

THESE FORMS MAY BE USED TO REQUEST:

 **A CONTINUANCE OF A HEARING OR TRIAL; AND/OR**

 **AN EXTENSION OF TIME TO ANSWER A SUMMONS AND COMPLAINT
OR ANSWER A MOTION**

ND Legal Self Help Center Staff and Court employees cannot help you fill out forms. If you are unsure how to proceed, consult a lawyer.

There is no guarantee that all judges and courts will accept forms available through the ND Legal Self Help Center. Use at your own risk.

Do not include these instruction sheets when you serve or file the completed forms.

SEE THE “MOTIONS” SECTION OF THE [GUIDE TO A CIVIL ACTION](#) on the ND Legal Self Help Center website for additional information and resources about motions.

After a civil action is filed with the court, a party in a civil action may ask the court for a hearing or trial to be continued for a different date and time, or ask for an extension of time to answer a summons and complaint or answer a motion. The court decides whether to grant the motion.

The party making the motion is the “Moving Party.” The party responding to the motion is the “Opposing Party.”

A copy of the completed notice of motion, motion, and (proposed) order must be served on all other parties in the civil action. You must file proof of service with the court that you served copies of the notice of motion, motion, and (proposed) order on all other parties.

NORTH DAKOTA CONTINUANCE/EXTENTION RULES

Review the following North Dakota Rules carefully. You are not required to hire an attorney to access the court system. If you decide to represent yourself, you must follow all of the rules, laws and procedures that an attorney is required to follow.

Rule 6 of the North Dakota Rules of Civil Procedure: A court may extend, for good cause, the time a party may or must act. Rule 6 is found online at <http://www.ndcourts.gov/court/rules/CIVIL/rule06.htm>.

Rule 3.2 of the North Dakota Rules of Court: A court may extend the time for filing briefs or other motion documents. Rule 3.2 is found online at <http://www.ndcourts.gov/court/rules/NDROC/rule3.2.htm>.

Rule 6.1 of the North Dakota Rules of Court: A court may continue a hearing or trial for good cause. Rule 6.1 is found online at <http://www.ndcourts.gov/court/rules/NDROC/rule6.1.htm>.

STEP ONE: Complete the Forms

FORMS IN THE PACKET:

- Notice of Motion for Continuance/Extension;
- Motion for Continuance/Extension; and
- Order on Motion for Continuance/Extension (Proposed).

NOTICE OF MOTION FOR CONTINUANCE/EXTENSION FORM:

Top of Form (Caption): Fill in the caption exactly as it appears in the summons.

If you are requesting a continuance, put a checkmark (✓) in the box next to “Continuance.” If you are requesting an extension, put a checkmark (✓) in the box next to “Extension.”

- If you are requesting both a continuance and an extension, put a checkmark (✓) next to both boxes.

To: List the names of the parties to receive notice of the motion and motion. If a party is represented by an attorney, also list the name of the attorney.

First Paragraph: If you are requesting a continuance, put a checkmark (✓) in the box next to “Continuance.” If you are requesting an extension, put a checkmark (✓) in the box next to “Extension.”

Date and Signature: Complete the date and signature block.

- Fill in the date you sign this document.
- Sign the signature line.
- 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 the telephone number line.

MOTION FOR CONTINUANCE/EXTENSION FORM:

Top of Form (Caption): Fill in the caption exactly as it appears in the notice of motion.

Paragraph 1: Type or write your full, legal name.

- If you are the Plaintiff in the case, put a checkmark (✓) in the box next to “Plaintiff.”
- If you are the Defendant in the case, put a checkmark (✓) in the box next to “Defendant.”

Paragraph 2: If you are requesting a continuance, put a checkmark (✓) in the box next to “Continuance.” Type or write the date or dates for which the hearing or trial is currently scheduled. Type or write the number of days you are asking for the hearing or trial to be continued.

If you are requesting an extension, put a checkmark (✓) in the box next to “Extension.” Put a checkmark (✓) in the box next to the extension of time statement that fits your circumstances. Type or write the date your answer or response is currently due. Type or write the date when you will file your answer or response, if you are granted the extension.

If you are requesting both a continuance and an extension, put a checkmark (✓) next to both boxes and fill in all of the required information.

