

STATE OF NORTH DAKOTA

IN DISTRICT COURT

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

CIVIL NO: \_\_\_\_\_

\_\_\_\_\_  
Plaintiff,

vs.

**DEFENDANT'S ANSWER**

\_\_\_\_\_  
Defendant.

Check the statement below that applies to you:

- I have received the Summons and Plaintiff's Petition and request the Court to issue a judgment accordingly.
- I have received the Summons and Plaintiff's Petition but I wish to contest the following (briefly state and explain):

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**COUNTERCLAIM**

If you feel you have a claim against the Plaintiff arising out of your relationship, you may present your claim as part of this case and have it decided at the same time. If that is the situation, fill in the following (briefly describe your claim and state your reasons):

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Clerk or Notary Public  
\_\_\_\_\_ County, North Dakota

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

**RETURN TO DISTRICT COURT FOR FILING  
and serve on the PLAINTIFF at least 2 days before  
your scheduled hearing, but no later  
than 20 days after service.**

## FORM 3(a) INSTRUCTIONS

**STEP ONE:** Complete the Financial Affidavit included with these forms.  
Use continuation sheet (form 3b) if necessary.

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. List 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 "Defendant's Financial Affidavit" you should sign it **in the presence of a clerk of district court or a notary public**, and then file it with the clerk at least two days before your scheduled hearing but not later than 20 days after service of the Summons, Notice of Hearing, Petition, and Plaintiff's Financial Affidavit.

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

- Bank statements
- Pay checks
- Tax returns.

STATE OF NORTH DAKOTA

IN DISTRICT COURT

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

CIVIL NO: \_\_\_\_\_

\_\_\_\_\_  
Plaintiff,

vs.

**DEFENDANT'S FINANCIAL AFFIDAVIT**

\_\_\_\_\_  
Defendant.

**INCOME**

My monthly gross income from employment is \_\_\_\_\_ \$ \_\_\_\_\_

My monthly gross income from public assistance/ W.Comp, Soc.Security, etc. \$ \_\_\_\_\_

My monthly gross income from ALL other sources is \_\_\_\_\_ \$ \_\_\_\_\_

**Income - Total** \$ \_\_\_\_\_

I estimate the plaintiff's monthly gross income from all sources to be \_\_\_\_\_ \$ \_\_\_\_\_

**ASSETS**

1. Cash on hand and in all bankaccounts \_\_\_\_\_ \$ \_\_\_\_\_

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

\_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_

**Debt - Total** \$ \_\_\_\_\_

**EXPENSES**

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 Expenses Total** \$ \_\_\_\_\_

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

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Clerk or Notary Public  
\_\_\_\_\_ County, North Dakota

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



# Service Instructions to Defendant

## You must serve the Plaintiff with the following:

1. Defendant's Answer and Counterclaim – Form 3.
2. Completed Defendant's Financial Affidavit – Form 3(a).
3. Completed Defendant's financial affidavit continuation sheet - 3(b) if used.

**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 to the plaintiff by U.S. MAIL.
- B. Complete the "AFFIDAVIT OF MAILING" section of Form 3 (c) and have the person who mailed the forms (must be a person other than the defendant) sign the appropriate section **in front of a clerk of court or notary public.**
- C. File the AFFIDAVIT OF MAILING with the clerk.

### 2. BY PERSONAL SERVICE

You may serve the plaintiff by personal service by:

- A. Giving the forms to the sheriff for service on the plaintiff (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 plaintiff. If this is done, the person serving the papers must fill out the AFFIDAVIT OF PERSONAL SERVICE part of Form 3 (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 with the clerk of court.

### 3. BY OBTAINING THE PLAINTIFF'S SIGNATURE on Form 3 (d)

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

- A. Ask plaintiff to complete the ADMISSION OF SERVICE Form 3 (d) and fill in the date he or she received the Defendant's Answer and Defendant's Financial Affidavit forms.
- B. Ask the plaintiff to sign Form 3 (d) and file it with the clerk.

STATE OF NORTH DAKOTA

IN DISTRICT COURT

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

CIVIL NO: \_\_\_\_\_

\_\_\_\_\_  
Plaintiff,

vs.

\_\_\_\_\_  
Defendant.

**DEFENDANT'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 show above, I deposited a true copy of the Defendant's Answer and Financial Affidavit, securely enclosed in an envelope in the U.S. mail with postage duly paid, as noted 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 Defendant's Answer and the Defendant's Financial Affidavits in this case on the plaintiff 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  
Defendant's Answer and Defendant's Financial Affidavit in the above entitled case on  
\_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature of Plaintiff