



Demand for Notice Research Guide

A Legal Research Guide for a North Dakota Probate Court Process

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 in this research guide isn't a complete statement of the law. This information is intended as a starting point for your legal research into a Demand for Notice in a North Dakota probate court process.

This information **isn't** intended for legal advice and **can't** replace the advice a lawyer licensed in North Dakota.

The self-represented individual must make all decisions about how to proceed.

References to non-ND Legal Self Help Center resources are included for your convenience only. Including these references doesn't mean the ND Legal Self Help Center endorses, warrants, or accepts responsibility for the content or uses of the resource. **Use at your own risk.**

No Demand for Notice Forms Available

The North Dakota Legal Self Help Center and the North Dakota Court System **don't** have Demand for Notice forms or instructions.

If you represent yourself, you create your own legal documents.

A variety of General-Use template are available at ndcourts.gov/legal-self-help/general-use-forms. You may find the General-Use templates of interest as a starting point for creating your own Demand for Notice.

A formatting example of a Demand for Notice is available at the end of this Research Guide. The formatting example was filed in a North Dakota state district court probate case. By providing this formatting example, the North Dakota Legal Self Help Center **doesn't** imply or state that the content of the example is legally sufficient or suitable for your individual circumstances. **Use at your own risk.**

If you're interested in finding a lawyer to prepare a Demand for Notice for you, go to Page 5 for all of the lawyer resources available through the North Dakota Legal Self Help Center.

What is a Demand for Notice?

A Demand for Notice allows any person with a financial or property interest in a dead person's (*decedent's*) estate to be notified of any court filings or court orders related to probating the estate in a North Dakota state district court.

Probate is the court-supervised process of dealing with a decedent's estate. Probate is the only way to have a personal representative (*executor*) appointed to handle the decedent's estate.

A Demand for Notice is a legal document that must include the following information:

1. The name of the decedent.
2. The nature of your financial or property interest in the decedent's estate.
3. Your address, or the address of the lawyer representing your financial or property interest in the decedent's estate.

Where do I file a Demand for Notice?

A Demand for Notice is filed with the North Dakota state district court where the decedent's probate case is filed, or will be filed.

In North Dakota, a probate case is filed:

1. In the North Dakota county where the decedent was domiciled (*resided*) at the time of their death.
2. If the decedent wasn't domiciled in North Dakota, in any North Dakota county where property of the deceased person was located at the time of their death.

To find the location of a North Dakota state district court, go to ndcourts.gov/court-locations.

Do I serve the Demand for Notice on the personal representative or their lawyer?

[North Dakota Century Code 30.1-13-04](#) states that the clerk shall mail a copy of the demand to the personal representative. However, if the clerk of court informs you that you must serve the Demand for Notice, review [Rule 5 of the North Dakota Rules of Civil Procedure](#).

A fillable Declaration of Service by Mail form and a fillable Declaration of Service by Personal Delivery form are available at the end of this research guide.

How do I know if a probate case is filed in a North Dakota state district court?

You may search publically available North Dakota state court records by the first and last name of an individual. You can find individual court cases and lists of the documents filed in each case by going to ndcourts.gov/public-access.

- Read the information, then click "Click Here to Proceed."
- Select a location from the pull down menu. Select the State of North Dakota, or a county.
- Click the "Civil, Family & Probate Case Records".
- To search for a decedent by name:
 - Select "Name"
 - Enter **at least** the first three letters of the decedent's last name, followed by an asterisk (*). For example, if the decedent's last name is Smith, enter **at least** smi*.
 - Enter **at least** the first letter of the decedent's first name, followed by an asterisk (*). For example, if the decedent's first name is Jane, enter **at least** j*.
 - Click the "Search" box.
- The screen will list publically accessible court cases based on your search.

To find contact information for clerks of district court, go to ndcourts.gov/court-locations.

Legal Research Resources

North Dakota Statutes

(North Dakota statutes are found in the [North Dakota Century Code \(NDCC\)](#). The North Dakota Century Code contains the laws enacted by the North Dakota Legislature and signed by the Governor.

[North Dakota Century Code Title 30.1](#) is North Dakota's version of the Uniform Probate Code and contains laws relating to probating estates.

- See [N.D.C.C. Section 30.1-13-04](#) for demands for notice.

North Dakota Case Law

(When the decision of a case is appealed from a North Dakota state district court to the North Dakota Supreme Court, the Supreme Court writes their opinion to explain how and why they interpreted the laws or rules to decide the appeal the way they did. The opinions are case law and are followed by North Dakota courts deciding later cases with similar facts and issues.)

