



Collecting a Judgment – For the Judgment Creditor

An Informational Guide to North Dakota State Civil 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 informational guide **isn't** intended for legal advice but only as a general guide to a civil court process.

If you decide to represent yourself, you need to do additional research to prepare.

If you're unsure how to proceed, don't know if this informational guide suits your needs, or need legal advice or legal representation, consult a lawyer licensed to practice in North Dakota. For information about how to find a lawyer, go to ndcourts.gov/legal-self-help/finding-a-lawyer.

When you represent yourself, you're expect to know and follow the law, including:

- State or federal laws that apply to your case;
- Case law, also called court opinions, that applies to your case; and
- Court rules that apply to your case, which may include:
 - North Dakota Rules of Civil Procedure;
 - North Dakota Rules of Court;
 - North Dakota Rules of Evidence;
 - North Dakota Administrative Rules and Orders;
 - Any local court rules.

Links to the laws, case law, and court rules can be found at ndcourts.gov.

A glossary with definitions of legal terms is available at ndcourts.gov/legal-self-help/glossary.

When you represent yourself, you're held to the same requirements and responsibilities as a lawyer, even if you don't understand the rules or procedures.

This information isn't a complete statement of the law.** This covers basic information about collecting a North Dakota state court judgment for the person granted a judgment. The Center isn't responsible for any consequences that may result from the information provided. The information can't replace the advice of a lawyer licensed in North Dakota. **Use at your own risk.

Important!

When a North Dakota Small Claims Court or State District Court orders a Judgment in your favor (you win), the court system **doesn't collect the Judgment for you.**

If the person who owes the money doesn't pay voluntarily, you may need to take additional steps to get your money. Following are some common judgment collection options available under North Dakota law.

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No Forms Available Through the ND Legal Self Help Center

The ND Legal Self Help Center **doesn't** have forms available for any of the judgment collection options within this informational guide.

If you decide to represent yourself, you create and prepare your own legal documents. **Names and descriptions of many of the documents you must create and prepare are found throughout this guide.** The Center **can't** help you create any of your legal documents.

A variety of General-Use templates are available at ndcourts.gov/legal-self-help. Scroll to the "District Court Civil" section. You may find the General-Use templates of interest as a starting point for creating your own legal documents.

For assistance creating legal documents, consult a lawyer licensed to practice in North Dakota. Ask the lawyer about Limited Legal Representation.

Lawyers licensed to practice in North Dakota may agree to help you with part of your civil case, such as preparing legal documents, while you handle the rest of your civil case. You and the lawyer must agree in writing to Limited Legal Representation.

Definitions

Exempt Assets: assets of the judgment debtor that can't be used to satisfy a money judgment. Exempt assets are identified in North Dakota state law and federal law.

Foreign Judgment: a money judgment issued by another state's court that was registered in a North Dakota state district court. After registration, the judgment collection options in this guide may be used to collect money judgments issued by the court of another state.

- (See the [Registering a Foreign Judgment research guide](#) in the "Miscellaneous" section of ND Legal Self Help Center webpage.)

Garnishee: when using the garnishment judgment collection process, the person who has control of the judgment debtor's property, i.e. wages. For example, a judgment debtor's employer is the Garnishee.

Judgment: a money judgment issued by a North Dakota Small Claims Court or a North Dakota State District Court. The judgment collection options in this guide may be used to collect these North Dakota state court money judgments.

Judgment Creditor: the person who is owed money. The written judgment signed by the court will name the person (or persons) to whom money is owed. The written judgment will also say how much money is owed.

Judgment Debtor: the person who owes the money. The written judgment signed by the court will name the person (or persons) who owe money. The written judgment will also say how much money is owed.

Non-Exempt Assets: assets of the judgment debtor that can be used to satisfy a money judgment.

North Dakota Century Code (NDCC): the laws of North Dakota enacted by the North Dakota State Legislature and the Governor. You can find the NDCC at ndlegis.gov and many North Dakota public and academic libraries.

North Dakota Rules of Civil Procedure: the rules that govern all procedures in civil cases in North Dakota State district court. You can find the rules at ndcourts.gov/legal-resources/rules and many North Dakota public and academic libraries.

Statutory Forms: forms included by the North Dakota State Legislature within the text of the law. The text of North Dakota's garnishment laws includes statutory forms for many of the required garnishment legal documents.

Keep Good Records

Keep good records of the steps you take to collect your Judgment, when and how the Judgment has been paid, and how much of the Judgment has been paid.

Remember you may need to prove any or all of the following:

- You correctly took all required steps for each option you choose to collect the judgment.
- The amount of judgment interest you claim on any outstanding amount is correct.
- How much of the Judgment you collected.
- Who paid the Judgment and how much.

Recreating this information from memory is difficult, if not impossible. Keep records of the Judgment and records of all other transactions related to the Judgment.

