

## Instructions for Motion for Resignation of Guardian and Appointment of a Successor Guardian

### Important! Read Before Using These Forms & Instructions!

ND Legal Self Help Center 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 and judges and courts **aren't** required to accept them. There's no guarantee Center forms will be accepted.

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](https://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;
  - North Dakota Rules of Court;
  - 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 can be found at [ndcourts.gov](https://ndcourts.gov).

A glossary with definitions of legal terms is available at [ndcourts.gov/legal-self-help](https://ndcourts.gov/legal-self-help).

**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 asking a North Dakota state district court to allow the current Guardian to resign and appoint a new Guardian to an existing guardianship of an adult. There's no guarantee that all judges and courts will accept forms available through the ND Legal Self Help Center. 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.***

**Don't include these instructions when you serve or file the completed forms.**

## Purpose

These forms may be used by a current Guardian to ask to resign as Guardian and appoint a Successor Guardian.

These completed forms are filed with the North Dakota State District Court that currently has jurisdiction over the guardianship

A Successor Guardian takes the place of the current Guardian. When a Successor Guardian is appointed by the North Dakota State District Court, the guardianship remains in place with the Successor Guardian acting as the Guardian.

[North Dakota Century Code Section 30.1-28-07](#) relates to resignation of the current Guardian of an adult Ward.

[North Dakota Century Code Section 30.1-28-15](#) relates to appointment of a Successor Guardian for an adult Ward.

If you're a current Guardian representing yourself, you complete and sign the forms. If you're unsure how to proceed or unsure if these forms are suitable for your situation, consult an attorney.

## The Nominated Successor Guardian MUST Complete the Guardian Qualification and Training Requirements

Before completing the forms packet, the person nominated to be appointed Successor Guardian MUST complete the [Rule 59 of the North Dakota Supreme Court Administrative Rules](#) guardian qualification and training requirements.

The North Dakota Guardianship Training Course and affidavit forms for the nominated Successor Guardian are available at [ndcourts.gov/legal-self-help/adult-guardianship](https://ndcourts.gov/legal-self-help/adult-guardianship).

The training course and affidavit forms are in the "Guardian Responsibilities, Qualifications and Training Requirements, and Payment Information" section.

For the cost and process of obtaining a North Dakota criminal history record report, contact the Bureau of Criminal Investigation Division of the North Dakota Attorney General. ([attorneygeneral.nd.gov/public-safety/criminal-history-records](https://attorneygeneral.nd.gov/public-safety/criminal-history-records))

## Forms

The forms in the Motion for Resignation of Guardian and Appointment of Successor Guardian packet are:

- Notice of Motion for Resignation of Guardian and Appointment of Successor Guardian;
- Motion for Resignation of Guardian and Appointment of Successor Guardian;
- Brief in Support of Motion for Resignation of Guardian and Appointment of Successor Guardian;
- Affidavit in Support of Motion for Resignation of Guardian and Appointment of Successor Guardian;
- Nominee Statement;
- Findings of Fact and Order Accepting Guardian's Resignation and Appointing Successor Guardian (proposed);
- Letters of Guardianship (Successor Guardian) (proposed);
- Affidavit of Service by Mail; and
- Affidavit of Service by Hand Delivery

### STEP ONE: COMPLETE THE FORMS

**Notice of Motion for Resignation of Guardian and Appointment of a Successor Guardian Form**  
(Completed and signed by the current Guardian.)

- **Top of Form (Caption)**
  - Enter the county and district court names.
  - Fill in legal name of the Ward.
  - Enter the case number from your Letters of Guardianship.
- **Date and Signature**
  - Date and sign the form.
  - Print your name, address, telephone number, and email address.

### **Motion for Resignation of Guardian and Appointment of a Successor Guardian Form**

*(Completed and signed by the current Guardian.)*

- **Top of Form (Caption)**
  - Fill in the Caption exactly as you filled in the Caption for the Notice of Motion.
- **Complete Paragraphs 1 through 3 of this form.**
- **Date and Signature**
  - Date and sign this form.
  - Print your name, address, telephone number, and email address.

