment.

C. If process, notice or demand cannot be served on a limited liability company or registered foreign limited liability company pursuant to subsection A or B of this section, service may be made by handing a copy to the individual in charge of any regular place of business or activity of the company or foreign company if the individual served is not a plaintiff in the action.

D. Service of process, notice or demand on a statutory agent must be in a written record.

E. Service of process, notice or demand may be made by other means under law other than this chapter.



## Opinion: Free advice isn't free if it ends up being wrong.



I get Google alerts for certain key terms, like "process server", "service of process", etc. One afternoon, I clicked on a link that took me to a blog where an individual defendant was questioning the method of service of a federal (U.S. District Court) paper from out of state to her in her home state of Virginia.

It seems the defendant (an individual) found that a summons and complaint was posted to her former residence. She wrote to the blog, and her question was answered by one of the lawyer "experts". Curious, I read the answers and the back and forth between the defendant and the writer. It follows something like this:

Defendant: *I live in Virginia, and I received a summons from United States District Court Northern District of Illinois. It was left at the door of my previous residence, but I got it from the realtor last Saturday.*

Expert: *This isn't legal service of process so you don't have to respond at all. The person suing you has to get good legal service on you to formally notify you of the lawsuit. This can be by personal service...or, in the alternative, by abode service. 735 ILCS 5/2-203(a). Abode service consists of the process server handing the summons and complaint to a member of the defendant's family 13 years of age or older, who regularly resides at the defendant's residence, and the subsequent mailing of the summons and complaint to the defendant at that address. 735 ILCS 5/2-203(a). Abode service is sometimes referred to as substitute service.*

*Personal service outside of the state may be made in like manner as service within the state by any person over 18 years of age who is not a party to the action. No order of the court is required, and an affidavit of the service shall be filed stating the time, manner and place of service. 735 ILCS 5/2-208(b).*

Defendant: *OK, great. Thanks for the legal advice, I'm glad I don't have to do anything about that nasty lawsuit I've been named in, so I'll just ignore it.*

Hmmm... Like Lewis Carroll's Alice in Wonderland, "curiouser and curiouser" the matter became. I looked up some information on ServeNow.com, my NAPPS guide and other sources, including the State of Virginia. Of course, I also looked up the Federal rules for service of process, as well to be sure.

Under the Federal Rules of Civil Procedure, Title II, Commencing An Action; Service of Process, Pleadings, Motions, and Orders, Rule 4 Summons, sub-paragraph (e) states,

"Serving an Individual Within a Judicial District of the United States. Unless federal law provides otherwise, an individual—other than a minor, an incompetent person, or a person whose waiver has been filed—may be served in a judicial district of the United States by:

- (1) following state law for serving a summons in an action brought in courts of general jurisdiction in the state where the district court is located or where service is made; or
- (2) doing any of the following: (A) delivering a copy of the summons and of the complaint to the individual personally;(B) leaving a copy of each at the individual's dwelling or usual place of abode with someone of suitable age and discretion who resides there; or (C) delivering a copy of each to an agent authorized by appointment or by law to receive service of process."

Notice the "... or where service is made..." in the above? Virginia law (2006 Code of Virginia § 8.01-296 - Manner of Serving Process Upon Natural Persons) states, in part: (a) If the party to be served is not found at his usual place of abode, by delivering a copy of such process and giving information of its purport to any person found there, who is a member of his family, other than a temporary sojourner or guest, and who is of the age of 16 years or older; or: (b) If such service cannot be effected under subdivision 2 a, then by posting a copy of such process at the front door or at such other door as appears to be the main entrance of such place of abode...

So, did the "expert" give good legal advice? You decide. Had the expert paid attention (like seeing "*It was left at the door of my previous residence*") and done a little more research before answering, in my opinion, he might have given a good, comprehensive piece of advice to the defendant, as she doesn't live in Illinois any longer, but in Virginia. (*i.e.*: The plaintiff may move for a default judgment because you didn't respond to the posting at your old residence, so you may want to watch the dockets). But instead, the defendant, like Stevie Wonder behind the wheel, is depending on someone else to direct her to steer in the right direction before crashing the car. Free advice isn't free if it ends up being wrong.

BRG

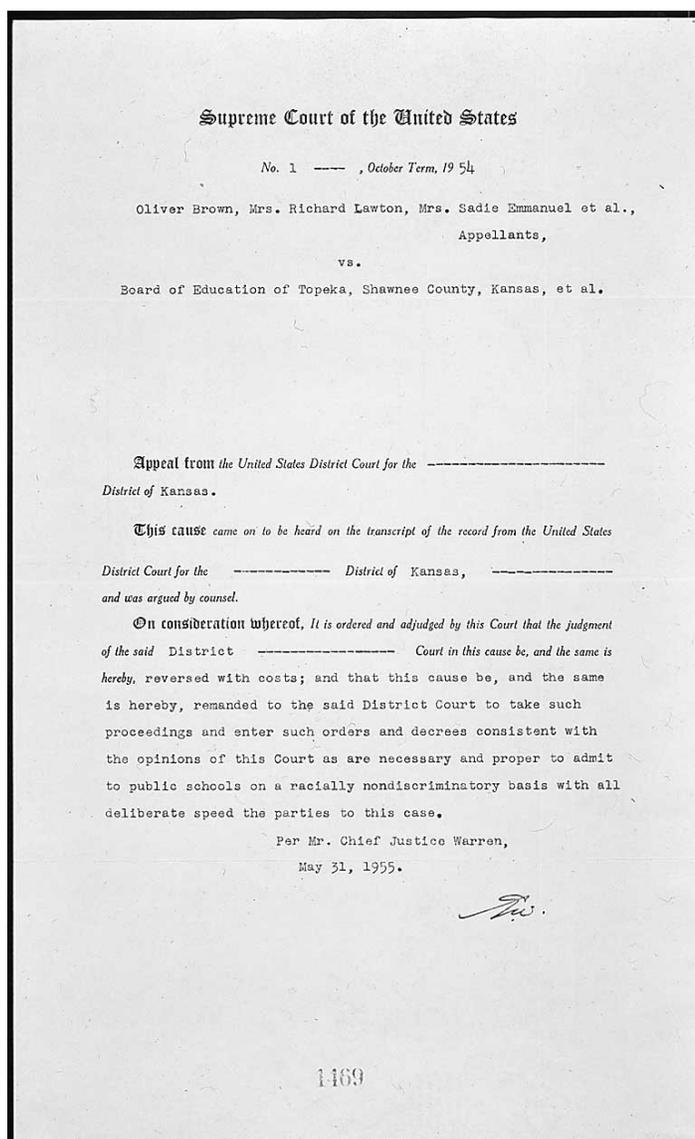
**APSA**

## After 17 Years, State Bar Phased Out AzbarMail

Effective April 1, 2018, the AzbarMail email platform and associated email addresses were deactivated. The decision to end the free email was based on the looming failure of the outdated system. The state Bar cited operational risks and cyber threats, along with the increase in manpower and costs required to maintain or update the system influencing the decision to phase out the email platform.

## Passage of History

*Rest in peace, Linda Brown*



"64 years ago a young girl from Topeka brought a case that ended segregation in public schools in America. Linda Brown's life reminds us that sometimes the most unlikely people can have an incredible impact and that by serving our community we can truly change the world."

