

STATE OF NORTH DAKOTA
COUNTY OF _____

IN DISTRICT COURT
_____ JUDICIAL DISTRICT

IN THE MATTER OF THE GUARDIANSHIP OF

Case No. _____

AFFIDAVIT

I, _____, the undersigned,

being first duly sworn, state as follows:

1.

I swear, under penalty of perjury under the law of North Dakota, that everything I stated in this Affidavit is true and correct.

Dated _____.

Signature

Printed Name

Address

City, State, Zip Code

Telephone Number

Email Address

STATE OF _____)

)

COUNTY OF _____) ss.

Signed and sworn to before me on _____, by

_____.

(Notary Public or Clerk of Court)

If Notary, my commission expires: _____

INSTRUCTIONS FOR AFFIDAVIT FORM

ND Legal Self Help Center Staff and Court employees can't help you fill out forms. If you're unsure how to proceed, consult a lawyer.

There's no guarantee that all judges and courts will accept forms available through the ND Legal Self Help Center. Use at your own risk.

Don't include these instruction sheets when you serve or file the completed form.

THE "GUARDIANSHIPS AND CONSERVATORSHIPS" SECTION – "Guardianship of Adults" link of the [ND Legal Self Help Center website](#) has additional information and resources.

An affidavit is a written statement of fact given by an individual with first-hand knowledge of the facts.

As of March 1, 2018, in general, notarization isn't required when an affidavit will be filed with a North Dakota district court in a civil action.

If the affidavit meets the following requirements, the signature of the person making the affidavit **doesn't** need to be notarized. (See [Rule 11\(a\)\(2\) of the North Dakota Rules of Civil Procedure](#) and [Section 31-15-05 of the North Dakota Century Code](#).)

1. There's NO court rule that applies to your guardianship case that requires the affidavit to be notarized;
2. The last statement of the affidavit is substantially similar to the following: "I swear, under penalty of perjury under the law of North Dakota that the foregoing is true and correct";
3. The affidavit is dated and signed by the individual giving the statement of fact;
4. The date is the month, day and year the individual signed the affidavit; AND
5. The name of the State and County where the individual signed the affidavit are listed on the affidavit.

The general-use declaration form available at ndcourts.gov/legal-self-help/adult-guardianship may be used when the affidavit meets the above requirements.

If the affidavit DOESN'T meet the FIRST requirement above, the affidavit must be signed and dated in the presence of a notary public or clerk of court by the individual making the written statement.

This general-use affidavit form may be used when a court rules requires the affidavit to be dated and signed in front of a notary public or clerk of court.

This form **isn't** a fillable form. To create an affidavit using this form, you have at least two options:

Option One: Print this form on 8 ½" x 11" paper and hand-write the affidavit. The hand-writing must be easily readable. Black ink is preferred.

Option Two: Copy and paste the Caption and Signature sections into a word processing program, for example, Microsoft Word, WordPerfect, Google Docs, or OpenOffice. Use this form and these instructions as your guide to format the affidavit.

Caption (Top of Affidavit Form):

- If you copied and pasted the Caption section into a word processing program, format your caption as close as you can to the Caption section of the Affidavit form.
- Complete the caption exactly as it appears in the petition that started the case.

First Sentence:

- Fill in the full, legal name of the individual who is giving their written statement of fact.

Written Statement of Fact:

- Type or print the statement of fact.
- Number each paragraph of the statement of fact.

Arrange to Date and Sign with a Notary Public or Clerk of Court:

- Contact a notary public or clerk of court to set up a time for the individual giving their written statement of fact to date and sign the affidavit.

Date and Sign the Affidavit:

- The date and signature are at the end of the written statements of fact.
- If you copied and pasted the Date and Signature section into a word processing program, format the date and signature section as close as you can to the Date and Signature section of this Affidavit form.

- The individual giving their written statement of fact must date and sign the affidavit **in the presence** of a notary public or clerk of court. (The individual giving their written statement may fill in the address, phone number and email address lines outside the presence of a notary public or clerk of court.)
- The notary public or clerk of court will witness the signature and indicate this on the document.

WARNING: By signing your name you're telling the Court that you're telling the truth and your facts are accurate. If you're not telling the truth, if you're misleading the Court, or if you're serving or filing this document for an improper purpose, the Court could find you in contempt or you may be prosecuted for perjury.

Page Numbering:

- Number the pages of the affidavit.
- The last page of the affidavit is the page with the date and signature of the individual giving their written statement of fact.

Service:

In general, copies of documents filed, or intended to file, with the court must be provided to the other parties in the guardianship case. This is called service.

There are specific requirements for serving documents. Rule 4 and Rule 5 of the [North Dakota Rules of Civil Procedure](#) give the requirements for service in a guardianship case.

Proof of service is an important step in the legal process. The court will not act on papers filed with the court until proof of service is filed.

For information about service and proof of service in a civil action, go to the [Service](#) link on the ND Legal Self Help Center website.

Don't include these instruction sheets when you serve or file the completed form.

****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 by the Center isn't intended for legal advice but only a general guide to the civil court process. The Center isn't responsible for any consequences that may result from the information provided. The information can't replace the advice of competent legal counsel licensed in the state.*

*Use at your own risk.****