

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF _____

_____ JUDICIAL DISTRICT

IN THE MATTER OF THE GUARDIANSHIP OF

AN INCAPACITATED INDIVIDUAL

Case No. _____

NOTICE OF MOTION FOR APPOINTMENT OF SUCCESSOR GUARDIAN

The following Motion for Appointment of Successor Guardian(s) is brought in accordance with Rule 3.2, North Dakota Rules of Court. The motion will be decided on the documents filed with the court unless oral argument or the taking of testimony is timely requested by a party or required by the Court.

You have 14 days after service of this Motion upon you within which to serve and file a response or objection to the Court granting the attached motion. Upon the filing of an answer, or upon expiration of the time for filing, the Motion is deemed submitted to the Court, unless a party timely requests oral argument or the taking of testimony.

Dated this _____ day of _____, 20____.

Signature of Attorney for Guardian/Movant
(ND Bar ID # _____)

Printed Name

Address

City, State, Zip Code

Telephone Number

STATE OF NORTH DAKOTA IN DISTRICT COURT
COUNTY OF _____ _____ JUDICIAL DISTRICT

IN THE MATTER OF THE GUARDIANSHIP OF

_____,
AN INCAPACITATED INDIVIDUAL

Case No. _____

**MOTION FOR APPOINTMENT OF SUCCESSOR GUARDIAN
GUARDIAN STATEMENT**

1. My name is _____.
2. My address is _____

_____.
3. On _____, 20____, I was appointed guardian for the above-named ward.

4. I am unable to continue to serve as guardian for the above-named ward for the following reasons:

STATE OF NORTH DAKOTA IN DISTRICT COURT
COUNTY OF _____ _____ JUDICIAL DISTRICT

IN THE MATTER OF THE GUARDIANSHIP OF

_____ ,

AN INCAPACITATED INDIVIDUAL

Case No. _____

NOMINEE STATEMENT

1. My name is _____.

2. My address is _____.

_____.

3. I have been nominated to serve as successor guardian for the above-named ward. I accept the nomination and I am willing and able to serve as successor guardian. My qualifications to serve as successor guardian are:

4. I understand and accept the powers and responsibilities designated in the Order appointing the original guardian.

5. I understand that I will be required to provide to the Court within ninety (90) days of my appointment a beginning inventory of all assets owned by the ward or in which the ward has an interest.

6. I understand that I will be required to provide to the Court an annual report describing the status and condition of the ward and that a copy of the annual report must be provided to the ward and to any interested persons designated in the Order appointing the original guardian.

Dated this ____ day of _____, 20____.

Signature of Nominated Successor

STATE OF NORTH DAKOTA)
) ss.
_____ COUNTY)

_____,
being first duly sworn, states as follows:

That he/she is the Nominated Successor in the above document and that he/she has read the Nominee Statement and the facts stated are true to the best of his/her knowledge.

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

Notary Public
State of North Dakota
My Commission Expires: _____

Dated this ____ day of _____, 20____.

Attorney for Petitioner(s)
ND Bar ID # _____

STATE OF NORTH DAKOTA
COUNTY OF _____

IN DISTRICT COURT
_____ JUDICIAL DISTRICT

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_____,
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CERTIFICATE OF MAILING/HAND-DELIVERY

The undersigned certifies that a true and correct copy of the Notice of Motion for Appointment of Successor Guardian, Motion for Appointment of Successor Guardian, and Nominee Statement in the above entitled case were, on the following date mailed, by first class mail, postage prepaid, or hand delivered to:

___ ward or ward's attorney (if any): on date _____

___ parent of ward (if any): on date _____

___ the following interested person(s) designated by the court order and other persons interested in this guardianship:

_____ : on date _____

_____ : on date _____

_____ : on date _____

_____ : on date _____

Guardian/Movant: _____

Signature: _____ Date: _____

For notary public:

State of _____

County of _____

Signed [or attested] before me on _____ (Date) by

(Individual(s) making statement)

Signature of notarial officer _____

[Stamp]

Instructions for Notice of Motion and Motion for Appointment of a Successor Guardian

ND Legal Self Help Center staff and court employees cannot help you fill out the forms.