— Kansas Governor Jeff Colyer

**APSA**

## APSA Board Meeting Agenda

March 10, 2018

### ARIZONA PROCESS SERVERS ASSOCIATION

Board Meeting Agenda for March 10, 2018 at 3:30 PM  
Aquarius Casino at 1900 South Laughlin Drive,  
Laughlin, NV 89029

PRESIDENT'S REPORT: Larry Ratcliff:  
VICE PRES. REPORT: Kelli McFarland  
SECRETARY'S REPORT: Patty Chlebanowski Minutes for Approval from Jan. 13, 2018; Mail, phones, website  
TREASURER'S REPORT: Luis Figueroa Approving of Treasurer's Report 2 figures one as of Jan. & the current.  
COMMITTEE REPORTS:  
Website Report, Membership Report: Patty Chlebanowski  
Grievance Report: John Carpenter  
Newsletter Report: Barry Goldman  
Continuing Education: Patty Chlebanowski, Sean Laman & Aubrey Keck Conference Details, Vendors, Classes  
Legislative Report: Larry Ratcliff & Ron Ezell ; Assault: Sean Laman  
Old Business:  
NEW BUSINESS: Sean Laman –Legal Shield



### Was It Worth It?

A Falls (NY) woman has pleaded guilty to conspiracy to commit wire fraud in connection with a debt collection scheme. Debbie Seright, 52, entered her plea during a proceeding in U.S. District Court in Buffalo on April 13, 2018. The charges carry a maximum penalty of 20 years in prison and a \$250,000 fine. The scam collected +/- \$1,154,213 between July 2015 - Dec. 2016.

## How Process Servers Can Plan for Retirement

April 09, 2018  
by Stephanie Irvine  
Servenow.com



*For process servers who work as independent contractors or who operate their own business, planning for retirement requires a bit of ingenuity and research — but it can be done. While traditional employees often have options to invest in employer-sponsored 401k plans or have the ability to participate in a pension program, process servers who don't work as employees have to look at other ways to self-fund their retirement.*

<https://www.serve-now.com/articles/servers/articles>



- Never put off till to-morrow what you can do to-day.
- Never trouble another for what you can do yourself.
- Never spend your money before you have it.
- Never buy what you do not want, because it is cheap; it will be dear to you.

— Thomas Jefferson

# APSA

## APSA Board Meeting Minutes

### March 10, 2018 (Unofficial)

#### ARIZONA PROCESS SERVERS ASSOCIATION

##### Board Meeting Minutes

March 10, 2018 at 3:30 PM at

Aquarius Casino at 1900 South Laughlin Drive

Laughlin, NV 89029

#### THOSE IN ATTENDANCE:

Board Members: Patty Chlebanowski, Larry Ratcliff, Barry Goldman, Sean Laman, Luis Figueroa and Don Howell and members present: Candy Ratcliff, Peter C. Montes, Tracy B. Arnold, Brent Haynes, Shanlynn Rabenda and Attorney Charley Laman.

#### PRESIDENT'S REPORT:

Larry Ratcliff thanked everyone for attending the meeting and asked how they were enjoying the class that Barry Goldman was teaching. He thanked the membership that stayed for the board meeting to see what the association does for them in the background.

Sean Laman mentioned we had a person listening in on the meeting though our new voice telecommute.

#### VICE PRESIDENT'S REPORT:

Kelli McFarland was unable to attend but sent in a written report. Patty Chlebanowski read it out to the board and members.

"My assignment was to "Find out why the Yavapai County Constable is serving Superior Court papers?". This request was made by a member out of Cottonwood.

I personally spoke with the Verde Valley Constable, Jody Fanning, on February 16, 2018, at approximately 1100 hours at his office at 10 6<sup>th</sup> Street, Cottonwood, AZ, and asked him that very question. Constable Fanning answered, "Because I can", and handed me A.R.S. Code 22-131, along with RCP 4 (copies were attached). No other information to report.

A discussion followed the reading of this report and we discussed the ARS Code 22-131 & Rule 4 rules amongst the board and membership.

Patty Chlebanowski also mentioned, she had forwarded the Serve Now Member Benefit Report to contact them and get more information about the email sent to the board.

#### SECRETARY'S REPORT:

Patty Chlebanowski asked if we reviewed the board minutes from January 13, 2018 that was previously emailed to the board and I did pass out a few copies to the membership that was present. Did you see any corrections that needed to be made. I had one correction in my language to be corrected from Kelli and that has been reflected in the current minutes. Sean had a correction to be made on Page 3 in the continuing education section, I had typed \$250.00 for a members table, correct fee is

\$200.00 for a table. Correction will be made. A motion was made by Barry Goldman to approve the Secretary's minutes, seconded by Sean Laman. All in favor was asked and motion passed. Patty reported that she has kept up with the duties of the mail which was last checked on Thursday, March 8, 2018 phone checked up to March 6, 2018.

Sean Laman asked Patty to make sure in the future all current board meeting dates are posted. Patty did mention they were in each newsletter and when the mass emails go out with the registration dates and times of each of the training classes, the membership gets notified then also. Patty will correct the website as soon as possible.

#### TREASURER'S REPORT:

Luis Figueroa passed out written reports: Profit & Loss January through December 2016 and also Profit & Loss January through December 2017. The checking account currently has \$13,077.53, the Savings account has \$5,000.52 and the Legislative Account has \$15,726.31 and Pay Pal has \$1,006.82 and will be transferring to the checking shortly. All accounting is up to date. A motion was made to approve the Treasurers report by: Barry Goldman and seconded by Don Howell. Motion passed.

#### COMMITTEE REPORTS:

**Membership Report:** Patty Chlebanowski reported everything is currently up to date on our website. We currently have about 70 paid members. Which is down a little from last year. Barry Goldman asked if I could get him a list of members that did not renew, so they could reach out to members that had not renewed.

#### Website Report:

Patty Chlebanowski reported that the website information will be completed after this meeting. Sean Laman brought it to my attention that I need to make sure the board meeting dates get posted. I will complete this task.

#### Grievance Report:

John Carpenter was not present, but did not report there have not been any complaints to any of the board members.

#### Newsletter Report:

Barry Goldman reported that all of the board did not get their biographies to him. He is still waiting on Kelli McFarland's biography. A motion was made to continue through the 2018 calendar year to have Barry Goldman publish each newsletter at \$500.00 by Patty Chlebanowski and seconded by Luis Figueroa. Motion passed. Sean Laman wanted us to include the Constables in our mailing. He still has open conversations with them and would like to continue to keep this.



# APSA

## APSA Board Meeting Minutes

### March 10, 2018 (Unofficial, continued)

#### ARIZONA PROCESS SERVERS ASSOCIATION

##### Board Meeting Minutes

March 10, 2018 at 3:30 PM at  
Aquarius Casino at 1900 South Laughlin Drive  
Laughlin, NV 89029

#### Newsletter Report (continued):

We shared several stories of the difficulties we have had in the past with the Constables serving Superior Court papers when they are only authorized to serve Justice Court papers.

#### Continuing Education:

Patty Chlebanowski reported that the NAPPS Conference is our next CLE hours in April in San Diego and on June 3<sup>rd</sup> in Flagstaff, AZ. Patty also reported Aubrey Keck had given Sean Laman a list of classes he is currently attempting to get approved under his name for teaching the membership. He has had some medical problems and has not been available to attend any of the meetings recently.

Sean Laman & Patty Chlebanowski reported that they both attended a Annual Conference meeting with the AALPI and we discussed the vendors that have been contacted so far and the classes that we have scheduled so far and shared some additional thoughts.

Sean Laman reported he has one confirmed Vendor: Pure Platinum Automation, LLC, so far. He needs a pay pal Invoice and Luis will create one and send it to him.

Patty reached out to Kelli McFarland to contact Dr. Jeffery Hynes to see if he was available to come be a speaker for our Conference again.

Patty Chlebanowski mentioned about having a Casino night. Both AALPI and APSA agreed to have me contact the Casino and see if we could get a shuttle for Saturday evening. It would give the option of members to go to other restaurants and also have a fun evening without having to drive to the casino.

