

Answer to Motion for Default Judgment (*Debt Collection*)

Instructions for Form OP4: Declaration of Service by Mail (*Debt Collection*)

(Form OP4: Declaration of Service by Mail is part of the Answer to Motion for Default Judgment (*Debt Collection*) form set).

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.

ND Legal Self Help Center forms **aren't** official court forms. Judges and courts aren't required to accept them. There's no guarantee Center forms will be accepted. Use at your own risk.

To Answer a Motion for Default Judgment in a debt collection action, the following forms are required:

- ◆ OP1: Answer Brief in Opposition to Motion for Default Judgment (*Debt Collection*);
- ◆ OP2: Declaration in Support of Answer Brief in Opposition to Motion for Default Judgment (*Debt Collection*);
- ◆ Answer – Debt Collection (*if you already served an Answer to the Summons and Complaint, you don't fill out, copy, or serve this form*);
- ◆ OP3: Confidential Information Form (*Debt Collection*);
- ➔ **OP4: Declaration of Service by Mail (*Debt Collection*).**

Form OP4: Declaration of Service by Mail (*Debt Collection*) is your proof of service. Service is providing copies of your completed Answer to Motion for Default Judgment (*Debt Collection*) forms on the Plaintiff. The clerk of court won't file your Answer to Motion forms until you file proof of service with the court. A Declaration of Service by Mail gives the court proof of service.

Keep one copy for your records. You arrange to serve the other copy on the Plaintiff, or the Plaintiff's lawyer. You file the originals with the Clerk of Court with all other Answer Motion for Default Judgment forms.

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Make copies of your Answer to Motion forms.

❑ Make copies of the following documents:

- OP1: Answer Brief in Opposition to Motion for Default Judgment (*Debt Collection*);
- OP2: Declaration in Support of Answer Brief in Opposition to Motion for Default Judgment (*Debt Collection*);
- Answer – Debt Collection (*if you already served an answer to the summons and complaint, you don't fill out, copy, or serve this form*);
- OP3: Confidential Information Form (*Debt Collection*) (*don't serve this form*); and
- Copies of any documents you referenced in your Answer Brief, Declaration in Support of Answer Brief, and/or Answer.

Serve the Plaintiff with your Answer to Motion forms by mail.

❑ Serve the following documents:

- OP1: Answer Brief in Opposition to Motion for Default Judgment (*Debt Collection*);
- OP2: Declaration in Support of Answer Brief in Opposition to Motion for Default Judgment (*Debt Collection*);
- Answer – Debt Collection (*if you already served an answer to the summons and complaint, you don't fill out, copy, or serve this form*); and
- Copies of any documents you referenced in your Answer Brief, Declaration in Support of Answer Brief, and/or Answer.

Information on how to serve the Plaintiff, or the Plaintiff's lawyer:

- The person serving by mail must be at least 18 years old.
- Put the copies in an envelope.
- Address the envelope with the address listed below the signature on the Summons.
 - **If you know the Plaintiff (creditor) is currently represented by a lawyer, address the envelope with the lawyer's address, not your spouse's.**
- List your address as the return address on the envelope.
- Put the correct first-class postage on the envelope.
 - Postage must be prepaid.
 - **It's very important to put the correct postage on the envelope.** If you don't, the envelope may be returned to you causing you to miss the service deadline.
- Put the envelope in the U.S. mail.
- Service by mail is complete upon mailing.

❑ The person who mailed the envelope completes the following form:

- Form OP4: Declaration of Service by Mail (*Debt Collection*).

The person who mailed the envelope **must** complete the Declaration of Service by Mail form. (If the envelope is mailed at a United States Post Office, the United States Post Office employee **doesn't** complete Declaration of Service by Mail form.)

Service by mail is a common way to serve motion documents. However, there are other ways to serve your documents. To review other service options, go to ndcourts.gov/legal-self-help/service-in-a-civil-action. Scroll to "Service After a District Court Civil Action Has Started".

Prepare the Declaration of Service by Mail form.

Remember: The person who served the forms is the person who must fill out and sign this form!

- ❑ **Top of the Form (Caption):** The Caption is filled in exactly the same as you filled out the caption of your Answer Brief.
- ❑ **Paragraph 1:** Fill in the name of the person who served the forms.
- ❑ **Paragraph 2:** Review to make sure you list all forms and documents that were served.
- ❑ **Paragraph 3:** Review.
- ❑ **Paragraph 4:** Fill in the date the documents were served by mail.
- ❑ **Paragraph 5:** List the name of the person served (the Plaintiff, or the Plaintiff's lawyer) and the address where the copies of the forms were mailed.
- ❑ **Paragraph 6:** Review carefully.
- ❑ **Date and Signature (by the person who served the documents):**
 - Fill in the date, city, county, state, and country where you signed this Declaration.
 - Sign the signature line and fill in all of the lines following your signature.

What do I do next?

- ❑ Make a copy of the completed Declaration of Service by Mail form for your records.
- ❑ File the originals of your forms with the Clerk of Court. You may be required to pay a filing fee – check with the Clerk of Court

Reminder: Keep a copy of everything you file for your records.

State of North Dakota

In District Court

County of _____

_____ Judicial District

Plaintiff,
vs

Defendant.

)
)
)
)
)
)

Case No. _____

Declaration of Service by Mail
(Debt Collection)

The person serving court documents by mail states:

1. My name is _____ (name of person who mailed documents in Paragraph 2). I am at least 18 years of age.

2. **List of Court Documents Served** (you must serve the first 2 documents; checkmark (✓) "Answer and Counterclaim" if you served the Answer to the debt collections action; if you served other documents that you referred to in your Answer Brief, Declaration, and/or Answer, checkmark (✓) the "Other" box(es) and write the title of each document):

- ☒ Answer Brief in Opposition to Motion for Default Judgment
- ☒ Declaration in Support of Answer Brief in Opposition to Motion for Default Judgment
- ☐ Answer
- ☐ Other: _____
- ☐ Other: _____

3. **Service by Mail:** As required by Rule 5(b)(3) of the North Dakota Rules of Civil Procedure, I served a true and correct copy of each of the court document(s) listed in Paragraph 2 by mailing them, enclosed in an envelope, by First-Class mail, postage prepaid, and by depositing them in the United States Mail, directed to the person listed in Paragraph 5.

4. Date of Service by Mail:

Date Court Documents Were Served by Mail: _____

5. Person Served by Mail:

Name of Person Served: _____

Mailing Address: _____

City, State, Zip Code: _____

6. I declare, under penalty of perjury under the law of North Dakota, that everything I stated in this Declaration of Service by Mail is true and correct.

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

Signature of Person Who Mailed Documents

Printed Name of Person Who Mailed Documents

Address

City, State, Zip Code

Telephone Number

Email Address