

Instructions for Motion for Relief from Default Judgment (Debt Collection)

Important! Read Before Using this Packet of Forms.

ND Legal Self Help staff and court employees **can't** help you fill out the form(s). If you're unsure if these forms and instructions suit your circumstances, 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 these instructions and forms at your own risk.**

If you need legal advice or legal representation, consult a lawyer licensed to practice in North Dakota. Go to ndcourts.gov/legal-self-help/finding-a-lawyer for information about finding a lawyer to represent you.

When you represent yourself, you're expected to know and follow the law, including:

- State or federal laws that apply to your case;
- Case law, also called court opinions, that applies to your case; and
- Court rules that apply to your case, which may include:
 - North Dakota Rules of Civil Procedure – specifically [Rule 55](#) – Default judgments;
 - North Dakota Rules of Civil Procedure – specifically [Rule 60](#) – Relief from a Judgment or Order;
 - North Dakota Rules of Court – specifically [Rule 3.2](#) – Motions;
 - North Dakota Rules of Evidence;
 - North Dakota Administrative Rules and Orders; and
 - Any local court rules.

Links to the state laws, case law, and court rules are available at ndcourts.gov.

A glossary with definitions of legal terms is available at ndcourts.gov/legal-self-help/glossary.

When you represent yourself, you're held to the same requirements and responsibilities as a lawyer, even if you don't understand the rules or procedures.

These instructions and forms aren't a complete statement of the law. They cover the basic procedure for making a Motion for Relief from Default Judgment (Debt Collection) in a North Dakota state district court. The Center isn't responsible for any consequences that may result from the forms or information provided. Use these forms and instructions at your own risk.

**Inability to pay the debt isn't a valid (meritorious) defense to debt collection.
The judge can't order relief from a default judgment on inability to pay alone.**

Who May Use this Packet of Motion for Relief from Default Judgment (Debt Collection) Forms?

If your answer is “Yes” to All Five of the following, you may use this packet of forms:

1. You’re the Defendant in a debt collection case in a North Dakota state district court;
 - (If a Defendant is a business entity, a lawyer **must** represent the business entity. The business entity **can’t** be represented by a non-lawyer in District Court.)
2. The case ended with a default judgment against you because you didn’t answer in writing within 21 days after you were served the summons and complaint;
 - (Get a copy of the default judgment from the [Clerk of District Court](#). Look for “default judgment” in the words of the judgment.)
3. You want to ask for a do-over in the case by reopening, cancelling, or erasing the default judgment because you have **at least one** of the following reasons for not answering or responding:
 - Mistake, inadvertence, surprise, or excusable neglect ([N.D.R.Civ.P. Rule 60\(b\)\(1\)](#));
 - Newly discovered evidence that with reasonable diligence, couldn’t have been discovered in time to move for a new trial under [N.D.R.Civ.P. Rule 59\(b\)](#) ([N.D.R.Civ.P. Rule 60\(b\)\(2\)](#)); and/or
 - Fraud (whether previously call intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party ([N.D.R.Civ.P. Rule 60\(b\)\(3\)](#));
4. You have **at least one** valid (*meritorious*) defense to the debt collection case, including (*but not limited to*):
 - Active military service;
 - The amount of debt the Plaintiff claims is owed is wrong;
 - The debt was already paid in full, or an amount was paid that was accepted as payment in full;
 - The debt is part of a pending bankruptcy case, or was discharged in bankruptcy;
 - A court already decided the debt included in this debt collection case;
 - The statute of limitations is passed for this debt;
 - Identity theft or mistaken identity;
 - The Plaintiff isn’t the original owner of the debt and can’t prove they now own the debt; **and**
5. It’s been less than one year since the default judgment was entered in the case.

(Remember, inability to pay the debt isn’t a valid (meritorious) defense.)

What if I Can't Use This Packet of Forms?

This packet of forms is designed for the most common reasons from [Rule 60\(b\) of the North Dakota Rules of Civil Procedure](#) for requesting relief from a default judgment.