#### Legislative Report:

Barry Goldman reported that Senator Kavanaugh who introduced SB1012 (that Col. John Tavernaro worked with him diligently on) did not make it past committee and died. It never made it to the floor.

#### OLD BUSINESS:

Don Howell reported about the T Shirts & Polo Shirts. He had found a place that would charge \$35.00 for the set up of the Embroidery, \$15.00 per shirt & \$22.00 & up for the Polo Shirts. He also showed us the light weight jackets. He also needs a current logo.

#### NEW BUSINESS:

Sean Laman had Kenyatta Turner from Legal Shield on the phone conference line. Kenyatta explained about the offer of membership to our members. We would need to sign up as an Association and the Association would then be able to get 4% of the annual premiums of any new members signing up. We would need to start this group with 5 members signing up in the program. This is called a Finder's Fee agreement which is a group authorization format. We would need to start by providing our Bank account, W9. We could put it on our website that we provide Legal Shield, we could add it to our newsletters.

We asked Kenyatta several questions, what the current costs for a membership and what a discounted rate would be. We also told her we have had several Legal Shield vendors in the past and our participation with members joining was not large. We think because we work with attorneys as our clients every day. We thanked her for calling and apologized for having her on the phone the whole time, we would have started with her first. We are going to table the discussion for right now.

Sean Laman introduced Charley Laman, an attorney that is offering legal representation to the board of directors for the Association and its members at a discounted rate. Charley spoke about his relationship with the other process servers association, how he attended all board meetings, he had helped several process servers with problems that arouse while serving papers. He attended hearings with them on their behalf. He can offer his services to the membership at a discounted rate saving our members 25%. He could talk to and answer question via phone but if need to be hired it would be at the reduced rate. He gave us all the new Family Law Rules: Rule 41 and 42, that are not changing anything pertaining to process serving, it just clarifies the current law. Charley left the room after several questions so we could take a vote.

A motion was made to have Charley Laman our legal advisor by Barry Goldman and was seconded by Patty Chlebanowski. Sean Laman abstained because of his relationship to Charley Laman. Motion passed.

Meeting was adjourned at 5:56 PM.

Submitted by: Patty Chlebanowski, Secretary



#### Training Corner Extra:

#### Over 20M Chrome Users Victims of Fake Ad Blockers

AdGuard.com's recent study showed that more than 20 million people downloaded fake ad blockers, thus basically entrusting their devices to third parties. Learn more about how it happened and why it was hazardous.

<https://blog.adguard.com>

# APSA

TRAINING COURSE APPLICATION

Return to: APSA Continuing Education Committee

P.O. Box 2233, Phoenix, AZ 85002-2233

PH: (602) 476-1737

NAME: \_\_\_\_\_

(Print your name, as you want it to appear on your certificate.)

MAILING ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_

HOME PHONE: \_\_\_\_\_ WORK PHONE: \_\_\_\_\_

EMPLOYER: \_\_\_\_\_

Please reserve my space in the following classes, which have been approved by the Arizona Supreme Court to carry a continuing education credit for the designated hours. I have entered the classes I prefer to attend, and have checked the fees that apply to me. I understand that the fees and the application have to be received at the above address, before my seat is secured for the classes, and that all fees are non-refundable.

COURSE NAME: \_\_\_\_\_

Continental Country Club

LOCATION: 2380 North Oakmont Drive, Flagstaff, AZ 86004

DATE: Saturday, June 2, 2018, 8:30 a.m. – 3:30 p.m. A.C.P.S (6 hour class) and

Sunday, June 3, 2018, 9:00 a.m. – 1:00 PM - Report Writing , Skip Tracing and Protective Order Classes (4 hours)

CLE HOURS: \_\_\_\_\_

TOTAL COST: \_\_\_\_\_

(\$15.00 PER CLE HOUR)

By making application to the Arizona Process Servers Association, I understand that all materials provided in the courses are copyrighted. There are no refunds. I understand these courses are not a substitute for registration and appointment with the Court under RCP (4)e, but is a symbol of my professional level within the legal community, and will count for hours towards the continuing education credit needed under the rules of The Arizona Supreme Court.

SIGNED: \_\_\_\_\_ DATE: \_\_\_\_\_



## ANNUAL PUBLICATION OF APSA BYLAWS

### Article I – NAME

This Association shall be known as the Arizona Process Servers Association, hereinafter referred to as APSA.

### Article II – PURPOSE

To promote and upgrade the process serving industry through the following objectives:

Section 1. Promoting any legislation and rule changes which will help the industry.

Section 2. Combating legislation which may harm the industry.

Section 3. Creating and maintaining a moral and ethical standard for the industry.

Section 4. Improving relations between the industry and the legal community – attorneys, judges, clerks and officers of the court – and the general public, statewide and nationally.

### Article III – MEMBERSHIP

Section 1. Membership in the Association shall be open to all persons who have been directly or indirectly affiliated with the profession of process serving.

Membership is approved on an individual basis and is not transferable.

Section 2. All applications for membership must be completed in full on a form approved and provided by the Association. Each application must be accompanied by one year's annual dues plus a non-refundable application fee as prescribed by the Board of Directors.

Section 3. Classes of membership and requirements for membership shall be defined by the Board.

Section 4. Membership shall not be granted to any person who has been convicted of a felony unless such conviction was officially pardoned or the record of same has been expunged, or their civil rights restored. In addition, membership shall not be granted to any applicant who has had their license, permit or right to serve process revoked by any issuing authority unless said revocation has been pardoned or expunged, or had their civil rights restored.

Section 5. No person shall be denied membership because of their race, color, sex, or ethnic origin.

Section 6. Membership may be suspended or terminated by the Board for violations of these Bylaws, Policy Manual and/or the Code of Ethics.

Section 7. Termination of membership shall be effective thirty (30) days past the due date for annual dues.

### Article IV – DUES

Section 1. The annual dues shall be determined by majority vote of the Board of Directors and shall remain in effect until changed.

Section 2. The fiscal year covering the payment of dues shall be Jan 1 to Dec 31 each year.

### Article V – ELECTION of OFFICERS and DIRECTORS

Section 1. The officers shall consist of a President, Vice-president, Secretary and Treasurer. Term of each officer shall be one (1) year from January 1st to December 31st of each year. The election of officers and directors shall be made at the annual conference, at which time the incoming officers and directors shall be sworn and take office on January 1st of the following year.

Section 2. No member shall be eligible to be an officer until they have been a member for two years.

Section 3. No member shall be eligible to be a director until they have been a member for one year.

Section 4. The immediate past president shall serve one year on the Board of Directors.

Section 5. Three (3) directors shall be elected unless the current president is re-elected, in which event four (4) directors shall be elected.

Section 6. Officers shall be elected by majority vote of members present at the annual conference. Directors shall be elected in a single ballot with each member casting one vote for each seat to be filled. Nominees receiving the highest plurality of votes will fill all seats in order of total votes received.

Majority vote shall not be required. No proxies shall be allowed.

Section 7. No member shall hold the office of President for more than three (3) consecutive terms.

Section 8. A vacancy in any office or directorship shall be filled by the Board of Directors.



## **Article VI – DUTIES of OFFICERS**

Section 1. The administration and management of the association shall be controlled by the Board of Directors consisting of the officers and directors. They shall have the authority to do any and all things necessary for the administration of APSA. Decisions shall be reached by majority vote of the Board of Directors members present. No proxy voting shall be allowed.

Section 2. The President shall preside at all meetings, shall make all appointments that are deemed necessary to run the association, and shall submit at the annual conference an annual report describing programs and Board actions.

Section 3. The Vice-president shall perform the duties of the office of president whenever the President is unable to do so.

Section 4. The Secretary shall cause to be recorded the minutes of all Board meetings and the annual conference.

