

INSTRUCTIONS & CHECKLIST PACKET “A” -- JOINT DISSOLUTION (WITHOUT CHILDREN)

BEFORE YOU BEGIN: READ THESE INSTRUCTIONS AND FILL OUT A SENSITIVE DATA FORM.

The Montana Supreme Court has enacted Court Rules for Privacy and Public Access to Court Records in Montana. These rules apply to all court records. There is certain information that you cannot put in a court record which should be maintained as confidential.

Fill out the **SENSITIVE DATA FORM** in this packet to keep the following sensitive information confidential in a court record:

- 1) Complete Social Security Numbers
- 2) Complete Financial Account Numbers
- 3) Full names of minor children if applicable
- 4) Full birth dates of any person involved in this case

Use these formats when required to put sensitive information in any court documents in this packet:

- For a social security number, use this format: **XXX-XX-1234.**
- For a date of birth, use this format: **age ____.**
- For financial account numbers, use this format: **ending in the last four digits of 1234.**

- File this form with your Petition. Keep a copy in a safe place.
- The Clerk will keep the Sensitive Information Form separately. The public will not have access to this document, unless the court orders it.

I. STARTING THE DIVORCE PROCESS ---- “DISSOLUTION”:

There are LOTS of forms that will need to be completed. Take it step-by-step and it should make it easier for you. Every court document contains a “caption” on the top half of the first page which identifies the party completing the form and the case description. Fill out the caption **the exact same way** on every form.

This packet is to be used when the parties can AGREE on property settlement and distribution, and file the action TOGETHER.

STEP 1. -- Filling Out The Forms

Note: You might want to use a pen with **blue ink** so you always know which are the originals and which are copies. Also, put N/A (“not applicable”) in any spaces that don’t apply to your situation.

- Form #1 Fill in every section. Both parties sign page 6 & 7 in two places in front of a notary public. Notaries can be found in the Clerk of Court’s office or at banks, law offices, etc.
- Forms #2a, 2b Wife and Husband may complete this form together or separately. Either way, the form should be completed **before completing Form #3**. Each party should have a copy.

STEP 2. -- Making Copies

- Make 2 copies of Forms 1, 2a and/or 2b. One copy will be for your own personal records, the other for your spouse.

STEP 3. -- Filing Your Case With Clerk of Court.

- Bring the originals and two copies of every form filled out in Step 1 (except 2a and/or 2b) to the Clerk of District Court's Office for filing. The Clerk will assign a cause number and department number to identify your case with the Court.
- \$200.00 Fee -- cash/money order/personal check (subject to change). If you cannot afford the fee, complete the Affidavit of Inability to Pay, Form 8. If the Judge decides you cannot afford to pay the filing fee, your fees may be waived in whole or in part.
- The Clerk will file stamp all your documents (copies and originals). The Clerk will keep the originals and give you the copies. One copy will be for your own personal records, the other for your spouse.

II. FINAL PAPERWORK:

STEP 4. -- A Little More Paperwork.

- Form #3 Fill in every section. Both parties sign on page 6 in front of a notary public.
- Form #4 Complete - do not sign. The Judge will sign at the hearing.
- Form #5 Complete caption - **do not sign**.
- Form #6 Complete those sections you can. After the hearing you will be expected to **fully** complete the form.
- Form #7 Complete caption only.
- Form #9 Complete caption only. If you are changing your name back to your former name as part of the divorce, complete this Order for Name Change. This will be a confidential document since it contains your birth date. This Order may then be used to change your name with various agencies such as the Dept. of Motor Vehicles, Social Security office, etc.
- Make 1 copy of Forms #3, 5, 6, 7, and 9 for your records and 1 copy for your spouse.
- Make 2 copies of Form #4.
- Deliver the original of all of these forms, together with 2 copies of Form #4, to the Clerk of Court - **with Form # 7 on top.**
- You will be notified of the hearing date for the final decree of dissolution.