When a Judgment Creditor Can Start Collecting a Judgment

Generally, [thirty days](#) must have passed since the Notice of Entry of Judgment, or entry of a Default Judgment, before using the judgment collection options included in this guide.

Review the laws and rules related to the civil case for any exceptions to this general rule.

- For example, when registering a foreign judgment (see Foreign Judgment in the Definitions section), [NDCC Section 28-20.1-03](#) requires a ten day wait from filing the Judgment before beginning any execution or other process to collect the Judgment.

How Long Can a Judgment Creditor Collect a Judgment?

Money awarded as part of a Judgment may be collected using North Dakota's judgment collection options.

- Judgments entered on or after August 1, 2023, may be collected for 20 years ([NDCC Section 28-21-01](#)).
- Judgments entered on or before July 31, 2021, may be collected for 10 years and renewed once for an additional 10 years ([NDCC Section 28-20-21](#)).
 - 90 days before the Judgment expires, if the money awarded **hasn't** been collected, the creditor may renew the judgment for another 10 years.
- Judgments entered from August 1, 2021, to July 31, 2023, may be collected for 10 years.
 - North Dakota judgment collection laws are unclear if these Judgments may be renewed once for an additional 10 years. Consult a [lawyer](#) for legal advice.

Post-Judgment Discovery to Identify Non-Exempt Assets

Overview:

In aid of the Judgment or execution of the Judgment, the Judgment Creditor may obtain discovery from the Judgment Debtor. The Judgment Creditor can use post-judgment discovery to identify the Judgment Debtor's non-exempt assets before applying for a Writ of Execution.

Basic information about two common methods of discovery, Interrogatories and Production of Documents, is available below.

Laws and Rules:

- [Rule 69\(b\) of the Rules of Civil Procedure: Obtaining Discovery](#) allows post-judgment discovery.
- [Rules 26 through 37 of the Rules of Civil Procedure](#), also called the Discovery Rules, contain the requirements and process for discovery.
 - [Rule 33 of the Rules of Civil Procedure](#): Interrogatories, contains the requirements and process for requesting answer to written Interrogatories.
 - [Rule 34 of the Rules of Civil Procedure](#): Production of Documents, contains the requirements and process for requesting production of documents.
- [NDCC Chapter 28-22](#): Exemptions, lists exempt property of the Judgment Debtor that can't be used to satisfy a Judgment.

Post-Judgment Discovery **isn't** Filed with the Clerk of Court:

Don't file post-judgment discovery with the clerk of court **unless:**

- The discovery materials are being submitted to the court for a decision of a pending motion;
- The court orders the discovery material to be filed; or
- A Judgment Creditor, Judgment Debtor or person affected by post-judgment discovery certifies that the filing is necessary for safekeeping of the documents or exhibits, in which event the Judgment Creditor, Judgment Debtor or person affected by post-judgment discovery must state the reasons safekeeping is necessary.

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Interrogatories:

Interrogatories are written questions that are answered in writing under oath. See [Rule 33 of the Rules of Civil Procedure](#).

- An Interrogatory may relate to any matter allowed under [Rule of Civil Procedure 26\(b\)](#).
- There is a limit of **no more than fifty (50)** written Interrogatories, including subparts.
- The Interrogatories and answers/objections to the Interrogatories must be served on the parties as required by [Rule of Civil Procedure 5](#).
 - The Interrogatories and answers/objections to the Interrogatories aren't filed with the clerk of court except as listed on page 5 of 21.
- The Interrogatories must be answered by the party to whom they're directed.
- The **answers/objections** to the Interrogatories must be served on the requesting party **within 30 days** of being served the Interrogatories.

Production of Documents:

Production of Documents is a written request to produce discoverable documents, electronically stored information or tangible things and permit them to be copied. See [Rule 34 of the Rules of Civil Procedure](#).

- The Request for Production of Documents must:
 - Describe with reasonable particularity each item or category of items to be inspected;
 - Specify a reasonable time, place and manner for the inspection and for performing the related acts; and
 - Specify the form or forms in which electronically stored information is to be produced.
- The Request for Production of Documents and answers/objections to the request must be served on the parties as required by [Rule of Civil Procedure 5](#).
 - The Requests for Production of Documents and answers/objections to the request aren't filed with the clerk of court except as listed above.
- The answers/objections to the requests must be served on the requesting party within 30 days of being served the requests.

Service Instructions and Forms:

Service information and resources are available at the ND Legal Self Help Center webpage: ndcourts.gov/legal-self-help/service-in-a-civil-action.

Writ of Execution

Overview:

A Writ of Execution is a court order to a sheriff to seize a Judgment Debtor's non-exempt property.

There are two kinds of execution.

- The first kind of execution is against the property of the Judgment Debtor.
- The second kind of execution is to deliver possession of the property and collect any damages that happened by keeping the property from the Judgment Creditor.

If the Judgment requires the sale of property, the Judgment may be enforced by a special Writ of Execution. The special Writ of Execution must direct that the property be sold and the proceeds from the sale used to pay the Judgment and the costs of the sale.