Section 5. The Treasurer shall be responsible for carrying out all fiscal policies and procedures adopted by the Board; shall be responsible for preparation of financial statements and presentation of these to the Board at each meeting; and shall submit a written annual report to the annual conference.

Section 6. A petition, signed by signatures representing fifteen (15) percent of the total votes eligible to vote at that time in the Association requesting the holding of an election for the purpose of recalling a member of the Board or any officer, may be filed at any time with the Secretary. If recall is for the Secretary, the petition shall be filed with the President. After verification of signatures, the President shall certify the petition and immediately direct a ballot be mailed to each member. The ballot shall read as follows:

shall –name of director — be recalled? Yes \_\_\_\_\_ No \_\_\_\_\_

A “yes” vote shall be counted as for the recall and a “no” vote shall be counted as against the recall. Only members in good standing shall be entitled to vote at such elections. Such a recall shall require two-thirds affirmative vote of executed ballots received by the Secretary or President within fifteen (15) days. If the recall is successful the Board may fill the vacancy at its next meeting.

Section 7. The Board shall adopt procedures for arbitration and grievance. All members are bound by the arbitration and grievance procedures as adopted by the Board.

## **Article VII – MEETINGS**

Section 1. An annual conference shall be held. Officers’ reports, committee reports and any new or old business as the membership sees fit will be discussed at the meeting.

Section 2. Board meetings shall be called by the President. A board meeting must be called within thirty (30) days if requested by three (3) members of the Board, or if petitioned for by a majority of the members. The membership may be notified of all regular Board meetings.

Section 3. Meetings of the Board may be held by mail or telecommunications.

Section 4. Members shall be admitted to all meetings and conferences except executive sessions. Non-members may be admitted to all meetings and conferences unless disapproved by a majority of the members present. Only meetings involving the personal affairs of any individual may be held in executive session.

Section 5. The latest edition of Robert’s Rules of Order shall govern the conduct of all meetings.

## **Article VIII – BYLAW AMENDMENTS**

Section 1. Proposed bylaw amendments must be submitted to the Secretary sixty (60) days prior to the date of the annual conference and published to the membership not less than thirty (30) days prior to the annual conference.

Section 2. The bylaws may be amended or revised by an affirmative two-thirds vote of the membership present at the annual conference.

Section 3. Bylaw amendments or revisions may be acted upon only at the time published in the conference agenda unless a majority of the membership present at that time agree to a later time for further action on them.

Section 4. The bylaws may also be amended or revised by unanimous vote of the Board of Directors.



## ANNUAL PUBLICATION OF APSA CODE OF ETHICS

Each member agrees to abide by the revisions and principles set forth herein when dealing with clients, general public, associate members and associates in business as follows:

### 1. Duties to Clients, General Public, Legal Entities

All work shall be performed in a professional and ethical manner. Nothing shall be done which would impugn the position or name of this Association or its members or the process serving industry. Everything possible shall be done to protect the rights, interest and confidentiality of clients, entities being served and the legal profession as a whole.

### 2. Licenses, Permits, Bonds, Other Requirements

Each member agrees to comply with and keep current during the tenure of his membership all necessary business licenses, bonds, permits and any other requirements mandated by the city, county, and/or state in which the member conducts business.

### 3. Exchange Work

Each member agrees to handle work sent to him by another member in a professional and ethical manner.

### 4. Proofs of Service, Not Found Returns, Other Reports

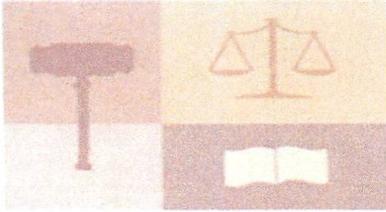
All documents shall be returned timely upon completing the work order. Each member shall comply with all instructions given by the forwarding agency. If a proof of service is provided by the sending party, it is mandatory that the serving party use that proof and fill it out in the manner requested.

### 5. Financial Responsibility

Each member agrees to promptly pay for services rendered by another member unless other specific arrangements have been made. A member, who is not an owner of the firm for which they work, is responsible for the ethical conduct of the firm for which they work.

Rev. 11/13





## Laman Law Office, PLLC

Charley L. Laman, Esq.

AZ #024265

KS #010130

Benjamin Wright, Esq. Of Counsel

AZ#027003

4902 East Andora Drive

Scottsdale, AZ 85254

Phone: 602-717-5326

[info@lamanlawoffice.com](mailto:info@lamanlawoffice.com)

## PROPOSED ARIZONA FAMILY LAW RULES CHANGES FOR 2019

The Arizona Supreme Court has created a committee to review and revise the Arizona Family Law Rules ("FLR"). These rules will not be effective until January 1, 2019. There is still time to comment on the proposed FLR's.

The purpose of this presentation focuses on the FLR's that affect Process Servers. Specifically, FLR's 39, 41 and 43. Attached are the proposed language for these 3 Rules.

### PRESENTER:

Charley Laman, Esq., Arizona Bar No. 024265.

Laman Law Office, PLLC

4902 E. Andora Drive,

Scottsdale, AZ 85231.

Phone No. (602) 717-5326;

Email: [info@LamanLawOffice.com](mailto:info@LamanLawOffice.com).

Mr. Laman is an attorney at law presently practicing in Phoenix, Arizona since 2006 with his firm primarily focused on Family Law cases. He has been engaged in the practice of law since September 1979, when he was licensed in the State of Kansas. His very first professional position involved collection law, and he learned the rules of service of process from this experience (debtors often hide from process server, creditors, debt collectors and the attorneys seeking to sue them), and ever since that time has paid close attention to the same.

He has extensive experience in multi-party and multi-jurisdictional cases having practiced in state, federal and Native American jurisdictions, and is familiar with the nuances of service of process in all of these jurisdictions. He has made several presentations at seminars on the differences of service of process in each of these jurisdictions.



# APSA

## 2017 Proposed Family Law Rules Changes (in part, continued)

### **FLR 39:**

This rule now clarifies service of process into 3 categories:

1. The commencement of the case;
2. During the case; and
3. Post Decree proceedings.

Category 1 and 3 are of most concern to Process Servers. This is when the filing party has to have a process server personally serve the opposing party or parties. Category 2 allows service of process via United States Postal Service (“USPS”) during the pendency of the case.

After the final decree is entered and the time to appeal has passed, then Category 3 requires the party initiating a modification of the parenting time, child support, spousal support, or a proceeding to enforce the orders of the court or to cite the opposing party in contempt of court to personally serve the opposing party with service of process. This is no different than at the initiation of the case except you will be serving a different petition, and in the case of a contempt proceeding will have to wait for the court to issue an Order to Appear rather than having the Clerk of the Court issue a Summons.

This rule is for clarification purposes only. It does not change the service of process of the documents. You can sub-serve all of the petitions except the contempt because it is an Order to Appear.

Order’s to Appear and Subpoenas require service on the person or entity being served.

#### **Proposed FLRP Rule 39. Meaning of Service.**

(a) General Rule. When filing a document with the court, a party must provide every other party with an exact copy of the filed document. The method by which that document must be provided depends on the type of document filed, as follows:

(1) Service of a Summons and Petition. The petitioner must serve a summons and petition (or an order to appear and a petition) on the respondent as required by Rules 40 and 41.

(2) Service of Documents Filed in the Course of the Case. Documents filed with the court after service of the summons and petition must be provided by the filing party to the other party as stated in Rule 43.

(3) Service of Contempt Petitions. Contempt petitions must be personally served by a person authorized to serve process on the individual named in the contempt petition.

(b) Acceptance of Service. A party may accept service under subparts (a)(1) or (a)(3) as provided in Rule 40(f).