Paragraph 3: Explain the reason or reasons you are making the motion for continuance/extension. The judge or judicial referee reviewing the motion will decide if you have shown good cause to grant the continuance and/or extension.

- If you need more room to explain, put a checkmark (✓) in the box next to “Additional sheets are attached.”
 - Write or type the rest of your reason or reasons on one side only of your additional sheet or sheets of paper.
 - Write “Additional sheet for Paragraph 3 of Motion” on the top of each additional sheet.

Date and Signature: Complete the date and signature block.

- Fill in the date you sign this document.
- Sign the signature line.
- 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 the telephone number line.

Signature and Notarization: Do not fill out or sign until you are in the presence of a Notary Public or a Clerk of Court. Make sure to bring identification to show to the Notary Public or Clerk of Court.

WARNING: By signing your name you are telling the Court that you are telling the truth and that you have a good faith reason for your requests. If you are not telling the truth or if you are misleading the Court, or if you are serving or filing this document for an improper purpose, the Court could find you in contempt or you may be prosecuted for perjury.

ORDER FORM ON MOTION FOR CONTINUANCE/EXTENSION (PROPOSED):

This is your proposed order. If the judge or judicial referee grants your motion, and uses your proposed order, the judge or judicial referee will complete and sign the order.

Top of Form (Caption): Fill in the caption exactly as it appears in the notice of motion.

First Paragraph: If you are the Plaintiff in the case, put a checkmark (✓) in the box next to “Plaintiff.” If you are the Defendant in the case, put a checkmark (✓) in the box next to “Defendant.”

If you are requesting a continuance, put a checkmark (✓) in the box next to “Continuance.” If you are requesting an extension, put a checkmark (✓) in the box next to “Extension.”

- If you are requesting both a continuance and an extension, put a checkmark (✓) next to both boxes.

DO NOT fill in the date. If the judge or judicial referee grants your motion, and uses your proposed order, the judge or judicial referee will fill in this information.

Remaining Paragraphs: DO NOT complete the remaining paragraphs. If the judge or judicial referee uses your proposed order, the judge or judicial referee will fill in this information.

Date and Signature: DO NOT date or sign this form. If the judge or judicial referee uses your proposed order, the judge or judicial referee will date and sign the form.

STEP TWO: Serve the Forms on Other Parties

Make at least two copies of the following completed forms:

- Notice of Motion for Continuance/Extension;
- Motion for Continuance/Extension, including any additional sheets to answer Paragraph 3; and
- Order on Motion for Continuance/Extension (Proposed).

Keep one copy for your records. You will serve the other copy or copies on the other party or parties. You will file the original with the Clerk of Court.

Serve the copies on all other parties. See service by mail instructions and an affidavit of service by mail form below.

File the original with the Clerk of Court. File the completed affidavit(s) of service of the copies.

See service by mail instructions and an affidavit of service by mail form below.

The other parties will have fourteen (14) days to serve a written response to your motion.

The other parties may also make a written request for oral arguments or an evidentiary hearing on your motion. The request for oral arguments or an evidentiary hearing must be made within seven (7) days after expiration of the other party's time to provide a written response.

You will be notified by the court if your motion is granted or denied.

Do not include these instruction sheets when you file the completed form.

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF _____

_____ JUDICIAL DISTRICT

(Plaintiff)

Case No. _____

PLAINTIFF,

Vs _____

NOTICE OF MOTION FOR:

CONTINUANCE

EXTENSION

(Defendant)

DEFENDANT.

TO: _____

YOU ARE HEREBY GIVEN NOTICE that a Motion for Continuance/ Extension is brought in accordance with Rule 3.2, North Dakota Rules of Court. The motion will be decided on the documents filed with the court unless oral argument or the taking of testimony is timely requested by a party or required by the Court.

PLEASE TAKE FURTHER NOTICE that you have 14 days after service of this Motion upon you within which to serve and file a response or objection to the Court granting the attached motion. Upon the filing of an answer, or upon expiration of the time for filing, the Motion is deemed submitted to the Court, unless a party timely requests oral argument or the taking of testimony.

Dated this _____ day of _____, 20_____.

Signature of Moving Party

Typed or Printed Name

Address, City, State, Zip Code

(_____) _____
Telephone Number

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF _____

_____ JUDICIAL DISTRICT

(Plaintiff)

Case No. _____

PLAINTIFF,

Vs

MOTION FOR:

CONTINUANCE

EXTENSION

(Defendant)

DEFENDANT.

