

IN THE \_\_\_\_\_ COURT OF \_\_\_\_\_ COUNTY, ALABAMA

_____	)	
	)	
PLAINTIFF,	)	
	)	
VS.	)	CIVIL ACTION NO. _____
	)	
	)	
_____	)	
DEFENDANT.	)	

MOTION TO DISMISS  
OR  
IN THE ALTERNATIVE TO APPOINT GUARDIAN AD LITEM  
FOR UNADJUDICATED INCOMPETENT DEFENDANT

Comes now the Defendant, \_\_\_\_\_, by and through his/her caretaker, \_\_\_\_\_, and would respectfully show the Court as follows:

1. The Defendant and \_\_\_\_\_, the Defendant's \_\_\_\_\_ (explain in full relationship to Defendant) \_\_\_\_\_, for approximately the past \_\_\_\_\_ years.
2. About \_\_\_\_\_, the Defendant, \_\_\_\_\_, became ill due to (FACTS: i.e., a spinal disorder and brain condition that has rendered him not only totally and permanently disabled to work, but also both physically and mentally unable to handle his own affairs or to conduct business.)
3. Due to this condition, the Defendant is, and has been at all times relevant hereto, an unadjudicated incompetent person.
4. The Defendant has no guardian, guardian ad litem, or attorney to represent him/her in this matter as required in order to proceed against him in this action pursuant to ARCP Rule 17(c).
5. On information and belief, the Defendant has good

faith claims and defenses in this cause of action, including but not limited to: (FACTS/DEFENSES: his/her lack of capacity to enter into any legally binding transaction with the Plaintiff such as the alleged contract which is the basis for this action against him.)

6. Based on the above, this Court has no personal jurisdiction over the Defendant in this matter because there has been no showing of proper service of process herein as required by ARCP Rule 4(c)(3).
7. The Defendant is unable to obtain the services of an attorney or a guardian to represent him in this matter.

Respectfully submitted,

\_\_\_\_\_  
\_\_\_\_\_, on behalf of  
\_\_\_\_\_, Defendant

CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing Motion on Attorney for Plaintiff, by regular mail, postage paid, to

\_\_\_\_\_  
\_\_\_\_\_

this the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_