# **APSA**

## 2017 Proposed Family Law Rules Changes (in part, continued)

### **FRL 41:**

Rule 41 is merely a consolidation of the FLR's on service of process in state and out of state and the process for serving the various parties. Now, you have one rule to review for the basics of service of process in and out of state and who is subject to service and how to serve them.

Proposed Rule 41 is a simplification and clarification of the rules for service on parties whether they are located within the boundaries of Arizona or in some other state or country. It also designates how to serve government agencies and corporate entities.

Rule 42 is reserved for future use.

Rule 41 does not change any of the rules for service of process in family law cases.

#### **Proposed FLRP Rule 41. Service Within and Outside Arizona.**

(a) Generally.

(1) Scope. This rule governs service of a summons, an order to appear, a pleading, and additional filings required under Rule 26 or Rule 91.

(2) Jurisdiction. An Arizona court may exercise personal jurisdiction over parties, whether found within or outside Arizona, to the maximum extent permitted by the United States and Arizona Constitutions.

(3) In State. A summons or order to appear may be served anywhere within Arizona.

(4) Out of State. A party may serve a summons or order to appear on any person located outside Arizona as provided in this rule, and proper service has the same effect as if personal service was accomplished within Arizona.

(5) Authority to Serve a Summons. Except as otherwise provided in this rule, a person who serves a summons in Arizona must be authorized to do so under Rule 40(d), and a person who serves a summons outside Arizona but within the United States must be authorized to serve process under the law of the state where service is made.

(b) Serving a Summons and Pleadings.

The summons, together with the other documents being served, must be served together within the time allowed under Rule 40(i). The serving party must furnish the necessary copies to the person who makes service.

(c) Serving an Individual. Unless Rule 41(e) or (f) applies, an individual may be served by:

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

(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.

(d) Service by Mail or National Courier Service

(1) Generally. If a serving party knows the address of the person to be served and the address is within Arizona or another judicial district of the United States, the party may serve the person by mailing the summons and copies of the pleading and other documents being served to the person at that address by any form of postage-prepaid mail, including a national courier service, which requests restricted delivery to the person and requires a receipt signed by the addressee.

(2) Affidavit of Service. When the post office or national courier service returns the signed receipt, the serving party must file an affidavit stating:

(A) the person being served is known to be located inside Arizona or outside Arizona but within a judicial district of the United States,

(B) the serving party mailed the summons and a copy of the pleading or other request for relief to the person as described in Rule 41(d)(1);

(C) the serving party received a signed return receipt, which is attached to the affidavit and that confirms the designated person received the described documents; and

(D) the date of receipt by the person being served.

(3) Incarcerated Person. If the person being served is incarcerated, the affidavit must also include a statement that the serving party sent a copy of the documents to the person by first class mail.



## 2017 Proposed Family Law Rules Changes (in part, continued)

### **FLR 43:**

This rule is unchanged. It is included only because it allows for various types of service of process while the case is pending. In most instances, the parties are served via mail as permitted by FLR 43(2)(C); thereby, eliminating the use of process servers during the pendency of the case.

However, a party can elect to use a process server to serve documents while the case is ongoing. This is rare but allowed.

### **Proposed FLRP Rule 43. Service of Other Documents After Service of the Summons, Petition, and Order to Appear.**

(a) Generally. This rule governs service after the summons, petition, or order to appear have been served. Rule 41 governs service of petitions for contempt.

(b) Service After Service of the Summons, Petition, and Response.

(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 otherwise or a specific rule requires service on the party.

(2) Methods of Service. A document 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 by U.S. mail or other national courier service to the person's last-known address, in which event service is complete upon mailing;

(D) delivering it by any other means, including electronic means other than that described in Rule 43(b)(3)(E), 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; or

(E) transmitting it through an electronic filing service provider approved by the Administrative Office of the Courts, if the recipient is an attorney of record in the action, in which event service is complete upon transmission.

(3) Certificate of Service. The date and manner of service must be noted on the last page of the original of the served document or in a separate certificate, in a form substantially as follows:

A copy has been or will be mailed/mailed/emailed/hand-delivered [select one] on [insert date] to:

[Name of opposing party or attorney]

[Address of opposing party or attorney]

If the precise manner in which service has actually been made is not so noted, it will be presumed that the document was served by mail. This presumption will only apply if service in some form has actually been made.

(c) Service After Judgment. After the time for appeal from a judgment has expired or a judgment has become final after appeal, a motion, petition, or other pleading requesting to modify, vacate, or enforce that judgment must be served in the same manner that a summons and pleading are served under Rules 40 or 41, as applicable.

### **CONCLUSION:**

The proposed 2019 FLR's do not change any of the rules concerning the actual nuts and bolts of serving a party. These proposed rules simply clarify and simplify the present FLR's and bring them into alignment with the recently revised Arizona Rules of Civil Procedure.

These rules are still open for comment.

**The entire proposed rule changes can be viewed at:**  
<http://www.azcourts.gov/Portals/74/FamilyRulesTF/AZRulesFamilyProcedureDraft01042018.pdf>



**Training Corner:****Barry R. Goldman**

©2018 Barry R. Goldman



## RFLP Rule 89(L) - Time for Service of Post Judgment Family Law Orders

One fine Spring day, a colleague called me up and asked the question: “How many days notice must we give a person being served with a post-decree family law motion, petition for relief and Order to Appear?” Pondering this, the answer lady inside me said to self, “Self, the answer is within your grasp — read the book!”.

What book, you ask? Why of course, our [APSA Arizona Certified Process Server Training Program Manual!](#)

The answer was found after some research on page 146, line 4574 under FRCP Rule 89(L), Time for Service. This little bit of information let me on the golden path to other rules, as well.

Where many of us have served orders to appear the day before, three days prior and any other number of untold times, the *Rules of Family Law Procedure* are, as usual, clear as mud. But alas, they are in plain English. (After all, that is the state’s official language.)

Most of us have received papers from counsel with a specific hearing date on them, scheduled by the court clerk. Sometimes, these dates are requested by counsel, other

times, by the court. Many of us who have received these types of papers would notice (including my colleague) a hearing date less than 10 days away from the date received. What to do? We can serve the paper as-is or ask our client about the scheduling.

Counsel may be aware of the rule requires “...all petitions, orders, warrants, and affidavits in support of post-decree or post-judgment relief...” be served “...at least ten (10) days prior to the scheduled conference or hearing...”, or that counsel has received “...another specific time...ordered by the court”. Or not.

If an order shortening time to serve is granted, one would think that the papers to serve would include such an order, or a “minute order” (memorandum) from the court outlining such an order given. Without that, the rule requires at least ten (10) days notice to the person served. That’s business (court) days, not calendar days.

After all, don’t attorneys depend on their process servers to be the experts?



### Train Your Brain: Self-Test Your Knowledge

1. In Arizona, the *Sheriff, Constable* (and their deputies), *Process Server* and specially appointed persons are the only persons authorized to serve *summons*es or other similar civil legal process. *What rule of court governs this?*
2. Process Servers are authorized to *serve* legal process, while Sheriffs and Constables are authorized to serve and \_\_\_\_\_ legal process.
3. Serving legal process (*service of legal process*) gives a person notice of an *action* or order of the court; execution of legal process is the taking of persons or \_\_\_\_\_ by the Sheriff or Constable.
4. Constables may not serve or execute papers from any court other than the \_\_\_\_\_ court.
5. Sheriffs serve or execute papers emanating from the \_\_\_\_\_ Court
6. From the highest to the lowest, the courts in Arizona are composed of the Supreme Court, The Court of Appeals, the Superior Court, and the Justice Courts. The municipal (or magistrate or city courts) do not adjudicate civil matters except those involving \_\_\_\_\_.
7. Civil money judgments (where the court determines that one party owes money to another) are issued by the \_\_\_\_\_ Court and \_\_\_\_\_ courts.
8. Within each county there is also one or more justice courts, which are not courts of record and are courts of *limited jurisdiction*. They hear civil cases where the amount in dispute is not more than \$\_\_\_\_\_.
9. The justice courts are composed of two elected officials: the Justice of the Peace and the \_\_\_\_\_, who run for election separately every four years.
10. The symbol, “§”, means “section”, usually referring to a reference in statute. T or F?
11. Case law precedents are derived from findings by the \_\_\_\_\_ court in specific instances, and rulings made which govern such circumstances in other cases under that court’s jurisdiction.
12. Civil (including small claims) judgments in Arizona are good for \_\_\_\_\_ years.

