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## ARIZONA STATUTES OF LIMITATIONS

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# ARIZONA STATUTES OF LIMITATIONS

The following is an alphabetical listing of Arizona statutes of limitations arranged by area of law. Only those statutes that establish a time period are included. Statutes that establish general rules for the application and interpretation of statutes of limitations have been omitted. No attempt has been made to systematically include tolling periods or rules, administrative or regulatory time limits, or appeals periods. The information presented here is intended for use as a quick reference. The applicability of each limitations period will need to be determined on a case-by-case basis through examination of the relevant statutes and case law.

This publication is designed to provide accurate and authoritative information in regard to the subject matter covered. It is offered with the understanding that the publisher is not engaged in rendering legal services. If legal advice is required, the services of a competent attorney should be sought. (From a Declaration of Principles jointly adopted by a Committee of the American Bar Association and a Committee of Publishers and Associations.)

AREA OF LAW	LIMITATIONS PERIOD	STATUTE
<b>ADOPTION</b>		
Challenge of adoption decree	1 year	8-123
Notice of claim of paternity, in order to participate in adoption process	30 days after child's birth	8-106.01(B)
<b>ADMINISTRATIVE PROCEDURE</b>		
Action to review a final administrative decision	35 days after a copy of the decision sought to be reviewed is served upon the party affected	12-904(A)
<b>ANTITRUST</b>		
Civil action for violation of Uniform State Antitrust Act	4 years	44-1410
<b>BONDS</b>		
Bond of an executor, administrator, or guardian	4 years after death, resignation, removal, or discharge of such person	12-545
Bond on penal clause to convey real property	4 years	12-544(1)
<b>CATCHALL PROVISION</b>		
Actions other than for recovery of real property for which no limitation is otherwise prescribed	4 years	12-550
<b>CHILDREN</b>		
Collection of child support debt	10 years after the emancipation of the youngest child subject to the order	25-503(J)
Establishing duty to pay child support	Until the child's 18th birthday	25-804
Paternity	None; action may be brought at any time	25-804
<b>CIVIL ACTIONS</b>		
Arising from criminal conduct	1 year after the final disposition of the defendant's criminal proceedings	12-511

AREA OF LAW	LIMITATIONS PERIOD	STATUTE
<b>COMMERCE AND TRADE</b>		
Upon mutual and current accounts concerning the trade of merchandise among merchants	4 years after the cessation of dealings in which the parties were interested together	12-544(2)
<b>COMMERCIAL CODE</b>		
Breach of sales contract	4 years	47-2725
Default under lease contract, including breach of warranty or indemnity	4 years after discovery	47-2A506
Negotiable instruments [See NEGOTIABLE INSTRUMENTS]		
<b>CONSUMER PROTECTION</b>		
Action resulting in payment from a consumer recovery fund related to the purchase or sale of a manufactured home, mobile home, or factory-built building designed for use as a residence, where consumer used a licensed dealer or broker	2 years from the date of sale or installation, whichever is later	41-2190(J)
<b>CONTRACTS</b>		
Breach of oral contract	3 years	12-543(1)
Breach of written contract	6 years	12-548(A)
Specific performance to convey real property [See REAL PROPERTY]		
Written contract executed outside Arizona	4 years	12-544(3)
Wrongful interference	2 years	12-542; <i>Clark v. Airesearch Mgf. Co. of Ariz.</i> , 673 P.2d 984 (Ariz. Ct. App. 1983)
<b>CORPORATIONS</b>		
Enforcement of known claims against dissolved corporation	120 days after written notice of dissolution	10-1406(B)(3)
Enforcement of unknown claims against dissolved corporation	5 years after publication of notice	10-1407(B)(3)
Liability of directors for unlawful distribution	4 years	10-833(D)
<b>COURTS</b>		
Contempt	1 year	12-865(A)
Request for hearing regarding a provisional remedy rendered against a party	10 days following notice	12-2407

