

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2021-095063

12/03/2021

HONORABLE RODRICK COFFEY

CLERK OF THE COURT
K. Tiero
Deputy

BELL WEST RANCH HOMEOWNERS
ASSOCIATION INC

ASHLEY N MOSCARELLO

v.

DONALD FRANK CEREMELLO

DONALD FRANK CEREMELLO
17544 N 167TH DR
SURPRISE AZ 85374

JUDGE COFFEY

MINUTE ENTRY

Plaintiff has requested service by alternative means pursuant to Rule 4.1 of the Arizona Rules of Civil Procedure. Rule 4.1 (k) provides as follows:

Alternative Means of Service.

(1) *Generally.*

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

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

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

Whether traditional service is “impractical,” defined as “extremely difficult or inconvenient” is a fact specific inquiry. *See Blair v. Burgener*, 226 Ariz. 213, 245 P.3d 898 (App. 2010). Plaintiff has not demonstrated that service is impractical in this case. Only five attempts were made to serve Defendant in an approximately one week period. Multiple additional unsuccessful attempts at varying times before the Court will authorize alternative service. Accordingly,

IT IS ORDERED denying Plaintiff’s request for service by alternative means, without prejudice to Plaintiff filing a renewed motion if further efforts at personal service are unsuccessful.