Answers 

**Refresher:**

# ARCP Rule 6. Computing and Extending Time



**(a) Computing Time.** The following rules apply in computing any time period specified in these rules or in any local rule, court order, or statute:

(1) Day of the Event Excluded. Exclude the day of the act, event, or default that begins the period.

(2) Exclusions if the Deadline Is Less Than 11 Days. Exclude intermediate Saturdays, Sundays, and legal holidays if the period is less than 11 days.

(3) Last Day. Include the last day of the period unless it is a Saturday, Sunday, or legal holiday. When the last day is excluded, the period runs until the next day that is not a Saturday, Sunday, or legal holiday.

(4) Next Day. The “next day” is determined by continuing to count forward when the period is measured after an event and backward when measured before an event.

**(b) Extending Time.**

(1) Generally. When an act may or must be done within a specified time, the court may, for good cause, extend the time:

(A) with or without motion or notice if the court acts, or the request is made, before the original time or its extension expires; or

(B) on motion made after the time has expired if the party failed to act because of excusable neglect.

(2) Exceptions. A court may extend the time to act under Rules 50(b), 52(b), 59(b)(1), (c) and (d), and 60 (c) as those rules allow, or alternatively, may also extend the time to act under those rules for 10 days after the entry of the order extending the time, if:

(A) the moving party files the motion within 30 days after the specified time to act expires under these rules or within 7 days after the party received notice of the entry of the judgment or order triggering the

time to act under these rules, whichever is earlier;

(B) the court finds that the moving party was entitled to notice of the entry of judgment or the order, but did not receive notice from the clerk or any party within 21 days after its entry; and

(C) the court finds that no party would be prejudiced by extending the time to act.

**(c) Additional Time After Service Under Rule 5(c)(2)(C), (D), or (E).** When a party may or must act within a specified time after service and service is made under Rule 5(c)(2)(C), (D), or (E), 5 calendar days are added after the specified period would otherwise expire under Rule 6(a). This rule does not apply to the clerk’s distribution of notices—including notice of entry of judgment under Rule 58(c)—minute entries, or other court-generated documents.

**(d) Minute Entries, Orders, and Other Court-Generated Documents.** Notices, minute entries, orders, and other court-generated documents are entered on the date they are filed by the clerk. Unless the court orders otherwise, if an order or other court-generated document states that an act may or must be done within a specified time after the document is entered, the date the document is filed is “the day of the act, event or default” under Rule 6(a)(1).

### *Pinal County E-Filing*

Pinal County is now accepting electronic filings of civil initiation and civil subsequent documents. Filers will have the ability to access their filed documents the next business day after acceptance of their submission, including signed orders, once processed by the Pinal County Clerk’s Office. Filings can be submitted through the eFileAZ and AZTurboCourt applications. For information on how to register, how to use the applications, set up a payment method and training, please contact the AOC Support Center at 602-452-3519 or 800-720-7743 or visit <http://www.azcourts.gov/efilinginformation/training>.

# APSA

**Training Corner:**

**Graphic: Service Timeline for Special Detainers**



**Barry R. Goldman**  
©2018 Barry R. Goldman



I've shared this with many process servers, and for those interested, here it is, again...

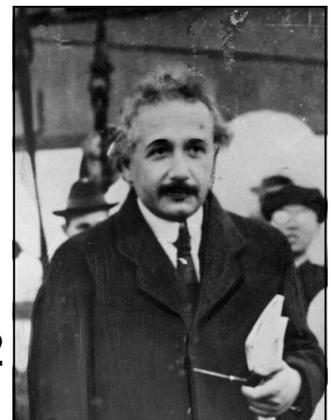
**Service Timeline for Special Detainers**

© Barry R. Goldman (877) 472-7431 service@rapidrps.com

DAY #:	DAY 1	DAY 2	DAY 3	DAY 4	DAY 5	DAY 6	DAY 7
<b>COURT EVENT:</b>	<b>NEW CASE FILED</b>						<b>TRIAL DATE</b>
<b>PROCESS SERVER TASK:</b>	<b>POST &amp; MAIL</b>	<b>POST &amp; MAIL</b>	<b>PERSONAL OR SUB-SERVE</b>	<b>PERSONAL OR SUB-SERVE</b>	<b>PERSONAL OR SUB-SERVE</b>	<b>TOO LATE TO SERVE</b>	<b>TOO LATE TO SERVE</b>
<b>POSTING &amp; MAILING STATUTE EXCERPT (ARS SEC. 33-1377(B))</b>	The summons shall be issued on the day the complaint is filed and shall command... (appearance)... not more than six...days <b>from</b> the date of the summons..."		<i>Exclude next 3 days:</i> "The tenant is deemed to have received the summons three days <b>after</b> the summons is mailed..."			Day 6 & 7: <i>Exclude:</i> "The summons...shall be served at least (2) days before...return day..."	

**"A calm and modest life brings more happiness than the pursuit of success combined with constant restlessness."**

**— Albert Einstein, November, 1922**





# If You're Going to "Wing It" as an Entrepreneur

**"If I've learned one thing as a lawyer it is that it's easier and cheaper to prevent problems than to fix them." — Ruth Carter, Esq.**

Plenty of entrepreneurs start out as a person or two, a business idea, and a shoestring budget. They know their craft but have limited or no experience starting or running a business. They don't know what they don't know – and that's what gets them into trouble.

Many entrepreneurs employ the "we'll learn as we go" approach to operating a business. Often times these are smart people, but if they get too focused on doing their business that they don't take care of business within their operation, it can lead to costly mistakes: thousands of dollars in legal expenses and painful heartache to try to fix a problem that was completely avoidable.

## Real-Life Facepalm Moments

I've had countless times where a business owner comes to me for help and I cringe and think, "We could have helped you avoid this if you had come to us sooner." This is just a sample of my facepalm moments as a lawyer:

- Owners who don't create a business entity: put their personal assets at risk if the business gets sued;
- LLC with multiple owners and no operating agreement: painful business "divorce" when things didn't work out between owners;
- Filing a trademark application with the USPTO that wasn't trademarkable: the application might have had a chance if the description of the products and services was written more effectively;
- Not filing a trademark and your competition files a trademark application that's confusingly similar to or the same as yours: costly to make a claim against them and it may not be successful, which could force you to rebrand even though you were using it first;
- Flawed customer contracts: doesn't fully protect the company's interests or address all likely contingencies;
- Hiring a third-party contractor without a contract: if the person is hired to create an original work for the company, the company won't own the copyright in what they hired the person to create and may have to pay to acquire it;
- Working without a contract: so many problems. Whenever I get a call about a business deal gone

bad, my first question is usually, "What does your contract say?" (Ideally, you want to be in a situation where, if the other side doesn't perform as you agreed you can essentially respond with, "F\*ck you, pay me.")

## If You're Going to "Wing It"

If you are starting a business, my unsolicited advice is "Do your homework." Invest the time to learn what goes into running your business and figure out what you don't know. Reach out to established entrepreneurs to ask for their advice and avail yourself to resources in your community. In Arizona, we have dozens of these organizations like Arizona Small Business Association, Local First Arizona, and SCORE.