Generally, you must wait for [thirty days](#) after the Notice of Entry of Judgment, or entry of a Default Judgment, before requesting a Writ of Execution. Review the laws and rules related to the civil case for any exceptions to this general rule.

In general, a Judgment Creditor can apply for a Writ of Execution **at any time within ten years** after the court ordered the Judgment. (See Renewal of Judgment on Page 17 of 21 below.)

- The Judgment Creditor must apply for a Writ of Execution in the same North Dakota county of the court that ordered the Judgment.
- For foreign judgments registered in North Dakota, the Judgment Creditor must apply for a writ of execution in the same North Dakota county of the court where the foreign judgment is registered.

Laws and Rules:

- [Rule 62 of the Rules of Civil Procedure](#): Stay of Proceedings to Enforce a Judgment.
- [Rule 69\(a\) of the Rules of Civil Procedure](#): Money Judgment; Applicable Procedure.
- [NDCC Chapter 28-21](#): Execution of the Judgment, contains requirements and process for writs of execution.
- [NDCC Chapter 28-22](#): Exemptions, lists exempt property of the judgment debtor that can't be used to satisfy a judgment.
- [NDCC Chapter 28-25](#): Proceedings Supplementary to the Execution. See Page 9 of 21 for more information about this process.

Process:

Apply for a Writ of Execution with the clerk of court of the North Dakota State District Court or Small Claims Court that ordered the Judgment.

If you registered a foreign judgment (see Foreign Judgment in the Definitions section), apply for a Writ of Execution with the clerk of court of the North Dakota State District Court where you registered your foreign judgment.

You're required to pay a \$10.00 fee.

Formatting examples of an Application for Writ of Execution and a Writ of Execution are available at the end of this guide.

- The examples are included only as general examples of formatting. The ND Legal Self Help Center doesn't guarantee or certify their accuracy or legal sufficiency. **Use at your own risk.**

The North Dakota State District Court or Small Claims Court that granted the Judgment may issue a Writ of Execution to the sheriff of **any** county in North Dakota.

- More than one Writ of Execution may be issued at the same time to different sheriffs.

You're also required to prepare and file an Affidavit of Identification before the court will issue a Writ of Execution. This document provides the name, address and military status of the Judgment Debtor.

- A blank [Affidavit of Identification](#) form is available on the ND Legal Self Help Center webpage.

If the court issues a Writ of Execution, the clerk of court will give or send the Writ to the sheriff, depending on local procedures.

Once the sheriff serves (gives) the Writ of Execution and notice of levy on the Judgment Debtor, the Judgment Debtor has **ten days** to file a claim for exemption.

- Property that's protected is found in [NDCC Chapter 28-22 Exemptions](#).

Service information and resources are available at the ND Legal Self Help Center webpage: ndcourts.gov/legal-self-help/service-in-a-civil-action.

Proceedings Supplementary to the Execution

Overview:

If an execution returns unsatisfied or partly unsatisfied, a Judgment Creditor can ask the court to order the Judgment Debtor to appear and provide information about their assets.

If it appears to the court that the Judgment Debtor has property which the Judgment Debtor unjustly refuses to apply to the satisfaction of the execution, the court may require the Judgment Debtor to appear and answer concerning the Judgment Debtor's property.

The hearing is held in the county where the Judgment Debtor resides, if the Judgment Debtor is a resident of North Dakota. Otherwise, the hearing is held where ordered by the court.

Laws and Rules:

- [NDCC Chapter 28-25](#): Proceedings Supplementary to the Execution.
- [NDCC Chapter 28-22](#): Exemptions, lists exempt property of the Judgment Debtor that can't be used to satisfy a judgment.
- [Rule 3.2 of the Rules of Court](#): Motions, contains process and requirements for making a motion (request) to a North Dakota state district court in an existing case.

Process:

The process to make a request to a North Dakota state court in an existing case is called a motion. The Judgment Creditor must serve and file a written motion to make the request.

The ND Legal Self Help Center **doesn't** have forms or instructions available for making a motion to request proceedings supplementary to the execution.

General information about the motion process is available at ndcourts.gov/legal-self-help/making-a-motion.

First, create your motion documents.

Generally, the documents listed on Page 10 of 21 must be submitted to the court to start a motion. The motion is filed with the same case number as the Judgment, or the same case number assigned to the registered foreign judgment.

- Notice of Motion;
 - A written advisory that tells all parties that a request for an order will be made to the court.
- Motion;
 - Tells the court and all parties what you're requesting from the court.
- Brief in support of motion;
 - A written document that explains why the Judgment Creditor should have their motion granted. A Brief takes the relevant laws or rules and applies them to the facts of a particular situation.
- Your Affidavit or Declaration to support the motion;
 - A written statement of the facts about which you have first-hand knowledge.
- Other supporting documents (other Affidavits or Declarations, exhibits, etc.); and
- Confidential Information Form
 (ndcourts.gov/Media/Default/Legal%20Resources/rules/ndrct/Appendix-H.pdf).

