

## Motion for Default Divorce Judgment

### Instructions for Form 1: Notice of Motion

(Form MP1: Notice of Motion is part of the 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 Notice of Motion document is one of a set of required documents that make up a written Motion for Default Divorce Judgment.

The **MP1: Notice of Motion** form is a written advisory that tells the Defendant that the Plaintiff requests a default divorce judgment from the Court. The Notice of Motion tells the Defendant that the motion will be decided on the documents alone.

You, the Plaintiff, arrange to serve the Notice of Motion with all of the other documents listed on page 2.

#### **You, the Plaintiff, Complete and Sign This Form.**

- ☐ **Top of Form (Caption):** Fill in the caption exactly as you filled in the caption on the *Summons*.
- ☐ **Paragraphs 1 through 3:** Read carefully. You don't need to fill anything in for these paragraphs.
- ☐ **Date and Signature:** Sign and date the Notice of Motion.

#### **What do I do next?**

- ☐ Set aside the completed Notice of Motion form. (You make copies later.)
- ☐ Complete the next form in the set. (The Motion is the next form.)
- ☐ Once you've completed all of the forms listed on page 2, you serve the Notice of Motion with those forms.
- ☐ The originals are filed with the court in **Step 7** of the instructions of this form set.

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

- **MP1: Notice of Motion for Default Divorce Judgment;**
- MP2: Motion for Default Divorce Judgment;
- MP3: Brief in Support of Default Divorce Judgment;
- MP4: Declaration of Default, Identification and Active Military Status;
- MP5a: Declaration of Proof for Default Divorce Judgment (*With Children*);
- MP6a: Proposed Findings of fact, Conclusions of Law, and Order for Default Divorce Judgment (*With Children*);
- MP7a: Proposed Judgment (*With Children*);
- MP8: Exhibit A: Confidential Division of Property & Debts & Values;
  - Summary Real Estate Disposition Judgment (*if needed*);
- MP9: Exhibit B: Parenting Plan;
- MP10a: Confidential Information Form (*With Children*);
- MP11a: Declaration of Service by Mail.

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

- **MP1: Notice of Motion for Default Divorce Judgment;**
- MP2: Motion for Default Divorce Judgment;
- MP3: Brief in Support of Default Divorce Judgment;
- MP4: Declaration of Default, Identification and Active Military Status;
- MP5b: Declaration of Proof for Default Divorce Judgment (*No Children*);
- MP6b: Proposed Findings of Fact, Conclusions of Law, and Order for Default Divorce Judgment;
- MP7b: Proposed Judgment (*No Children*);
- MP8: Exhibit A: Confidential Division of Property & Debts & Values;
  - Summary Real Estate Disposition Judgment (*if needed*);
- MP10b: Confidential Information Form (*No Children*);
- MP11b: Declaration of Service by Mail.

**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.

)  
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Case No. \_\_\_\_\_

**Notice of Motion For  
Default Divorce Judgment**

To: \_\_\_\_\_  
(List names of parties to receive notice of motion)

- 1. You Are Hereby Given Notice** that the Motion for Default Divorce Judgment will be heard by the Court under Rule 3.2 of the North Dakota Rules of Court and that the motion will be decided on briefs unless oral argument or the taking of testimony is timely requested by a party or required by the Court.
- 2. Please Take Further Notice** that you shall have fourteen (14) days after service of the brief supporting the enclosed motion within which to serve and file an answer brief and other supporting papers. Upon the filing of briefs, or upon expiration of the time for filing, the motion is considered submitted to the Court, unless a party timely requests oral argument or the taking of testimony.
- 3. Please Take Further Notice** that a request for oral argument or the taking of testimony must be made not later than seven (7) days after expiration of the time for filing the answer brief. The party requesting oral argument must secure a time for the argument or testimony

and must serve notice of the time for oral argument or the taking of testimony on all other parties.

Dated \_\_\_\_\_

\_\_\_\_\_  
(Moving Party Signature)

\_\_\_\_\_  
(Moving Party Printed Name)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(City, State, Zip Code)

\_\_\_\_\_  
(Telephone Number)

\_\_\_\_\_  
(Email)