

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF \_\_\_\_\_

\_\_\_\_\_ JUDICIAL DISTRICT

\_\_\_\_\_  
PLAINTIFF,

Case No. \_\_\_\_\_

Vs

ANSWER AND COUNTERCLAIM

(No Children)

\_\_\_\_\_  
DEFENDANT.

**ANSWER**

\_\_\_\_\_ (*Defendant's name*), the Defendant

in this divorce action, submits this Answer to the allegations in the Plaintiff's Complaint:

1. Defendant denies each and every allegation in the Plaintiff's Complaint unless specifically admitted to below.

2. Defendant admits to the allegations in the following paragraphs in the Plaintiff's Complaint (*list each paragraph number with which you completely agree*): \_\_\_\_\_  
\_\_\_\_\_.

3. Defendant admits part and denies part of the allegations in the following paragraphs in the Plaintiff's Complaint (*list the paragraph number and explain what part of the paragraph you agree and what part you disagree*):

a. Paragraph # \_\_\_\_: \_\_\_\_\_

b. Paragraph # \_\_\_\_: \_\_\_\_\_

c. Paragraph # \_\_\_\_: \_\_\_\_\_

d. Paragraph # \_\_\_\_: \_\_\_\_\_

4. Defendant does not have sufficient knowledge to either admit or deny the allegations in the following paragraphs in the Plaintiff's Complaint (*list each paragraph number you don't have enough information with which to agree or disagree*): \_\_\_\_\_

\_\_\_\_\_.

**AFFIRMATIVE DEFENSES Pursuant to Rule 8 of the North Dakota Rules of Civil Procedure**

5. (*Choose one.*)

- a.  Defendant does not have any affirmative defenses.
- b.  Defendant has the following affirmative defenses (*Select all that apply. You will be required to prove all affirmative defenses you select.*)
  - Defendant was not served a copy of the summons and complaint.
  - Defendant received a copy of the summons and complaint, but was not properly served because \_\_\_\_\_.
  - A divorce case has already started in \_\_\_\_\_  
(*State and name of Court*), Case Number: \_\_\_\_\_.
  - A legal separation case has already started in \_\_\_\_\_  
(*State and name of Court*), Case Number: \_\_\_\_\_.
  - Other \_\_\_\_\_

(*This space left intentionally blank.*)

## COUNTERCLAIM

The Defendant in this divorce action submits this Counterclaim to the Plaintiff's

Complaint:

6. The identifying information of Plaintiff and Defendant is as follows:

a. Plaintiff's full legal name is: \_\_\_\_\_.

Plaintiff's address is: \_\_\_\_\_

\_\_\_\_\_.

Plaintiff's employer's name and address: \_\_\_\_\_

\_\_\_\_\_.

Plaintiff's birth year: \_\_\_\_\_

Last 4 digits of Plaintiff's social security number: XXX-XX-\_\_\_\_\_

b. Defendant's full legal name is: \_\_\_\_\_.

Defendant's address is: \_\_\_\_\_

\_\_\_\_\_.

Defendant's employer's name and address: \_\_\_\_\_

\_\_\_\_\_.

Defendant's birth year: \_\_\_\_\_

Last 4 digits Defendant's social security number: XXX-XX-\_\_\_\_\_

7. Plaintiff and Defendant were married on \_\_\_\_\_ (*date*), at

\_\_\_\_\_ (*city*), \_\_\_\_\_ (*state*) and ever since have been

married.

8. (*Choose one*)

a.  Neither Plaintiff nor Defendant is currently in the Armed Services of the United States of America or its allies.

**OR**

b.  Plaintiff/ Defendant is currently in the Armed Services of the United States of America or its allies but is not currently deployed or notified of deployment.

9. Irreconcilable differences have arisen between Plaintiff and Defendant making the continuation of the marriage impossible.

10. Plaintiff and Defendant have no minor children together.

11. (*Choose one.*)

a.  Neither Plaintiff nor Defendant is pregnant.

**OR**

b.  Plaintiff/ Defendant is pregnant. However, the  Plaintiff/ Defendant is not the father, and the child is not at issue in this proceeding.

12. The parties are owners of property, which should be divided by the Court and an equitable portion awarded to each party.

13. The parties have accumulated a certain amount of debt throughout the marriage, which should be divided, and an equitable portion assessed to each party.

14. Defendant wants to restore his or her name (*choose one*):  Yes  No

**WHEREFORE**, Defendant asks for the following relief on the Answer and Counterclaim:

15. (*Select all that apply.*)

a.  That Plaintiff's Complaint be dismissed because (*explain*) \_\_\_\_\_  
\_\_\_\_\_.

b.  The bonds of matrimony presently existing between Plaintiff and Defendant be wholly dissolved and that Plaintiff be granted an absolute decree of divorce from Defendant.

c.  For a fair and equitable division of the assets and liabilities accumulated and incurred by the parties.

d.  That Plaintiff and Defendant pay their own attorney's fees and costs associated with bringing this action.

e.  Defendant's name be restored to \_\_\_\_\_.

f.  For such further and additional relief as this Court may deem just and proper.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
*Signature of Defendant*

\_\_\_\_\_  
*Typed or Printed Name of Defendant*

\_\_\_\_\_  
*Address*

\_\_\_\_\_  
*City State Zip Code*

\_\_\_\_\_  
*Telephone Number*

\_\_\_\_\_  
*Email Address*