Do not include these instructions when you mail or file the completed forms.

Purpose

These forms may be used by a current Guardian to ask the North Dakota District Court that has jurisdiction over the guardianship to appoint a successor Guardian.

[North Dakota Century Code Section 30.1-28-15](#) relates to appointment of a successor Guardian for an incapacitated adult.

If you are a Guardian representing yourself, you complete and sign the forms. If you are unsure how to proceed or unsure if these forms are suitable for your situation, you should consult an attorney.

Mail or Hand-Deliver Copies of the Completed Notice of Motion and Motion for Change of Venue Forms

All interested persons designated in the order appointing you as Guardian and other persons interested in this guardianship must receive a copy of each of the completed Notice of Motion and Motion for Change of Venue forms.

Copies may be mailed by first class, postage prepaid, or hand-delivered.

Notice of Motion for Appointment of a Successor Guardian Form

- **Top of Form (Caption)**
 - Enter the county and district court names.
 - Fill in legal name of the ward.
 - Enter the case number from your Letters of Guardianship.
- **Signature**
 - Sign the form and complete the lines following the signature line.
 - Cross out the line that says “(ND Bar ID# _____).” This is only required for attorneys.

Motion for Appointment of a Successor Guardian Form

- **Top of Form (Caption)**
 - Enter the county and district court names.

- Fill in legal name of the ward.
- Enter the case number from your Letters of Guardianship.
- **Complete Paragraphs 1 through 6 of the Form**
 - The current Guardian completes Paragraphs 1 through 6.
- **Signature and Notarization**
 - In the presence of a notary public, the current Guardian must sign and date the form on the line directly after Paragraph 6.
 - A notary public may be available at your local bank, credit union or district court.
- **Attorney Date and Signature**
 - This is required if you are represented by an attorney.
 - If you are representing yourself, cross out the attorney date and signature lines.

Nominee Statement Form

- **Top of Form (Caption)**
 - Enter the county and district court names.
 - Fill in legal name of the ward.
 - Enter the case number from the Letters of Guardianship.
- **Complete Paragraphs 1 through 6 of the Form**
 - The person nominated to be the successor Guardian completes Paragraphs 1 through 6.
- **Signature and Notarization**
 - In the presence of a notary public, the person nominated to be the successor Guardian must sign and date the form on the line directly after Paragraph 6.
 - A notary public may be available at your local bank, credit union or district court.
- **Attorney Date and Signature**
 - This is required if you are represented by an attorney.
 - If you are representing yourself, cross out the attorney date and signature lines.

Certificate of Mailing/Hand-Delivery Form

- **Top of Form (Caption)**
 - Enter the county and district court names.
 - Fill in legal name of the ward.
 - Enter the case number from the Letters of Guardianship.

- **Complete the Form**
 - The current Guardian must give copies of the completed forms by first class mail, postage prepaid, or hand delivery to:
 - The ward (if the ward is represented by an attorney, give to the attorney);
 - Parent(s) of the ward, if any;
 - All interested parties designated in the court order; and
 - Other persons interested in this guardianship.
- **Signature and Notarization**
 - In the presence of a notary public, the current Guardian must sign and date the form.
 - A notary public may be available at your local bank, credit union or district court.

File the Original, Completed Forms with the Clerk of Court

File the original, completed notice of motion for appointment of successor guardian, motion for appointment of successor guardian, nominee statement, and certificate of mailing/hand-delivery with the clerk of court of the North Dakota District Court that has jurisdiction of the guardianship.

You may be required to pay a filing fee. Contact the Clerk of Court for the amount, if any.

After the Original, Completed Forms are Filed

The people who received copies of the completed forms have 14 days to serve and file a response or objection to your request to appoint a successor Guardian.

You will be notified if a hearing on your request is scheduled, or if the court requires you to do something before the court will make a decision.

If the court appoints a successor Guardian, the current Guardian may be required to complete and file a final, or ending, inventory report. Read the court order carefully to determine whether the current Guardian must file a final report and when the report is due.

Do not include these instructions when you mail or file the completed forms.