General use motion templates are available at [Making a Motion](#). You may use these templates as starting points to create your own motion documents.

Second, serve copies of your motion documents on all other parties in your case. File the originals of your motion documents and proof of service with the clerk of court.

Copies of the motion documents must be served on the parties as required by [Rule of Civil Procedure 5](#). Service information and resources are available at the ND Legal Self Help Center webpage: ndcourts.gov/legal-self-help/service-in-a-civil-action.

The original motion documents and the documents showing proof of service must be filed with the clerk of court.

Third, if a hearing is scheduled, attend the hearing.

If it appears to the court from the motion documents that the Judgment Debtor has property which the Judgment Debtor unjustly refuses to apply to the satisfaction of the execution, the court may require the Judgment Debtor to appear and answer concerning the Judgment Debtor's property.

The hearing is held in the county where the Judgment Debtor resides, if the Judgment Debtor is a resident of North Dakota. Otherwise, the hearing is held where ordered by the court.

Judgment Lien Against Real Property (Real Estate)

Overview:

The Judgment acts as a lien against non-exempt real property (real estate) located in the North Dakota county where the Judgment is docketed.

- For Judgments docketed **before** August 1, 2021, the lien lasts for ten years from the original docketing of the Judgment.
- For Judgment docketed **after** August 1, 2021, the lien lasts for twenty years from the original docketing of the Judgment.

The Judgment (lien) also applies to non-exempt real property (real estate) the Judgment Debtor acquires in North Dakota after the docketing of the original Judgment.

- The homestead is exempt property. If the Judgment Debtor has real property that qualifies as their homestead, the judgment lien doesn't apply to the homestead.

This **isn't** a direct collection of money. The judgment lien prevents the Judgment Debtor from selling or mortgaging the real property (real estate) until the Judgment is paid or expires.

Laws and Rules:

- [Rule 58 of the Rules of Civil Procedure](#): Entry and Notice of Entry of Judgment.
- [NDCC Chapter 28-20](#): Judgments. See specifically:
 - [Section 28-20-13](#): Docketing judgment - Transcript to other counties - Lien on real property.
 - [Section 28-20-16](#): How judgment docketed.
- [NDCC Chapter 28-22](#): Exemptions, lists exempt property of the Judgment Debtor that can't be used to satisfy a judgment.
- [NDCC Chapter 47-18](#): Homestead, includes the definition of homestead and requirements related to the homestead.

Process:

The Judgment must be docketed in the North Dakota county where the real property (real estate) is located.

First, the Judgment Creditor **must** file an Affidavit of Identification of the Judgment Debtor with the clerk of court. This document provides the name, address and military status of the Judgment Debtor.

- A blank [Affidavit of Identification](#) form is available on the ND Legal Self Help Center webpage.

Second, the clerk of court docket the Judgment.

If non-exempt real property (real estate) of the Judgment Debtor is located in a different North Dakota county than the county where the Judgment was granted, make a written request to the clerk of court of the county that granted the Judgment.

After receiving the written request and the fee to transcribe the Judgment, the clerk of court of the county that granted the Judgment can transcribe the Judgment to other North Dakota county.

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Garnishment

Overview:

Garnishment is the act of taking the Judgment Debtor's money from a third party to satisfy a Judgment. For example, taking the Judgment Debtor's wages from their employer, or the Judgment Debtor's money from their bank.

After the court orders a Judgment, the Judgment Creditor can issue a Summons against any person, any public corporation, the United States, the State of North Dakota or any institution, department, or agency of the state, indebted to or having any property in possession or under control, which belongs to the Judgment Debtor.

The person who has control of the Judgment Debtor's property, i.e. wages, is called the **Garnishee**. For example, a Judgment Debtor's employer is the Garnishee.

Garnishment is the only way to require an employer to withhold a portion of the Judgment Debtor's wages for payment of the Judgment.

Laws and Rules:

- [Rule 4 of the Rules of Civil Procedure](#): Persons Subject to Jurisdiction; Process; Service.
- [Rule 69\(a\) of the Rules of Civil Procedure](#): Money Judgment; Applicable Procedure.
- [NDCC Chapter 28-21](#): Execution of the Judgment, contains requirements and process for writs of execution.
- [NDCC Chapter 28-22](#): Exemptions, lists exempt property of the Judgment Debtor that can't be used to satisfy a judgment.
- [NDCC Chapter 32-09.1](#): Garnishment, contains requirements and process for garnishment.
 - The ND State Legislature included statutory forms within NDCC Chapter 32-09.1 for many of the required garnishment legal documents. The statutory forms provide suggested language and formatting.

No Garnishment Forms Through ND Legal Self Help Center:

Forms for garnishment **aren't** available through the ND Legal Self Help Center. Refer to the statutory forms within NDCC Chapter 32-09.1. You must create your own garnishment legal documents using the text and formatting of the statutory forms.

