

**DEFENDANT'S ANSWER/COUNTER CLAIM**  
(See Instructions on Reverse Side)

\_\_\_\_\_, Plaintiff(s) CASE NO. \_\_\_\_\_

vs.

\_\_\_\_\_, Defendant(s) \_\_\_\_\_ County, North Dakota

**DEFENDANT'S ANSWER**

This form is to be used to notify the Small Claims Court THAT YOU INTEND TO CONTEST the Plaintiff's Claim.  
Initial the statement below that applies to you:

1. \_\_\_\_\_ I do not owe the Plaintiff any part of what is claimed, for reasons stated below.
2. \_\_\_\_\_ I owe the Plaintiff only part of what is claimed, as explained below.
3. \_\_\_\_\_ I owe the Plaintiff what is claimed.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Attach additional sheet if necessary.)

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**COUNTERCLAIM**  
(May not exceed \$15,000)

If you think you have a claim of your own against the Plaintiff, you may present your claim as part of this case and have it decided at the same time. If that is the situation, fill in the following:

PLAINTIFF OWES ME (briefly describe your claim and state your reasons): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

A COUNTERCLAIM must be filed and delivered, or mailed by Restricted Delivery, Return Receipt, to the Plaintiff not later than 48 hours before the hearing.

I declare under penalty of perjury that the foregoing is true and correct. Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

\_\_\_\_\_ County, North Dakota

\_\_\_\_\_  
Defendant's Signature

RETURN TO CLERK OF DISTRICT COURT FOR FILING

A counterclaim must be filed and served upon the  
plaintiff not later than 48 hours before the hearing.

## Form 4 – Instructions to the Person Being Sued in Small Claims Court

### You have the following **Five** Options:

1. You may pay this claim by contacting the Plaintiff immediately and making arrangements for payment.
2. You may defend yourself in Small Claims Court by indicating on the Defendant's **Form 3 – "Request for Hearing"** that you're requesting a hearing. You **must** return the form to the Clerk of District Court within **20 days** of receipt of the **Claim Affidavit**. You may appear on the date set for hearing without a written answer.
3. You may have the case moved to District Court.  
(See the advantages and disadvantages of Small Claims Court on **Form 1**).  
If the **claim isn't filed in the North Dakota county of residence**, you **may** have the case moved to the Small Claims Court in your North Dakota county of residence. **Note: The case can't be moved to your North Dakota county of residence if certain matters are involved. See Form 1 – "Where a claim is filed"**.  
**To move a case to district court**, you must file the **Form 3 – "Removal to Court"** and serve a copy of Form 3 on the Plaintiff. You **must** also file a copy of the **Claim Affidavit and your answer** to the claim (this **Form 4**) with the Clerk of Court to which the case is removed, and you **must** pay an \$80 filing fee (*on July 1, 2025, the filing fee is \$160*), unless the fee is waived by the court.
4. You **may** also defend yourself in Small Claims Court in writing by filing the **Defendant's Answer** (on the reverse side of this form) with the Clerk of the Small Claims Court and serving it on the Plaintiff **at least 48 hours** before the hearing.  
Instructions for serving the Plaintiff are on the back of **Form 5**.
5. You **may** file a **Counterclaim** (on the reverse side of this form) against the Plaintiff if you believe they owe you money arising out of the same transaction for which you're being sued.  
To file a Counterclaim, fill out the appropriate section of this form, file it with the Clerk of Small Claims Court, **and** serve it on the Plaintiff **at least 48 hours** before the date set for hearing.  
Instructions for serving the Plaintiff are on the back of **Form 5**.  
**Note: The Counterclaim can't exceed \$15,000 in Small Claims Court. A Counterclaim for more money must be filed in District Court.**

### 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.