

**AFFIDAVIT OF MAILING/PERSONAL SERVICE - ANSWER/COUNTERCLAIM**  
(See Instructions on Reverse Side)

**AFFIDAVIT OF MAILING OF ANSWER/COUNTERCLAIM TO PLAINTIFF:**

Name of Person who Mailed Papers	Time Mailed <input type="checkbox"/> A.M. <input type="checkbox"/> P.M.	Date Mailed
Plaintiff(s) To Whom Papers Were Mailed	Where addressed (list each Plaintiff's name and address separately)	
	Restricted Delivery receipt No.:	
Mailed at United States Post Office in City of	In the State of	

I swear that I am at least 18 years of age, and that at the time and on the date shown above, I deposited a true copy of the Defendant's Answer/Counterclaim in this case, securely enclosed in an envelope with Restricted Delivery, Return Receipt postage duly prepaid, for each Plaintiff listed, at the above named United States Post Office.

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

\_\_\_\_\_  
Signature of person who mailed papers

\_\_\_\_\_  
Clerk or Notary Public

If notary, my commission expires: \_\_\_\_\_ County, North Dakota

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**AFFIDAVIT OF PERSONAL SERVICE OF ANSWER/COUNTERCLAIM ON PLAINTIFF:**

NOTE: In cases with more than one Plaintiff, each Plaintiff must be served and a separate Affidavit of Personal Service must be filed with the court on each service.

Name of Person who Served Papers	Time Served <input type="checkbox"/> A.M. <input type="checkbox"/> P.M.	Date Served
Plaintiff(s) On Whom Papers Were Served	Address where served	

I swear that I am at least 18 years of age, not a party to or interested in the above action, and that on the time and date shown above, I personally served a true copy of the Defendant's Answer/Counterclaim in this case, on the Plaintiff whose name and address are shown above.

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

\_\_\_\_\_  
Signature of person who served papers

\_\_\_\_\_  
Clerk or Notary Public

If notary, my commission expires: \_\_\_\_\_ County, North Dakota

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SMALL CLAIMS COURT \_\_\_\_\_ COUNTY, North Dakota. CASE NO. \_\_\_\_\_

PLAINTIFF \_\_\_\_\_ vs. DEFENDANT \_\_\_\_\_

**INSTRUCTIONS**  
**FOR SERVING PAPERS ON A PLAINTIFF**

**A copy of the Answer/Counterclaim must be served on each Plaintiff. You must serve the Answer/Counterclaim on the Plaintiff at least 48 hours before the scheduled hearing.**

**SERVICE MAY BE DONE IN TWO WAYS:**

**BY MAIL**

A. If you elect to serve papers by mail you must:

1. Send to the Plaintiff by Restricted Delivery with Return Receipt a copy of the "Answer/Counterclaim" (Form 4).
2. Complete the "Affidavit of Mailing" section on the reverse side of this form and have the person who mailed the forms sign in the appropriate section, in front of a clerk or notary.

Take the "Affidavit of Service" and the receipt from the post office with you to court.

Assistance in serving papers by mail will be given to you at the post office.

**OR**

**PERSONAL SERVICE**

B. You may serve the Plaintiff personally by:

1. Giving the forms to the sheriff to be served. (The sheriff will charge you a fee, which might be assessed against the Plaintiff if you win.)
2. You may have another person who is of legal age and who is not a party to or interested in the case give the papers to the Plaintiff. If this is done, the person giving the papers to the Plaintiff must fill out the reverse side of this form and sign it before a clerk or have his/her signature notarized.

Take this form with you to court.