

NOTICE: NOT FOR OFFICIAL PUBLICATION.  
UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL  
AND MAY BE CITED ONLY AS AUTHORIZED BY RULE.

IN THE  
**ARIZONA COURT OF APPEALS**  
DIVISION ONE

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AROURA HARRIS aka SEPI,  
*Petitioner/Appellee,*

*v.*

GILBERT HARRIS,  
*Respondent/Appellant.*

No. 1 CA-CV 17-0422 FC  
FILED 4-26-2018

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Appeal from the Superior Court in Navajo County  
No. S0900DO201600400  
The Honorable Michala M. Ruechel, Judge

**AFFIRMED**

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COUNSEL

Gilbert Harris, Pinetop  
*Respondent/Appellant*

Aroura Sepi, Pinetop  
*Petitioner/Appellee*

SEPI v. HARRIS  
Decision of the Court

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**MEMORANDUM DECISION**

Judge Jennifer M. Perkins delivered the decision of the Court, in which Presiding Judge Diane M. Johnsen and Judge Kent E. Cattani joined.

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**P E R K I N S**, Judge:

¶1 Gilbert Harris appeals from the superior court's entry of default judgment dissolving his marriage to Aurora Sepi. For the following reasons, we affirm.

**FACTS AND PROCEDURAL BACKGROUND**

¶2 Sepi and Harris married in July 2016. In October 2016, Sepi filed a Petition for Dissolution in Navajo County Superior Court. A process server served Harris with the Petition, along with a summons, accompanying documents, and an order of protection, on October 7, 2016. Harris did not respond to Sepi's Petition and failed to appear at a scheduled settlement conference in January 2017. Sepi then filed an application for default. The superior court entered a notice of default, held a default hearing on March 27, 2017, and entered a Decree of Dissolution on that same day.

¶3 Harris asserts he filed for dissolution in White Mountain Apache Tribal Court before Sepi filed her Petition in Navajo County. Harris argues: (1) he is a member of the White Mountain Apache Tribe and Sepi is a member of the Navajo Nation; (2) he and Sepi resided on the Fort Apache Indian Reservation for the duration of their marriage; and (3) he was never served with Sepi's Petition.

**DISCUSSION**

¶4 A default judgment is only appealable to the extent there is a question regarding personal jurisdiction, subject matter jurisdiction, or the validity of the default judgment pursuant to Arizona Rule of Family Law Procedure 44. *Kline v. Kline*, 221 Ariz. 564, 568, ¶¶ 11-12 (App. 2009). Other issues may be examined only on appeal from an order refusing to set aside a default judgment. *Id.* at ¶ 11. Here, Harris challenges the personal and subject matter jurisdiction of the superior court, which we may consider on direct appeal from the default judgment.

SEPI v. HARRIS  
Decision of the Court

¶5 Harris argues the superior court lacked personal jurisdiction because he was never properly served with the Petition. Personal jurisdiction is an issue of law we review *de novo*. *Duckstein v. Wolf*, 230 Ariz. 227, 233, ¶ 19 (App. 2012). When challenging service of process, the movant must demonstrate by clear and convincing evidence that service was improper. *Id.* at 234, ¶ 20; *General Elec. Capital Corp. v. Osterkamp*, 172 Ariz. 191, 194 (App. 1992). Here, Harris failed to file a motion challenging service in the superior court, and points to nothing in the record showing inadequate service. Instead, the record shows Sepi served Harris personally through a process server on October 7, 2016, in Pinetop. Thus, Harris’s argument that the superior court lacked personal jurisdiction fails.

¶6 Harris further argues the superior court lacked subject matter jurisdiction because he filed for dissolution in White Mountain Apache Tribal Court before Sepi filed in Navajo County. Thus, Harris argues, the tribal court had exclusive jurisdiction over the matter. However, the tribal court dismissed the tribal dissolution action in April 2017 when Sepi submitted a copy of the Decree entered by the superior court. Thus, the tribal court did not question the state court’s jurisdiction over the case, and Harris offers no authority for the proposition that his initial filing in tribal court granted the White Mountain Apache Tribe exclusive jurisdiction.

¶7 The superior court had subject matter jurisdiction over this dissolution pursuant to Arizona Revised Statutes (“A.R.S.”) section 25-311 and 25-312 (2018). It is uncontested that, at the time the action commenced, the parties were domiciled in Arizona and had been domiciled in Arizona for at least ninety days prior to filing. *See* A.R.S. §§ 25-311, -312. Thus, Harris’s jurisdiction argument fails.

CONCLUSION

¶8 For the foregoing reasons, we affirm the decree of the superior court. Sepi is entitled to costs on compliance with Arizona Rule of Civil Appellate Procedure 21.



AMY M. WOOD • Clerk of the Court  
FILED: AA