

**DEFENDANT'S REQUEST FOR HEARING/
REMOVAL TO DISTRICT COURT
(See Instructions on Reverse Side)**

_____, Plaintiff(s). **CASE NO.** _____
_____, Defendant(s). _____ County, North Dakota

REQUEST FOR HEARING

If you, the Defendant, intend to contest this claim and Request a Hearing in small claims court, you must file your request with the Clerk of District Court within 20 days of service of the Claim Affidavit and this form.

_____ I request a hearing in small claims court.

Defendant's Signature

REMOVAL TO DISTRICT COURT

If you, the Defendant, request removal of this action to District Court, you must file your request with the Clerk of District Court within 20 days of service of the Claim Affidavit and this form.

_____ I request removal of this action to District Court.

Defendant's Signature

(THERE IS AN \$80.00 FILING FEE FOR FILING THE REMOVAL TO DISTRICT COURT. THE FILING FEE MAY BE WAIVED BY THE COURT IF YOU ARE UNABLE TO PAY AND SUBMIT THE REQUIRED PROOF OF YOUR FINANCIAL STATUS.)

NOTICE OF HEARING

A request for Hearing having been received from the above named Defendant(s) in this action;

The Plaintiff(s) and Defendant(s) are hereby notified that a small claims hearing has been scheduled in the above entitled case at _____ in the city of _____, North Dakota, on the _____ day of _____, 20_____, at _____ o'clock _____.m.

Dated _____

Judge/Clerk of Court

I hereby certify that on this _____ day of _____ 20_____, I mailed a copy of this NOTICE OF HEARING to: _____

Clerk of District Court

FORM 3 – INSTRUCTIONS FOR HEARING IN SMALL CLAIMS COURT OR REMOVAL TO DISTRICT COURT

TO THE DEFENDANT:

If you intend to contest the claim filed against you, you must request a hearing in small claims court on the reverse side of this form (**Form 3**) and file your request with the Clerk of District Court within twenty (20) days of receipt of the Claim Affidavit and this form.

If within twenty (20) days of receipt of the affidavit and forms, the court has not received a request for a hearing, a hearing will not be scheduled and judgment may be entered against you by default.

If you elect to remove the case from Small Claims Court to District Court, you must file the following with the Clerk of District Court within twenty (20) days of receipt of the Claim Affidavit and this form:

1. REMOVAL TO DISTRICT COURT - reverse side of this form (Form 3)
2. A copy of the claim affidavit (Form 2)
3. Your answer to the claim (Form 4)
4. The \$80.000 filing fee, unless waived by the court.

You must also serve the plaintiff with a copy of this Form 3, which will notify the plaintiff of your removal of the matter to district court.

NOTE: If you elect to remove the action to district court, the district court must award attorney's fees to a prevailing plaintiff.

If the Defendant appeals a District Court judgment to the Supreme Court, the Supreme Court shall award reasonable attorney's fees to the prevailing appellee.

(See the advantages and disadvantages of Small Claims Court on **Form 1**.)

NOTICE OF HEARING:

If the Defendant requests a hearing in small claims court and files the request within twenty (20) days of receipt of the Affidavit and Request Form, the Clerk of District Court will schedule a hearing to be held not less than ten (10) days and not more than thirty (30) days after receipt of the Defendant's request.

Bring all receipts and evidence related to the case and any witnesses that you wish to have testify on your behalf.

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