

These Forms May Be Used To Request:

- 🔊 A Continuance Of A Hearing Or Trial In A Civil Matter; And/Or
- ✍ An Extension Of Time To Answer A Summons And Complaint, Answer A Motion In A Civil Matter, Or Other Written Response.

Important! Read Before Using These Forms and Instructions!

ND Legal Self Help Center staff and court employees **can't** help you fill out forms. If you're unsure if these forms and instructions suit your circumstances, consult a lawyer.

ND Legal Self Help Center forms **aren't** official court forms. Judges and courts **aren't** required to accept them. There's no guarantee Center forms will be accepted. Use at your own risk.

If you need legal advice or legal representation, consult a lawyer licensed to practice in North Dakota. Go to ndcourts.gov/legal-self-help/finding-a-lawyer for information about finding a lawyer to represent you.

When you represent yourself, you're expected to know and follow the law, including:

- State or federal laws that apply to your case;
- Case law, also called court opinions, that applies to your case; and
- Court rules that apply to your case, which may include:
 - North Dakota Rules of Civil Procedure;
 - North Dakota Rules of Court;
 - North Dakota Rules of Evidence;
 - North Dakota Administrative Rules and Orders; and
 - Any local court rules.

Links to the state laws, case law, and court rules can be found at ndcourts.gov.

A glossary with definitions of legal terms is available at ndcourts.gov/legal-self-help.

When you represent yourself, you're held to the same requirements and responsibilities as a lawyer, even if you don't understand the rules or procedures

These instructions and forms aren't a complete statement of the law. They cover the basic procedure for asking a North Dakota state court to make a request to a North Dakota state court for a continuance of a hearing or trial, for an extension of time to answer, or other written response. There's no guarantee that all judges and courts will accept forms available through the ND Legal Self Help Center. The Center isn't responsible for any consequences that may result from the forms or information provided.

Use these forms and instructions at your own risk.

See The “Motions” Section Of The [Guide To A District Court Civil Action, or Civil Case](#) on the ND Legal Self Help Center website for additional information and resources about Motions.

After a civil case is filed with the court, a party in a civil case may ask the court for a hearing or trial to be continued for a different date and time, ask for an extension of time to answer a Summons and Complaint or answer a Motion, or an extension of time for another type of written response. The court decides whether to grant the Motion.

The party making the Motion is the “Moving Party.” The party responding to the Motion is the “Opposing Party.”

Forms In The Packet:

- Form 1: Notice of Motion for Continuance/Extension;
- Form 2: Motion for Continuance/Extension;
- Form 3: Brief in Support of Motion for Continuance/Extension;
- Form 4: Declaration in Support Motion for Continuance/Extension;
- Form 5: Order on Motion for Continuance/Extension (Proposed); and
- Form 6: Declaration of Service by Mail.

After you’ve completed the forms, a copy of the completed Notice of Motion, Motion, Brief in Support of Motion, Declaration in Support of Motion and (proposed) Order **must be served on all other parties in the civil case**. You must file proof of service with the court that you served copies on all other parties.

North Dakota Continuance/Extension Rules

[Rule 6 of the North Dakota Rules of Civil Procedure](#) is the general extension rule for civil cases. A court may extend, for good cause, the time a party may or must act. If the time to act has expired, the party’s failure to meet the deadline must be excusable.

[Rule 3.2 of the North Dakota Rules of Court](#) is the extension rule specifically for motions in civil actions. A court may extend the time for filing briefs or other motion documents.

[Rule 6.1 of the North Dakota Rules of Court](#) is the general continuance rule for civil cases. A court may continue a hearing or trial for good cause.

Step One: Complete the Motion Forms

Form 1: Notice Of Motion For Continuance/Extension

Top of Form (Caption): Fill in the caption exactly as it appears at the top of documents you've already been served, or have already been filed in the civil case.

