

**DEFENDANT'S REQUEST FOR HEARING/
REMOVAL TO DISTRICT COURT**
(See Instructions on Reverse Side)

_____, Plaintiff(s).

CASE NO. _____

_____, Defendant(s).

_____ County, North Dakota

REQUEST FOR HEARING

If you, the Defendant, intend to contest this claim and Request a Hearing in small claims court, you must file your request with the Clerk of District Court within 20 days of service of the Claim Affidavit and this form.

_____ I request a hearing in small claims court.

Defendant's Signature

REMOVAL TO DISTRICT COURT

If you, the Defendant, request removal of this action to District Court, you must file your request with the Clerk of District Court within 20 days of service of the Claim Affidavit and this form.

_____ I request removal of this action to District Court.

Defendant's Signature

(THERE IS A \$160.00 FILING FEE FOR FILING THE REMOVAL TO DISTRICT COURT. THE FILING FEE MAY BE WAIVED BY THE COURT IF YOU ARE UNABLE TO PAY AND SUBMIT THE REQUIRED PROOF OF YOUR FINANCIAL STATUS.)

NOTICE OF HEARING

A request for Hearing having been received from the above named Defendant(s) in this action;

The Plaintiff(s) and Defendant(s) are hereby notified that a small claims hearing has been scheduled in the above entitled case at _____ in the city of _____, North Dakota, on the _____ day of _____, 20_____, at _____ o'clock _____.m.

Dated _____

Judge/Clerk of Court

I hereby certify that on this _____ day of _____ 20_____, I mailed a copy of this NOTICE OF HEARING to: _____

Clerk of District Court

Form 3 – Instructions for Hearing in Small Claims Court or Removal to District Court

To the Defendant:

If you **intend to contest** (challenge) the claim filed against you, you **must request a hearing in small claims court** on the reverse side of this form (**Form 3**) and file your request with the Clerk of District Court within **20 days** of receipt of the Claim Affidavit.

If within **20 days** of the receipt of the affidavit the **court hasn't received your request for a hearing**, a hearing won't be scheduled and judgment may be entered against you, the Defendant, by default.

If **you elect** (choose) **to remove the case from Small Claims Court to District Court**, you must file the following with the Clerk of District Court within **20 days** of receipt of the Claim Affidavit and this form:

1. **Removal to District Court** – reverse side of this form (Form 3).
2. A copy of the **Claim Affidavit** (Form 2).
3. Your **Answer** to the claim (Form 4).
4. The \$80.00 filing fee (*on July 1, 2025, the filing fee is \$160.00*), unless waived by the court.

You **must** also serve the Plaintiff with a copy of this **Form 3**, which will notify the Plaintiff of your removal of the matter to district court.

Note: If you elect (choose) to remove the action to district court, the district court **must** award attorney's fees to a prevailing (winning) Plaintiff.

If the Defendant appeals a District Court judgment to the Supreme Court, the Supreme Court shall award reasonable attorney's fees to the prevailing (winning) appellee.

(See the advantages and disadvantages of Small Claims Court on **Form 1**).

Notice of Hearing in Small Claims Court:

If the Defendant requests a hearing in small claims court and files the request within **20 days** of receipt of the Claim Affidavit, the Clerk of District Court will schedule a hearing to be held not less than 10 days and not more than 30 days after receipt of the Defendant's request.

Bring all receipts and evidence related to the case and any witnesses that you wish to have testify on your behalf.

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.

Important: If you don't request a hearing, or if you request a hearing and don't come to the court at the place, time and date specified, the Small Claims Court may order a default judgment against you.