

CLAIM AFFIDAVIT
(See Instructions on Reverse Side)

Form 2

_____ County, North Dakota Case No. _____

Full Name of Person(s) Filing Claim (PLAINTIFF(S))			
Address	City	State	Zip Code
Occupation		Telephone Number	

Full Name of Person(s) You are Suing (DEFENDANT(S))			
Address	City	State	Zip Code
Occupation		Telephone Number	

PLAINTIFF(S) claims the following from the DEFENDANT(S): (Give a SHORT statement of the claim, reasons for the claims, and the amount you are suing for. TOTAL AMOUNT CLAIMED \$ _____ PLUS COURT COSTS.

(Attach additional sheet if necessary.)

I declare under penalty of perjury that the foregoing is true and correct. Dated this ____ day of _____, 20__.

_____ County, North Dakota.

Plaintiff's Signature

**NOTICE TO DEFENDANT: REQUEST FOR HEARING/
REMOVAL TO DISTRICT COURT**

If you, the Defendant, intend to contest this claim and request a hearing in small claims court, or request removal of this case to District Court, you must file your REQUEST FOR HEARING/REMOVAL TO DISTRICT COURT (**Form 3**) with the Clerk of District Court **within 20 days of receipt of this Claim Affidavit.**

FORM 2 – INSTRUCTIONS TO THE PERSON WISHING TO FILE A CLAIM

STEP ONE: First complete the "CLAIM AFFIDAVIT" (on the reverse side of this page).

You must have the full name and address of each person you sue. After you have completed your CLAIM AFFIDAVIT you must sign it.

Fill out and sign an "Affidavit of Identification" (FORM 8) for each Defendant in the case.

STEP TWO: Return the Claim Affidavit and an Affidavit of Identification for each Defendant to the Clerk of District Court. You must file the Claim Affidavit and pay the \$10.00 filing fee BEFORE serving the Defendant.

Ask the Clerk of District Court to make 1 copy of the Claim Affidavit with the case number. You may be asked to pay a fee for the copy.

STEP THREE: You must now SERVE the Defendant with the following forms:

FORM 1 - Small Claims Court Information (*keep 1 copy for yourself*).

FORM 2 - Claim Affidavit (*serve 1 copy of completed & signed Form 2*).

FORM 3 - Request for Hearing/Removal to District Court (*blank - don't fill out Form 3*).

FORM 4 – Defendant's Answer and Counterclaim (*blank - don't fill out Form 4*).

FORM 5 - Affidavit of Mailing for Counterclaim (*blank - don't fill out Form 5*).

FORM 7 - North Dakota Small Claims Court Act (*keep 1 copy for yourself*).

NOTE: If you are filing a claim against more than one Defendant, you must serve each Defendant with the above copies.

The back of FORM 6 has your instructions on how to serve the Defendant.

STEP FOUR: You must next complete the "AFFIDAVIT OF SERVICE" (FORM 6). Fill out the appropriate section of FORM 6 and have the person mailing to or serving the Defendant sign the form. If you mail the forms to the defendant by certified mail - restricted delivery, YOU MUST file the Affidavit of Service and the signed, green return receipt card with the Clerk of District Court AS SOON as you receive the green card from the post office.

If the sheriff serves the papers, the sheriff will provide you with a completed Affidavit of Service and Form 6 may be discarded. You must file the sheriff's affidavit with the Clerk of District Court as soon as you receive it from the sheriff's department.

STEP FIVE: If the defendant requests a hearing in small claims court on this claim, the court will schedule the hearing not less than 10 days nor more than 30 days after receiving the defendant's request. The court will send notice to you of the hearing date. At the time set for the hearing you MUST COME TO COURT. If you fail to appear your claim may be dismissed, and you may be prohibited from bringing it up again.