If you're requesting a continuance, put a checkmark (✓) in the box next to "Continuance." **If you're requesting an extension,** put a checkmark (✓) in the box next to "Extension."

- **If you're requesting both a continuance and an extension,** put a checkmark (✓) next to both boxes.

To: List the names of all other parties. If a party is represented by an attorney, **also** list the name of the attorney.

First Paragraph: Put a checkmark (✓) in the **same** boxes you selected at the top (caption) of the form.

Read Paragraphs 1 and 2. This tells the other parties in the civil case they **have fourteen (14) days to respond** to the Motion. This also tells the other parties in the civil case they may request a hearing on this Motion. **If no party requests a hearing on this Motion,** the Motion is decided on the documents filed with the court.

Date and Signature: Complete the date and signature block.

- Fill in the date you sign this document.
- Sign the signature line.
- Fill in the lines below your signature.
 - If you have a P.O. Box and a physical address, include both addresses. You may use the empty space next to the address lines.

(This space left intentionally blank.)

Form 2: Motion For Continuance/Extension

Top of Form (Caption): Fill in the caption exactly as it appears in the Notice of Motion. Put a checkmark (✓) in the **same** boxes you selected at the top (caption) of **Form 1: Notice of Motion**.

Paragraph 1: Tell the court if you're the Plaintiff, Petitioner, Defendant, or Respondent. Put a checkmark (✓) in the appropriate box. **Choose only one box.**

Paragraph 2: Put a checkmark (✓) in the **same** boxes you selected at the top (caption) of the form.

If you're requesting a continuance, put a checkmark (✓) in the box next to "Continuance." Type or write the date or dates for which the hearing or trial is currently scheduled. Type or write the number of days you're asking for the hearing or trial to be continued.

If you're requesting an extension, put a checkmark (✓) in the box next to "Extension." Put a checkmark (✓) in the box next to the extension of time statement that fits your circumstances. Type or write the date your document, or documents, is currently due. Type or write the date when you'll file your document, or documents, if you're granted the extension.

If you selected "Other," state the name of the document(s) for which the extension is being requested. Type or write the date your document is currently due. Type or write the date when you'll file your document if you're granted the extension.

If you're requesting both a continuance and an extension, put a checkmark (✓) next to **both** boxes and fill in all of the required information.

Paragraph 3: This tells the court that the completed **Form 3: Brief in Support of Motion** and the completed **Form 4: Declaration in Support of Motion** are filed with this Motion.

Date and Signature: Complete the date and signature block.

- Fill in the date you sign this document.
- Sign the signature line.
- Fill in the lines below your signature.
 - If you have a P.O. Box and a physical address, include both addresses. You may use the empty space next to the address lines.

Form 3: Brief In Support Of Motion For Continuance/Extension

Top of Form (Caption): Fill in the caption exactly as it appears in the Notice of Motion. Put a checkmark (✓) in the **same** boxes you selected at the top (caption) of **Form 1: Notice of Motion**.

First Sentence: Tell the court if you're the Plaintiff, Petitioner, Defendant, or Respondent. Put a checkmark (✓) in the appropriate box. **Choose only one box.**

Put a checkmark (✓) in the **same** boxes you selected at the top (caption) of the form.

Paragraph 1: Put a checkmark (✓) in the **same** boxes you selected at the top (caption) of the form.

Paragraph 2: Tell the court if you're requesting a continuance of a hearing or trial. Put a checkmark (✓) in the appropriate box.

If you're requesting a continuance, type or write the date or dates for which the hearing or trial is currently scheduled. Type or write the number of days you're asking for the hearing or trial to be continued. This **must** match Paragraph 2 of **Form 2: Motion**

Paragraph 3: Tell the court if you're requesting an extension of time to answer a Summons and Complaint, to answer a Motion, and/or other purpose. Put a checkmark (✓) in the box next to the extension of time statement that fits your circumstances. Type or write the date your document, or documents, is currently due. Type or write the date when you'll file your document, or documents, if you're granted the extension.