### **Brief in Support of Motion for Resignation of Guardian and Appointment of a Successor Guardian Form**

*(Completed and signed by the current Guardian.)*

- **Top of Form (Caption)**
  - Fill in the Caption exactly as you filled in the Caption for the Notice of Motion.
- **Complete Paragraphs 1 through 11 of this form.**
- **Date and Signature**
  - Date and sign this form.
  - Print your name, address, telephone number, and email address.

### **Affidavit in Support of Motion for Resignation of Guardian and Appointment of a Successor Guardian Form**

*(Completed and signed by the current Guardian.)*

- **Top of Form (Caption)**
  - Fill in the Caption exactly as you filled in the Caption for the Notice of Motion.
- **Complete Paragraphs 1 through 9 of this form.**
- **Read Paragraph 10 carefully.**
  - Make sure everything your type or write is true and correct. Make any corrections before you sign and date this form

- **Date and Sign this Form**

- Indicate the county, state, and country where you sign the form.
- Print the date you sign the form.
- Sign the document;
- Print your name, address, telephone number, and email address.

**Nominee Statement Form** *(Completed and signed by the person nominated by the current Guardian to be appointed Successor Guardian.)*

- **Top of Form (Caption)**

- Fill in the Caption exactly as the current Guardian filled in the Caption for the Notice of Motion.

- **Complete Paragraphs 1 through 10 of the Form**

- **Read Paragraph 11 carefully!**

- Make sure everything you type or write is true and correct. Make any corrections before you sign and date this form.

- **Date and Sign this Form**

- Indicate the county, state, and country where you sign the form.
- Print the date you sign the form.
- Sign the document;
- Print your name, address, telephone number, and email address.

**Findings of Fact and Order Accepting Guardian's Resignation and Appointing Successor Guardian (proposed)** *(Completed by the current Guardian. DON'T sign or date.)*

- **Top of Form (Caption)**

- Fill in the Caption exactly as you filled in the Caption for the Notice of Motion.

- **Ward Information – Before Paragraph 1.**
  - Fill in the Ward’s name, age and address
- **Leave the Rest of the Form Blank!**
  - If the judicial officer accepts the Guardian’s resignation and appoints a Successor Guardian and uses this form as the judicial officer’s Findings of Fact and Order, the judicial officer will complete and sign the form.

**Letters of Guardianship (proposed)** *(Completed by the current Guardian. DON’T sign or date.)*

- **Top of Form (Caption)**
  - Fill in the Caption exactly as you filled in the Caption for the Notice of Motion.
- **Ward Information – Before Paragraph 1.**
  - Fill in the Ward’s name, age and address
- **Leave the Rest of the Form Blank!**
  - If the judicial officer accepts the Guardian’s resignation and appoints a Successor Guardian and uses this form as the judicial officer’s Letters of Guardianship, the judicial officer will complete and sign the form.

**STEP TWO: SERVE COPIES OF THE COMPLETED FORMS**

**Make Copies of Completed Forms**

Make a copy of the following completed and signed forms for the adult Ward, each interested person designated in the Court’s order establishing the guardianship, and every interested person who has made an appearance or requested notice of the guardianship proceedings:

- Notice of Motion for Resignation of Guardian and Appointment of Successor Guardian;
- Motion for Resignation of Guardian and Appointment of Successor Guardian;
- Brief in Support of Motion for Resignation of Guardian and Appointment of Successor Guardian;
- Affidavit in Support of Motion for Resignation of Guardian and Appointment of Successor Guardian;

- Nominee Statement;
- Findings of Fact and Order Accepting Guardian's Resignation and Appointing Successor Guardian (proposed); and
- Letters of Guardianship (Successor Guardian) (proposed).