Even if you don't think you can afford it, look into hiring a business and intellectual property lawyer for an hour. Bring them your ideas of what you want to do, and ask for their recommendations on how to make it happen. A good lawyer will respect your budget and tell you what you can do yourself and what you should hire a lawyer do for you. They can also recommend resources to help you based on their experiences helping others.

If I've learned one thing as a lawyer it is that it's easier and cheaper to prevent problems than to fix them.

*Reprinted with permission. Thanks, Ruth! See Ruth Carter's blog at <http://carterlawaz.com/wing-it-as-an-entrepreneur/>*



May 17, 2018 at 10am — Are you missing out on potential online customers? You need to understand the digital marketing funnel, also known as the customer buying journey, from awareness to conversion.

See: [www.score.org](http://www.score.org) for details



Chris DeRose, Clerk of the Superior Court

# The Brief

An electronic update for the legal community providing a brief look at news in the Clerk of the Superior Court's Office




The following are excerpts from "The Brief", published by the Maricopa County Clerk of the Superior Court. You can obtain complete copies of "The Brief" through the clerk's website.

**March 2018**

**Clerk's office grabs top spot in getting money where it needs to go**

For the second year in a row, the Clerk's office took first place in the state's tax intercept program in 2017. Intercepted funds are posted to child support, court-ordered fees, and uncollected filing fees. At more than two million dollars, Maricopa County's collections were nearly twice that of the next closest agency and were approximately \$10,000 short of exceeding the Clerk's all-time high collection amount from 2012.

**April 2018**

**Welcome, Clerk of the Court Chris DeRose!**

The Clerk's office welcomes Chris DeRose, Governor Doug Ducey's appointment for Clerk of the Superior Court in Maricopa County. Chris was appointed on March 22, 2018 and because retired Clerk Michael Jeanes' elected term ends in January 2019, Chris will complete Michael's current term of office. A candidate will be elected Clerk in November of 2018 to begin a four-year term in January 2019. Because the superior court is one state

court placed in each of the 15 counties, the Clerk of the Superior Court runs on the election cycle of statewide elected officials, rather than the cycle of county elected officials. This is also why the governor makes midterm appointments, rather than the county board of supervisors.

The Clerk's office is busy updating Clerk DeRose on office operations and making the transition as seamless as possible so the office and customer experience remains timely, accurate, and professional. The Clerk's customers will benefit from Chris' extensive experience at all levels of Arizona's courts. As an attorney, he was previously Senior Litigation Counsel to the Arizona Attorney General, trying 47 cases in front of the Court of Appeals and arguing twice before the state Supreme Court. He is a former professor of Constitutional, International, and Election Law, and was voted "Law Professor of the Year" by his students. For the new Clerk's biography, see the Clerk's website at <http://www.clerkofcourt.maricopa.gov/clkbio.asp>.

*(APSA would like to thank Mr. DeRose and his staff for this valuable information we can pass on to our membership and readers. — Ed.)*



*We Help Small Businesses Like Yours*

SCORE is a nonprofit association dedicated to helping small businesses get off the ground, grow and achieve their goals through education and mentorship. We have been doing this for over fifty years.

Because our work is supported by the U.S. Small Business Administration (SBA), and thanks to our network of 10,000 volunteers, we are able to deliver our services at no charge or at very low cost.

We can provide:

- ✦ Volunteer MENTORS who share their expertise across 62 industries
- ✦ Free, confidential business MENTORING in person, via email or by video
- ✦ Free business TOOLS, templates and tips here online
- ✦ Inexpensive or free business WORKSHOPS (locally) and webinars (online 24/7)



Hi, I'm Patty Chlebanowski, long-time Secretary of APSA. Frontier Insurance Agency, Inc. has been in business for 48 years. I have run this business side by side with my Process Serving business since 1989. Our process serving business was sold in 2013, but we kept our insurance agency. Frontier Insurance Agency, Inc. wants to help members and friends of APSA and AALPI to write your Notary Bonds, Court Bonds (Appeal and Cost Bonds), and Probate Bonds (Personal Representative, Conservatorship & Guardianships). We also write MVD (Lost Title Bonds). If you know an attorney who handles Probate matters, please drop my name to them. If you have any needs, please give us a call. Frontier can usually get a bond written in about 24 hours.

PATRICIA CHLEBANOWSKI  
Agent

FRONTIER INSURANCE AGENCY, INC.  
Surety Bonds

(602) 254-7427  
3150 North 24th Street #D104  
Phoenix, AZ 85016



# Big Savings

for APSA members

Call us today!  
(877) 737-8366

As a benefit to APSA members,  
save on ServeNow & ServeManager products.

For more details, visit:  
[serve-now.com/resources/member-benefits-for-associations](http://serve-now.com/resources/member-benefits-for-associations)



## 1 Month Free

Up to \$120 value.

New members who purchase a listing on  
ServeNow.com get the 2nd month free!



## \$50 / \$50 Offer

New ServeManager subscribers get a \$50  
subscription credit, and ServeManager will donate  
\$50 to the APSA association.



## \$100 Off

Your own mobile-friendly website.

Receive \$100 off the set-up fee for a custom web  
site, designed specifically for process servers.

## Train Your Brain: Self- Test Answers

1. ARCP Rule 4(d)
2. execute
3. property
4. justice
5. Superior
6. protective orders
7. Superior; justice
8. \$10,000
9. Constable
10. True
11. appeals
12. 5 years



**"One man with  
conviction will  
overwhelm a  
hundred who  
have only  
opinions" —**

*Winston Churchill*

### ADVERTISING RATES

All Payments for advertising must be paid in  
advance.

Please submit camera ready copy.

**Business Card**..... \$50.00

Size: 2.0 x 3.5 (Red border example)

**1/4 Page**.....\$100.00

4.75 x 3.75 (Blue border example)

**1/2 Page**.....\$250.00

Size: 4.75 h x 7.5 w, or 9.5 h x 3.75 w

**Full Page**.....\$375.00

**Advertorials/Banners**.....\$25/col. in. 3  
in. min.

**Guest Article Submissions** — The policy on  
guest article submission is as follows:

1. Publication of the article will be at the sole  
discretion of the Editor.
2. The article may be edited for content, length,  
spelling, and appropriate language.
3. A business card size advertisement of the  
Guest Writer may be placed in the edition in  
which the guest article is published, or at the  
discretion of the Editor, may be published in a  
later edition.
4. No advertising charge shall be made in  
conjunction with the publication of a guest  
article.
5. Guest article submissions become the sole  
property of APSA.

### Tell Us What You Think...

We've received comments from  
members and non-members alike,  
thanking APSA for the Newsletter  
and educational opportunities. We'd  
like to thank our readers for sharing  
and making this publication better.  
Thank you, dear reader! From the  
bottom of our  
hearts.



