

DEFENDANT'S ANSWER/COUNTER CLAIM
(See Instructions on Reverse Side)

_____, Plaintiff(s) CASE NO. _____

vs.

_____, Defendant(s) _____ County, North Dakota

DEFENDANT'S ANSWER

This form is to be used to notify the Small Claims Court THAT YOU INTEND TO CONTEST the Plaintiff's Claim. Initial the statement below that applies to you:

- 1. _____ I do not owe the Plaintiff any part of what is claimed, for reasons stated below.
- 2. _____ I owe the Plaintiff only part of what is claimed, as explained below.
- 3. _____ I owe the Plaintiff what is claimed.

(Attach additional sheet if necessary.)

COUNTERCLAIM
(May not exceed \$15,000)

If you think you have a claim of your own against the Plaintiff, you may present your claim as part of this case and have it decided at the same time. If that is the situation, fill in the following:

PLAINTIFF OWES ME (briefly describe your claim and state your reasons): _____

A COUNTERCLAIM must be filed and delivered, or mailed by Restricted Delivery, Return Receipt, to the Plaintiff not later than 48 hours before the hearing.

I declare under penalty of perjury that the foregoing is true and correct. Dated this _____ day of _____ 20_____.

_____ County, North Dakota

Defendant's Signature

RETURN TO CLERK OF DISTRICT COURT FOR FILING
A counterclaim must be filed and served upon the plaintiff not later than 48 hours before the hearing.

FORM 4 – INSTRUCTIONS TO THE PERSON BEING SUED IN SMALL CLAIMS COURT

YOU HAVE THE FOLLOWING FIVE OPTIONS:

1. You may pay this claim by contacting the Plaintiff immediately and making arrangements for payment.
2. You may defend yourself in Small Claims Court by indicating on the Defendant's REQUEST FOR HEARING (FORM 3) that you are requesting a hearing. You must return the form to the Clerk of District Court within 20 days of receipt of the CLAIM AFFIDAVIT. You may appear on the date set for hearing without a written answer.
3. You may have the case moved to District Court.
(See the advantages and disadvantages of Small Claims Court on FORM 1.)

If the claim is not filed in your county of residence, you may have the case moved to the Small Claims Court in your county of residence. **NOTE: The case CANNOT be moved to your county of residence if certain matters are involved. See Form 1 - "Where a claim is filed".**

To move a case to district court, you must file the "Removal to District Court" (FORM 3) and serve a copy of Form 3 on the Plaintiff. You must also file a copy of the "CLAIM AFFIDAVIT" and your answer to the claim (this FORM 4) with the Clerk of Court to which the case is removed, and you must pay an \$80 filing fee unless the fee is waived by the court.

4. You may also defend yourself in Small Claims Court in writing by filing the "DEFENDANT'S ANSWER" (on the reverse side of this form) with the Clerk of the Small Claims Court and serving it on the Plaintiff at least 48 hours before the hearing.

Instructions for serving the Plaintiff are on the back of FORM 5.

5. You may file a COUNTERCLAIM (on the reverse side of this form) against the Plaintiff if you believe he/she owes you money arising out of the same transaction for which you are being sued.

To file a Counterclaim, fill out the appropriate section of this form, file it with the Clerk of the Small Claims Court and serve it on the Plaintiff at least 48 hours before the date set for hearing.

Instructions for serving the Plaintiff are on the back of FORM 5.

NOTE: The Counterclaim may not exceed \$15,000 in Small Claims Court. A Counterclaim for more money must be filed in District Court.

IMPORTANT: IF YOU DO NOT REQUEST A HEARING, OR IF YOU REQUEST A HEARING AND DO NOT COME TO COURT AT THE PLACE, TIME, AND DATE SPECIFIED, THE COURT MAY ORDER A JUDGMENT AGAINST YOU.