

Motion for Default Divorce Judgment

Instructions for Form 4: Declaration of Default, Identification and Active Military Service

(Form MP4: Declaration of Default, Identification and Active Military Service 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.

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

A Declaration of Default, Identification and Active Military Service is one of a set of required documents that make up a written Motion for Default Divorce Judgment.

The **MP4: Declaration of Default, Identification and Active Military Service** form is your, the Plaintiff's, written statement of the Defendant's default in answering the Summons and Complaint, the Defendant's address and occupation, and the Defendant's active military status.

You, the Plaintiff, arrange to serve the Declaration of Default, Identification and Active Military Service with all of the other documents listed on page 3.

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*.
- ☐ **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 3b of your Form 3: Brief.

Check (✓) the first box if you checked (✓) the first box of Paragraph 3b of your Form 3: Brief. Fill in all of the information for the Defendant. If you don't know the Defendant's occupation or employer's name or address, write "Unknown" in the appropriate space.

Check (✓) the second box if you checked (✓) the second box of Paragraph 3b of your Form 3: Brief. Describe the steps you took to try to find the Defendant for service.

- ☐ **Paragraph 3:** Fill in the same date as Paragraph 4 of your Form 3: Brief.
- ☐ **Paragraph 4:** Check (✓) the same box as Paragraph 5 of your Form 3: Brief.
- ☐ **Paragraph 5:** Check (✓) the same box as Paragraph 7 of your Form 3: Brief.

If you check (✓) the second box, describe the contact.

- ☐ **Paragraph 6:** Check (✓) the same box as Paragraph 6 of your Form 3: Brief.

If you check (✓) the first or fifth box, fill in the information.

If you check (✓) the second, third, or fourth box, the **entire** statement must be true, or you can't use this form.

- ☐ **Paragraph 7:** Read carefully. If this statement isn't true, you can't use this form.
- ☐ **Date and Signature:** You, the Plaintiff, must sign and date the Declaration of Default, Identification and Active Military Status.

What do I do next?

- ☐ Set aside the completed Declaration of Default, Identification and Active Military Status form. (You make copies later.)
- ☐ Complete the next form in the set. (The Declaration of Proof for Default Divorce Judgment Service is the next form. Make sure to use the correct form (with children or no children).)
- ☐ Once you've completed all of the forms listed on page 3, you serve the Declaration of Default, Identification and Active Military Status with those forms.
- ☐ The originals are filed with the court in **Step 7**. Make sure to also file the Declaration of Service by Mail.

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*); and
- 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*); and
- 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,)

Case No. _____

vs)

_____))

Defendant.)

**Declaration of Default, Identification
and Active Military Service**

I, _____ (*Plaintiff name*), the

undersigned, state as follows:

1. I am the Plaintiff in the above-captioned action for divorce.

2. At the time this divorce action was started with service of the Summons and Complaint

(*choose one*):

☐ Defendant's address is _____, _____ (*city*)

_____ (*zip code*), in _____ County, _____ (*state*). Defendant's

occupation is _____ at _____

_____ (*employer name and address*).

☐ Plaintiff does not know Defendant's address. Defendant's last reasonably ascertainable

address is: _____.

I did the following to try to locate Defendant in order to serve the Summons and Complaint:

3. Service of Summons and Complaint:

Defendant was properly served on _____ (*date*) with the Summons and Complaint.

4. Type of Service:

I arranged for Defendant to be served with the Summons and Complaint by (*choose one*):

☐ **Personal service in North Dakota by a sheriff or other law enforcement officer.** A

Certificate of Service is filed with the court.

☐ **Personal service in North Dakota by an individual 18 years of age or older and not a party or interested in the case.** An Affidavit or a Declaration of Personal Service is filed with the court.

☐ **Personal service outside of North Dakota.** A Certificate of Service or an Affidavit or a Declaration of Personal Service is filed with the court.

☐ **Mail by an individual 18 years of age or older.** An Affidavit or a Declaration of Service by Mail **and** the green card receipt showing actual delivery are filed with the court.

☐ **Publication.** Plaintiff's Affidavit of Publication provided by the newspaper is filed with the court.

5. More than twenty-one days have passed since service was completed.

(*Choose one; continued on page 3*):

☐ Defendant has not answered Plaintiff's Summons and Complaint by serving an Answer on Plaintiff, or contacted Plaintiff by any other method after service of the Summons and Complaint.

☐ Defendant has not answered Plaintiff's Summons and Complaint by serving an Answer on Plaintiff, but has contacted Plaintiff about the divorce after service of the Summons and Complaint. The contact is described as follows: _____

6. Active Military Service (*choose one; continued on page 4*):

☐ Defendant is **not** in active military service. I know this because (*select all that apply*):

☐ I have contacted the military services of the United States and obtained documentation showing Defendant is not on active duty status. The documentation is attached.

☐ I have personal knowledge of Defendant's military status (*explain*):

☐ Other (*explain*):

☐ Defendant **is** in active military service, **but** Defendant is represented by a lawyer in this case, **and** the court has not granted a stay.

☐ Defendant **is in** active military service, **but is not** represented by a lawyer in this case, **and** the court has not granted a stay.

☐ Defendant **is in** active military service, **but I do not know** if Defendant is represented by a lawyer in this case, **and** the court has not granted a stay.

☐ I **do not know** whether Defendant is in active military service. I did the following to try to find out (*explain*):

7. I declare, under penalty of perjury under the law of North Dakota, that everything I stated in this Declaration of Default, Identification, and Active Military Status is true and correct.

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

(*Plaintiff's Signature*)

(*Plaintiff's Printed Name*)

(*Address*) _____ (*City, State, Zip Code*)

(*Telephone Number*) _____ (*Email Address*)