

## Answer a Divorce When the Spouses Don't Agree

### Instructions for Declaration of Service by Mail

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 this instruction sheet when you serve or file the completed form.**

Service is providing copies of your completed Answer & Counterclaim on your spouse, the Plaintiff. The clerk of court won't file your Answer & Counterclaim until you file proof of service with the court. A Declaration of Service by Mail gives the court proof of service.

- Make at least two copies of the following completed, dated, and signed Answer & Counterclaim** (The Answer and Counterclaim is signed by you, the Defendant):

Keep one copy for your records. You arrange to serve the other copy on your spouse, the Plaintiff. You file the original with the Clerk of Court in [Step 6a of the Instructions to Answer a Divorce When the Spouses Don't Agree](#).

- Serve your spouse, the Plaintiff, the Answer & Counterclaim by mail:**

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

- Form 3: 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 answer 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**

- Fill in the Top Part of the Form:** The information to fill out the top part of the form ("the caption") is the same as on the Summons form.
- Paragraph 1:** Fill in your name.
- Paragraph 2:** Review to make sure you the Answer & Counterclaim listed as the document served.
- Paragraph 3:** Review.
- Paragraph 4:** Fill in the date you served the documents by mail.
- Paragraph 5:** List the name of the person served (your spouse) and the mailing address.
- Paragraph 6:** Review carefully.
- Date and Signature:**
  - 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.

**You, the Defendant, make a copy of the Declaration.**

**\*\*Make a copy of this Declaration and continue with the filling instructions found in Step 6a of the Instructions to Answer a Divorce When the Spouses Don't Agree.**

STATE OF NORTH DAKOTA  
COUNTY OF \_\_\_\_\_

IN DISTRICT COURT  
\_\_\_\_\_ JUDICIAL DISTRICT

\_\_\_\_\_  
PLAINTIFF,  
vs  
\_\_\_\_\_  
DEFENDANT. )  
)  
)  
)  
)  
)  
)  
)

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

**DECLARATION OF SERVICE BY MAIL**

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

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

**2. List of Court Documents Served:**

- Answer and Counterclaim

**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*