

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF _____

CIVIL NO: _____

Plaintiff,

Defendant.

vs.

PETITION

1. THE PLAINTIFF'S INFORMATION

Year of birth: _____
Home address: _____
Lived in North Dakota since: _____ Home phone: _____
Employed by: _____ Work phone: _____
Employer's address _____

2. THE DEFENDANT'S INFORMATION

Year of birth: _____
Home address: _____
Lived in North Dakota since: _____ Home phone: _____
Employed by: _____ Work phone: _____
Employer's address _____

3. OTHER INFORMATION

Dated married: _____ County and state where married: _____

The initials and birth years of the children of the parties are as follows:

The initials and birth years of the any other children for whom you provide or receive support:

The parties have irreconcilable differences or there are other grounds that require dissolution of the marriage, together with the following relief (check all that apply):

____ divorce/separation ____ spousal support ____ property division ____ child support
____ un-contested child custody/visitation ____ contested child custody/visitation

DATED this _____ day of _____, 20____.

BY: _____
Signature of Plaintiff

FORM 2(a) INSTRUCTIONS to the person filing the petition.

Use Form 2(b) - Continuation Sheet if additional space is needed.

STEP ONE: Complete the Financial Affidavit included with these instructions.

State your complete monthly income (before taxes) **from all sources**.

State the amount of your spouse's complete monthly income (before taxes) from all sources. Estimate if necessary.

1. Indicate how much money you have immediately available including cash on hand and in bank accounts.
2. State the value of all stocks, bonds, and retirement accounts.
3. Indicate the fair market value of all real estate properties you own.
4. List all other items of value you own, including vehicles and their values.
5. List **all debts** that you and your spouse have, including credit cards, bank loans, car loans, mortgages, etc.
6. Estimate your monthly expenses.

STEP TWO: After you have completed the "Plaintiff's Financial Affidavit" you should sign it **in the presence of a clerk of district court or a notary public**, and then return it to the clerk of court with the Summons, Notice of Hearing, and the Petition.

IMPORTANT: Bring proof of all financial information to the hearing, including copies of:

- Bank statements
- Pay checks
- Tax returns.

COUNTY OF _____

CIVIL NO: _____

Plaintiff,

vs.

PLAINTIFF'S FINANCIAL AFFIDAVIT

Defendant.

My monthly gross income from employment is _____ \$ _____
 My monthly gross income from public assistance(W.Comp, Soc.Security,etc.) _____ \$ _____
 Type of assistance _____ \$ _____
 My monthly gross income from ALL other sources is _____ \$ _____
Income - Total \$ _____

I estimate the defendant's monthly gross income from all sources to be ----- \$ _____

ASSETS

1. Cash on hand and in all banks accounts _____ \$ _____
 2. Stocks, bonds, retirement accounts _____ \$ _____
 3. Real estate located at _____ \$ _____
 4. ALL Other assets and approximate value are as follows:
 _____ \$ _____
 _____ \$ _____
 _____ \$ _____
Assets (Total lines above) \$ _____

DEBTS

5. The debts of myself and my spouse are as follows:
 CREDITOR
 _____ Unpaid Balance \$ _____
 _____ \$ _____
 _____ \$ _____
 _____ \$ _____
Debts - Total \$ _____

6. My necessary monthly expenses to support myself (and my children) are as follows:

Rent/house pmt/insurance	\$ _____	Medical exp.	\$ _____
Utilities	\$ _____	Child care	\$ _____
Groceries	\$ _____	Clothing	\$ _____
Vehicle payments	\$ _____	gas/ transp.	\$ _____
Other (list): _____	\$ _____		\$ _____

Monthly Total \$ _____

I swear that all information provided is true, accurate, and complete.

Subscribed and sworn to before me this _____ day of _____, 20__.

