

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF _____

_____ JUDICIAL DISTRICT

<p>,</p> <p>Plaintiff,</p> <p>v.</p> <p>,</p> <p>Defendant.</p>	<p>Case No. _____</p> <p>NOTICE OF MOTION AND MOTION TO MODIFY PRIMARY RESIDENTIAL RESPONSIBILITY</p>
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TO: THE PLAINTIFF:

YOU WILL PLEASE TAKE NOTICE that the Defendant's Motion to Modify Primary Residential Responsibility outlined below is submitted to the Court pursuant to Rule 3.2 of the North Dakota Rules of Court and Section 14-09-06.6 of the North Dakota Century Code. A response and supporting affidavits may be served and filed. A hearing shall be set if the Court determines that a prima facie case justifying modification has been established.

PLEASE TAKE NOTICE that the enclosed motion will be heard by the Court pursuant to Rule 3.2 of the North Dakota Rules of Court and that the same will be decided on briefs unless oral argument or the taking of testimony is timely requested by a party or required by the Court.

PLEASE TAKE FURTHER NOTICE that you shall have ten (10) days after service of a brief supporting the enclosed motion within which to serve and file an answer brief and other supporting papers and that upon the filing of briefs, 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.

PLEASE TAKE FURTHER NOTICE that a request for oral argument or the taking of testimony must be made not later than five (5) days after expiration of the time for filing the answer brief and that the party requesting oral argument shall secure a time for the argument or testimony and shall serve notice of the time for oral argument or the taking of testimony upon all other parties.

MOTION FOR MODIFICATION OF PRIMARY RESIDENTIAL RESPONSIBILITY

Defendant moves the Court for its Order, as follows:

1. For an order finding that Defendant has met her initial burden of establishing a prima facie case for modification of primary residential responsibility and ordering an evidentiary hearing.
2. For an order modifying the Judgment and Decree to give the Defendant primary residential responsibility of the parties' minor children.
3. For an order awarding Defendant temporary primary residential responsibility and continuing the current schedule the parties have utilized until an evidentiary hearing can be held.
4. For an order modifying child support provisions of the Judgment consistent with the Court's modification of primary residential responsibility and in an amount as required by the North Dakota Child Support Guidelines.

This Motion is based upon the Affidavit and Brief filed in support hereof, all the files and records herein, together with any evidence to be produced at a hearing.

WHEREFORE, the Defendant respectfully requests that this Court enter an order amending the Judgment and Decree as set forth herein.

Dated this _____ day of _____, 2010.

BY: _____

ATTORNEYS FOR DEFENDANT