If you selected "Other," state for what other purpose the extension is being requested. Type or write the date your document is currently due. Type or write the date when you'll file your document if you're granted the extension.

This **must** match Paragraph 2 of **Form 2: Motion**

Date and Signature: Complete the date and signature block.

- Fill in the date you sign this document.
- Sign the signature line.
- Fill in the lines below your signature.
 - If you have a P.O. Box and a physical address, include both addresses. You may use the empty space next to the address lines.

Form 4: Declaration In Support Of Motion For Continuance/Extension

Top of Form (Caption): Fill in the caption exactly as it appears in the Notice of Motion. Put a checkmark (✓) in the **same** boxes you selected at the top (caption) of **Form 1: Notice of Motion**.

Paragraph 1: Tell the court if you're the Plaintiff, Petitioner, Defendant, or Respondent. Put a checkmark (✓) in the appropriate box. **Choose only one box.**

Paragraph 2: Put a checkmark (✓) in the same box as Paragraph 2 of **Form 3: Brief**.

If you're requesting a continuance, this **must** match Paragraph 2 of **Form 3: Brief**.

Describe the reason or reasons you're making the Motion for continuance using relevant facts. The judge or judicial referee reviewing the Motion decides if you've shown good cause to grant the continuance.

Paragraph 3: Put a checkmark (✓) in the same box as Paragraph 3 of **Form 3: Brief**.

If you checked "Other", explain on the line provided what the purpose is.

If you're requesting an extension of time, describe the reason or reasons you're making the Motion for an extension of time using relevant facts. The judge or judicial referee reviewing the Motion decides if you've shown good cause to grant the extension.

- **Important:** If your time has already expired **before** you make this Motion, you **must** also explain to the court why your failure to meet the deadline is excusable.

Paragraph 4: Describe any additional reason(s) you're making the Motion using relevant facts.

Paragraph 5: Read carefully. If this statement isn't true and correct, you can't use this forms set.

Date and Signature: Complete the date and signature block.

- Fill in the date, city, state, and country where the document was signed
- Sign the signature line.
- Fill in the lines below your signature.
 - If you have a P.O. Box and a physical address, include both addresses. You may use the empty space next to the address lines.

Warning: By signing your name, you're telling the Court that you're telling the truth and that you have a good faith reason for your requests. If you aren't telling the truth or if you're misleading the Court, or if you're serving or filing this document for an improper purpose, the Court could find you in contempt or you may be prosecuted for perjury.

Form 5: Order On Motion For Continuance/Extension (Proposed)

This is your proposed Order. If the judge or judicial referee grants your Motion, and uses your proposed Order, the judge or judicial referee completes and signs the Order.

Top of Form (Caption): Fill in the caption exactly as it appears in the Notice of Motion. Put a checkmark (✓) in the **same** boxes you selected at the top (caption) of **Form 1: Notice of Motion**.

First Paragraph: Tell the court if you're the Plaintiff, Petitioner, Defendant, or Respondent. Put a checkmark (✓) in the appropriate box. **Choose only one box.**

If you're requesting a continuance, put a checkmark (✓) in the box next to "Continuance." **If you're requesting an extension,** put a checkmark (✓) in the box next to "Extension."

- **If you're requesting both a continuance and an extension,** put a checkmark (✓) next to both boxes.

Don't fill in the date. If the judge or judicial referee grants your Motion, and uses your proposed Order, the judge or judicial referee fills in this information.

Remaining Paragraphs: Don't complete the remaining paragraphs. If the judge or judicial referee uses your proposed Order, the judge or judicial referee fills in this information.

Date and Signature: Don't date or sign this form. If the judge or judicial referee uses your proposed Order, the judge or judicial referee dates and signs the form.

