

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 in Small Claims Court

Step One: First, complete the **Form 2 – “Claim Affidavit”** (on the reverse side of this page).

You **must** have the full name and address of each person (Defendant) you sue. After you complete your **Form 2 – “Claim Affidavit”** you must sign it.

Also, fill out and sign a **Form 8 – “Affidavit of Identification”** 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** (on July 1, 2025, the filing fee is \$20) **before** serving the Defendant.

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 and signed Form 2 – keep 1 copy for yourself).

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’re filing a claim against **more than one Defendant**, you **must** serve **each Defendant** with the copies listed in Step Three.

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

Step Four: You **must** complete the **Form 6 – “Affidavit of Service”**. Fill out the appropriate section of **Form 6** and have the person mailing to or serving the Defendant serve 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 Certificate of Service and Form 6 may be discarded. You **must** file the sheriff’s certificate 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 claim 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.

How to calculate the Defendant’s 20 day deadline:

1. **Count 20 days from the date you, the Defendant, received** the Claim Affidavit from the sheriff, process server, or other individual; **or**

Count **20 days from the date you, the Defendant, signed** the green return receipt.

2. **Count** every day, including Saturdays, Sundays and North Dakota state holidays;

- Include the last day of the deadline, but if the last day falls on a Saturday, Sunday, or North Dakota state holiday, the deadline continues to run until the end of the next day that **isn’t** a Saturday, Sunday, or North Dakota state holiday.
- For example, if the last day of the deadline lands on a Sunday, the deadline extends until the end of the next day, which is Monday.