

1 Desiree Y. Capuano  
13820 S. 44<sup>th</sup> Street #1244  
2 Phoenix, Arizona 85044  
(480) 455-2086  
3 Respondent

MICHAEL A. JEANES, CLERK  
BY *D. Tomlin* DEP.  
FILED  
15 JUL -2 PM 1:36

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6 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**  
7 **IN AND FOR THE COUNTY OF MARICOPA**

8 In Re the Marriage Of:  
9 **RICHARD RIESS,**  
10 Petitioner,  
11 v.  
12 **DESIREE TOMLIN RIESS,**  
13 Respondent.

No. FC 2011-093719  
[Consolidated with FN 2014-001201]  
**APPLICATION AND AFFIDAVIT FOR  
DEFAULT**  
**ASSIGNED TO THE HONORABLE  
PETER THOMPASON**

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15 Respondent, **DESIREE TOMLIN RIESS**, nka **DESIREE Y. CAPUANO**, pursuant to the Court's  
16 Orders dated May 20, 2015, and June 17, 2015, submits her Application and Affidavit for Default.

17 **NOTICE: THIS IS AN IMPORTANT COURT DOCUMENT.** When this document is properly completed and filed,  
18 Default has been applied for and entered. The Default will effective ten (10) Court business days after the filing of this  
19 completed document, unless the Petitioner files an Answer/Response or otherwise defends before the ten Court business day  
20 period expires.

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1. I am the Respondent in this court case. I understand and make the following statements under oath or by affirmation. I give notice that I am requesting entry of default against the other party, the Petitioner, because the Petitioner has **not** filed an Answer/Response to the Petition for Annulment of a Non-Covenant Marriage filed with the Court on August 29, 2014, under case number FN 2014-001201 which has now been consolidated with the above-referenced case number.
  2. Service of the court papers on Petitioner has been accomplished in having served Petitioner according to law with the "**Summons**," Petition and other papers. Petitioner has **not** appeared, answered, responded, or otherwise defended in the time required by law.
  3. The Petitioner is **not** in the active military service of the United States.

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2 4. By completing the Certificate of Mailing included herein, I certify to the Court that on the  
3 date of filing this document I will mail a copy of this **Application and Affidavit** to the  
4 Petitioner at his current.

5 5. **I UNDERSTANT THAT I WILL NOT QUALIFY FOR DEFAULT if:**  
6 **I fail to mail this document, and/or**  
7 **I fail to complete the Certificate of Mailing below.**

8 **CERTIFICATE OF MAILING**

9 **As required by Arizona Rules of Court (A.R.C.P. 55(a) and A.R.F.L.P. 44(A).**

10 A copy of this *Application and Affidavit for Default* will be mailed on the day of filing, postage-  
11 prepaid, to the Petitioner at his current address of:

12 Richard Riess  
13 [REDACTED]  
14 Burnaby BC  
15 Canada V5G 1T3

16 **DECLARATION UNDER PENALTY OF PERJURY**

17 I state to the court under penalty of perjury that the contents of this document are true and  
18 correct.

19 07/02/2015  
20 Date

21 Desiree Capuano  
22 Signature

23 Desiree Capuano  
24 Printed Name

25 **Warning**

- 26 1. If the Petitioner fails to file a responsive pleading or otherwise defend this action within **10**  
27 **working days** after the filing of this Application, A **DEFAULT JUDGMENT MAY BE**  
28 **ENTERED.**
2. The Respondent must still attend the default hearing at the Court **UNLESS** you qualify,  
apply for and complete the process to obtain a default decree without a hearing pursuant to  
A.R.F.L.P. 44(B)(1).
3. A **DEFAULT HEARING WILL NOT BE SCHEDULED IF THIS APPLICATION AND**  
**AFFIDAVIT FOR DEFAULT IS MISSING INFORMATION OR NOT COMPLETED**  
**CORRECTLY.**