**Arrange to Serve Copies of the Completed Forms** (*Current guardian arranges for service.*)

You, the current Guardian, must arrange to serve a copy of the completed forms listed above on the following:

- The adult Ward;
- Each interested person designated in the Court's order establishing the guardianship; and
- Every interested person who has made an appearance or requested notice of the guardianship proceedings.

The North Dakota State District Court **requires proof** that the adult Ward and each interested person received a copy of the completed forms. An Affidavit of Service is your proof.

**Two Affidavit of Service forms are included in this form packet:**

- Affidavit of Service by Mail; and
- Affidavit of Service by Hand Delivery.

**If you arrange to have copies of the completed forms hand delivered:**

- The person who hand delivers the copies **must be** 18 years old or older, and **can't** be a party or interested in the guardianship case.
- The person who hand delivered the copies completes and signs the Affidavit of Service by Hand Delivery form.
- Make a copy for your records. The original(s) will be filed with the Clerk of Court in Step Three.

**If you arrange to have copies of the completed forms mailed:**

- The person who takes the envelope(s) containing the copies to the U.S. Post Office and pays the postage **must be** 18 years old or older.

- The person who took the envelope(s) containing the copies to the U.S. Post Office and paid the postage completes and signs the Affidavit of Service by Mail form.
- Make a copy for your records. The original(s) will be filed with the Clerk of Court in Step Three.

### STEP THREE: FILE ORIGINALS OF THE COMPLETED FORMS

#### File the Original, Completed Forms with the Clerk of Court

File the following original, completed forms with the Clerk of Court of the North Dakota State District Court that has jurisdiction of the guardianship:

- Notice of Motion for Resignation of Guardian and Appointment of Successor Guardian;
- Motion for Resignation of Guardian and Appointment of Successor Guardian;
- Brief in Support of Motion for Resignation of Guardian and Appointment of Successor Guardian;
- Affidavit in Support of Motion for Resignation of Guardian and Appointment of Successor Guardian;
- Nominee Statement;
- Findings of Fact and Order Accepting Guardian's Resignation and Appointing Successor Guardian (proposed);
- Letters of Guardianship (Successor Guardian) (proposed); and
- Affidavit of Service forms showing service on the Ward and each interested person.

#### Filing Fee

You may be required to pay a filing fee. Contact the Clerk of Court for the amount, if any. Contact information for Clerks of Court by North Dakota county is available at [ndcourts.gov/court-locations](https://ndcourts.gov/court-locations).

#### After the Original, Completed Forms are Filed

The people who received copies of the completed forms have 14 days to serve and file a response or objection to your request to appoint a successor Guardian.

You'll be notified if a hearing on your request is scheduled, or if the court requires you to do something before the court will make a decision.

If the court appoints a Successor Guardian, the current Guardian may be required to complete and file a final, or ending, inventory report. **Read the court order carefully to determine whether the current (previous) Guardian must file a final report and when the report is due.**



## Requirements After the Court Appointment of a Successor Guardian

### Letters of Guardianship:

If the judge or judicial referee appoints a Successor Guardian, they issue findings of fact and an order and letters of guardianship. To accept the duties of Successor Guardian, the Successor guardian must sign the letters of guardianship.

You, the petitioner, may be required to serve a copy of the order to all persons given notice under [N.D.C.C. § 30.1-28-09](#).

You, the petitioner, must mail copies of the signed letters of guardianship to the Ward and the Ward's attorney, if any.

See Step Two for service and proof of service.

### Beginning Inventory Report:

Within 90 days of the court's order appointing a Successor Guardian, the Successor Guardian must provide a beginning inventory report of all assets owned by the Ward or in which the Ward has an interest.

The Successor Guardian must provide a copy of the beginning inventory report to the Ward and any interested persons designated by the court in the order appointing the guardian.

A form for the beginning inventory report is available at [ndcourts.gov/legal-self-help/adult-guardianship](https://ndcourts.gov/legal-self-help/adult-guardianship). Scroll to the "After Adult Guardianships are Established" section. Service information and forms are included.

