

MOHAVE COUNTY JUSTICE COURT

If you want to file a...

**MOTION FOR
CHANGE OF VENUE –
IMPROPER VENUE**

Small Claims & Civil

MOHAVE COUNTY JUSTICE COURT

Venue (definition)—the proper geographical locality in which a lawsuit may be filed. To determine venue in a case, one can file their lawsuit:

1. In the Justice precinct where the defendant resides or does business **OR**
2. In the justice precinct where the incident occurred that brought about the debt or where the debt or obligation was incurred.

A motion for change of venue for improper venue must be filed **PRIOR** to filing an answer in the case, or venue is waived. A motion for change of venue is filed to allege that the lawsuit has been filed in the wrong precinct. However, venue may be proper in more than one justice precinct. If the court grants an Order for a Change of Venue the case will be transferred to the proper justice precinct.

You must pay a fee for a small claims or a civil case (depending on which type of case you have) when you file a motion for change of venue for improper venue.

If the other party in the case opposes this motion, they may file an objection in writing within 5 days after service of the motion.

Please **STOP**...

	If your case qualifies under either of the two points of venue mentioned in paragraph one. If you wish to file a motion for Change of Venue for Cause, please see those instructions and forms.
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Please **PROCEED**...

	If the case was clearly filed in the incorrect precinct or if the case does not follow the correct venue requirements.
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FORMS Needed: *(Click on the form name in the table below to download the form)*

	Motion and Affidavit for Change of Venue for Improper Venue OR
	Plaintiff's Controverting Certificate re: Affidavit for Change of Venue for Improper Venue <i>(Response to Motion for Change of Venue)</i>

INSTRUCTIONS:

- 1) Complete the form and then make copies. The court will require the original form. You may wish to have a copy and you will need a copy for each party.
- 2) File (or mail) the original form with the court clerk and pay the applicable answer fee.
- 3) Mail a copy to the other party (and to their attorney, if applicable).

IT IS IMPORTANT THAT ALL PARTIES KEEP THE COURT APPRISED OF ANY CHANGE IN ADDRESS A NOTICE OF CHANGE OF ADDRESS form must be filed with the court when a party changes their address.

Visit us at www.mohavecourts.az.gov/Justice/JCSS_Home.html for additional filing information and online forms.