The most common reasons from Rule 60(b) require the motion to be made within 1 year after the default judgment was entered in the case.

Rule 60(b) includes other reasons for requesting relief that may be of interest to you. The other reasons don't have a specific deadline to make the motion.

If you decide to make a motion for relief based on one or more of the other Rule 60(b) reasons not included in this packet of forms, you need to create your own documents, or [retain a lawyer](#) to create the documents for you.

Can I Appeal the Default Judgment to the North Dakota Supreme Court Instead of Making a Motion for Relief?

The Supreme Court requires a party to make a motion for relief from default judgment **before appealing to the Supreme Court.** A motion for relief from judgment is the only way to reopen a default judgment. ([Nygaard v. Volker](#), 2026 ND 50, ¶ 16, 31 N.W.3d 904, 909.)

If the District Court judge doesn't grant your motion for relief from the default judgment, you may appeal that decision to the Supreme Court.

What is a Default Judgment?

If a Defendant in a debt collection case doesn't answer the summons and complaint in writing, the Plaintiff in the case may ask the District Court judge for a default judgment. [Rule 55 of the North Dakota Rules of Civil Procedure](#) gives the requirements for when a Defendant defaults, and the requirements for granting a default judgment.

If the Plaintiff proves in their motion for default judgment that the Defendant didn't answer the summons and complaint within 21 days after the Defendant was served, the Plaintiff wins by default. The District Court judge grants the Plaintiff a default judgment.

A default judgment has the same force and effect as a judgment where the Defendant participated. The Plaintiff can begin [collecting the judgment](#) 30 days after the default judgment is entered.

What is a Motion for Relief from Default Judgment (*Debt Collection*)?

When a default judgment in a debt collection case is granted by a North Dakota state district court, you, the Defendant, may ask for relief from the default judgment. (Also called reopening, vacating, canceling, erasing or setting aside a judgment).

[Rule 60\(b\) of the North Dakota Rules of Civil Procedure](#) is the only way to ask a North Dakota state district court to reopen a default judgment.

A Motion for Relief from Default Judgment (*Debt Collection*) begins by serving the Plaintiff with the motion documents requesting relief from a debt collection default judgment.

The District Court judge may grant the request to reopen the default judgment in order to decide the case on the merits. “Merits” refers to the “elements or grounds of a claim or defense; the substantive considerations to be taken into account in deciding a case, as opposed to extraneous or technical points . . .” (*Black’s Law Dictionary, 12th Edition, 2024.*)

If the District Court judge denies the Motion for Relief from Default Judgment, the Defendant may appeal the order denying the motion to the North Dakota Supreme Court.

What are the Grounds (Reasons) for Relief from a Final Judgment or Order?

The “grounds” in [Rule 60\(b\) of the North Dakota Rules of Civil Procedure](#) are the reasons a District Court judge may cancel or erase the default judgment and allow a do-over on the merits of the debt collection case.

You, the Defendant, are required to prove you meet one or more of the grounds (reasons).

This packet of forms is designed for the most common grounds (reasons) for requesting relief from a default judgment from [Rule 60\(b\) of the North Dakota Rules of Civil Procedure](#), which are:

- **Mistake, inadvertence, surprise, or excusable neglect** ([N.D.R.Civ.P. Rule 60\(b\)\(1\)](#));
- **Newly discovered evidence** that with reasonable diligence, couldn’t have been discovered in time to move for a new trial under [N.D.R.Civ.P. Rule 59\(b\)](#) ([N.D.R.Civ.P. Rule 60\(b\)\(2\)](#)); and/or
- **Fraud** (*whether previously called intrinsic or extrinsic*), **misrepresentation, or misconduct** by an opposing party ([N.D.R.Civ.P. Rule 60\(b\)\(3\)](#)).

Rule 60(b) lists 3 other grounds (reasons) for relief from default judgment, but this packet of forms doesn’t include the other grounds.

Is There a Deadline to File the Motion for Relief from Default Judgment?