### Guardian's Annual Report:

The Successor Guardian must file an annual report with the court. The requirements of the report are found in [N.D.C.C. § 30.1-28-12](#).

The Successor Guardian must provide a copy of the report to the Ward and any interested persons designated by the judge or judicial referee in the order appointing the guardian. The copy of the report provided to the Ward must include a statement of the Ward's right to seek alteration, limitation, or termination of the guardianship at any time.

A form set for the annual report is available is available at [ndcourts.gov/legal-self-help/adult-guardianship](https://ndcourts.gov/legal-self-help/adult-guardianship). Scroll to the “After Adult Guardianships are Established” section.

**Payment of Room and Board from Ward’s Funds Not Allowed in Certain Circumstances:**

Funds from the Ward’s estate can’t be used to pay for the Ward’s room and board when room and board is being furnished by the Successor Guardian, or the Successor Guardian’s spouse, parent or child.

A court order is required to allow funds from the Ward’s estate to be used for room and board in these instances. (See [N.D.C.C. § 30.1-28-12\(7\)](#).)

Forms to make a request to the North Dakota State District Court to allow payment of room and board from the Ward’s funds are available on the webpage under “After Adult Guardianships are Established”. Click on the following link: [Notice and Motion to Allow Payment of Room and Board](#).

**[Payment for Guardianship Services](#)**

Funds from the Ward’s estate may be used to pay Successor Guardian’s fees.

A court order is required to allow funds from the Ward’s estate to be used for payment of Successor Guardian’s fees. (See [N.D.C.C. 30.1-28-03\(14\)](#)). The judge or judicial referee assigned to the guardianship case decides what is a guardian service, and if your fee approval request won’t unreasonably jeopardize the Ward’s well-being and estate.

Forms are available on the webpage under “After Adult Guardianships are Established”. Click on the following link: [Notice and Motion to Approve Payment of Guardian’s Fees](#).

**The responsibilities of the Successor Guardian terminate upon the death of the Ward or upon order of the court. The court may terminate the Guardianship if the Ward no longer meets the standard for establishing the Guardianship.**

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF \_\_\_\_\_

\_\_\_\_\_ JUDICIAL DISTRICT

**IN THE MATTER OF THE GUARDIANSHIP OF**

\_\_\_\_\_.

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

**NOTICE OF MOTION FOR RESIGNATION OF GUARDIAN  
AND APPOINTMENT OF SUCCESSOR GUARDIAN**

1. The following Motion for Resignation of Guardian and Appointment of Successor Guardian(s) 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.

2. 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 Guardian)*

\_\_\_\_\_  
*(Printed Name of Guardian)*

\_\_\_\_\_  
*(Address)*

\_\_\_\_\_  
*(City, State, Zip Code)*

Telephone Number \_\_\_\_\_

Email \_\_\_\_\_

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF \_\_\_\_\_

\_\_\_\_\_ JUDICIAL DISTRICT

**IN THE MATTER OF THE GUARDIANSHIP OF**

\_\_\_\_\_.

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

**MOTION FOR RESIGNATION OF GUARDIAN  
AND APPOINTMENT OF SUCCESSOR GUARDIAN**

1. \_\_\_\_\_ (*name of Guardian*),  
the Guardian of the above-named Ward, make this motion to resign as Guardian and nominate  
a Successor Guardian in accordance with North Dakota Century Code §§ 30.1-28-07(1) and  
30.1-28-15 and Rule 3.2 of the North Dakota Rules of Court.

2. The Guardian respectfully requests that the Court enter an order accepting the  
Guardian’s resignation and appointing \_\_\_\_\_  
(*name of proposed Successor Guardian*) as Successor Guardian of the Ward.

3. This motion is based on the brief, affidavit, and nominee statement in support of this  
motion, which are served and filed with the motion.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
(*Signature of Guardian*)

\_\_\_\_\_  
(*Printed Name of Guardian*)

\_\_\_\_\_  
(*Address*) (City, State, Zip Code)

\_\_\_\_\_  
(*Telephone Number*) (Email Address)

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF \_\_\_\_\_

\_\_\_\_\_ JUDICIAL DISTRICT

**IN THE MATTER OF THE GUARDIANSHIP OF**

\_\_\_\_\_.

