

Answer to Motion for Default Divorce Judgment

Instructions for Form OP2: Declaration in Support of Answer Brief in Opposition to Motion for Default Divorce Judgment

(Form OP2: in Support of Answer Brief in Opposition to Motion for Default Divorce Judgment is part of the Answer to Motion for Default Divorce Judgment. [Review the instructions for the packet of forms.](#))

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.

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

A Declaration in Support of Answer Brief is one of a set of required documents that make up a written Answer to Motion for Default Divorce Judgment.

Form OP2: Declaration in Support of Answer Brief in Opposition to Motion for Default Divorce Judgment is your, the Defendant's, written statement of your facts that support what you wrote in your Answer Brief.

You, the Defendant, arrange to serve your Declaration in Support of Answer Brief in Opposition to Motion for Default Divorce Judgment with all of the other documents listed on Page 3.

You, The Defendant, Complete and Sign This Form.

- ☐ **Top of Form (Caption):** Fill in the caption exactly as you filled in the caption on your Form OP1: Answer Brief.
- ☐ **Fill in your full legal name.** This should match your name in the Caption.
- ☐ **Paragraph 1:** Read carefully. If this information isn't correct, you can't use this form.
- ☐ **Paragraph 2:** Review your answer to Paragraph 2 of your Form OP1: Answer Brief.

Check (✓) the first box if you checked (✓) the first box of Paragraph 2 of your Form OP1: Answer Brief. Fill in the same date as Paragraph 2 of your Form OP1: Answer Brief.

Check (✓) the second box if you checked (✓) the second box of Paragraph 2 of your Form OP1: Answer Brief. Describe why you dispute service of the Summons and Complaint for divorce on you.

- ☐ **Paragraph 3:** Review your answer to Paragraph 3 of your Form OP1: Answer Brief.

Check (✓) the first box if you checked (✓) the first box of Paragraph 3 of your Form OP1: Answer Brief. Describe how and when you served your answer, or answer and counterclaim, in response to the Plaintiff's summons and complaint.

Check (✓) the second box if you checked (✓) the second box of Paragraph 3 of your Form OP1: Answer Brief. Describe why you didn't serve an answer, or answer and counterclaim, in response to the Plaintiff's summons and complaint.

- ☐ **Paragraph 4:** Review your answer to Paragraph 4 of your Form OP1: Answer Brief.

Check (✓) the first box if you checked (✓) the first box of Paragraph 4 of your Form OP1: Answer Brief. Describe how and when you contacted or attempted to contact the Plaintiff or their lawyer.

Check (✓) the second box if you checked (✓) the second box of Paragraph 4 of your Form OP1: Answer Brief. Describe why you didn't contact or attempt to contact the Plaintiff or their lawyer.

- ☐ **Paragraph 5:** Review your answer to Paragraph 4 of your Form OP1: Answer Brief.

If you check (✓) the second box, describe the defenses you have to the divorce that can't be presented without your presence.

- ☐ **Paragraph 6:** Read carefully. If this statement isn't true, you can't use this form.

- ☐ **Date and Signature:** You, the Defendant, must sign and date this Form OP2: Declaration in Support of Answer Brief in Opposition to Motion for Default Divorce Judgment.

What do I do next?

- ☐ Set aside your completed Form OP2: Declaration in Support of Answer Brief. (You make copies later.)
- ☐ Complete the next form in the set. (Form OP3a: Answer and Counterclaim *(With Children)* or Form OP3b: Answer and Counterclaim *(No Children)* is the next form.) *(If you already served an answer or answer and counterclaim, you **don't** fill out, copy, or serve this form.)*
- ☐ Once you've completed all of the forms listed on Page 3, you serve this Form OP2: Declaration in Support of Answer Brief in Opposition to Motion for Default Divorce Judgment.
- ☐ The originals are filed with the court in **Step 5**. Make sure to also file the Declaration of Service by Mail.

For divorces **(With Children), the following forms are required:**

- OP1: Answer Brief in Opposition to Motion for Default Divorce Judgment;
- **OP2: Declaration in Support of Answer Brief in Opposition to Motion for Default Divorce Judgment;**
- OP3a: Answer and Counterclaim (*With Children*);
 - If you already served an answer or answer and counterclaim to the summons and complaint, you don't fill out, copy, or serve this form.
- OP4a: Confidential Information Form (*With Children*);
- OP5a: Declaration of Service by Mail (*With Children*).

For divorces **(No Children), the following forms are required:**

- OP1: Answer Brief in Opposition to Motion for Default Divorce Judgment;
- **OP2: Declaration in Support of Answer Brief in Opposition to Motion for Default Divorce Judgment;**
- OP3b: Answer and Counterclaim (*No Children*);
 - If you already served an answer or answer and counterclaim to the summons and complaint, you don't fill out, copy, or serve this form.
- OP4b: Confidential Information Form (*No Children*);
- OP5b: Declaration of Service by Mail (*No Children*).

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

State of North Dakota

In District Court

County of _____

_____ Judicial District

Plaintiff,
vs

Defendant.

)
)
)
)
)

Case No. _____

**Declaration in Support of Answer Brief
in Opposition to Motion for
Default Divorce Judgment**

I, _____ (*Defendant name*), the
undersigned, state as follows:

1. I am the Defendant in the above-captioned civil case, which is a domestic relations
action for divorce.

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

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

☐ I dispute service of the Summons and Complaint for this divorce action because (*explain*):

3. (Choose and complete one):

☐ I served an Answer to the Summons and Complaint on the Plaintiff within the 21 day answer deadline based on the following facts (*describe in detail*):

☐ I did not serve an Answer to the Summons and Complaint on the Plaintiff within the 21 day answer deadline because (*explain in detail*):

4. (Choose and complete one):

☐ After I became aware of the divorce case, I contacted or attempted to contact the Plaintiff, or the Plaintiff's lawyer, as follows (*describe in detail*):

☐ After I became aware of the divorce case, I **did not** contact or attempt to contact the Plaintiff, or the Plaintiff's lawyer, because (*describe in detail*):

5. (Choose one):

☐ I am **not in** active military service.

☐ I **am in** active military service, I **am not** currently represented by a lawyer, and I have the following defenses in this divorce action that cannot be presented without my presence
(describe in detail):

6. I declare, under penalty of perjury under the law of North Dakota, that everything I stated in this Declaration in Support of Answer Brief in Opposition to Motion for Default Divorce Judgment is true and correct.

Signed on _____ (Date) in _____ (County),
_____ (State), _____ (Country).

_____/_____
Defendant's Signature Printed Name

Address City, State, Zip Code

Telephone Number Email Address