Yes, the Rule 60(b) grounds (reasons) included in this packet of forms require you to make the motion no more than **one year after the default judgment** was entered in the case.

Is the Plaintiff Required to Answer the Motion for Relief from Default Judgment?

Yes, the Plaintiff must answer in writing within 14 days or 17 calendar days of service in writing. Their written answer is called an Answer Brief and must be accompanied by at least one separate declaration or affidavit.

If you, the Defendant, arrange to serve your motion documents by personal delivery or at the Plaintiff's office, the Plaintiff has 14 calendar days to serve and file their answer brief.

- The date of service is the date the motion documents are personally delivered or left at the Plaintiff's office.

If you arrange to serve the motion documents by first-class U.S. mail or third party commercial carrier, the Plaintiff has 17 calendar days to serve and file their answer brief.

- The date of service is the date the motion documents are mailed.

If the Plaintiff Doesn't Answer, Does the District Court Judge Automatically Grant My Motion for Relief from Default Judgment?

No, if the Plaintiff doesn't serve and file an answer brief, the District Court judge may consider the Plaintiff's failure an admission that your motion has merit.

Your written motion documents are still required to prove you meet at least one of the Rule 60(b) grounds (reasons) for relief from the default judgment, **and** you have a valid (*meritorious*) defense to the Plaintiff's debt collection claims.

Does Serving and Filing this Motion for Relief from Default Judgment Packet of Forms Put the Default Debt Collection Judgment on "Hold"?

No, the default debt collection remains in effect until a decision is made on your Motion for Relief from Default Judgment, or further order of the District Court judge.

Review [Rule 62 of the North Dakota Rules of Civil Procedure](#) and the [Making a Motion](#) general information webpage for the requirements and process of making a motion for a stay of proceedings to enforce a judgment.

Protections for Active Military Service Members Against Default Judgments:

Under Federal law, active duty service members have protections against default judgments.

Before a North Dakota state district court judge may grant a motion for a default judgment, the Plaintiff must prove the Defendant **isn't** on active duty with any branch of the United States military.

If the District Court judge can't tell whether the Defendant is in active military service from the documents the Plaintiff files, before granting a default judgment, the judge may require the Plaintiff to file a bond. The judge decides the dollar amount of the bond. If the Defendant is later found to be in active military service, the bond is used to compensate the Defendant against loss or damage resulting from the default judgment.

Parties in a Motion for Relief from Default Judgment (Debt Collection)

Plaintiff: The party (or parties) listed as the Plaintiff in the debt collection case.

Defendant: **You**, the individual listed as the Defendant in the debt collection case.

Moving party: **You**, the Defendant, as the individual bringing the Motion for Relief.

Non-Moving Party: (Also called Opposing party). The other party (or other parties), including the Plaintiff.

What Happens if the Judge Grants my Motion for Relief from Default Judgment (Debt Collection)

If the District Court judge decides you proved one or more of the Rule 60(b) grounds (reasons) to reopen, erase, or cancel the default judgment, **and** you have a valid (*meritorious*) defense to the Plaintiff's debt collection claims, the judge **grants** your Motion for Relief from Default Judgment (*Debt Collection*).

The judge issues a written order telling you and the Plaintiff their decision. The judge has wide discretion to decide what happens next based on the specific circumstances of the case.

The judge may require the Plaintiff to start the case over by serving a new summons and complaint; or may allow you to serve and file your answer to the original summons and complaint; or may issue a scheduling order, or may require you and the Plaintiff to attend a hearing to create a scheduling order, etc.

Instructions for Motion for Relief from Default Judgment (*Debt Collection*) Packet of Forms

Step One

Get Copies of All Documents Filed in Your Case

- Get copies of the following documents filed in your debt collection case:
 - Summons;
 - Complaint;
 - Proof of service of the Summons and Complaint on the you; and
 - Motion for Default Judgment (*Debt Collection*) documents filed by the Plaintiff, which likely include the following:
 - Notice of Motion for Default Judgment;
 - Motion for Default Judgment;
 - Brief in Support of Motion for Default Judgment;
 - Declaration of Default, Identification and Active Military Service;
 - Declaration of Proof;
 - Findings of Fact, Conclusion of Law and Order for Default Judgment;
 - Default Judgment;
 - Declaration of Service by Mail; and
 - Notice of Entry of Default Judgment with Declaration of Service by Mail.