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

**BRIEF IN SUPPORT OF MOTION FOR RESIGNATION OF GUARDIAN  
AND APPOINTMENT OF SUCCESSOR GUARDIAN**

1. As required by Rule 3.2 of the North Dakota Rules of Court, \_\_\_\_\_  
\_\_\_\_\_ (*name of Guardian*), the Guardian of the above-named Ward,  
submits this Brief in Support of Motion for Resignation of Guardian and Appointment of  
Successor Guardian.

**FACTS**

2. The facts are stated in the Affidavit in Support of Motion for Resignation of Guardian  
and Appointment of Successor Guardian and the Nominee Statement, which are filed with the  
Motion for Resignation of Guardian and Appointment of Successor Guardian and incorporated  
by reference.

**LAW AND ARGUMENT**

3. North Dakota Century Code (N.D.C.C.) Sections 30.1-28-07(1) and 30.1-28-15 allow the  
District Court to accept a guardian’s resignation and appoint a successor guardian for an adult  
when Court finds the adult is incapacitated.

4. The North Dakota \_\_\_\_\_ County District Court found the  
Ward to be incapacitated and appointed \_\_\_\_\_  
(*name of Guardian*) on \_\_\_\_\_ (*date*).

5. The Guardian is requesting the Court accept the Guardian's resignation and appoint \_\_\_\_\_ (*name of proposed Successor Guardian*) as Successor Guardian of the Ward.

6. North Dakota Century Code (N.D.C.C.) Section 30.1-28-07(1) states:

On petition of the ward or any person interested in the ward's welfare, the court may remove a guardian and appoint a successor if in the best interests of the ward. On petition of the guardian, the court may accept the guardian's resignation and make any other order which may be appropriate.

7. North Dakota Century Code (N.D.C.C.) Section 30.1-28-15(1) states "[i]f the appointment of a successor guardian is required, the current guardian or any interested person may file a motion with the court for the appointment of a successor guardian."

8. As stated in the Affidavit in Support of Motion for Resignation of Guardian and Appointment of Successor Guardian and the Nominee Statement, the proposed Successor Guardian meets the requirements of N.D.C.C. Section 30.1-28-11 and is willing and able to serve as Successor Guardian.

9. The proposed Successor Guardian meets the requirements under Rule 59 of the North Dakota Supreme Court Administrative Rules and has submitted all required filings to the Court.

*(This space left intentionally blank.)*

10. The Guardian requests the proposed Successor Guardian have the degree of authority indicated:

<u>Full</u>	<u>Limited</u>	<u>None</u>	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Place of Residence
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Education and/or training
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Legal matters
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Vocation
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Financial matters
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Medical treatment
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Access to and control and disposition of safety deposit box and contents.

11. The Guardian respectfully requests that the Court enter an Order accepting the Guardian's resignation and appointing \_\_\_\_\_  
(name of proposed Successor Guardian) as Successor Guardian of the Ward.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
(Signature of Guardian)

\_\_\_\_\_  
(Printed Name of Guardian)

\_\_\_\_\_  
(Address) (City, State, Zip Code)

\_\_\_\_\_  
(Telephone Number) (Email Address)

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF \_\_\_\_\_

\_\_\_\_\_ JUDICIAL DISTRICT

**IN THE MATTER OF THE GUARDIANSHIP OF**

\_\_\_\_\_.

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

**AFFIDAVIT IN SUPPORT OF MOTION FOR RESIGNATION OF GUARDIAN  
AND APPOINTMENT OF SUCCESSOR GUARDIAN**

1. My name is \_\_\_\_\_.

2. My address is \_\_\_\_\_  
\_\_\_\_\_.

3. On \_\_\_\_\_ (date), I was appointed the Guardian for  
the above-named Ward.

4. The Ward is \_\_\_\_\_ years old and their current address is \_\_\_\_\_  
\_\_\_\_\_.

5. The approximate value of the real and personal property and income of the Ward is  
listed in the most recent annual report I filed with the Court on \_\_\_\_\_

(date of most recently filed guardianship annual report).