**ARIZONA PROCESS SERVERS ASSOCIATION**

P.O. Box 2233, Phoenix, AZ 85002

(602) 476-1737

[www.arizonaprocessservers.org](http://www.arizonaprocessservers.org)



Membership Application/Renewal for year: \_\_\_\_\_

Arizona Certified Process Server (Attach copy of your Arizona Process Server ID)

Associate/Out of state Process Server

Member ID Card Requested?  Y  N (Digital or passport photo required)

*Please list your information exactly as you want it to appear in the directory:*

NEW  RENEWAL

Member since: \_\_\_\_\_

**Annual Dues: \$50**

NAME:		
FIRM:		
ADDRESS:		
CITY, STATE, ZIP:		
TELEPHONE(S):	OFFICE:	FAX:
EMAIL ADDRESS(ES)	PERSONAL:	BUSINESS:
WEBSITE ADDRESS:		
COUNTIES/AREAS SERVICED:		
LIST IN THE ROSTER UNDER CITY OF:		
ADDITIONAL CITIES TO BE LISTED (\$15 EACH)		

<u>Services you provide (YES or NO):</u>	<u>YES</u>	<u>NO</u>
Process Server (Arizona or other state):		
ACPS Certified?		
Legal Messenger Service		
Skip Tracing		
Record Searches		
Full Investigative Services		
<i>If an Arizona Private Investigator, complete the following:</i>		
License #:	Expiration:	

**MEMBER I.D. CARDS:**

*The Member Identification Card is a member benefit issued by APSA and is not intended to replace your Process Server identification card as required by statute. Your APSA Member Identification Card should be displayed at all APSA functions. By applying for or renewing membership, the applicant understands and agrees that the Member Identification Card is not intended to be, nor shall be used in violation of any statute or regulation.*

Annual Dues: \$50.00
Voluntary Legislative Fund Donation: \$ _____
Total Enclosed: \$ _____

I hereby apply for membership (or membership renewal) in the Arizona Process Servers Association. I agree to abide by its bylaws and maintain the highest ethical standards in carrying out the duties of my profession. I authorize the Arizona Process Servers Association to investigate the statements made on this application and my qualifications for membership. I have no felony convictions and my certification (if applicable) as an Arizona Process Server is current. Membership is not transferrable. I DECLARE UNDER PENALTY OF PERJURY THAT THE STATEMENTS MADE IN THIS APPLICATION ARE TRUE AND CORRECT.

Date: \_\_\_\_\_ Signature \_\_\_\_\_

*Please make check payable to APSA mail it with this completed form to the APSA address, above.*

<b>Court Closures</b>	<b>APSA Events Calendar</b>
-----------------------	-----------------------------

**Holiday Court Closures**

New Year's Day, Martin Luther King Jr./Civil Rights Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Veterans' Day, Thanksgiving Day, Christmas Day

**APSA Board Meetings**

Next meeting June 2<sup>nd</sup> board meeting about 3:30 in Flagstaff, AZ at the Continental Country Club.

*See website for details.*

**Tentative dates to watch:**

APSA Educational Event & Conference 2018, Sept 7-9, 2018 (Phoenix/Mesa area)

December CLE Event Dec. 1-2, Tucson.

**Flagstaff 10-Hour CE Classes**

June 2-3, 2018

See **SCORE's** website at [greaterphoenix.score.org](http://greaterphoenix.score.org)



**PRIVATE PROCESS SERVER TESTING BY COUNTY**

County	Telephone	Testing dates/times/detail
Apache	928-337-7551	By appointment
Coconino	928-679-7600	By appointment at 928-679-7646
Cochise	520-432-8581	Call for details
Gila	928-402-8559	By appointment only
Graham	928-428-3100	Call for details
Greenlee	928-865-4242	Call for appointment
La Paz	928-669-6131	Call for details
Maricopa		See county clerk's website for testing dates
Mohave	928-753-0713x416	Call for details
Navajo	928-524-4177	Call for details
Pima	520-724-3282	Call for details—Check in at 8:30 a.m.
Pinal	520-866-5307	By appointment
Santa Cruz	520-375-7700	Call for details
Yavapai	928-777-3030	Tuesdays and Thursdays at 8:30 a.m. and 3:00 p.m. by appointment
Yuma	928-817-4241	Scheduled as needed

**All Process Server testing starts promptly. Late admission is not allowed. All testing requires pre-registration through the court clerk's office. Please make arrangements well in advance of the test date.**

**Advertising Submission Policy:**

1. The APSA Newsletter is published in March, June, September and December of each year.
2. All advertising must be paid for in advance. Payment should be made to the Arizona Process Servers Association. A 15% discount is available for advertisers who pay for a full year in advance.
3. Advertising rates are quoted for full-color camera-ready copy in electronic submission in an approved format.
4. Advertiser is responsible for preparing & submitting ad copy. Copy must be submitted no later than the last day of the month preceding publication
5. Acceptance, placement and publication of advertising is subject to the sole approval and discretion of the Editor.
6. Inappropriate advertising content will not be accepted. Editor reserves the right to decline any advertisement.
7. In the event that an item of advertising is rejected, a refund shall be made to the advertiser.
8. Advertisement size quoted is approximate. Actual size may vary depending on page availability.
9. Advertorials may be written by APSANews.com staff or outside writer at cost to advertiser. Publication of advertorials is charged by the column inch.
10. Advertorials must be clearly marked in the header, "Advertisement". All advertisements may be bordered to distinguish their content.



*The Last Word...*

# TidBits & TidBits

*Collected from various named and unnamed sources..*

## APSA Newsletter Quarterly Publishing Schedule

1st Quarter: Jan. 1-March 31  
2nd Quarter: April 1-June 30  
3rd Quarter: July 1-Sept. 30  
4th Quarter: Oct. 1-Dec. 31

### SCORE Your Success

Of the 28.8 million small businesses in the U.S., 19% are owned by families. Family-owned businesses employ 60% of the US workforce and create 78% of all new jobs. Our latest infographic examines the achievements and challenges for American family businesses.

<https://www.score.org/resource/infographic-family-business-successes-and-obstacles>



Officer Brissinger pulled over this young lady for driving and talking on her cellphone. Her license was valid, she signed her ticket with a crayon and was cited with a time out.

— Inglewood (CA) P.D.

**There are some days when I think I'm going to die from an overdose of satisfaction.**

**- Salvador Dali**



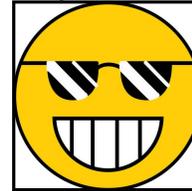
A man went into the confessional box after many years of being away from the Catholic Church. Inside he found a fully equipped bar with Guinness on tap. On one wall, there was a row of decanters with fine Irish whiskey & Waterford crystal glasses. On the other wall was a dazzling array of the finest cigars & chocolates. When the Priest came in, the man said to him, "Father, forgive me, for it's been a very long time since I've been to confession, but I must first admit that the confessional box is much more inviting than it used to be." The Priest replied, "You moron, you're on my side, get out."

*Rev. Fr. John Taylor, A Priest of the O.R.C.C. Primatial of Caer Glow (NY) at O.R.C.C.*

"All the adversity I've had in my life, all my troubles and obstacles, have strengthened me... You may not realize it when it happens, but a kick in the teeth may be the best thing in the world for you." — Walt Disney



"If you haven't left a store carrying your screaming kid surfboard style you're not really parenting." — Facebook



"If you haven't left a store carrying your screaming kid surfboard style you're not really parenting." — Facebook



*The 9th Circuit federal appeals court has ruled that a monkey has no standing under the U.S. Copyright Act to assert copyright in selfie*



Arizona Process Servers Association  
PO Box 2233  
Phoenix, AZ 85002  
(602) 476-1737  
azserverassoc@gmail.com

# APSA

*Serving Arizona Process Servers Since 1973*

[www.arizonaprocessservers.org](http://www.arizonaprocessservers.org)

Opinions expressed in the APSA Newsletter are not necessarily those of the Board, individual Board members or officers, nor each member. The APSA Newsletter is published to promote a source of news and information for APSA members, affiliates and interested persons and organizations. Contact APSA for further information about membership and advertising. Editorial opinions are that of the editor, and do not represent the official opinion of APSA.

## You are wanted!

- Join a committee— Be an active member!
- APSA is here to work for all of us, to be our voice and to better our livelihoods.
- APSA is the only recognized NAPPS affiliate organization in Arizona
- APSA members work together to make improvements to our profession.
- Use your knowledge and experience to help others. Get involved!.