

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF _____

_____ JUDICIAL DISTRICT

IN THE MATTER OF THE GUARDIANSHIP OF

_____.

Case No. _____

NOTICE OF HEARING ON MOTION FOR _____

TO: _____

(List names of parties to receive notice of hearing)

1. **YOU ARE HEREBY GIVEN NOTICE** that a hearing *(select all checkboxes (✓) below that apply. You must select at least one checkbox):*

to present evidence

for oral arguments

will be held on the Motion for _____

before the Court pursuant to Rule 3.2 of the North Dakota Rules of Court.

2. The hearing will be held before the Honorable _____

(judge or judicial referee name) presiding, on *(date of hearing)* _____,

at *(time)* _____ or as soon thereafter as the matter may be heard.

(Choose one; Paragraph 2 continues on next page)

The hearing will be held by **Zoom Video Conference**, not at the courthouse. To attend the

hearing *(explain)*: _____

The hearing will be held in-person at the _____ **County Courthouse**

at (*physical address*) _____

Dated _____

(*Signature*)

(*Printed Name*)

(*Address*)

(*City, State, Zip Code*)

(*Telephone Number*)

(*Email Address*)

INSTRUCTIONS FOR NOTICE OF HEARING ON MOTION

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

There is no guarantee that all judges and courts will accept forms available through the ND Legal Self Help Center.

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

THE "MOTION" SECTION OF THE [GUIDE TO A CIVIL ACTION](#) on the [ND Legal Self Help Center website](#) has additional information and resources.

A party to a motion who has served and filed a brief in support of motion, or an answer brief to motion, may request a hearing on the motion.

The party making a request for a hearing on a motion must serve a notice of the hearing on all other parties. [Rule 3.2 of the North Dakota Rules of Court](#) describes how to make a timely request for a hearing on the motion.

The Moving Party May Request a Hearing on a Motion:

If the moving party didn't initially request a hearing in their Notice of Motion, the moving party may use this form to notify all other parties that they requested a hearing on their motion.

The Opposing Party May Request a Hearing on a Motion:

If the moving party didn't initially request a hearing in their Notice of Motion, and the opposing party served and filed their answer to motion within the deadline, the opposing party may use this form to notify all other parties that they requested a hearing on their motion.

A Hearing May Be Requested for Presenting Evidence, Oral Arguments, or Both:

The party making a request for a hearing on a motion may request either an evidentiary hearing (presenting evidence), oral arguments, or both.

- An evidentiary hearing, also called presenting evidence, involves each party giving evidence, such as witness testimony and documents, to the court during the hearing.
- Oral arguments are spoken statements by each party to defend their legal position and to rebut the other party's legal position. Oral arguments are limited to the legal reasons each party included in their written motion or answer to motion briefs.

Deadlines for Requesting a Hearing on a Motion:

Requests for hearings must be made not later than seven days after expiration of the time for filing the answer brief.

If the party requesting a hearing fails within 14 days of the request to secure a time for the hearing, the request is waived and the matter will be decided on the documents filed with the Court.

If an evidentiary hearing is requested, notice of hearing must be served at least 21 days before the time specified for the hearing.

Top of Form:

- Complete the top of the Notice of Hearing on Motion exactly as it appears in the petition that started the case.
- Fill in the type of motion on the line next to “NOTICE OF HEARING ON MOTION FOR.”
- List the names of all the other parties on the “TO:” line. If a party is represented by a lawyer, list the name of the lawyer.
- Fill in the case number.

Paragraph 1:

The party requesting a hearing on a motion must schedule a time for the hearing by contacting the clerk of court where the guardianship case is filed.

- Contact the clerk of court where the guardianship case is filed to schedule a date and time for the hearing.
- Indicate with a checkmark (✓) whether the scheduled hearing is:
 - To present evidence;
 - To present oral arguments; or
 - To present both (checkmark (✓) both boxes).
- Fill in the name of the motion.

Paragraph 2:

- Fill in the name of the Judge or Judicial Referee who will preside at the hearing. Checkmark (✓) the appropriate box.
- Fill in the date and time of the hearing.

- Checkmark (✓) the appropriate box and fill in the information.
 - If the hearing will be held by Zoom Video Conference, fill in the information about how to attend the Zoom Video Conference.
 - If the hearing will be held in-person at a courthouse, fill in the name and physical address of the courthouse.

Sign and Date the Notice of Motion:

- The party requesting the hearing must sign and date the Notice of Hearing on Motion.
- Complete the lines following the signature line.

Serve and File the Notice of Hearing on Motion:

- A copy of the Notice of Hearing on Motion must be served on all other parties. The Notice of Hearing on Motion can be served with answer to motion documents.

The [Service](#) link on the ND Legal Self Help Center website has information about service after a civil action has been started.

- The original Notice of Hearing on Motion must be filed with the clerk of court where the existing case is filed. The Notice of Hearing on Motion can be filed with answer to motion documents.

The “Filing Documents with the District Court” Section of the [Guide to a Civil Action](#) on the ND Legal Self Help Center website has additional information and resources.

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.****