6. I am unable to continue to serve as Guardian for the above-named Ward for the  
following reasons:



*(Paragraph 6 continued)*

7. It is my desire to make arrangements to ensure the continuity of the guardianship for the above-named Ward. I hereby nominate \_\_\_\_\_

*(name of proposed Successor Guardian)* to serve as Successor Guardian.

8. As stated in the Nominee Statement, the person nominated is competent to serve as Successor Guardian, and is willing and able to serve as Successor Guardian. The Nominee Statement of the person nominated to serve as Successor Guardian is filed with this motion.

9. I will prepare a final financing accounting, surrender titles, invoices, receipts, insurance policies, bank and financial statements, and all other papers and assets in the Ward's estate as the Court directs.

10. I declare, under penalty of perjury under the law of North Dakota, that everything I stated in this Affidavit is true and correct.

STATE OF \_\_\_\_\_ )

COUNTY OF \_\_\_\_\_ ) ss.

COUNTRY OF \_\_\_\_\_ )

Signed on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
*(Signature of Guardian)*

\_\_\_\_\_  
*(Printed Name of Guardian)*

\_\_\_\_\_  
*(Address)*

\_\_\_\_\_  
*(City, State, Zip Code)*

\_\_\_\_\_  
*(Telephone Number)*

\_\_\_\_\_  
*(Email Address)*

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF \_\_\_\_\_

\_\_\_\_\_

JUDICIAL DISTRICT

**IN THE MATTER OF THE GUARDIANSHIP OF**

\_\_\_\_\_.

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

**NOMINEE STATEMENT**

1. My name is \_\_\_\_\_.

2. My address is \_\_\_\_\_

\_\_\_\_\_.

3. I have been nominated to serve as Successor Guardian for the above-named Ward. I accept the nomination and I am willing and able to serve as Successor Guardian.

4. I am (*choose one*):

A person nominated by the Ward before the Court found the Ward to be incapacitated.

The spouse of the Ward.

An adult child of the Ward.

A parent of the Ward.

A relative of the Ward, specifically, the Ward's \_\_\_\_\_.

The Ward has lived with me for more than 6 months before this Motion was filed.

A relative or friend of the Ward, specifically, \_\_\_\_\_.

A designated person from \_\_\_\_\_, a volunteer agency.

A non-profit corporation established to provide guardianship services.

A government agency.

Other: \_\_\_\_\_.

5. My occupation is: \_\_\_\_\_  
\_\_\_\_\_.

6. My qualifications to serve as Successor Guardian are:

7. I would like the Court to consider the following additional information in making a decision:

8. I understand and accept the powers and responsibilities designated in the Order appointing the original Guardian.

9. I have fulfilled the qualification and training requirements for appointment of a guardian under Rule 59 of the North Dakota Supreme Court Administrative Rules and submitted all required documents to the Court.

10. I understand that I will be required to provide to the Court an annual report describing the status and condition of the Ward and that a copy of the annual report must be provided to the Ward and to any interested persons designated in the Order appointing the original guardian.

11. I declare, under penalty of perjury under the law of North Dakota, that everything I stated in this Nominee Statement is true and correct.

STATE OF \_\_\_\_\_ )  
 )  
COUNTY OF \_\_\_\_\_ ) ss.  
 )  
COUNTRY OF \_\_\_\_\_ )

Signed on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
*(Signature of Nominated Successor Guardian)*

\_\_\_\_\_  
*(Printed Name of Nominated Successor Guardian)*

\_\_\_\_\_  
*(Address)*

\_\_\_\_\_  
*(City, State, Zip Code)*

Telephone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

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

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

**IN THE MATTER OF THE GUARDIANSHIP OF**

\_\_\_\_\_.

