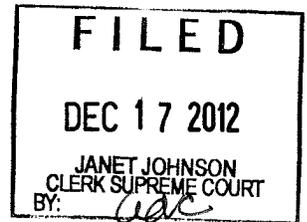


IN THE SUPERIOR COURT
OF THE STATE OF ARIZONA,
YAVAPAI COUNTY

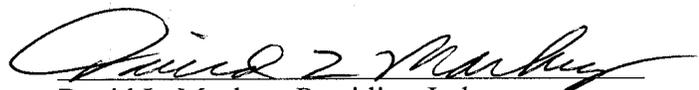


ORDER AMENDING RULE 1.2,
LOCAL RULES OF PRACTICE,
SUPERIOR COURT IN YAVAPAI COUNTY

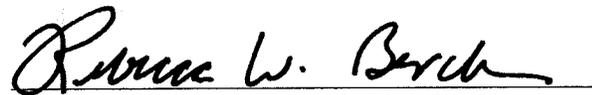
A majority of the judges of the Superior Court in Yavapai County having approved, pursuant to Rule 83, Ariz. R. Civ. Proc., the proposed amendment to Superior Court in Yavapai County local rules of practice and procedure,

IT IS ORDERED amending Rule 1.2, Local Rules of Practice and Procedure for the Superior Court in Yavapai County, in accordance with the attachment hereto, effective January 1st, 2013.

DATED in Yavapai County, Arizona this 12th day of Dec., 2012.


David L. Mackey, Presiding Judge
Superior Court in Yavapai County

APPROVED this 17th day of December 2012.


Rebecca White Berch, Chief Justice
Arizona Supreme Court

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

Proposed Change:

17C A.R.S. Super.Ct.Local Prac.Rules, Yavapai County, Rule 1.2

Local Rules of Practice Superior Court
Yavapai County

Rule 1.2. Verde Valley Judicial District

A. Definitions.

1. *Verde Valley Judicial District.* Verde Valley Judicial District means that area comprising Supervisor District Three for Yavapai County and encompassing the Upper Verde and Camp Verde Valley Justice Court Precincts, that part of the Mayer Justice Court Precinct which lies within Supervisor District Three and any newly created Justice Court Precinct which lies within Supervisor District Three.

New Version:

17C A.R.S. Super.Ct.Local Prac.Rules, Yavapai County, Rule 1.2

Local Rules of Practice Superior Court
Yavapai County

Rule 1.2. Verde Valley Judicial District

A. Definitions.

1. *Verde Valley Judicial District.* Verde Valley Judicial District means that area encompassing the Verde Valley Justice Court Precinct.

2. *Civil Case.* Civil case means any case filed with the Clerk of the Superior Court and assigned a civil case number.

3. *Criminal Case.* Criminal case means any case filed with the Clerk of the Superior Court and assigned a criminal case number.

4. *Domestic Relations Case.* Domestic relations case means any case filed with the Clerk of the Superior Court and assigned a domestic relations case number.

5. *Probate Case.* Probate case means any case filed with the Clerk of the Superior Court and assigned a probate case number.

6. *Lower Court Appeals.* Lower court appeals means any case appealed from a lower court and filed with the Clerk of the Superior Court except misdemeanors and De Novo criminal traffic matters.

7. *Juvenile Case.* Juvenile cases means any case brought under the authority of Title 8 of the Arizona Revised Statutes. [FN1]

B. Cases Eligible for the Verde Valley Judicial District.

1. *Qualifying.* Subject to the removal provisions of Rule 1.2(C), all civil, criminal, domestic relations, juvenile, probate cases and lower court appeals satisfying any of the following criteria shall be assigned to the Verde Valley Judicial District.

(a) Events constituting a tort occurred within the Verde Valley Judicial District or when an action for personal injury, wrongful death or damage to property arises out of events occurring within the Verde Valley Judicial District.

(b) Criminal offenses committed within the Verde Valley Judicial District.

(c) All proceedings brought under the authority of Title 8 of the Arizona Revised Statutes when the act, event or grounds for a petition occurred within the Verde Valley Judicial District, except as otherwise assigned by the Presiding Juvenile Court Judge.

(d) The petitioner in a domestic relations case resided within the Verde Valley Judicial District at the time of the filing of the action.