Case law is a useful legal research tool for interpreting what a law means.

One way to research case law related to adoption is to use the print version of the North Dakota Century Code. Case law summaries are located directly follow the text of the Century Code Section.

To view the full text of the opinion, go to ndcourts.gov/supreme-court/opinions. Enter the case name or case citation.

Laws Constantly Change

To determine how a law applies to your situation, review the applicable law or laws, court rules, administrative rules and rulings, and case law.

If you need help deciding how specific laws, rules or case law apply to your situation, consult a lawyer licensed to practice in North Dakota who can agree to represent you.

Only a lawyer who has agreed to represent you can give you legal advice. Legal advice includes interpreting how the laws and rules apply to your circumstances.

Library Resources *(not all legal resources are available online.)*

ODIN is a shared library database of many North Dakota academic, public, state agency, and special libraries. Search ODIN for resources that may be available in a North Dakota library near you. (polaris.odinlibrary.org)

If the book is available for interlibrary loan through ODIN, ask the library staff of your local North Dakota library how to request the book.

Following is a selection of library resources on ODIN that may be of interest to you:

Encyclopedia of Everyday Law, Shae Irving, J.D. & the editors of NOLO, NOLO 2017.

Estate Planning Basics, Denis Clifford, NOLO 2017.

Finding the Answer to Legal Questions, Virginia M. Tucker and Marc Lampson, Second Edition, NOLO 2018.

Uniform Probate Code and Uniform Trust Code in a Nutshell, Lawrence H. Averill Jr. and Mary F. Radford, 7th Edition, West Academic Publishing 2021.

North Dakota Century Code Annotated, Lexis Nexis, Creation Date c1959 – present.

North Dakota Court Rules Annotated, Lexis Nexis, Creation Date c1990 – present.

Lawyer Resources & Limited Legal Representation

You're not required to hire a lawyer to bring a civil case in North Dakota State District Court. If you decide to represent yourself, you must follow all of the rules, laws and procedures a lawyer is required to follow.

Go to ndcourts.gov/legal-self-help/finding-a-lawyer for more information about how to find a lawyer.

Lawyer Resources

If you decide to find a lawyer to represent you, you may find the following options of interest.

- **Legal Services of North Dakota** is a non-profit organization, providing free legal assistance to North Dakota residents in a variety of matters based on income. Legal Services of North Dakota can also determine whether an applicant meets the income requirements for the Volunteer Lawyers program that offers low-cost legal assistance based on income. The phone number is (800) 634-5263 and the website is lsnd.org.
- The **State Bar Association of North Dakota** provides a lawyer referral service to match paying clients in need of legal services with lawyers. The phone number is (866) 450-9579 and the website is sband.org. The cost is \$30.00 for a 30 minute consultation with a lawyer.
- **Dakota Plains Legal Services** is a non-profit legal services organization that provides free legal assistance to low-income individuals, older Americans and veterans. Dakota Plains Legal Services (DPLS) has eight offices and serves communities across South Dakota and North Dakota, including nine tribal nations. DPLS is committed to increasing access to justice with quality legal assistance. Contact information is available on the DPLS webpage of dpls.org.
- For a list of all lawyers who are licensed to practice in North Dakota, go to the North Dakota Supreme Court website at ndcourts.gov/Lawyers. You can narrow your search by name or location.

Limited Legal Representation

Lawyers licensed to practice in North Dakota may provide Limited Legal Representation in civil cases. Limited Legal Representation (sometimes called “unbundling”) is a way a lawyer can help you with part of your case while you do the rest of your case. You pay for the part of the case the lawyer handled.

For example:

- You may want a lawyer to give you an expert opinion about your options, or your legal rights and responsibilities;
- You can consult with a lawyer to prepare or review your legal documents, but attend hearings yourself;
- You can represent yourself through the whole case, and periodically consult with a lawyer who can coach you on the law, procedures and strategy;
- You can do the preparation yourself and hire a lawyer just to make court appearances for you.

You and the lawyer must agree in writing to Limited Legal Representation.

North Dakota Free Legal Answers

This civil legal program is a partnership of the American Bar Association and the State Bar Association of North Dakota.

The purpose of the program is to provide free answers to **specific** civil legal question to low-moderate income North Dakotans who submit their questions online. Anonymous volunteer lawyers answer your question, but can’t represent you.