General use document templates are available at ndcourts.gov/legal-self-help/general-use-forms. You may use the templates as starting points to create your own garnishment documents.

Process:

First, the Judgment Creditor must arrange to serve (give) the Judgment Debtor the following:

1. Notice that a Garnishee Summons will be served; and
2. A Garnishment Debtor's List of Dependents.

[NDCC Section 32-09.1-04](#) includes a statutory form for the Notice and Garnishment Debtor's List of Dependents.

Copy and paste the text and formatting to create your own Notice and the Garnishment Debtor's List of Dependents documents.

The notice must be served on the Judgment Debtor **at least ten days before** the Garnishee Summons is served.

Service information and resources are available at the ND Legal Self Help Center webpage: ndcourts.gov/legal-self-help/service-in-a-civil-action.

- Service of the Notice on the Judgment Debtor must be in person or by first-class mail. If the Notice isn't served correctly, the garnishment is void.
 - The requirements for personal service are found in [Rule of Civil Procedure 4\(d\)](#).
- An Affidavit or Declaration showing proof of service must be completed by the person who served the Notice and the Garnishment Debtor's List on the Judgment Debtor.
 - The requirements for proof of service are in [Rule of Civil Procedure 4\(i\)-\(k\)](#).

Keep the completed proof of service form(s) in your records. You may be required to show proof of service.

You must wait at least ten days before moving to the next step.

Second, **ten days after** the Notice of the Garnishee Summons and Garnishment Debtor's List are served on the Judgment Debtor, the Judgment Creditor must:

Serve the following on the **Garnishee:**

1. Garnishee Summons;
2. Notice to Defendant;
3. A blank Garnishment Disclosure form; and
4. A \$25 payment, payable to the Garnishee, as the fee for completing the Garnishment Disclosure form.

The Judgment Creditor must **also** arrange to serve the following on the **Judgment Debtor**:

1. Garnishee Summons; and
2. Notice to Defendant.

[NDCC Section 32-09.1-07](#) includes a suggested form for the Garnishee Summons and Notice to Defendant.

- Copy and paste the text and formatting to create your own Garnishee Summons and Notice to Defendant documents.

[NDCC Section 32-09.1-09](#) includes a suggested form for the Garnishee Disclosure.

- Copy and paste the text and formatting to create your own Garnishee Disclosure document.

Service information and resources are available at the ND Legal Self Help Center webpage: ndcourts.gov/legal-self-help/service-in-a-civil-action.

- Service on both the Garnishee and the Judgment Debtor must be by personal service.
 - The requirements for personal service are found in [Rule of Civil Procedure 4\(d\)](#).
- An Affidavit or Declaration showing proof of service must be completed by the person who served the Notice and the Garnishment Debtor's List on the Judgment Debtor.
 - The requirements for proof of service are in [Rule of Civil Procedure 4\(i\)-\(k\)](#).

Keep the completed proof of service form(s) in your records. You may be required to show proof of service.

Third, within **twenty days** of service of the Garnishee Summons and Notice to Defendant, the Garnishee must serve the Judgment Creditor with a completed Garnishment Disclosure form.

Fourth, the Garnishee holds the garnished earnings, until:

- The Judgment Creditor serves a Writ of Execution on the Garnishee; or
- The Judgment Debtor authorizes the release of the garnished earnings to the Judgment Creditor.

This must occur no earlier than twenty days and no later than three hundred and sixty days from service of the Garnishee Summons. The Judgment Creditor and Judgment Debtor may agree **in writing** to a longer period of time.

[NDCC Chapter 28-21](#) includes Writ of Execution requirements.

[NDCC Section 32-09.1-20](#) includes termination of garnishment requirements.

To request a Writ of Execution for garnishment, make a written request to the Clerk of Court of the county where the case was decided. At minimum, include the following in your written request:

- Case number;
- Request for a Writ of Execution;
- The date the Judgment was entered in the case;
- The judgment balance due;
- The interest due;
- The total of the judgment balance and interest due; and
- Instructions to send the Writ of Execution to the Judgment Creditor.

Formatting examples of a Request for a Garnishment Writ of Execution and a Garnishment Writ of Execution are found at the end of this guide.

- The examples are included only as general examples of formatting. The ND Legal Self Help Center doesn't guarantee or certify their accuracy or legal sufficiency. Use at your own risk.

The district court may require an Affidavit of Identification for the Garnishee. Contact the Clerk of Court to ask if this document is required.

- A blank [Affidavit of Identification form](#) is available on the ND Legal Self Help Center webpage.

The fee for a Writ of Execution is \$10. The fee must be paid at the time of the request. Contact the Clerk of Court to confirm the amount of the fee and information about how to pay the fee.

The Judgment Creditor is required to arrange to serve the Writ of Execution on the Garnishee. An Affidavit or Declaration showing proof of service must be completed by the person who served the Writ of Execution on the Garnishee.