If you don't have copies of these documents, contact the [Clerk of Court](#) where your case is taking place. There may be a fee for copies.

Step Two

Review All Forms and Instructions; Research Rule 60(b) Grounds and Case Law; Gather Supporting Evidence

- Review **All** of the forms and instructions in this packet of forms:

Read these instructions **carefully**.

Review **All** of the individual forms and their instructions **carefully**.

Decide if the forms apply to your situation. If you don't know if you should use this packet of forms, [consult a lawyer](#) licensed to practice in North Dakota.

❑ **Research Rule 60(b) grounds (reasons) and supporting case law (opinions) and decide which ground or grounds apply to your situation:**

You must show the District Court judge you meet the legal requirements of every Rule 60(b) ground (reason) you choose for your motion. The District Court judge can't reopen, cancel or erase the default judgment only because you're unhappy.

[Rule 55 of the North Dakota Rules of Civil Procedure](#) gives the requirements for when a Defendant defaults, and the requirements for granting a default judgment.

[Rule 60\(b\) of the North Dakota Rules of Civil Procedure](#) gives the grounds (reasons) for relief from a default judgment, and requirements for granting relief from a default judgment.

Case law is the opinions of the North Dakota Supreme Court explaining how and why they decided the appeal the way they did. Each opinion interprets the laws or rules on which the appeal is based. District Court judges are required to follow North Dakota Supreme Court case law when they decide later cases with similar facts and legal issues.

- Go to ndcourts.gov/supreme-court/opinions for North Dakota Supreme Court case law (opinions) that are free to search and review.

You need to do case law legal research when you make a Motion for Relief from Default Judgment. All of the case law legal research starting points listed in the chart below are available for free at ndcourts.gov/supreme-court/opinions.

Find North Dakota Supreme Court case law (opinions) interpreting Rule 60(b) of the North Dakota Rules of Civil Procedure.

- If you find case law with circumstances similar to yours, make a note of the case name and citation. Citations follow the case name and are either [Year] ND [###], or [###] N.W.2d [###], or [###] N.W.3d [###].
 - If the case law similar to yours helps your argument, explain why the case is similar and reference the case name and citation in your Form MP4: Declaration.
 - If the case law similar to yours **doesn't** help your argument, explain how the case is different from yours, and why the judge should decide your case differently. Reference the case name and citation in your Form MP4: Declaration.
- There may not be case law with similar circumstances to yours. You're still allowed to make your motion, as long as you can make good faith arguments based on the requirements of Rule 60(b).

Use the chart on Pages 9-10 to help you start your legal research.

Mistake, Inadvertence, Surprise, or Excusable Neglect ([Rule 60\(b\)\(1\)](#))

Definitions	Case Law Starting Points
<p>Mistake of Fact – Misunderstands the facts to be other than they actually are.</p> <p>Mistake of Law – Understands the facts, but misunderstands their legal effect or consequences.</p> <p>Inadvertence – “An accidental oversight; a result of carelessness.” (<i>Black’s Law Dictionary, 12th Ed., 2024</i>)</p> <p>Surprise – Sudden or unexpected occurrence that wasn’t intentionally caused by the person affected, and ordinary prudence couldn’t prevent.</p> <p>Excusable Neglect – Caused by unique or extraordinary circumstances.</p>	<p>AE2S Construction v. Hellervik Technologies, et al., 2021 ND 35.</p> <p>Martin v. Rath, 1999 ND 31.</p> <p>Gepner v. Fujicolor Processing, Inc., 2001 ND 207.</p> <p>Interest of I.K., 2003 ND 101</p> <p>King v. Montz, 219 N.W.2d 836 (N.D. 1974).</p> <p>Bickler, et al. v. Happy House Movers, L.L.P., 2018 ND 177.</p> <p>State v. \$33,000.00 United States Currency, 2008 ND 96.</p>