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Step Two: Serve the Forms on Other Parties

Make at least two copies of the following completed forms:

- Form 1: Notice of Motion for Continuance/Extension;
- Form 2: Motion for Continuance/Extension;
- Form 3: Brief in Support of Motion for Continuance/Extension;
- Form 4: Declaration in Support Motion for Continuance/Extension; and
- Form 5: Order on Motion for Continuance/Extension (Proposed).

Keep one copy for your records. You serve the other copy or copies on all other parties. You file the original with the Clerk of Court in Step Three.

Arrange to serve the copies on all other parties:

Service is providing copies of your completed Motion documents and other supporting documents on all other parties.

The judge or judicial referee won't act on your Motion documents unless you file proof of service with the clerk of court.

A Declaration of Service gives the judge or judicial referee proof of service. A **Form 6: Declaration of Service by Mail** form is included in this packet of forms.

You may arrange for service of the copies of the documents by mail.

- Put the copies in an envelope.
- Address the envelope with the other party's last known address.
- If you know the other party is currently represented by a lawyer, address the envelope with the lawyer's address.
- List your address as the return address on the envelope.
- A person who is at least 18 years old mails the envelope by United States first-class mail.
 - Postage must be prepaid.
- Service by mail is complete upon mailing.

The person who mailed the envelope **must** complete the **Form 6: Declaration of Service by Mail** form as follows:

Top of Form (Caption): Fill in the caption exactly as it appears in the **Form 1: Notice of Motion**.

Paragraph 1: The person who mailed the documents fills in their full name.

Paragraph 2: **Stop!** If this statement isn't accurate, you can't use this form.

Paragraph 3: Checkmark (✓) the box next to each document served.

Paragraph 4: Read carefully. If this statement isn't true and correct, the person who mailed the documents can't use this form.

Paragraph 5: Fill in the date the documents were mailed.

Paragraph 6: Fill in the name of the person served, the mailing address, city, state, and zip code.

Paragraph 7: **Caution!** You're declaring under penalty of perjury that all the information stated in this Declaration of Service is true and correct.

- Date and sign the Declaration.
- Print your name, address, telephone number, and email address on the lines following your signature.

Make **one copy** of the completed Form 6: Declaration of Service by Mail form for your records.

In Step Three you file the original, completed **Form 6: Declaration of Service by Mail** with the Clerk of District Court. You must have an original, completed **Form 6: Declaration of Service by Mail** for each party served.

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Step Three: File the Original Forms with the Clerk of Court

File the original, completed forms with the Clerk of Court. File the originals of the completed Declaration(s) of Service.

The other parties have seventeen (17) days to serve a written response to your Motion. The other parties may also make a written request for oral arguments or an evidentiary hearing on your Motion. The request for oral arguments or an evidentiary hearing must be made within seven (7) days after expiration of the other party's time to provide a written response.

You'll be notified by the court if your Motion is granted or denied.

State Of North Dakota

County Of _____

In District Court

_____ Judicial District

_____))

Plaintiff/Petitioner,)

vs)

_____))

_____))

Defendant/Respondent.)

Case No. _____

Notice Of Motion For:

☐ Continuance

☐ Extension

To: _____

1. **You Are Hereby Given Notice** that a Motion for ☐ Continuance/☐ Extension is brought under Rule 3.2 of the 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.

2. **Please Take Further Notice** that 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 _____.

Signature of Moving Party

Typed or Printed Name

Address, City, State, Zip Code

Telephone Number

Email Address

State Of North Dakota

County Of _____

In District Court

_____ Judicial District

Plaintiff/Petitioner,
vs _____
Defendant/Respondent.

Case No. _____

Motion For:

☐ Continuance

☐ Extension

1. I am the ☐ Plaintiff/☐ Petitioner/☐ Defendant/☐ Respondent in this case and I make this Motion to the court for an Order under Rule 3.2 of the North Dakota Rules of Court.