1. My name is _____.

I am the Plaintiff/ Defendant in this action.

2. I request:

A continuance of a hearing or trial scheduled in this matter pursuant to Rule 6.1 of the North Dakota Rules of Court. The hearing or trial is currently scheduled for _____
_____. I request that the hearing or trial be continued for _____ days.

An extension of time to file an answer pursuant to Rule 6 of the North Dakota Rules Civil Procedure/ respond to a motion in this case pursuant to Rule 3.2(d) of the North Dakota Rules of Court. The answer or response is currently due _____, 20____.

If the extension is granted, the answer or response will be served and filed by
_____, 20____.

3. The reason I am making this motion is: _____

_____.

Additional sheets are attached. (Choose if applicable)

Dated this _____ day of _____, 20_____.

Signature of Moving Party

Typed or Printed Name

Address

_____, _____
City State Zip Code

(_____) _____
Telephone Number

STATE OF NORTH DAKOTA)
) ss.
_____ COUNTY)

being first duly sworn, states as follows:

That I am the moving party in the above document and that I have read the Motion and the facts stated are true to the best of my knowledge.

Signature of Moving Party

Subscribed and sworn before me this _____ day of _____, 20_____.

Notary Public/Clerk of Court
If Notary, My Commission Expires: _____

INSTRUCTIONS FOR AFFIDAVIT OF SERVICE BY MAIL FORM

(The *Affidavit of Service by Mail* form is designed to be used to prove service by mail of a copy of the completed *Notice of Motion for Continuance/Extension, Motion for Continuance/Extension*, and proposed *Order* forms.)

ND Legal Self Help Center Staff and Court employees cannot help you fill out forms. If you are unsure how to proceed, consult a lawyer.

There is no guarantee that all judges and courts will accept forms available through the ND Legal Self Help Center. Use at your own risk.

Do not include this instruction sheet when you serve or file the completed form.

THE PERSON WHO SERVES A COPY OF THE COMPLETED NOTICE OF MOTION FOR CONTINUANCE/EXTENSION, MOTION FOR CONTINUANCE/EXTENSION, AND THE (PROPOSED) ORDER FORMS COMPLETES THIS AFFIDAVIT OF SERVICE BY MAIL FORM.

A copy of the completed Notice of Motion for Continuance/Extension, Motion for Continuance/Extension, and (Proposed) Order forms form must be served on every party in the civil action.

The party making the motion must file proof of service with the Clerk of Court. A completed, signed and notarized affidavit of service is your proof of service.

Top of Form (Caption): Fill in the caption exactly as exactly as you filled out the caption of the notice of motion form.

County: Fill in the name of the County.

Person Serving Documents: Fill in the full, legal name of the person serving the document.

Address Block: Fill in the full, legal name of the other party who was served. Fill in the mailing address. This is the address where the copies of the documents were mailed.

Post Office City/State: Fill in the city and state of the U.S. Post Office from which the copies of the documents were mailed.

Date, Signature and Notary Public Block: The person serving the documents completes the Date, Signature or Notary Public lines ONLY when they are in front of a Clerk of Court or a notary public.

Make a copy for your records.

File the original, completed Affidavit of Service by Mail form(s) with the Clerk of Court.

Find more information about service at www.ndcourts.gov/ndlshc under the “Service” link.

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF _____

_____ JUDICIAL DISTRICT

(Plaintiff)

PLAINTIFF,

Vs _____

(Defendant)

DEFENDANT.

AFFIDAVIT OF SERVICE BY MAIL

Case No. _____

STATE OF NORTH DAKOTA COUNTY OF _____

I, _____,
swear that I am at least 18 years of age, and on _____, 20____,
I served the Notice of Motion for Continuance/Extension, Motion for Continuance/Extension,
and the proposed Order, in the above entitled case, on the following party by placing a true and
correct copy of each in an envelope to the last known address of:

and depositing the envelope, with sufficient postage, in the United States mail at the Post
Office located in _____.

Dated: _____, 20____

(Signature of Person Who Mailed Envelope)

Subscribed and sworn to before me this _____ day of _____, 20____.

Clerk or Notary Public _____ County, North Dakota

If notary, my commission expires: _____