

STATE OF NORTH DAKOTA

IN DISTRICT COURT

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

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

\_\_\_\_\_) )  
 (Plaintiff) )  
 )  
 Vs )  
 )  
 )  
 \_\_\_\_\_ )  
 (Defendant) )  
 )  
 DEFENDANT. )  
 )

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

**AFFIDAVIT OF DEFAULT, IDENTIFICATION AND ACTIVE MILITARY STATUS**

I, \_\_\_\_\_ (*Plaintiff name*), the undersigned, state as follows:

1. I am the Plaintiff in the above-captioned civil case, which is an action for divorce.
2. At the time this divorce action was started with service of the Summons and Complaint:
  - a. I lived in \_\_\_\_\_ County, North Dakota, for the previous 6 months and I continue to live in \_\_\_\_\_ County.
  - b. Defendant lived in \_\_\_\_\_ County, \_\_\_\_\_ (*state*).
  - c. (*Choose one.*)
    - Does **not** apply because the Defendant and I **do not** have minor children and are not expecting any children to be born of the marriage.
    - Applies.** The child(ren) lived in \_\_\_\_\_ County, \_\_\_\_\_ (*state*), for the previous 6 months.

3. **Service of Summons and Complaint:**

Defendant, \_\_\_\_\_ (name) was properly served on \_\_\_\_\_, 20\_\_\_\_ (date) with the Summons and Complaint for this divorce action and any other documents listed in the proof of service filed with the court.

4. **Type of Service:**

I arranged for Defendant to be served with the Summons and Complaint by (choose one):

**Personal service in North Dakota by a sheriff or other officer.** A certificate of service is filed with the court.

**Personal service in North Dakota by an individual 18 years of age or older and not a party or interested in the case.** An affidavit of personal service is filed with the court.

**Personal service outside of North Dakota.** A certificate of service or an affidavit of personal service is filed with the court.

**Mail by an individual 18 years of age or older.** An affidavit of service by mail and the green card receipt showing actual delivery are filed with the court.

**Publication.** Plaintiff's affidavit for service by publication and the affidavit of publication provided by the newspaper are filed with the court.

5. Defendant has not answered Plaintiff's Summons and Complaint by serving an Answer on the Plaintiff, or by any other method.

6. **My Identifying Information:**

My full name: \_\_\_\_\_

Address where I live: \_\_\_\_\_

\_\_\_\_\_

My occupation and address: \_\_\_\_\_  
\_\_\_\_\_

My Year of Birth: \_\_\_\_\_ Last 4 Digits of my Social Security Number: \_\_\_\_\_

7. **Defendant's Identifying Information:**

Defendant's full name: \_\_\_\_\_

Address where Defendant lives: \_\_\_\_\_  
\_\_\_\_\_

Defendant's occupation and address: \_\_\_\_\_  
\_\_\_\_\_

Defendant's Year of Birth: \_\_\_\_\_

Last 4 Digits of Defendant's Social Security Number: \_\_\_\_\_

8. **Active Military Service** (*choose one*):

Defendant is **not** in active military service. I know this because (*select all that apply*):

I have contacted the military services of the United States and obtained documentation showing Defendant is not on active duty status. The documentation is attached.

I have personal knowledge of Defendant's military status (*explain*):

Other (*explain*):

Defendant **is** in active military service, **but** Defendant is represented by a lawyer in this case, has not served an answer to the Summons and Complaint, **and** the court has not granted a stay.

I **do not know** whether Defendant is in active military service. I did the following to try to find out (*explain*):

9. I declare, under penalty of perjury under the law of North Dakota, that everything I stated in this Affidavit of Default, Identification, and Active Military Status is true and correct.

Signed on \_\_\_\_\_ (Date) in \_\_\_\_\_ (County),  
\_\_\_\_\_ (State), \_\_\_\_\_ (Country).

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Address

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

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

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