The requirements for proof of service are found in [Rule of Civil Procedure 4\(i\)-\(k\)](#). Service information and resources are available at the ND Legal Self Help Center webpage: ndcourts.gov/legal-self-help/service-in-a-civil-action.

Renewal of Judgment

Overview:

Money awarded as part of a Judgment may be collected using North Dakota's judgment collection options.

- Judgments entered on or after August 1, 2023, may be collected for 20 years.
- Judgments entered on or before July 31, 2021, may be collected for 10 years and renewed once for an additional 10 years.
 - 90 days before the Judgment expires, if the money awarded **hasn't** been collected, the Judgment Creditor may renew the Judgment for another 10 years.
- Judgments entered from August 1, 2021, to July 31, 2023, may be collected for 10 years.
 - North Dakota judgment collection laws are unclear if these Judgments may be renewed once for an additional 10 years. Consult a [lawyer](#) for legal advice.

Laws and Rules:

- [NDCC Chapter 28-20](#): Judgments. See specifically:
 - [Section 28-20-21](#): Renewal of judgments by affidavit.
 - [Section 28-20-22](#): Affidavit of renewal - Where filed - Entry.
 - [Section 28-20-23](#): Lien extended for ten years by renewal.

Process:

First, To renew a Judgment, you need the following documents:

- Affidavit for Renewal of Judgment; and
- Affidavit of Identification.

Create the Affidavit for Renewal of Judgment:

The ND Legal Self Help Center doesn't have a form for an Affidavit for Renewal of Judgment. A general-use affidavit form is available at ndcourts.gov/legal-self-help/general-use-forms.

A formatting example of an Affidavit for Renewal of Judgment is found at the end of this guide.

- The example is included only as a general example of formatting. The ND Legal Self Help Center doesn't guarantee or certify its accuracy or legal sufficiency. Use at your own risk.

The caption (top) of the Affidavit for Renewal of Judgment must contain the same party names, case number, North Dakota county, and judicial district as the original judgment.

The content of the Affidavit for Renewal of Judgment must include:

- The names of all of the parties, i.e. the names of all Plaintiffs and Defendants;
- The name of the court in which the Judgment is docketed;
- The date and dollar amount of the original Judgment;
- The case number of the case in the county in which the Judgment was originally entered;
- The name of the owner of the original Judgment, and, if not the party in whose name the Judgment was entered, the source of that person's ownership and a statement of each assignment of the Judgment necessary to trace the ownership of the Judgment from the original Judgment Creditor;
- If the Judgment was entered upon a certified transcript from any other court, a statement of this fact;
- A statement of each county in which a transcript of the Judgment has been filed;
- A statement that no execution is outstanding and unreturned upon the Judgment, or, if any execution is outstanding, that fact must be stated;
- The date and amount of each payment upon the Judgment, whether collected under execution or otherwise, and that all payments have been duly credited upon the Judgment, and whether any amount has been realized that hasn't been credited upon the Judgment and upon the records in the court in which the Judgment was originally rendered, or in any other court to which it has been transcribed;
- That there are no offsets or counterclaims against the person for whose benefit the renewal is sought and in favor of the Judgment Debtor or debtors; **or**
 - If a counterclaim or offset exists in favor of the Judgment Debtor, a statement of the amount of the counterclaim or offset, **if ascertained or certain**, and an offer to allow the counterclaim or offset as a credit upon the amount due from the Judgment Debtor; **or**
 - If the counterclaim or offset is **unsettled or undetermined**, an offer that when the counterclaim or offset is settled or determined, the counterclaim or offset may be allowed as a payment or credit upon the Judgment to the full amount which subsequently may be adjudged due the Judgment Debtor thereon;

- The exact amount due upon the Judgment, after allowing all offsets and counterclaims known to the affiant;
- Any other facts or circumstances necessary to a complete disclosure as to the exact condition of the Judgment; and
- A verification statement that the content of the Affidavit is true and isn't based on information or belief.

Complete an Affidavit of Identification:

An [Affidavit of Identification](#) tells the court the following information about the Judgment Debtor:

- Judgment Debtor's name;
- Judgment Debtor's address;
- Judgment Debtor's occupation; and
- Judgment Debtor's military status.

Second, serve copies of the Affidavit for Renewal of Judgment and the Affidavit of Identification on every party in the case.

See the instructions and forms for [Service After a District Court Civil Action Has Started](#).

Third, file the following original documents with the clerk of court of the North Dakota county where the original Judgment was **first** docketed:

- Affidavit for Renewal of Judgment;
- Affidavit of Identification; and
- Proof of service of the Affidavit for Renewal of Judgment and Affidavit of Identification on every party in the case.

If the clerk of court accepts your documents for filing, the clerk files a copy of the Affidavit for Renewal of Judgment in each North Dakota county where the Judgment was transcribed as requested by the Judgment Creditor.