III. HEARING IN COURT:

You have chosen to represent yourself. Arrive at the courthouse early. While divorce can be very difficult and emotional, the Court expects the parties to be civil and remain focused on the legal issues. You have reached an agreement with your spouse and he/she has signed the Marital and Property Settlement Agreement wherein he/she consented to the entry of the final decree (Document #3, page 5). Both parties can attend the hearing on the final decree, but it is NOT NECESSARY that your spouse attend. You should be prepared to be sworn in, take the witness stand, and answer any questions asked of you by the Judge.

IV. AFTER THE HEARING:

STEP 5. -- Final Paperwork.

- After the hearing, you must file Form 6 with the Clerk of Court.
- A filing fee of \$45 (subject to change) must be paid to the Clerk of Court before the Final Decree is filed. This fee is waived if the judge approved your Affidavit of Inability to Pay at the beginning of your case. (Form 8).
- Copies of the Final Decree will be available at the Clerk of Court's office. The Clerk's office charges \$10 per copy. However, you have already supplied two extra copies of the Final Decree. The Clerk's office will "conform" these copies (date stamp them) with the original without any cost. The Clerk should then "certify" the two copies (i.e. make them "official"). The cost for certification is \$2.00 each.

- Form #5 If you were the only one to attend the hearing on the final decree, then complete Form #5, sign, and mail a copy to your spouse, together with one copy of the Final Decree (Form #4) signed by the Judge. File original Form #5 with the Clerk of Court.

- Form #9 If you are changing your name, you need a certified copy of Form # 9 after the judge signs it. You will take the certified copy of Form # 9 to the Department of Motor Vehicles and other agencies in order to change your name on your driver's license, social security card, bank accounts, etc. This is a confidential document and will be sealed in your court file.

(Revision Date: 11/08)

Information on Co-Petitioner - Wife: (name)	
Full Date of Birth	
Social Security Number	

Information on Co-Petitioner - Husband: (name)	
Full Date of Birth	
Social Security Number	

Information on Financial Accounts (that are listed under “assets and debts” in court documents):		
Code Name: (Last 4 digits)	Financial Account Description (type of account and name on account)	Financial Institution Account Number
FA #		
FA #		
FA #		
FA #		
FA #		
FA #		
FA #		
FA #		

DATED this _____ day of _____, 20__.

Co-Petitioner - Wife

Co-Petitioner - Husband

PACKET "A"

Joint Dissolution - Without Children

WORKSHEET

BEGIN BY FILLING OUT SENSITIVE DATA FORM

- _____ Form 1. Joint Petition for Dissolution (no children)
- _____ Form 2a. Final Declaration of Disclosure of Assets, Debts,
Income & Expenses
- _____ Form 2b. Final Declaration of Disclosure of Assets, Debts,
Income & Expenses
- _____ Form 3. Marital and Property Settlement Agreement
- _____ Form 4. Findings of Fact, Conclusions of Law and Final
Decree of Dissolution
- _____ Form 5. Notice of Entry of Decree
- _____ Form 6. Vital Statistics Form
- _____ Form 7. Request for Hearing and Order Setting Hearing on
Final Decree
- _____ Form 8. Affidavit of Inability to Pay
- _____ Form 9. Order for Name Change

