Form 5

AFFIDAVIT OF MAILING/PERSONAL SERVICE - ANSWER/COUNTERCLAIM

(See Instructions on Reverse Side)

AFFIDAVIT OF MAILING OF ANSWER/COUNTERCLAIM TO PLAINTIFF:

Name of Person who Mailed Papers	Time Mailed ☐ A.M. ☐ P.M.	Date Mailed
Plaintiff(s) To Whom Papers Were Mailed	Where addressed (list each Plaintiff's name and address separately)	
	Certified mail receipt No.:	
Mailed at United States Post Office in City of	In the State of	

I declare under penalty of perjury that I am at least 18 years of age, and that at the time and on the date shown above, I deposited a true copy of the Defendant's Answer/Counterclaim in this case, securely enclosed in an envelope with certified mail postage duly prepaid, for each Plaintiff listed, at the above named United States Post Office.

Dated this ____ day of _____, 20____.

_____
Signature of person who mailed papers

_____ County, North Dakota

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AFFIDAVIT OF PERSONAL SERVICE OF ANSWER/COUNTERCLAIM ON PLAINTIFF:

NOTE: In cases with more than one Plaintiff, each Plaintiff must be served and a separate Affidavit of Personal Service must be filed with the court on each service.

Name of Person who Served Papers	Time Served ☐ A.M. ☐ P.M.	Date Served
Plaintiff(s) On Whom Papers Were Served	Address where served	

I declare under penalty of perjury that I am at least 18 years of age, not a party to or interested in the above action, and that on the time and date shown above, I personally served a true copy of the Defendant's Answer/Counterclaim in this case, on the Plaintiff whose name and address are shown above.

Dated this ____ day of _____20_____.

_____
Signature of person who served papers

_____ County, North Dakota

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SMALL CLAIMS COURT _____ COUNTY, North Dakota. CASE NO._____

PLAINTIFF _____ vs. DEFENDANT _____

INSTRUCTIONS

FOR SERVING PAPERS ON A PLAINTIFF

A copy of the Answer/Counterclaim must be served on each Plaintiff. You must serve the Answer/Counterclaim on the Plaintiff <u>at least</u> 48 hours before the scheduled hearing.

SERVICE MAY BE DONE IN TWO WAYS:

BY MAIL

A. If you elect to serve papers by mail you must:

1. Send to the Plaintiff by Certified Mail with Return Receipt Requested a copy of the "Answer/Counterclaim" (Form 4).

2. Complete the "Affidavit of Mailing" section on the reverse side of this form and have the person who mailed the forms sign in the appropriate section.

   Take the "Affidavit of Service" and the receipt from the post office with you to court.

Assistance in serving papers by mail will be given to you at the post office.

OR

PERSONAL SERVICE

B. You may serve the Plaintiff personally by:

1. Giving the forms to the sheriff to be served. (The sheriff will charge you a fee, which might be assessed against the Plaintiff if you win.)

2. You may have another person who is of legal age and who is not a party to or interested in the case give the papers to the Plaintiff. If this is done, the person giving the papers to the Plaintiff must fill out the reverse side of this form and sign it.

Take this form with you to court.