2. I request (*Paragraph 2 continues on next page*):

☐ **A continuance** of a hearing or trial scheduled in this matter under Rule 6.1 of the North Dakota Rules of Court. The hearing or trial is currently scheduled for _____. I request that the hearing or trial be continued for _____ days.

☐ **An extension of time** to serve and file (*select all boxes that apply and fill in details*):

☐ An Answer to the Summons and Complaint. The Answer is currently due _____. If the extension is granted, the Answer will be served and filed by _____.

☐ An Answer to a Motion in this case pursuant to Rule 3.2(d) of the North Dakota Rules of Court. The Answer is currently due _____. If the extension is granted, the Answer to Motion will be served and filed by _____.

☐ Other: _____,

which is currently due _____. If the extension is

granted, the document(s) will be served and filed by

_____.

3. A Brief and Declaration in support of this Motion are filed with this Motion.

Dated _____.

Signature of Moving Party

Typed or Printed Name

Address

City, State, Zip Code

Telephone Number

Email Address

State Of North Dakota

In District Court

County Of _____

_____ Judicial District

Plaintiff/Petitioner,
vs _____
Defendant/Respondent.

Case No. _____

Brief In Support Of Motion For:

☐ Continuance

☐ Extension

As required by Rule 3.2 of the North Dakota Rules of Court, the ☐ Plaintiff/☐ Petitioner
/☐ Defendant/☐ Respondent in this case submits this Brief in Support of Motion for
☐ Continuance/ ☐ Extension.

Statement Of Facts

1. The facts are stated in the Declaration Support of Motion for ☐ Continuance/
☐ Extension, which is filed with the Motion and incorporated by reference.

Law And Argument

2. **Continuance of Hearing/Trial** (*choose one*):

☐ A continuance **is not** requested.

☐ A continuance **is** requested under Rule 6.1 of the North Dakota Rules of Court. Rule 6.1 allows a party in a civil case to promptly request a continuance as soon as the grounds for the continuance are known. A court may grant a continuance if the party making the request shows good cause.

The hearing or trial is currently scheduled for _____.

Based on the facts stated in my Declaration in support of this Motion, there is good cause to continue the hearing or trial for _____ days.

3. Extension of Time to Answer (choose one):

☐ An extension of time to answer **is not** requested.

☐ An extension of time **is** requested under Rule 6 of the North Dakota Rules Civil

Procedure. Rule 6 allows a party in a civil case to request an extension of time

before the original time expires, or to request an extension of time after the time

expires. A court may grant an extension of time **before** the original time expires if

the party making the request shows good cause. A court may grant an extension of

time **after** the time expires if the party making the request shows good cause **and**

excusable neglect. An extension of time is required to serve and file (*select all boxes*

that apply and fill in details. Paragraph 3 continues on next page):

☐ An Answer to the Summons and Complaint. The Answer is currently due

_____. If the extension is granted, the Answer

will be served and filed by _____. Based on

the facts stated in my Declaration in support of this Motion, there is good

cause to extend the time to serve and file my Answer.

☐ An Answer to a Motion. The Answer to the Motion is currently due

_____. If the extension is granted, the Answer will

be served and filed by _____. Based on the facts stated in

my Declaration in support of this Motion, there is good cause to extend the

time to serve and file my response.

☐ Other: _____,

which is currently due _____. If the extension is

granted, the documents(s) will be served and filed by

_____. Based on the facts stated in my Declaration

in support of this Motion, there is good cause to extend the time to serve

and file my response.

Conclusion

4. I respectfully request that the court enter an Order consistent with the Motion.

Dated _____.

Signature of Moving Party

Typed or Printed Name

Address

City, State, Zip Code

Telephone Number

Email Address

State Of North Dakota

County Of _____

In District Court

_____ Judicial District

Plaintiff/Petitioner,
vs _____
Defendant/Respondent.

Case No. _____

Declaration In Support Of Motion
For:

- ☐ Continuance
☐ Extension

1. My name is _____.

I am the ☐ Plaintiff/☐ Petitioner/☐ Defendant/☐ Respondent in this case.