Go to nd.freelegalanswers.org or information about the program, the online application, and, if you qualify, ask your civil legal question.

This program **doesn’t** provide any assistance with criminal legal questions.

Probate No. [REDACTED]-PR-[REDACTED]

[REDACTED]
[REDACTED], ND 58[REDACTED]
(701) [REDACTED]

Attorney for Co-Personal Representatives

IN THE DISTRICT COURT OF [REDACTED] COUNTY, NORTH DAKOTA
IN THE MATTER OF THE ESTATE OF GORDON [REDACTED], a/k/a GORDON [REDACTED]
[REDACTED], DECEASED

DEMAND FOR NOTICE

Janet [REDACTED] Special Assistant Attorney General, representing the State of North Dakota, states:

1. My address is:

[REDACTED]

2. My telephone is:

(701) [REDACTED]

3. The State of North Dakota has an interest in the Estate of Gordon [REDACTED]
a/k/a Gordon [REDACTED] for the following reasons:

The decedent's nephew, Terry [REDACTED], a possible beneficiary of the estate, owes child support arrears in [REDACTED] County Civil Number [REDACTED]-DM-[REDACTED].

WHEREFORE, I demand notice of all orders and filings pertaining to the Estate. Notice shall be served upon me at the address stated below.

Dated this 13 day of May, [REDACTED]

[REDACTED]
Janet [REDACTED]
Special Assistant Attorney General
Bar I.D. No. [REDACTED]
[REDACTED]
[REDACTED], North Dakota 58 [REDACTED]
(701) [REDACTED]
[REDACTED]@nd.gov
Attorney for the Child Support

By providing this formatting example, the ND Legal Self Help Center DOES NOT imply or state that the content of the example is legally sufficient or suitable for your individual circumstances. Use at your own risk.

Filed - Clerk of District Court
5/13 [REDACTED] 3:54:34 PM
[REDACTED] County, ND

State Of North Dakota

In District Court

County Of _____

_____ Judicial District

In The Matter Of Estate Of

_____, Deceased

Case No. _____

Declaration Of Service By Mail

*(May serve multiple persons **only if** envelopes are mailed the same day.)*

The person serving court documents by mail states:

1. My name is _____ *(name of person who mailed documents)*. I am at least 18 years of age.

2. **List of Court Documents Served** *(List the name of the document served and checkmark (✓) the box):*

☒ Demand for Notice

☐ _____

☐ _____

3. **Service by Mail:**

I served a true and correct copy of each of the court documents listed in Paragraph 2 by mailing them, enclosed in an envelope, by *(choose one)* ☐ Certified Mail *(OR)* ☐ First-Class mail, postage prepaid, and by depositing them in the United States Mail, directed to each person listed in Paragraph 5.

4. **Date of Service by Mail:**

Date Court Documents Were Served by Mail: _____

5. Person or Persons Served by Mail:

1. Name of Person Served: _____
Mailing Address: _____
City, State, Zip Code: _____
2. Name of Person Served: _____
Mailing Address: _____
City, State, Zip Code: _____
3. Name of Person Served: _____
Mailing Address: _____
City, State, Zip Code: _____
4. Name of Person Served: _____
Mailing Address: _____
City, State, Zip Code: _____

6. 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

Printed Name

Address

City, State, Zip Code

Telephone Number

Email Address

State Of North Dakota

In District Court

County Of _____

_____ Judicial District

In The Matter Of The Estate Of

_____, Deceased

Case No. _____

Declaration Of Service By Personal Delivery

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

The person personally serving court documents states:

1. My name is _____ *(name of person who personally served documents)*. I am at least 18 years of age. **I am not a party or interested in the above named matter.**

2. **List of Court Documents Served** *(List the name of the document served and checkmark (✓) the box):*

☒ Demand For Notice

☐ _____

☐ _____

3. **Personal Service** *(Paragraph 3 continues on next page):*

I served a true and correct copy of each of the court documents listed in Paragraph 2 to

_____ *(name of person served)* by

(choose one):

☐ Giving the court documents directly to them.

☐ Leaving the court documents with: _____ *(name)*,
a person of suitable age and discretion who lives at the same address.

I know the person I served is the person intended to be served because (*explain how you identified the person*): _____

4. Date, Time, and Address of Personal Service:

Date: _____ Time: _____ ☐ a.m. (*or*) ☐ p.m.

Address:

(*street address*) (city) (zip code)

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

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

Signature

Printed Name

Address

City, State, Zip Code

Telephone Number

Email Address