You won't be charged a filing fee.

Fourth, if the Judgment meets the requirements, after entry and docketing of the Affidavit of Renewal of Judgment by the clerk of court, the Judgment is renewed for ten years.

Lawyer Resources & Limited Legal Representation

You aren't required to hire a lawyer to bring a civil case in North Dakota state courts. 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 finding 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 that 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 attorneys 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.

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF [REDACTED]

[REDACTED] JUDICIAL DISTRICT

Rodney [REDACTED], conservator for
Suzanne [REDACTED], an incapacitated
person,

Case No.: [REDACTED]

Plaintiff,

APPLICATION FOR WRIT OF
EXECUTION

vs.

Richard [REDACTED],

Defendant.

[¶1] Plaintiff, Rodney [REDACTED], conservator for Suzanne [REDACTED], an incapacitated person, by and through the undersigned, submits the following as and for his Application for Writ of Execution against Defendant, Richard [REDACTED].

[¶2] 1. On October 8, 20[REDACTED], the Court made and entered its Judgment in the above-entitled and numbered action.

[¶3] 2. The Judgment was in favor of the Plaintiff (applicant) and against Defendant in the amount of \$189,517.14.

[¶4] 3. No part of the Judgment has ever been satisfied, though due demand for satisfaction has been made on Defendant.

[¶5] 4. There is due and owing to Plaintiff (applicant) from Defendant the sum of \$189,517.14, plus interest at 6.5% per year, running from October 8, 20[REDACTED].

[¶6] WHEREFORE, Plaintiff (applicant) requests that the Court issue a Writ of Execution against Defendant on the Judgment in this action, directed to the Sheriff of

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██████ County, North Dakota, as levying officer in and for that county and to any registered process server.

[¶8] For any questions, please contact Christopher ██████ at (701) ██████.

Dated: October 21, 20████

By: /s/ Christopher ██████
Christopher ██████ ND ID# ██████
██
██████, ND
Tele: 701-██████
chris@████████.com
Attorneys for Plaintiff

Format example ONLY. This is NOT a form.

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF [REDACTED]

[REDACTED] JUDICIAL DISTRICT

[REDACTED] Inc.,
Plaintiffs,
vs.
Jeff [REDACTED],
Defendant.

CASE NO. [REDACTED]

EXECUTION OF JUDGMENT

TO: SHERIFF OF [REDACTED] COUNTY:

I. WHEREAS, judgment was duly rendered and entered in the above entitled action in the above named Court on the 12th day of March, 20[REDACTED], in favor of the above named Plaintiffs and against the above named Defendant for the sum of \$21,238.70, as appears by the judgment roll in said action on file in the Office of the Clerk of District Court in and for the County of [REDACTED] State of North Dakota; and

II. WHEREAS, the said judgment was duly docketed in [REDACTED] County, State of North Dakota on the 12th day of March, 20[REDACTED] at 9:55 a.m.; and

III. WHEREAS, a transcript of said original docket of said judgment was, on the 12th day of March, 20[REDACTED] at 9:55 a.m. duly filed and docketed in the office of the Clerk of District Court in and for the County of [REDACTED], State of North Dakota; and

IV. WHEREAS, the Notice of Entry of Judgment and Affidavit of Service were duly filed with the Clerk of District Court, County of [REDACTED] State of North Dakota on April 10, 20[REDACTED].

V. WHEREAS, the sum of \$21,238.70 is now actually due and unpaid on said judgment with interest thereon of 6.5 % from the 12th day of March, 20[REDACTED], and \$10.00 accrued costs.

FILED

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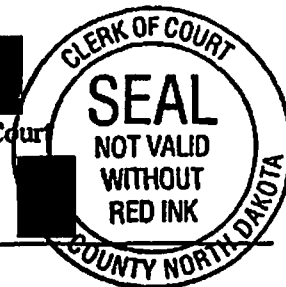
CLERK OF DIST. COURT
[REDACTED]

VI. NOW THEREFORE, you are hereby commanded and required to satisfy the said judgment, with interest and accruing costs, out of the personal property of said judgment debtor within [REDACTED] County, and if sufficient personal property cannot be found, then out of the real property in said county belonging to said judgment debtor on the day when the said judgment was docketed in [REDACTED] County, or at anytime thereafter in whosoever hands the same may be, and to return this execution within sixty days after its receipt by you to the Clerk of the District Court in [REDACTED] County.

VII. Witness the Honorable [REDACTED] Judge of the District Court of the [REDACTED] Judicial District, of the State of North Dakota, in and for the County of [REDACTED] in the state of North Dakota, and my hand and the seal of the Court, in the City of [REDACTED] in [REDACTED] County, North Dakota this 27th day of June, 20[REDACTED].