AREA OF LAW	LIMITATIONS PERIOD	STATUTE
<b>CRIMINAL PROSECUTIONS</b>		
Class 2 through Class 6 felonies	7 years after discovery of the offense by authorities	13-107(B)(1)
Felony involving falsification of public records	None; prosecution may be commenced at any time	13-107(A)
Homicide	None; prosecution may be commenced at any time	13-107(A)
Misdemeanor	1 year after discovery of the offense by authorities	13-107(B)(2)
Misuse of public monies	None; prosecution may be commenced at any time	13-107(A)
Moving violation resulting in serious physical injury or death	2 years after discovery of the offense by authorities	28-672(H)
Petty offense	6 months after discovery of the offense by authorities	13-107(B)(3)
Sexual offense, including sexual exploitation of children, that qualifies as a Class 2 felony	None; prosecution may be commenced at any time	13-107(A)
Where complaint, indictment, or information filed is dismissed	6 months after the dismissal becomes final or the running of the statutory limitations period, whichever is longer	13-107(G)
<b>DEBTOR-CREDITOR</b>		
Credit-card debt	6 years	12-548(A)
Debt evidenced by a writing	6 years	12-548(A)
Debt not evidenced by a writing	3 years	12-543(1)
Stated or open accounts, not concerning the trade of merchandise among merchants	3 years after the last item thereof has been incurred	12-543(2)
Surety requiring creditor to bring an action on a contract	60 days following notice	12-1641
<b>DECEDENTS' ESTATES</b>		
Claim to recover from a distributee, other than by a creditor; property improperly distributed	the later of 3 years after the decedent's death OR 1 year after the time of distribution	14-3936
Claims against a decedents estate		
—Arising at or after death based on a contract with the personal representative	4 months after performance by the personal representative is due	14-3803(C)(1)
—Arising at or after death not based on a contract with the personal representative	the later of 4 months after the claim arises OR the applicable limitations period for claims arising before decedents death	14-3803(C)(2)
—Arising before death	the earlier of 4 months after publication of death notice OR 60 days after actual notice of death OR 2 years after decedents death plus time remaining after publication or actual notice of death	14- 3801(A),(B), 14-3803(A)

AREA OF LAW	LIMITATIONS PERIOD	STATUTE
<b>DECEDENTS' ESTATES (CONTINUED)</b>		
Commencement of an informal probate or appointment proceeding or formal testacy or appointment proceeding		
—If a previous proceeding was dismissed because of doubt about the fact of the decedent's death, appropriate probate, appointment, or testacy proceedings	any time thereafter upon a finding that the decedent's death occurred prior to the initiation of the previous proceeding and the applicant or petitioner has not delayed unduly in initiating the subsequent proceeding	14-3108(1)
—If no court proceeding concerning the succession or administration has occurred within 2 years after the decedents death	any time thereafter	14-3108(4)
—If not subject to an exception under 14-3108	2 years after decedents death	14-3108
—In relation to the estate of an absent, disappeared, or missing person for whose estate a conservator has been appointed	2 years after the conservator becomes able to establish the death of the protected person	14-3108(2)
—To contest an informally probated will and to secure appointment of the person with legal priority for appointment in the event the contest is successful	the later of 1 year from the informal probate or 2 years from the decedent's death	14-3108(3)
Decedents' cause of action	limitations period is tolled until a personal representative is appointed OR until 1 year after the decedents death, whichever occurs first; but action shall not be barred sooner than 4 months after decedents death	14-3109
Personal representative's breach of fiduciary duty	6 months after the filing of the closing statement	14-3935
<b>EDUCATION</b>		
Action resulting in payment from a student tuition recovery fund	1 year after the private postsecondary education institution has ceased operations	32-3075(A)
<b>EMPLOYMENT</b>		
Breach of an oral or written employment contract	1 year	12-541(3)
Employment discrimination	1 year	14-1481(D)
Wrongful termination	1 year	12-541(4)
<b>FALSE IMPRISONMENT</b>	1 year	12-541(1)
<b>FAMILY LAW</b>		
Seduction	1 year	12-541(2)

AREA OF LAW	LIMITATIONS PERIOD	STATUTE
<b>FIDUCIARIES</b>		
Breach of fiduciary duty	2 years	12-542; <i>Mohave Elec. Co-op. v. Byers</i> , 942 P.2d 451 (Ariz. Ct. App. 1997)
Personal representative's breach of fiduciary duty [See DECEDENTS' ESTATES]		
<b>FRAUD</b>		
Fraud, generally	3 years after discovery of the facts constituting the fraud	12-543(3)
Racketeering	3 years after the offense was discovered or should have been discovered with reasonable diligence, or 10 years after events giving rise to the cause of action, whichever is first	13-2314.04(F)
<b>GOVERNMENTAL AUTHORITIES</b>		
Failure of sheriff to make a return on execution	5 years	12-547
<b>HOME INSPECTIONS</b>		
Actions against certified home inspector	4 years	12-530
<b>INSURANCE</b>		
Filing proof of claims when insurer is declared insolvent	4 months after entry of order declaring insolvency	20-640(A)
Subrogation or reimbursement from another insurer in connection with an uninsured motorist claim	2 years after the insurer first makes payment to the insured under the uninsured motorist coverage	12-555(D)
Uninsured motorist coverage benefits under a motor vehicle insurance policy	upon written notice to the insurer, within 3 years after the date of the accident or within 3 years after the earliest of (1) the date the person knew that the tortfeasor was uninsured; (2) the date the person knew or should have known that coverage was denied by the tortfeasor's insurer; or (3) the date the person knew or should have known of the insolvency of the tortfeasor's insurer	12-555(A)
Voiding disability insurance policy based on nonfraudulent misstatements made by applicant	2 years after policy is issued	20-1346(A)
<b>INVASION OF PRIVACY</b>		
Intentional interception, disclosure, or use of a wire, oral, or electronic communication	1 year	12-731(B)

