

Order for Dismissal Without Prejudice

State Of North Dakota

In Small Claims Court

County of _____

Case No. _____

_____,
Plaintiff,

v.

_____.
Defendant.

The Plaintiff filed a request for Dismissal Without Prejudice by Plaintiff. The Court
having considered the request to dismiss this Small Claims Court case:

Hereby Orders:

The request for Dismissal Without Prejudice is granted and the Small Claims Court case
is dismissed without prejudice.

Dated _____

By the Court:

(District Judge or Judicial Referee Signature)

Declaration Of Service By Mail

State Of North Dakota

In Small Claims Court

County Of _____

Case No. _____

_____, v. _____
Plaintiff, Defendant.

1. I, _____ (*name of person mailing documents*),
state that I am at least 18 years of age, and on _____ (*date*), I served
the **proposed Order for Dismissal Without Prejudice** in the above entitled Small Claims Court
case by placing a true and correct copy in an envelope addressed to the last known address of
each party as follows (*party name and address*):

| | |
|-----------|-----------|
| (1) _____ | (2) _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

and depositing the envelope, with sufficient postage, in the United States mail in

_____ (City), _____ (State).

2. I declare, under penalty of perjury of the law of North Dakota, that the information
contained in this Declaration of Mailing is true and correct.

Signed on _____ (*date*) at _____ (*city*),
_____ County _____ (*state*), _____ (*country*).

(*Signature of Person who Mailed Envelope*)

(*Printed Name*)

(*Address*)

(*City, State, Zip Code*)

(*Telephone Number*)

(*Email Address*)

Instructions for Proposed Order for Dismissal Without Prejudice Form and Declaration of Service by Mail Form

The Clerk of Court may tell you, the Plaintiff, to file a proposed Order for Dismissal Without Prejudice.

Step 1: Fill Out the Proposed Order for Dismissal Without Prejudice Form

Top of Form (Caption): Fill in the county, small claims court case number, and names of the parties **exactly** as they appear on your Form 2: Claim Affidavit.

Don't date or sign this document. If the Judge or Judicial Referee decides to dismiss your case without prejudice, the Judge or Judicial Referee also decides whether to use your proposed order.

Step 2: Serve Copies of Your Completed Proposed Order for Dismissal Without Prejudice Form

Make at least two copies of the **completed proposed Order for Dismissal Without Prejudice form.** Keep one copy for your records. You serve the other copy or copies on the Defendant(s). You file the originals with the Clerk of Court in Step 3.

Serve the following on each Defendant by mail:

- A copy of the completed proposed Order for Dismissal Without Prejudice form.

*****Serve each Defendant. You don't need to serve a copy on yourself.*****

The person who mailed the envelope(s) fills out the Declaration of Service by Mail Form:

- **Top of Form (Caption):** Fill in **exactly** as it appears in your completed proposed Order for Dismissal Without Prejudice form.
- **Name & Mailing Date:** Fill in the full, legal name of the person who mailed the documents. The person may be you, the Plaintiff, as long as you're at least 18 years old. Fill in the date that copies of the documents were mailed.
- **Address Block:** Fill in the full, legal name of the Defendant(s). Fill in the address where the copies of the documents were mailed.
- **City/State:** Fill in the city and state from which you mailed the copies of the document.
- **Date and Signature:** Fill in the date the Declaration was signed and the city, county, state, and country where the Declaration was signed. The person who mailed copies of the document signs the form and completes the lines below their signature.

Service is complete upon mailing.

Step 3: File the Originals of Your Completed Proposed Order for Dismissal Without Prejudice Form and Declaration of Service by Mail Form with the Clerk of Court

File the original, completed proposed Order for Dismissal Without Prejudice form and the Declaration of Service by Mail Form with the Clerk of Court. File with the Clerk of Court in same North Dakota county where you filed your Form 2: Claim Affidavit.

The Judge or Judicial Referee reviews your request to dismiss your small claims court case and your proposed order.

If the Judge or Judicial Referee decides to use your proposed order as their own, they sign and date the order.

Your small claims court case **isn't dismissed** until the Judge or Judicial Referee signs and dates an order saying the case is dismissed.

You'll receive a signed copy of the order telling you whether the Judge or Judicial Referee dismissed your Small Claims Court case. Usually, the order is mailed to you.

If the Judge or Judicial Referee dismisses your case **without prejudice**, you **may** bring the case again.

If the Judge or Judicial Referee dismisses your case **with prejudice**, you **can't** bring your case again in Small Claims Court or North Dakota state district court.

If the Judge or Judicial Referee **doesn't dismiss** your case, your Small Claims Court case continues.