

Motion for Default Divorce Judgment

Instructions for Form 2: Motion

(Form MP2: 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 Motion document is one of a set of required documents that make up a written Motion for Default Divorce Judgment.

The **MP2: Motion** form is a written request to the court for a default divorce judgment. A Motion **can't be used** to start a case.

You, the Plaintiff, arrange to serve the 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 Motion.

What do I do next?

- ☐ Set aside the completed Motion form. (You make copies later.)
- ☐ Complete the next form in the set. (The Brief is the next form.)
- ☐ Once you've completed all of the forms listed on page 2, you serve the 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.

)
)
)
)
)
)

Case No. _____

**Motion For
Default Divorce Judgment**

1. Plaintiff in the above-captioned divorce case, makes this motion to the Court for an order of the Court under Rule 55 of the North Dakota Rules of Civil Procedure and Rule 3.2 of the North Dakota Rules of Court.
2. Wherefore, Plaintiff respectfully moves the Court to enter a default Judgment for Divorce as detailed in the Brief and Declarations in support of the Motion.
3. This Motion for Default Divorce Judgment is based on the Brief, Declaration of Default, Identification and Active Military Status, and Declaration of Proof for Default Divorce Judgment, which are served and filed with the motion.

Dated _____.

(Signature of Moving Party)

(Moving Party Printed Name)

(Address)

(City, State, Zip Code)

(Telephone Number)

(Email Address)