

Instructions For Affidavit (Petition)

ND Legal Self Help Center Staff and Court employees can't help you fill out forms, or create documents for you. If you're unsure how to proceed, consult a lawyer.

ND Legal Self Help Forms aren't official 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.

The "District Court Civil" Section of the [ND Legal Self Help Center webpage](#) has additional information and resources.

An Affidavit is a written statement of fact given by an individual with first-hand knowledge of the facts.

This Affidavit form may be used when the Affidavit must be dated and signed in front of a notary public, clerk of court, or other notarial officer.

As of March 1, 2018, **in general, notarization isn't required** when an Affidavit will be filed with a North Dakota state district court in a civil case.

If the Affidavit meets the five following requirements, the signature of the person making the affidavit **doesn't** need to be notarized. (See [Rule 11\(a\)\(2\) of the North Dakota Rules of Civil Procedure](#), and [Chapter 31-15 of the North Dakota Century Code](#).)

1. There's **no** court rule that applies to your civil case that requires the Affidavit to be notarized;
2. The last statement of the Affidavit is substantially similar to the following: "I swear, under penalty of perjury under the law of North Dakota that the foregoing is true and correct";
3. The Affidavit is dated and signed by the individual giving the statement of fact;
4. The date is the month, day and year the individual signed the affidavit; and
5. The name of the State, City or County, and Country where the individual signed the Affidavit are listed on the Affidavit.

If the Affidavit doesn't meet the first requirement above, the Affidavit must be signed and dated in the presence of a notary public, clerk of court, or other notarial officer by the individual making the written statement.

This form isn't a fillable form. To create an Affidavit using this form, you have at least two options:

Option One: Print this form on 8 ½" x 11" paper and hand-write the affidavit. The handwriting must be easily readable. Black ink is preferred.

Option Two: Copy and paste the Caption and Signature sections into a word processing program, for example, Microsoft Word, WordPerfect, Google Docs, or OpenOffice. Use this form and these instructions as your guide to format the affidavit.

Caption (Top of Affidavit Form):

- If you copied and pasted the Caption section into a word processing program, format your caption as close as you can to the Caption section of the Affidavit form.
- Complete the caption exactly as it appears in the Petitioner's Petition.
- Fill in the case number, if known. If the case hasn't been filed, the case number is assigned by the clerk of court when the case is filed.

First Sentence:

- Fill in the full, legal name of the individual who is giving their written statement of fact.

Written Statement of Fact:

- Type or print the statement of fact.
- Number each paragraph of the statement of fact.

Sign and Date the Affidavit:

- The date and signature are at the end of the written statement of fact.
- Important:** Review the North Dakota court rules (<https://www.ndcourts.gov/legal-resources/rules>) to determine if any rule that applies to your civil case specifically requires the Affidavit to be notarized.
- If you copied and pasted the Signature section into a word processing program, format the Signature section as close as you can to the Signature section of the Affidavit form.
- If a North Dakota court rule requires the Affidavit to be notarized**, the individual giving their written statement of fact must sign and date the Affidavit **in the presence** of a

notary public, clerk of court, or other notarial office. The notary public, clerk of court, or other notarial officer witnesses the signature and indicates this on the Affidavit.

Page Numbering:

- Number the pages of the Affidavit.
- The last page of the Affidavit is the page with the notarized date and signature of the individual giving their written statement of fact.

Service:

In general, copies of documents filed, or intended to file, with the court must be provided to the other parties in the civil case. This is called service.

There are specific requirements for serving documents. [Rule 4](#) and [Rule 5](#) of the North Dakota Rules of Civil Procedure give the requirements for service in a civil action.

Proof of service is an important step in the legal process. The court won't act on papers filed with the court until proof of service is filed.

For information about service and proof of service in a civil case, go to the [Service](#) link on the ND Legal Self Help Center website.

****Disclaimer: The North Dakota Legal Self Help Center provides resources to people who represent themselves in civil matters in the North Dakota state courts. The information provided by the Center isn't intended for legal advice but only a general guide to the civil court process. The Center can't guarantee that all judges and courts will accept forms available through the Legal Self Help Center. The Center isn't responsible for any consequences that may result from the information provided. The information can't replace the advice of competent legal counsel licensed in the state. Use at your own risk.****

State of North Dakota

In District Court

County of _____

_____ Judicial District

Petitioner,)

vs)

Respondent.)

Case No. _____

Affidavit

I, _____, the undersigned,

being first duly sworn, state as follows:

1.

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

Signed on _____.

Signature

Printed Name

Address

City, State, Zip Code

Telephone Number

Email Address

STATE OF _____)

)

COUNTY OF _____) ss.

Signed and sworn to before me on _____, 20____, by

_____.

(Notary Public or Clerk of Court)

If Notary, my commission expires: _____