Newly Discovered Evidence ([Rule 60\(b\)\(2\)](#))

Definitions	Case Law Starting Points
<p>Evidence, unknown to the Defendant, that couldn’t have been discovered within 6 months of entry of default judgment (N.D.R.Civ.P. Rule 59); and the evidence is likely to change the outcome of the case if relief from judgment is granted.</p>	<p>Gustafson v. Poitra, et al., 2008 ND 159.</p> <p>Evenson v. Evenson, 2007 ND 194.</p> <p>Estate v. Wieland, 1998 ND 130.</p> <p>City of Wahpeton v. Drake-Henne, Inc., 228 N.W.2d 324 (N.D. 1975).</p>

Fraud, Misrepresentation, or Misconduct ([Rule 60\(b\)\(3\)](#)) – **Continues on Next Page**

Definitions	Case Law Starting Points
<p>The Defendant must prove by clear and convincing evidence that the Plaintiff got the default judgment through fraud, misrepresentation, or misconduct.</p>	<p>Dvorak v. Dvorak, 2001 ND 178.</p> <p>First Nat. Bank and Trust Co. v. Scheer, 456 N.W.2d 531 (N.D. 1990).</p>

Defendant must also show the Plaintiff's fraud, misrepresentation, or misconduct prevented the Defendant from fully and fairly preparing and presenting their case.

Fraud – “A knowing misrepresentation or knowing concealment of a material fact made to induce another to act to his or her detriment.” (*Black's Law Dictionary, 12th Ed., 2024*)

Misrepresentation – “The act or an instance of making a materially false or misleading assertion about something, usually with the intent to deceive.” (*Black's Law Dictionary, 12th Ed., 2024*)

Misconduct – “A dereliction of duty; unlawful, dishonest or improper behavior.” (*Black's Law Dictionary, 12th Ed., 2024*)

Clear and Convincing Evidence – Evidence that leads to a firm belief or conviction the allegations are true. A higher standard of proof than proof by the greater weight of the evidence (*preponderance of the evidence*). The evidence doesn't need to be undisputed to be clear and convincing. ([North Dakota Pattern Jury Instructions - Civil, C - 1.41, 2025](#))

[Gajewski v. Bratcher](#), 240 N.W.2d. 871 (N.D. 1976).

[Zander v. Workforce Safety and Insurance](#), 2003 ND 194.

(↓ *Clear and convincing evidence* ↓)

[Estate of Stanton](#), 472 N.W.2d 741 (N.D. 1991).

[Stoner v. Nash Finch, Inc.](#), 446 N.W.2d 747 (N.D. 1989).

[Adoption of Pritchett](#), 325 N.W.2d 217 (N.D. 1982).

[Zundel v. Zundel](#), 278 N.W.2d 123 (N.D. 1979).

Gather supporting evidence of your Rule 60(b) grounds (reasons) for your motion:

You **must** prove every Rule 60(b) ground (reason) you choose. If you can't show the District Court judge in your written motion at least one ground (reason) for your failure to answer the summons and complaint, the judge can't cancel or erase the default judgment.

You may have documents to include with your motion as your evidence.

Gather supporting evidence of your valid (*meritorious*) defense(s):

The District Court judge won't grant you relief from the judgment unless you have a legitimate argument to make in the original debt collection case. This is called a valid, or meritorious, defense.

- Inability to pay the debt **isn't** a valid (*meritorious*) defense.

A valid (*meritorious*) defense is something you could have included in your answer to the summons and complaint, if you had answered. Your motion doesn't need to prove you win, only that you could win if given the chance.

For the most common valid (*meritorious*) defenses in debt collection cases, review the instructions for MP4: Declaration in Support of Motion.

