





## INSTRUCTIONS FOR AFFIDAVIT

ND Legal Self Help Center Staff and Court employees cannot help you fill out forms. If you are unsure how to proceed, consult a lawyer.

There is no guarantee that all judges and courts will accept forms available through the ND Legal Self Help Center. Use at your own risk.

Do not include these instruction sheets when you serve or file the completed form.

THE “DISTRICT COURT CIVIL” SECTION of the [ND Legal Self Help Center website](#) has additional information and resources.

An affidavit is a written statement of fact given by an individual with first-hand knowledge of the facts.

As of March 1, 2018, in general, notarization is not required when an affidavit will be filed with a North Dakota district court in a civil action.

**If the affidavit meets the following requirements**, the signature of the person making the affidavit does not need to be notarized. (See Rule 11(a)(2) of the North Dakota Rules of Civil Procedure – <https://www.ndcourts.gov/legal-resources/rules/ndrcivp/11>.)

1. There is NO court rule that applies to your civil action that requires the affidavit to be notarized;
2. The last statement of the affidavit is substantially similar to the following: “I declare under penalty of perjury under the law of North Dakota that the foregoing is true and correct”;
3. The affidavit is dated and signed by the individual giving the statement of fact;
4. The date is the month, day and year the individual signed the affidavit; AND
5. The name of the State, County and Country where the individual signed the affidavit are listed on the affidavit.

**If the affidavit DOES NOT meet the FIRST requirement above**, the affidavit must be signed and dated in the presence of a notary public or clerk of court by the individual making the written statement.

**This form is not a fillable form.** To create an affidavit using this form, you have at least two options:

**Option One:** Print this form on 8 ½” x 11” paper and hand-write the affidavit. The hand-writing must be easily readable. Black ink is preferred.

**Option Two:** Copy and paste the Caption and Signature sections into a word processing program, for example, Microsoft Word, WordPerfect, Google Docs, or OpenOffice. Use this form and these instructions as your guide to format the affidavit.

**Caption (Top of Affidavit Form):**

- If you copied and pasted the Caption section into a word processing program, format your caption as close as you can to the Caption section of the Affidavit form.
- Complete the caption exactly as it appears in the Plaintiff's complaint.
- Fill in the case number, if known. If the action has not been filed, the case number will be assigned by the clerk of court when the action is filed.

**First Sentence:**

- Fill in the full, legal name of the individual who is giving their written statement of fact.

**Written Statement of Fact:**

- Type or print the statement of fact.
- Number each paragraph of the statement of fact.

**Sign and Date the Affidavit:**

- The date and signature are at the end of the written statement of fact.
- IMPORTANT:** Review the North Dakota court rules (<https://www.ndcourts.gov/legal-resources/rules>) to determine if any rule that applies to your civil action specifically requires the affidavit to be notarized.
- If you copied and pasted the Signature section into a word processing program, format the signature section as close as you can to the Signature section of the Affidavit form.
- The individual giving their written statement of fact signs and dates the Affidavit, fills in their address and phone number, and fills in the name of the State, County and Country where they signed the affidavit.
- If a court rule requires the affidavit to be notarized, the individual giving their written statement of fact must sign and date the affidavit in the presence of a notary public or clerk of court. The notary public or clerk of court will witness the signature and indicate this on the document.

**Page Numbering:**

- Number the pages of the affidavit
- The last page of the affidavit is page with the date and signature of the individual giving their written statement of fact.

**Service:**

In general, copies of documents filed, or intended to file, with the court must be provided to the other parties in the civil action. This is called service.

There are specific requirements for serving documents. Rule 4 and Rule 5 of the [North Dakota Rules of Civil Procedure](#) give the requirements for service in a civil action.

Proof of service is an important step in the legal process. The court will not act on papers filed with the court until proof of service is filed.

For information about service and proof of service in a civil action, go to the [Service](#) link on the ND Legal Self Help Center website.

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*\*\*\*The North Dakota Legal Self Help Center provides resources to people who represent themselves in civil matters in the North Dakota state courts. The information provided by the Center is not intended for legal advice but only a general guide to the civil court process. The Center cannot guarantee that all judges and courts will accept forms available through the Self Help Center. The Center is not responsible for any consequences that may result from the information provided. The information cannot replace the advice of competent legal counsel licensed in the state. Use at your own risk.\*\*\**