AREA OF LAW	LIMITATIONS PERIOD	STATUTE
<b>JUDGMENTS</b>		
Enforcing foreign judgment	4 years	12-544(3)
Enforcing in-state judgment	5 years	12-1551(B)
Renewal of judgment	5 years  OR  90 days prior to the expiration of 5 years, if filed by affidavit	12-1611   12-1612(B)
<b>LANDLORD AND TENANT</b>		
Breach of written contract [See CONTRACTS]		
Forcible detainer [See REAL PROPERTY]		
Forcible entry [See REAL PROPERTY]		
<b>LIBEL</b>	1 year	12-541(1)
<b>LIENS</b>		
Foreclosing on mechanics lien	6 months after lien is recorded	33-998(A)
Recording mechanics lien	120 days after completion date OR 60 days after recording notice of completion	33-993(A)
<b>LOCAL GOVERNMENT</b>		
Action to collect a development fee	2 years	9-463.05(Q)
<b>MALICIOUS PROSECUTION</b>	1 year	12-541(1)
<b>MARRIAGE</b>		
Breach of promise of marriage	1 year	12-541(2)
<b>MISTAKE</b>	3 years after discovery of the facts constituting the mistake	12-543(3)
<b>MOTOR VEHICLES</b>		
Reporting nonconformity of warranty	the earlier of the expiration of the express warranty OR 2 years or 24,000 miles after the date of original delivery to the consumer	44-1262(A)
<b>NEGLIGENCE</b>		
Negligence, generally	2 years	12-542
Negligent misrepresentation	2 years	12-542; <i>Hullett v. Cousin</i> , 63 P.3d 1029 (Ariz. 2003)
<b>NEGOTIABLE INSTRUMENTS</b>		
Breach of warranty	3 years	47-3118(G)
Conversion of an instrument	3 years	47-3118(G)
Enforcement of a party's obligation to pay a note payable at a definite time	6 years after due date or demand for payment	47-3118(A),(B)

AREA OF LAW	LIMITATIONS PERIOD	STATUTE
<b>NEGOTIABLE INSTRUMENTS (CONTINUED)</b>		
Enforcement of a partys obligation to pay an accepted draft, other than a certified check	6 years after the due date if the obligation of the acceptor is payable at a definite time OR 6 years after the date of the acceptance if the obligation of the acceptor is payable on demand	47-3118(F)
Enforcement of a partys obligation to pay on a certificate of deposit	6 years after demand for payment is made, but if the instrument states a due date and the maker is not required to pay before that date, the 6-year period begins when a demand for payment is in effect and the due date has passed	47-3118(E)
Enforcement of an obligation of the acceptor of a certified check or the issuer of a teller's check, cashier's check, or traveler's check	3 years after demand for payment is made	47-3118(D)
Enforcement of an obligation on a negotiable instrument not otherwise stipulated in 47-3118	3 years	47-3118(G)
<b>PARTNERSHIPS</b>		
Settlement of partnership account	4 years	12-544(2)
<b>PERSONAL INJURY</b>		
Resulting from defective product [See PRODUCTS LIABILITY]		
When death does not ensue	2 years	12-542(1)
When death ensues [See WRONGFUL DEATH]		
<b>PERSONAL PROPERTY</b>		
Conversion	2 years	12-542(5)
Detainment	2 years	12-542(5)
Taking or carrying away the goods or chattels of another	2 years	12-542(4)
<b>PRODUCTS LIABILITY</b>		
Resulting personal injury	2 years after injury, but no more than 12 years after the product was first sold for use or consumption (unless the cause of action is based on the negligence of, or breach of an express warranty provided by, the manufacturer or seller)	12-551
<b>PROFESSIONAL MALPRACTICE</b>	2 years	12-542(1)
<b>PROPERTY</b>		
Intellectual property		
—Using the name, portrait, or picture of a soldier without prior consent	1 year	12-761(F)
Property damage	2 years	12-542(3)
Trespass	2 years	12-542(3)