Step Three

Complete the Forms in the Motion for Relief from Default Judgment (*Debt Collection*) Packet of Forms

You, the Defendant (also called the Moving Party) are **required to complete all** Motion for Relief from Default Judgment (*Debt Collection*) forms listed below. Instruction sheets are attached to each Motion for Relief from Default Judgment (*Debt Collection*) form.

Motion for Relief from Default Judgment (*Debt Collection*) Forms

Form Title	Description
Form MP1: Notice of Motion for Relief from Default Judgment (<i>Debt Collection</i>)	A required written advisory that tells the Plaintiff that you, the Defendant, request relief from a debt collection judgment from the District Court judge. The Notice of Motion tells the Plaintiff that the motion will be decided on the documents alone.
Form MP2: Motion for Relief from Default Judgment (<i>Debt Collection</i>)	A written request to the District Court judge for relief from a default debt collection judgment.
Form MP3: Brief in Support of Motion for Relief from Default Judgment (<i>Debt Collection</i>)	A written explanation of why you, the Defendant, should have your Motion granted. The Brief takes the rules and laws that support your Motion and explains how they apply to the facts of your particular situation.
Form MP4: Declaration in Support of Motion for Relief from Default Judgment (<i>Debt Collection</i>)	Your, the Defendant's, written statement of your facts that support what you wrote in your Brief in Support of Motion.
Form MP5: Confidential Information Form (<i>Debt Collection</i>)	Lists the full protected, or confidential, information that isn't allowed to appear in other documents filed with the Court. This form is a part of the court record that isn't seen by the public.
Form MP6: Declaration of Service by Mail (<i>Debt Collection</i>)	Proof you arranged to serve your Motion for Relief from Default Judgment (<i>Debt Collection</i>) documents on the Plaintiff. Lists the address of the Plaintiff and all documents served. Signed by the person who serves the Plaintiff (<i>mails the documents</i>).

All Forms Must be Filled out Completely!!

Don't leave any of the paragraphs within the forms unanswered.

If a section of the form doesn't apply to you, type or write "N/A" or "Not Applicable." Type or write \$0.00 if a dollar amount doesn't apply to you.

If a form isn't completely filled out, the clerk of court may not accept your forms for filing, or the court may send your forms back to you to complete.

Follow and Carefully Read All Instructions! In the instructions for each form there are checkboxes () before each step. Check each box as you finish the step. Don't go to the next step **until** the previous step is completed.

Step Four

Make Copies of the Completed Forms

Make copies of the Motion for Relief from Default Judgment (*Debt Collection*) forms. The originals are filed with the court in Step Six.

- Make one copy for your records.
- Make one copy to be served on the Plaintiff.
 - Don't make a copy of MP5: Confidential Information Form. This form **isn't** served on the Plaintiff.

Copy the following forms:

- MP1: Notice of Motion for Relief from Default Judgment (*Debt Collection*);
- MP2: Motion for Relief from Default Judgment (*Debt Collection*);
- MP3: Brief in Support of Motion for Relief from Default Judgment (*Debt Collection*);
- MP4: Declaration in Support of Motion for Relief from Default Judgment (*Debt Collection*);
- MP5: Confidential Information form (*Debt Collection*);
 - **Make 1 copy for you. Don't make a copy of this form for the Plaintiff.**
- Additional Declarations in Support of Motion (*if any*); and
- Any other supporting documents, also called exhibits (*if any*).

Step Five

Arrange to Serve Copies of the Completed Forms on the Plaintiff

- Serve the forms listed in Step Five on Plaintiff.

Don't serve the Confidential Information Form (Form MP5).

Step Six

File the Originals of the Completed Forms with the Clerk of Court

- Take or mail the completed originals of each of the forms listed in Step Five to the Clerk of Court in the North Dakota county where the default debt collection judgment is filed.

There's no filing fee for filing of the Motion for Relief from Default Judgment (*Debt Collection*).

