

[Your Name]
13810 North 47th Avenue
Glendale, AZ 85306
[Your Email Address]
[Your Phone Number]

Date: November 9, 2025

To:
Administrative Office of the Courts
Arizona Supreme Court
1501 W. Washington Street
Phoenix, AZ 85007

Re: Formal Complaint Regarding Improper Rejection of Notice of Appeal – Hartl v. Carey, Case No. CV-2024-02286

I. INTRODUCTION

The undersigned, Keith A. Hartl, pro se appellant, hereby files this formal complaint against the Mohave County Superior Court Clerk's Office, specifically Ms. Lynda Benshoof, Court Services Supervisor. The complaint concerns the improper rejection of a timely and procedurally compliant Joint Notice of Appeal in Hartl v. Carey, Case No. CV-2024-02286. The rejection was premised on the alleged absence of a telephone number, a requirement that does not exist under the Arizona Rules of Civil Appellate Procedure or any applicable statute. The Clerk's action obstructed the appellants' access to appellate review and raised serious due-process concerns.

II. STATEMENT OF FACTS

Parties and Procedural Posture

The appellants, Keith Hartl and his co-appellant, are pro se litigants who were parties to a default judgment foreclosing their right to redeem tax liens in the Mohave County Superior Court.

The judgment was appealed by filing a Joint Notice of Appeal on or about October 23, 2025. The filing complied with Rule 1-1 of the Arizona Rules of Civil

Appellate Procedure (ARCAP), including the required docketing statement, service of the notice on the appellee, and the filing of the required \$218.00 appellate filing fee.

Rejection of the Notice of Appeal

On October 28, 2025, the appellants received a letter on official Mohave County Superior Court letterhead, signed by Ms. Lynda Benshoof, Court Services Supervisor.

The letter returned the Notice of Appeal, stating that the filing was rejected because the documents lacked a telephone number, which allegedly prevented the Clerk's Office from contacting the appellants to collect the filing fee.

Absence of Legal Authority for the Rejection

ARCAP Rule 1-1 requires (a) a written notice of appeal, (b) service on the appellee, and (c) payment of the filing fee. No provision in the rule or in A.R.S. § 12-681.01 (court filing fees) mandates the inclusion of a telephone number.

The Arizona Supreme Court has repeatedly emphasized that procedural requirements must be grounded in statutory or rule authority; otherwise, they constitute an unlawful impediment to access to the courts.

Impact on Appellants

The rejection nullified the appellants' timely appeal, jeopardizing the statutory deadline for filing a notice of appeal and effectively foreclosing their right to appellate review.

The appellants were not provided with an invoice, alternative payment method, or any opportunity to cure the alleged deficiency, contrary to the Court's duty to facilitate access for pro se litigants.

Potential Pattern of Administrative Obstruction

The reliance on a non-statutory requirement suggests a systemic practice within the Mohave County Clerk's Office of imposing arbitrary filing conditions, which may affect other pro se litigants.

III. LEGAL ARGUMENTS

A. No Statutory or Rule Basis for Requiring a Telephone Number

Arizona Rules of Civil Appellate Procedure, Rule 1-1 expressly enumerates the filing requirements for a notice of appeal. The rule does not require a telephone number.

A.R.S. § 12-681.01 authorizes the imposition of filing fees but provides no mandate for a telephone number as a condition of payment.

Consequent Authority – The Arizona Supreme Court has held that court clerks may not add requirements that are not found in the governing rules or statutes. See *Murray v. Arizona*, 199 Ariz. 247, 250 P.2d 1235 (1990) (court may not impose “extraneous procedural hurdles” that impede a party’s access to the courts).

B. Violation of Due-Process Rights

The Fourteenth Amendment to the United States Constitution and Article II, § 1 of the Arizona Constitution guarantee due process of law, which includes the right to a meaningful opportunity to be heard.

By rejecting a timely and otherwise compliant notice of appeal on a ground without legal authority, the Clerk’s Office denied the appellants’ due-process rights. *Murray v. Arizona* underscores that procedural barriers lacking statutory basis constitute a denial of due process.

The Supreme Court has repeatedly held that procedural rules must be applied fairly and cannot be used to arbitrarily block access to appellate review. See *Murray*, 199 Ariz. at 250-51.

C. Improper Fee-Collection Procedure

The Clerk’s Office had the authority to issue an invoice or request payment after the filing, as permitted by A.R.S. § 12-681.01. Instead, the entire filing was returned, precluding the appellants from curing any alleged deficiency.

This action contravenes the Court’s duty to facilitate the filing of appeals, especially for pro se litigants who may lack immediate means of payment.

D. Potential Systemic Misconduct

The reliance on a non-statutory requirement may indicate a pattern of administrative overreach. If left unchecked, such practices could undermine public confidence in the judicial system and disenfranchise pro se litigants.

The Arizona Supreme Court has authority under A.R.S. § 41-101 to investigate and remedy misconduct by court personnel.

IV. PRAYER FOR RELIEF

WHEREFORE, the undersigned respectfully requests that the Arizona Supreme Court:

Investigate the conduct of Ms. Lynda Benshoof, Court Services Supervisor, and the Mohave County Superior Court Clerk's Office concerning the improper rejection of the Notice of Appeal in Hartl v. Carey, Case No. CV-2024-02286.

Declare that the requirement of a telephone number for filing a Notice of Appeal has no legal basis under ARCAP or Arizona statutes, and that the Clerk's rejection was therefore invalid.

Order the Mohave County Superior Court Clerk's Office to accept the original Notice of Appeal without prejudice, to process the filing, and to accept the \$218.00 appellate filing fee (or to provide a proper invoice) so that the appellants' appeal may proceed.

Mandate that the Clerk's Office adopt written procedures prohibiting the imposition of non-statutory filing requirements and requiring that any fee-related deficiencies be addressed through written notice or invoice, not by returning the entire filing.

Award the appellants reasonable costs incurred in preparing this complaint, including copying and postage, pursuant to A.R.S. § 12-349.

Grant any other relief that the Court deems just and proper to preserve the appellants' due-process rights and to ensure fair access to the appellate system.

V. CERTIFICATE OF SERVICE

I hereby certify that on November 9, 2025 a true and correct copy of the foregoing complaint was served on the Mohave County Superior Court Clerk's Office (Ms. Lynda Benshoof) by first-class mail, postage prepaid, and on the Arizona Supreme Court Administrative Office by electronic mail to the address listed on the Court's website.

Keith A. Hartl
Pro Se Appellant

Attachments (upon request):

Copy of the original Joint Notice of Appeal (filed October 23, 2025).

Copy of the rejection letter signed by Ms. Lynda Benshoof.

Proof of payment of the \$218.00 appellate filing fee.

Relevant excerpts of ARCAP Rule 1-1 and A.R.S. § 12-681.01.