[REDACTED]
Clerk of District Court

By: _____
Deputy



[REDACTED] Inc.
dba [REDACTED]
[REDACTED] ND 58 [REDACTED]
Your local Collection Agency and Credit Bureau (701) [REDACTED] Phone
Member American Collector's Association (701) [REDACTED] Fax

October 20, 20[REDACTED]

[REDACTED] County Clerk of Court
[REDACTED]
[REDACTED] ND 58 [REDACTED]

Dear Clerk:

We currently have a garnishment in place on the defendant shown below. Her employer has requested a writ of execution in order to release the funds withheld.

Please prepare an Execution to be sent to our address shown above. The defendant information is listed below.

Amber [REDACTED]	Case # [REDACTED]
[REDACTED]	Docketed: 1/15/[REDACTED]
[REDACTED] ND 58 [REDACTED]	Judgment Amount: \$420.59

The principal remaining with interest and costs to date is \$494.73.

Enclosed is a check for your fee. Thank you for your assistance in this matter.

Sincerely,

[REDACTED]

Nancy [REDACTED]

Enc.

In District Court, _____ County, North Dakota

GARNISHMENT EXECUTION

Case No. _____

INC

Plaintiff(s),

vs.

AMBER F _____

Defendant(s).

THE STATE OF NORTH DAKOTA TO THE SHERIFF OF THE COUNTY OF _____, STATE OF NORTH DAKOTA, OR TO THE ATTORNEY FOR THE JUDGMENT CREDITOR:

On January 15, 20____, Judgment Creditor received a judgment against the Judgment Debtor in _____ County District Court as follows:

Judgment or principal balance due: \$ \$420.59
Interest: \$ \$0.00
Costs & disbursements: \$ 420.59
Additional fees: \$ 10.00
Balance due: \$ \$430.59

The principal remaining is: \$420.59

The balance of costs remaining are: \$10.00

NOW, you said Sheriff or Attorney for Judgment Creditor are hereby required to make said sum due on the judgment or damages, with interest aforesaid, costs and accruing costs, to satisfy the judgment out of the garnished funds of said Judgment Debtor, NOT EXEMPT FROM EXECUTION, being retained and make return of this writ within 60 days after your receipt hereof with what you have done, endorsed therein.

Given under my hand this 20th day of October, 20____

Clerk of District Court

Filed and

Signed: 10/20/20____ 1:54:57 PM

By _____
Deputy Clerk

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CVJD01U1

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF [REDACTED]

[REDACTED] JUDICIAL DISTRICT

[REDACTED]

Plaintiff,

v.

Elvin [REDACTED]

Defendant.

**AFFIDAVIT OF RENEWAL
OF JUDGMENT**

Civil No. [REDACTED]

STATE OF NORTH DAKOTA

COUNTY OF [REDACTED]

} ss.

John [REDACTED], being first duly sworn, deposes and states under oath as follows:

1. I swear and affirm upon penalty of perjury the statements made in this affidavit are true and correct to the best of my personal knowledge, information, and belief.

2. I am an [REDACTED] and an attorney for the plaintiff, [REDACTED], in the above-captioned action.

3. This affidavit is executed by the affiant pursuant to N.D.C.C. § 28-20-21, for the purpose of enabling the plaintiff to renew its judgment and to continue the lien of that judgment to the extent of the balance due.

4. Pursuant to the requirements of N.D.C.C. § 28-20-21 for the renewal of judgments, the affiant provides the following information:

- a. The name of the plaintiff is [REDACTED]. The name of the defendant is Elvin [REDACTED].
- b. The name of the Court in which the judgment was docketed is [REDACTED] County District Court, [REDACTED] Judicial District.
- c. The date of the original judgment was February 9, [REDACTED]. The amount of the original judgment was in the total amount of \$281.86.
- d. The file number of the case is Civil No. [REDACTED].

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- e. The owner of the judgment is the plaintiff, [REDACTED].
- f. The judgment was not entered upon a certified transcript from any other court.
- g. The file does not indicate that the judgment was transcribed to any other county.
- h. No execution is outstanding and unreturned upon the judgment.
- i. Since the date of the original judgment, no payments have been made on the judgment.
- j. There are no offsets or counterclaims against the plaintiff for whose benefit the renewal is sought and in favor of the judgment debtor.
- k. The amount due on the judgment as of December 20 [REDACTED], consists of the total sum of \$427.53, inclusive of accrued post-judgment interest.
- l. There are no other facts or circumstances necessary to a complete disclosure as to the exact condition of the judgment.

Dated this 5th day of January, 20 [REDACTED].

By: [REDACTED]

John [REDACTED]

State Bar ID No. [REDACTED]

Office of [REDACTED]

ND 58 [REDACTED]

Telephone (701) [REDACTED]

Facsimile (701) [REDACTED]

Email: [REDACTED]

Attorneys for Plaintiff.

Subscribed and sworn to before me
this 5th day of January, 20 [REDACTED].

[REDACTED]
Notary Public
8319

[REDACTED]
Notary Public
State of North Dakota
My Commission Expires Aug. 6, 20 [REDACTED]

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