File the **Originals** of the following forms:

- MP1: Notice of Motion for Relief from Default Judgment (*Debt Collection*);
- MP2: Motion for Relief from Default Judgment (*Debt Collection*);
- MP3: Brief in Support of Motion for Relief from Default Judgment (*Debt Collection*);
- MP4: Declaration in Support of Motion for Relief from Default Judgment (*Debt Collection*);
- MP5: Confidential Information form (*Debt Collection*);
 - **Make 1 copy for you. Don't make a copy of this form for the Plaintiff.**
- Additional Declarations in Support of Motion (*if any*);
- Any other supporting documents, also called exhibits (*if any*); and
- MP6: Declaration of Service by Mail (*Debt Collection*).

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Step Seven

Wait for the Plaintiff's Answer to Your Motion for Relief from Default Judgment (*Debt Collection*)

The Plaintiff must answer your motion within 14 or 17 calendar days after service of your Motion for Relief from Default Judgment documents.

If you arranged to serve the motion documents by personal delivery or at their office, the Plaintiff has 14 calendar days after the date they were served to serve and file their answer brief and supporting documents.

- The date of service is the date the motion was personally delivered or left at the office.

If you arranged to serve the motion documents by mail or third-party commercial carrier, the Plaintiff has 17 calendar days after the date they were served to serve and file their answer brief and supporting documents.

- The date of service is the date the motion was mailed.

If the Plaintiff doesn't serve and file an answer brief and supporting documents, the District Court judge may consider the failure an admission by the Plaintiff that your motion has merit.

- You're still required to prove you meet at least one of the Rule 60(b) grounds (reasons) for relief from the default judgment and you have a valid (*meritorious*) defense.

Calculate days for answer brief service and filing deadline:

- Starting with the day **after** the date the Plaintiff was served, count ahead 14 or 17 calendar days.
- If the 14th or 17th day lands on a Saturday, Sunday, or North Dakota state holiday, move ahead to the next day that isn't a Saturday, Sunday, or North Dakota state holiday.

Step Eight

The Judge Decides Whether to Grant Your Motion for Relief from Default Judgment (*Debt Collection*)

After the deadline passes for motion documents to be served and filed, if neither you nor the Plaintiff request a hearing, the judge reviews the documents filed in the debt collection case.

If the Plaintiff didn't serve and file an answer brief and supporting documents, your Motion for Relief from Default Judgment (*Debt Collection*) documents must still prove you meet the requirements of the laws and rules that apply to your motion.

If the District Court Judge Doesn't Grant (*Denies*) Your Motion for Relief from Default Judgment (*Debt Collection*):

If the District Court judge **doesn't grant (*denies*)** your Motion for Relief from Default Judgment (*Debt Collection*), the default debt collection judgment remains in effect.

Go to the [Judgment Collection for the Losing Party \(Judgment Debtor\)](#) Informational Guide for information about the common judgment collection options the Plaintiff may use.

The judge's written decision usually explains their reasoning, which is important if you decide to appeal the decision to the North Dakota Supreme Court.

Go to ndcourts.gov/legal-self-help/district-court-appeal-to-supreme-court for information about appealing a decision to the North Dakota Supreme Court.

If the Judge Grants Your Motion for Relief from Default Judgment (*Debt Collection*):

If the District Court judge **grants** your Motion for Relief from Default Judgment (*Debt Collection*), the judge issues a written order telling you and the Plaintiff their decision.

Read the judge's decision **very carefully** and follow the directions! The judge has wide discretion to decide what happens next based on the specific circumstances of the case.

Examples of Common Decisions (*this list doesn't include all possible decisions*):

- The judge may require the Plaintiff to [start the case](#) over by serving a new summons and complaint.
- The judge may allow you to [serve and file your answer](#) to the original summons and complaint.
- The judge may issue a [scheduling order](#), or may require you and the Plaintiff to attend a hearing to create a scheduling order.

Go to [Guide to a Civil Court Action, or Civil Case](#) to review common processes that come after the Defendant's answer.