

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF _____

_____ JUDICIAL DISTRICT

 Plaintiff,
 vs

 Defendant.

)
)
)
)
)
)
)

Case No. _____

ANSWER BRIEF IN OPPOSITION TO
MOTION FOR DEFAULT DIVORCE
JUDGMENT

Comes now, Defendant, _____ (name),

and submits this Answer Brief in Opposition to Motion for Default Divorce Judgment.

STATEMENT OF FACTS

1. The above-captioned civil case, is a domestic relations action for divorce.

2. **Service of Summons and Complaint** (choose one):

Defendant was served on _____ (date) with the Summons and Complaint for this divorce action.

Defendant disputes service of the Summons and Complaint for this divorce action as described in the Affidavit in Support of Answer Brief in Opposition to Motion for Default Divorce Judgment, which is incorporated by reference.

3. (Choose one; Paragraph 3 continues on next page):

Defendant served an answer to the Summons and Complaint on the Plaintiff within the 21 day answer deadline based on the facts described in the Affidavit in Support of Answer Brief in Opposition to Motion for Default Divorce Judgment, which is incorporated by reference.

Defendant **did not** serve an answer to the Summons and Complaint on the Plaintiff within the 21 day answer deadline as described in the Affidavit in Support of Answer Brief in Opposition to Motion for Default Divorce Judgment, which is incorporated by reference.

4. After Defendant became aware of the divorce case, Defendant contacted or attempted to contact Plaintiff as described in the Affidavit in Support of Answer Brief in Opposition to Motion for Default Divorce Judgment, which is incorporated by reference.

5. *(Choose one):*

Defendant's Answer to the Plaintiff's Summons and Complaint for divorce and proof of service of Defendant's Answer within the 21 day answer deadline is filed with the court.

Defendant's Answer to the Plaintiff's Summons and Complaint for divorce is served and filed with this Answer Brief in Opposition to Motion for Default Divorce Judgment.

LAW AND ARGUMENT

6. I request that court DENY the Plaintiff's motion for a default divorce judgment because *(explain):*

(Paragraph 6 continues on the next page.)

CONCLUSION

7. For the reasons stated above, Defendant respectfully requests the court:

- a. DENY the Plaintiff’s motion for a default divorce judgment.
- b. Allow Plaintiff and Defendant to litigate this divorce on the merits.
- c. Does **not** apply. **Applies.** (*Choose one.*)

Refer Plaintiff and Defendant to the Family Mediation Program in hopes of reaching an agreement on residential responsibility and parenting time of the minor child(ren).

- d. For such further and additional relief that the court may deem just and proper.

Dated _____.

(Signature of Opposing Party)

(Opposing Party Printed Name)

(Address) (City, State, Zip Code)

(Telephone Number) (Email Address)