**AN INCAPACITATED INDIVIDUAL**

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

**AFFIDAVIT OF SERVICE BY HAND DELIVERY**

*(A separate affidavit is required for each person served.)*

**The person serving court documents by hand delivery states:**

1. My name is \_\_\_\_\_  
*(person who hand delivered documents).*

2. I am at least 18 years of age. I am **not a party or interested in the above named civil matter.**

3. **List of Court Documents Served (List of Court Documents Served (checkmark (✓) the box of each item served. If you have additional documents, checkmark the box and list the document):**

- Notice of Motion for Resignation of Guardian and Appointment of Successor Guardian;
- Motion for Resignation of Guardian and Appointment of Successor Guardian;
- Brief in Support of Motion for Resignation of Guardian and Appointment of Successor Guardian;
- Affidavit in Support of Motion for Resignation of Guardian and Appointment of Successor Guardian; and
- Nominee Statement.
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

4. **Date, Time, and Address of Service by Hand Delivery:**

Date: \_\_\_\_\_ Time: \_\_\_\_\_  a.m. (or)  p.m.

Address:

\_\_\_\_\_  
(street address) (city) (zip code)

5. **Service by Hand Delivery:**

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 documents listed in Paragraph 3 to \_\_\_\_\_  
\_\_\_\_\_ (name of person served) at the date, time and address listed in Paragraph 4 by handing the court documents directly to him/her. I know the person I served is the person intended to be served because (explain how you identified the person): \_\_\_\_\_  
\_\_\_\_\_

6. I declare, under penalty of perjury under the law of North Dakota, that everything I stated in this Affidavit of Hand Delivery is true and correct.

Signed on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, in \_\_\_\_\_ County, \_\_\_\_\_ (State), \_\_\_\_\_ (Country).

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Printed Name)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(City, State, Zip Code)

Telephone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

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

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

**IN THE MATTER OF THE GUARDIANSHIP OF**

\_\_\_\_\_  
**AN INCAPACITATED INDIVIDUAL**

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

**AFFIDAVIT OF SERVICE BY MAIL**

*(May serve multiple persons ONLY IF envelopes are mailed same day from same Post Office.)*

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

1. My name is \_\_\_\_\_ (person who mailed documents). I am at least 18 years of age.

2. **List of Court Documents Served** (checkmark (✓) the box of each item served. If you have additional documents, checkmark the box and list the document):

- Notice of Motion for Resignation of Guardian and Appointment of Successor Guardian;
- Motion for Resignation of Guardian and Appointment of Successor Guardian;
- Brief in Support of Motion for Resignation of Guardian and Appointment of Successor Guardian;
- Affidavit in Support of Motion for Resignation of Guardian and Appointment of Successor Guardian; and
- Nominee Statement.
- \_\_\_\_\_
- \_\_\_\_\_

3. **Service by Mail:**

I served a true and correct copy of each of the court documents listed in Paragraph 2 by mailing them, enclosed in an envelope, by  Certified Mail (OR)  First-Class mail (choose one), postage prepaid, and by depositing them in the United States Mail, directed to each person listed in Paragraph 5.



**4. Date and Post Office Location of Service by Mail:**

Date Court Documents Were Served by Mail: \_\_\_\_\_

United States Post Office Location:

\_\_\_\_\_  
(city) (county) (state)

**4. Person or Persons Served by Mail:**

1. Name of Person Served: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

2. Name of Person Served: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

3. Name of Person Served: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

4. Name of Person Served: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

5. I declare, under penalty of perjury under the law of North Dakota, that everything I stated in this Affidavit of Service by Mail is true and correct.

Signed on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, in  
\_\_\_\_\_ County, \_\_\_\_\_ (State), \_\_\_\_\_ (Country).

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Printed Name)

\_\_\_\_\_  
(Address) (City, State, Zip Code)

\_\_\_\_\_  
(Telephone Number) (Email Address)