2. **Continuance of Hearing/Trial** (*choose one*):

☐ I **am not** requesting a continuance.

☐ I **am** requesting that the hearing or trial currently scheduled in this matter for

_____ be continued for _____ days.

I am requesting a continuance because (*describe the relevant facts that support your request*):

3. Extension of Time to Answer *(choose one):*

☐ I **am not** requesting an extension of time to answer.

☐ I **am** requesting an extension of time to serve and file *(select all boxes that apply. If you chose "Other," fill in the description):*

☐ An Answer to a Summons and Complaint

☐ An Answer to a Motion.

☐ Other: _____.

I am requesting an extension of time because *(describe the relevant facts that support your request. If the time has expired, describe the relevant facts that support the failure to answer in time was excusable):*

4. I would like the court to consider the following additional information in making a decision:

5. I declare, under penalty of perjury under the law of North Dakota, that the foregoing Declaration is true and correct.

Signed on _____ (date) in _____ (city),
_____ (county), _____ (state), _____ (country).

(Signature of Moving Party)

(Printed Name of Moving Party)

(Address)

(City, State, Zip Code)

(Telephone Number(s))

(Email Address)

State Of North Dakota

County Of _____

In District Court

_____ Judicial District

_____))

Plaintiff/Petitioner,)

vs)

_____))

Defendant/Respondent.)

Case No. _____

Order On Motion For:

☐ Continuance

☐ Extension

The ☐ Plaintiff/☐ Petitioner/☐ Defendant/☐ Respondent filed a Motion for
☐ Continuance/☐ Extension. The Court having considered the Motion **Hereby Orders:**

☐ The Motion for Continuance of the _____ set
for _____ is granted. The date is rescheduled as follows:

_____.

☐ The Motion for Extension of time to _____
is granted. The ☐ Plaintiff/☐ Petitioner/☐ Defendant/☐ Respondent shall serve and file the

_____ no later than

_____.

☐ The Motion for Continuance is denied.

☐ The Motion for Extension is denied.

Dated _____.

By The Court:

(District Judge or Judicial Referee Signature)

State Of North Dakota
County Of _____

In District Court
_____ Judicial District

Plaintiff/Petitioner,)
vs)

Defendant/Respondent.)

Declaration Of Service By Mail

Case No. _____

(A separate Declaration is required for each person served.)

The person serving court documents by mail states:

1. My name is _____ (Name of person who mailed documents).

2. I am at least 18 years of age.

3. **List of Court Documents Served** (Use "Other" to write the title of each document served that isn't already listed. Checkmark "Other" only if you have listed another document).

☒ Notice of Motion for Continuance/Extension

☒ Motion for Continuance/Extension

☒ Brief in Support of Motion for Continuance/Extension

☒ Declaration in Support of Motion for Continuance/Extension

☒ Order on Motion for Continuance/Extension (*Proposed*)

☐ Other: _____

4. Service by Mail:

As required by Rule 5(b)(3) of the North Dakota Rules of Civil Procedure, I served a true and correct copy of each of the court documents listed in Paragraph 3 by mailing them, enclosed in an envelope, by First-Class mail, postage prepaid, and by depositing them in the United States Mail, directed to the person listed in Paragraph 6.

5. Date of Service by Mail:

Date Court Documents Were Served by Mail: _____

6. Person Served by Mail:

Name of Person Served: _____

Mailing Address: _____

City, State, Zip Code: _____

7. I declare, under penalty of perjury under the law of North Dakota, that everything I stated in this Declaration of Service by Mail is true and correct.

Signed on _____ (date) in _____ (city),
_____ (county), _____ (state), _____ (country).

(Signature of Serving Party)

(Printed Name of Serving Party)

(Address)

(City, State, Zip Code)

(Telephone Number(s))

(Email Address)