Signature of Plaintiff

Clerk or Notary Public
_____, North Dakota

Service Instructions to Plaintiff

You must serve the Defendant with the following:

1. Information and Instructions - Form 1.
2. Completed Summons - Form 1(a).
3. Completed Notice of Hearing & Appearance – Form 1(b).
4. Completed Petition - Form 2.
5. Completed Plaintiff's financial affidavit - Form 2(a) and continuation sheet – 2(b) if used.
6. Defendant's Admission of Service Form 2 (d) if used.
7. Blank Defendant's Answer and Counterclaim – Form 3.
8. Blank Defendant's Financial Affidavit – Form 3(a).
9. Blank Defendant's Financial Affidavit continuation sheet - 3(b).
10. Service instructions to Defendant.
11. Blank Defendant's Affidavit of Mailing/Personal Service – 3(c).
12. Blank Plaintiff's Admission of Service – 3(d).

Proof of service is an important step in the legal process. Service may be done in three different ways and must be filed with the clerk.

1. BY MAIL.

If you elect to serve papers by mail, you must:

- A. Have someone who is at least 18 years of age and not a party of interest to this action send the documents listed above to the defendant. Send the items by CERTIFIED MAIL, RETURN RECEIPT REQUESTED (RESTRICTED DELIVERY) The envelope should be marked "DELIVER TO ADDRESSEE ONLY".
- B. Complete the "AFFIDAVIT OF MAILING" section of Form 2 (c) and have the person who mailed the forms (must be a person other than the plaintiff) sign the appropriate section **in front of a clerk of court or notary public.**
- C. File the AFFIDAVIT OF MAILING, TOGETHER WITH THE GREEN CARD RECEIPT SIGNED BY THE DEFENDANT SHOWING ACTUAL DELIVERY with the clerk.

2. BY PERSONAL SERVICE.

You may serve the defendant by personal service by:

- A. Giving the forms to the sheriff for service on the defendant (you will be charged a fee).
- B. You may have another person of legal age and who is not a party to or interested in the action give the papers to the defendant. If this is done, the person serving the papers must fill out the AFFIDAVIT OF PERSONAL SERVICE section of Form 2 (c) and sign the form **in front of a clerk of court or notary public.**
- C. File the AFFIDAVIT OF PERSONAL SERVICE or proof of service from the Sheriff's office with the clerk.

3. BY OBTAINING THE DEFENDANT'S SIGNATURE on Form 2 (d).

Service may be made by providing the defendant copies of all the forms listed above.

- A. Ask defendant to complete the ADMISSION OF SERVICE Form 2(d) and fill in the date he or she received the Summons, Petition, and Notice of Hearing.
- B. Ask the defendant to sign Form 2(d) and file it with the clerk.

COUNTY OF _____

CIVIL NO: _____

Plaintiff,

vs.

Defendant.

PLAINTIFF'S AFFIDAVIT OF MAILING

Name of Person who Mailed Papers	Hour Mailed <input type="checkbox"/> A.M. <input type="checkbox"/> P.M.	Date Mailed
Person to whom Papers were Mailed	Street Address where Mailed	
City	State	Zip Code
Mailed at U.S. Post Office in the City of	State of:	

I swear that I am at least 18 years of age; and that on the date shown above, I deposited a true copy of the Summons, Petition, Notice of Hearing & Appearance, Plaintiffs Financial Affidavit, and Defendant's Forms in this case, securely enclosed in an envelope with CERTIFIED MAIL POSTAGE DULY PREPAID, DELIVER TO ADDRESSEE ONLY, FOR THE DEFENDANT LISTED ABOVE.

Subscribed and sworn to before me this _____ day of _____, 20____.

Signature of Person Mailing Papers

Clerk of Court or Notary Public
_____ County, North Dakota

AFFIDAVIT OF PERSONAL SERVICE

I, _____, swear that I am at least 18 years of age, and that I personally served a true copy of the Summons, Petition, Notice of Hearing & Appearance, Financial Affidavit, and Defendant's Forms in this case on the defendant on _____, 20____ (date) at the following location: _____.

Subscribed and sworn to before me this _____ day of _____, 20____.

Signature of Person Serving Papers

Clerk of Court or Notary Public
_____ County, North Dakota

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF _____

Civil No. _____

_____,
Plaintiff,

ADMISSION OF SERVICE

vs.

_____,
Defendant.

I, _____, hereby admit receipt of a copy of the Summons, Petition, Notice of Hearing, Plaintiff's Financial Affidavit, and Defendant's forms for the above entitled case on _____, 20____.

Signature of Defendant