AREA OF LAW	LIMITATIONS PERIOD	STATUTE
<b>REAL PROPERTY</b>		
Action resulting in payment from a real estate recovery fund	5 years	32-2188(A)
Action resulting in payment from a residential contractors recovery fund	2 years	32-1136(A)
Bond to convey real property, penal clause [See BONDS]		
Forcible detainer	2 years	12-542(6)
Forcible entry	2 years	12-542(6)
Foreclosure	6 years	33-816, 12-548(A)
Recovery of real property		
—Adverse possession, from a person possessing and using not more than 160 acres of land	10 years	12-526
—Adverse possession, from a person possessing and using, paying taxes on, and claiming the land under a deed	5 years	12-525(A)
—Adverse possession, under color of title	3 years	12-523(A)
—Claims by right of possession only	2 years	12-522
—When located in a city or town, from a person who claims ownership and has paid taxes for the previous 5 years thereon	5 years	12-524
Injuries to real property relating to the design, specifications, surveying, planning, supervision, testing, construction, or observation of construction of an improvement to real property (including actions based on an implied warranty arising out of the contract or the construction)	8 years after substantial completion of the improvement to real property  OR  if the injury occurred, or latent defect was not discovered, until the 8th year after substantial completion, 1 year after the injury occurred or defect discovered, but not more than 9 years after the substantial completion	12-552(A)        12-552(B)
Redemption following foreclosure sale	6 months or 30 days if the property was both abandoned and not used primarily for agricultural or grazing purposes	12-1282
Specific performance to convey real property	4 years	12-546
<b>SECURITIES</b>		
Securities fraud	2 years OR 5 years after a bona fide offer of the security to the public, or sale of the security	44-2004(B),(C)
Securities registration violations	1 year	44-2004(A)

AREA OF LAW	LIMITATIONS PERIOD	STATUTE
<b>SLANDER</b>	1 year	12-541(1)
<b>STATE GOVERNMENT</b>		
Claim against a bond or deposit	the later of 2 years after the date of sale or installation of the unit on which the suit is based	41-2179(E)
Complaint for alleged discriminatory housing practice	1 year	41-1491.22(C)
Discriminatory public accommodation practice or breach	2 years	41-1492.08(C)
<b>STATUTORY LIABILITIES</b>		
A liability created by statute, other than a penalty or forfeiture	1 year	12-541(5)
Forfeiture	7 years	13-4308(B)
<b>TAXATION</b>		
Claim for credit or refund	4 years	42-1106(A)
Correcting property tax errors	the period during which the current owner of record holds title to the property	42-16256(A)
Notice of additional tax due	4 years after the report or return is required to be filed or within four years after the report or return is filed, whichever period expires later	42-1104(A)
Obligations for tax, interest, or penalty	10 years	42-2066
<b>TRADE SECRETS</b>		
Misappropriation under Unfair Trade Practices Act	3 years after discovery	44-406
<b>TRUSTS</b>		
Claim for relief against a custodial trustee for accounting or breach of duty		
—Where claimant has not received a final account or statement fully disclosing the matter	3 years after the termination of the custodial trust	14-9116(A)(2)
—Where claimant has received a final account or statement fully disclosing the matter	2 years after receipt of the final account or statement	14-9116(A)(1)
Claim for relief not otherwise barred by 14-9116	if claimant is a minor, the earlier of 2 years after the claimant becomes an adult or dies OR if claimant is an incapacitated adult, the earliest of 2 years after the appointment of a conservator, the removal of the incapacity, or the death of the claimant OR if claimant was an adult, now deceased, who was not incapacitated, 2 years after claimant's death	14-9116(C)

AREA OF LAW	LIMITATIONS PERIOD	STATUTE
<b>TRUSTS (CONTINUED)</b>		
Claim for relief to recover from a custodial trustee for fraud, misrepresentation, or concealment related to the final settlement of the custodial trust or concealment of the existence of the custodial trust	5 years after the termination of the custodial trust	14-9116(B)
Commencement of a proceeding to contest the validity of a trust that was revocable at the settlor's death	the earlier of 1 year after the settlors death OR 4 months after receiving notice of the trust by the trustee	14-10604(A)
Trustees breach of trust	1 year after receipt of report disclosing the existence of a potential claim OR 2 years after the first to occur of the removal, resignation, or death of the trustee, the termination of the beneficiary's interest in the trust, or the termination of the trust	14-11005
<b>UNIFORM COMMERCIAL CODE</b>		
Breach of sales contract	4 years	12-544(4); 47-2725(A)
<b>WORKERS COMPENSATION</b>		
Personal injury claims	2 years	12-542; <i>Stephens v. Textron, Inc.</i> , 619 P.2d 736 (Ariz. 1980)
<b>WRONGFUL DEATH</b>		
	2 years after the death of the injured party	12-542(2)