(e) In a Decedent's Estate Proceeding, the decedent was domiciled in the Verde Valley Judicial District at the time of death, or creditors of the decedent are present in the Verde Valley Judicial District and the administration of the estate would be best accomplished in the Verde Valley Judicial District; or, if the decedent was not domiciled in this state at the time of his death, property of the decedent was located in the Verde Valley Judicial District at the time of his death.

(f) In a Guardianship Proceeding, the minor or incapacitated person resides or is present in the Verde Valley Judicial District.

(g) In a Protective Proceeding (Conservatorship), the person to be protected resides in or has a major portion of his property in the Verde Valley Judicial District.

(h) In a Trust Proceeding, the principal place of administration of the trust is in the Verde Valley Judicial District.

(i) The action involves real property all or part of which is located within the Verde Valley Judicial District.

(j) The action involves personal property located within the Verde Valley Judicial District or personal property which has been removed to or from a location within the Verde Valley Judicial District.

(k) A contract was executed or to be performed within the Verde Valley Judicial District.

(l) The Justice or Police Court from which an appeal is taken is located, all or partially, within the Verde Valley Judicial District.

2. *Venue*. Nothing in this local rule shall be construed as modifying or abrogating the provisions of the Arizona Revised Statutes pertaining to venue and changing of venue.

C. Procedures for Transfer To and Removal From the Verde Valley Judicial District.

1. *Requests*. A party desiring to transfer a case to or remove a case from the Verde Valley Judicial District shall file a motion requesting transfer, and specify the grounds for transfer. The motion shall be served upon the judge to whom the case is assigned.

2. *Time*. The motion may be filed not later than 20 days prior to any judicial proceedings in the case which concerns the merits of the action and involves the consideration of evidence or affidavits, or not later than the expiration of the time for filing a controverting certificate to a motion to set and certificate of readiness, whichever occurs first.

3. *Objections*. A party objecting to the transfer or removal of a case shall file written objections to the motion specifying the grounds for such objections, not later than 5 days after service of the motion. There shall be no reply to the response.

4. *Rulings.* The Court shall rule upon the motion without oral argument unless requested by the judge. The court may consider, in addition to the factors set forth in Rule 1.2(B), the following factors:

- (a) Location of events or circumstances out of which the alleged cause of action arose,
- (b) Location or residences of all parties involved,
- (c) Location of the parties' respective legal counsel,
- (d) The number and convenience of the parties' witnesses,
- (e) The financial impact of the situs of the litigation on the parties and witnesses,
- (f) Any other relevant factor indicating good cause for transferring the case to or removing the case from the Verde Valley Judicial District.

5. *Change of Judge.* A change of judge, whether as a matter of right or for cause, shall not cause the removal of a qualified case from the Verde Valley Judicial District. In the event of a change of judge, the Presiding Judge of the Superior Court shall, if administratively practical, reassign the case to another judge either regularly or specially assigned to the Verde Valley Judicial District.

6. *Other Methods of Transfer.* In addition to the transfer provisions in Rule 1.2(C), cases may be transferred to the Verde Valley Judicial District provided they qualify under Rule 1.2(B) or be removed from the Verde Valley Judicial District by any of the following methods:

- (a) By Court Approval and Stipulation of All Parties. The stipulation shall set forth the grounds for such transfer and be approved by the judge to whom the case is assigned.
- (b) By the Court. The Presiding Judge may transfer any pending case or hearing to or remove any pending case or hearing from the Verde Valley Judicial District subject to the right of any party to object to such order pursuant to Rule 1.2(C) within 10 days after notice of transfer.

D. Administration--Verde Valley Judicial District.

1. *Days of Court.* The days that the Verde Valley Judicial District shall hold court shall be designated by the Presiding Judge of the Superior Court.

2. *Judicial Assignments.* Judges and Commissioners assigned to the Verde Valley Judicial District and their term shall be designated by the Presiding Judge of the Superior Court.

3. *Clerk's Office.* The Clerk of the Superior Court shall maintain an office in the Verde Valley Judicial District. The Clerk shall receive pleadings and documents for filing, fees, fines, forfeitures, bonds, payments and other funds in new and pending cases whether or not a case is assigned permanently to the Verde Valley Judicial District.

CREDIT(S)

Added June 30, 1993, eff. July 1, 1993.

[FN1] Section 8-101 et seq.
HISTORICAL NOTES

Source:

Former Rule 1.

17C A. R. S. Super. Ct. Local Prac. Rules, Yavapai County, Rule 1.2, AZ ST YAVAPAI SUPER CT Rule 1.2

Current with amendments received through 6/1/12

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