

## Motion for Default Divorce Judgment

### Instructions for Form MP12: Notice of Entry of Default Divorce Judgment and Form MP13: Declaration of Service by Mail

*(Form MP12: Notice of Entry of Default Divorce Judgment and Form MP13: Declaration of Service by Mail are 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 Entry of Default Divorce Judgment document is one of a set of required documents that make up a written Motion for Default Divorce Judgment.

The **MP12: Notice of Entry of Default Divorce Judgment** tells the Defendant that the Judgment and exhibits have been entered by the Clerk of Court.

After the judge signs their Findings of Fact, Conclusions of Law, and Order for Default Divorce Judgment (With or Without Children), the clerk of court enters a Judgment which officially ends the marriage.

**You, the Plaintiff, must serve the Notice of Entry of Default Divorce Judgment and a copy of the signed Judgment on the Defendant!**

**You, the Plaintiff, Complete and Sign The Notice of Entry of Default Divorce Judgment Within 14-17 days after Judgment is entered.**

- ☐ **Top of Form (Caption):** Fill in the caption exactly as you filled in the caption on the *Summons*.
- ☐ **To:** Fill in the full, legal name of the Defendant. This should match the Defendant's name in the Caption.
- ☐ **Please Take Notice:** Fill in the date the Clerk of Court signed the Judgment. Fill in the County and City of the North Dakota District Court where the Judgment was signed. Fill in the Index Number of the Judgment.

To find the Index Number of the judgment:

- Click on “Search Records & Pay Fines” at [ndcourts.gov](http://ndcourts.gov).
- Read the information, then click on the “Click here to Proceed” link.
- Select the county where your civil action was decided, or select State of North Dakota from the drop down menu.
- Click on the “Civil, Family & Probate Case Records” link.
- Select “Case” in the “Search By:” field.
- Enter your case number in the “Case Number” field.
- Click on the “Search” box.
- Click on the link for your case number.
- Scroll through the list of documents until you find the judgment. (The date on the judgment should match the date of the judgment in the list of documents.
- The Index Number will be shown as “Index # \_\_\_”.

☐ **Date and Signature:** Sign and date the Notice of Entry of Default Divorce Judgment.

**Make 2 Copies of the Notice of Entry of Default Divorce Judgment, Signed and Dated Judgment, and Exhibits**

☐ Make 2 copies of the Notice of Entry of Default Divorce Judgment: one for you and one the Defendant. The original is filed with the court.

☐ Make 2 copies of the signed and dated Judgment, which has been signed by the Clerk of Court.

☐ Make 2 copies of the signed and dated Exhibits.

- If children are a part of this action, you **must** serve the following exhibits:
  - Exhibit A: Confidential Division of Property & Debt & Values;
    - Summary Real Estate Disposition Judgment (*only if needed*); and
  - Exhibit B: Parenting Plan.
- If children **aren't** a part of this action, you **must** serve **only** the following exhibit:
  - Exhibit A: Confidential Division of Property & Debt & Values; and
    - Summary Real Estate Disposition Judgment (*only if needed*).

## **Serve the Notice of Entry of Default Divorce Judgment, Judgment, and Exhibit(s)**

Serve the Notice of Entry of Judgment, Judgment, and Exhibit(s) upon the Defendant.

### **Caution Regarding Domestic Violence**

If there is a domestic violence protection order or disorderly conduct restraining order in effect, review the order to see if you're allowed to contact or serve your spouse! **Be careful not to violate the order!** Violating the order could have legal consequences for you and/or your spouse.

Before serving the Defendant, consult a lawyer or a domestic violence intervention center in your area to help you navigate your situation. **Only follow the steps below once you know you can serve your spouse.**

#### ☐ **Serve Defendant the Notice of Entry of Default Divorce Judgment, Judgment, and Exhibit(s):**

- The person serving by mail must be at least 18 years old.
- Put the copies in an envelope.
- Address the envelope with Defendant's last known address.
- If you know Defendant is currently represented by a lawyer, use the lawyer's address, not Defendant'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:**

- Declaration of Service by Mail.

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](https://ndcourts.gov/legal-self-help/service-in-a-civil-action). Scroll to the “Service After a District Court Civil Action Has Started” section of the webpage.

### **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):** Fill in the caption exactly as you filled in the caption on the *Summons*.
- ☐ **Paragraph 1:** Fill in your name.
- ☐ **Paragraph 2:** Review to make sure you have listed all forms that were served.
  - **Remember:** The Summary Real Estate Disposition Judgment is **only served** if it is a part of the Motion for Default Divorce Judgment.
  - **Also Remember:** Exhibit B: Parenting Plan is **only served** if there are minor children of the marriage.
- ☐ **Paragraph 3:** Review.
- ☐ **Paragraph 4:** Fill in the date you served the documents by mail.
- ☐ **Paragraph 5:** List the name of the person served (the Defendant) and where you mailed the copies of the Notice, Judgment, and Exhibit(s).
- ☐ **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 document.
  - ☐ Sign the signature line.
  - ☐ Type or print your name.
  - ☐ Fill in the address lines. (*If you have a physical address **and** a mailing address, type or write both addresses using the lines provided, and the space next to the address lines.*)
  - ☐ Fill in your phone number.
  - ☐ Fill in your email address.

## File the Notice of Entry of Default Divorce Judgment, Judgment, and Exhibit(s)

☐ File the documents with the Clerk of Court:

- Notice of Entry of Judgment; and
- Declaration of Service by Mail.

## What do I do next?

Review your Judgment **carefully**. If the judge ordered you to do certain things, such as pay off a debt, get a new loan on the home, etc., you must do that now. **Failure to do so could result in a contempt of court order.**

County of \_\_\_\_\_

\_\_\_\_\_ Judicial District

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

## Notice of Entry of Default Divorce Judgment

**To Defendant, \_\_\_\_\_,**

**Please Take Notice** that on \_\_\_\_\_ (*date*), a default divorce judgment was entered in the office of the Clerk of District Court, \_\_\_\_\_ County, City of \_\_\_\_\_, North Dakota, Index Number \_\_\_\_\_. A copy of the Judgment and Exhibit(s) are attached.

Dated \_\_\_\_\_.

Signature

*Typed or Printed Name*

*Address*

City State Zip Code

Telephone Number

Email Address

State of North Dakota

In District Court

County of \_\_\_\_\_

\_\_\_\_\_ Judicial District

\_\_\_\_\_  
Plaintiff,  
vs  
\_\_\_\_\_  
Defendant.

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

**Declaration of Service By Mail**

**The person serving court documents by mail states:**

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

2. **List of Court Documents Served** (check (✓) the box(es) for the Summary Real Estate Disposition Judgment and Exhibit B only if they each were signed by the Judge):

- Notice of Entry of Judgment;
- Judgment;
- Exhibit A: Confidential Division of Property & Debt & Values;  
☐ Summary Real Estate Disposition Judgment  
☐ Exhibit B: Parenting Plan.

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*