What to Expect: An Overview of Divorce and Custody in Montana

1. Under Montana law, a divorce is called a "dissolution of marriage."
2. If you were never married but had children together, you will need a "parenting plan." This is the term used for custody proceedings.
3. You can only file for a parenting plan or a dissolution (which includes a parenting plan if you had children together) if Montana has jurisdiction. Generally, Montana has jurisdiction if the child has lived in Montana for at least six consecutive months immediately before filing your case. If the child is younger than six months old, the child must have lived in Montana since birth. For other circumstances, such as in cases where an emergency exists or the child has been abandoned in Montana, see the forms in the packets.
4. To get divorced in Montana, one of the spouses must have lived in Montana for at least 90 days. The proper Montana court to file your case in is located in the county where either you or your spouse have resided during the 90 days prior to filing your case. In addition,
 - a. You and your spouse must have lived separately and apart for a period of more than 180 days before filing for dissolution; **OR**
 - b. There are serious problems that affect your attitude(s) towards the marriage with no reasonable chance of reconciling.
5. Getting divorced is a lot more complicated than getting married and it can take several months before your divorce is final. If you are in agreement on all issues, filing a "joint petition" will speed up the process.
6. If you have property (real estate, automobiles, debts, etc.) or children, the divorce will be more complex. It helps if you and your spouse agree about the issues involving the property and the children.
7. It costs money to get divorced. There are court fees, copying costs and "service of process" costs. If you believe you cannot afford to pay the court fees, follow the instructions in the packet for the "Affidavit of Inability to Pay" which, upon review by a Judge, may result in all or part of your fees being waived.
8. If there are children involved, you will be required to attend Parenting Plan Orientation, a mandatory 90-minute program that provides an overview of community resources available to assist parents and children through the process of separation and divorce.

THE PAPERWORK

There is a lot of paperwork involved in getting divorced and there are rules and deadlines to follow in preparing the papers. Some of the documents in a divorce and/or custody case are:

1. Summons and Petition

In Montana, unless you file a Joint Petition (Packets A or B), one spouse (called the "Petitioner") must start the divorce by writing a Summons and Petition and "serving" it on the other spouse (called the "Respondent"). See instructions in packets for specific rules for how to serve the documents.

2. Response

The spouse who received the Summons and Petition must read the documents and decide how to respond. If the spouse disagrees, the spouse writes and serves a Response.

3. Service of Process: If the other person in your case will not sign an Acknowledgment form saying they received the court papers, then you will have to pay to have the Sheriff or another person not connected to the case deliver the paperwork and sign a form saying that they delivered the papers to the other party.

4. Status Report to the Court, Mediation and Court Orders

If you indicate you and your spouse cannot agree in the “Status Report and Request for Court Action” form, the Court may issue an Order for a hearing to help resolve the problem. You may also be ordered to attend an “Intervention Conference” with a Standing Master or to attend mediation.

5. Final Divorce Document

The official name of your final divorce document is Findings of Fact, Conclusions of Law, and Final Decree of Dissolution. Once this document has been signed by a Judge, it is "entered" by the Clerk of Court as the Final Decree.

GOING TO COURT

1. Where to go? This Missoula County Courthouse is located at 200 West Broadway, Missoula, MT. It's open Monday – Friday, 8:00 AM to 5:00 PM and is closed on all major holidays. To get to the courthouse, find the 200th block of West Broadway in the downtown area of Missoula. If you need driving directions, try visiting Google Maps at <http://maps.google.com>. They have a place where you can get driving directions to the courthouse from any location. If you need further assistance, please call the courthouse at 406-721-5700.

2. How often? The number of times you go to Court to see a Judge or Standing Master depends a lot on whether you and your spouse can agree on issues regarding your children, property and other matters. If you don't agree, things usually take longer to get resolved.

3. Courtroom Behavior. Appearing in court is a very important part of any legal case, and all parties are expected to arrive early, dress properly, and act respectfully. See Tips for Your Day in Court.

TIPS FOR YOUR DAY IN COURT

1. Don't Miss Your Court Date. Court is not an appointment that can be missed or rescheduled. If you don't show up, you will likely lose the case by default. If you have a serious reason why you cannot go to court on the assigned day, call the Judge's clerk at the Clerk of Court's office. Usually you need to file papers requesting a change, or get the other side to agree to change the date.
2. If you are the Respondent in a case (someone else started the case) and you agree with the other side's requests or don't have any defense, you may think there is no point in going to court. Not going can be dangerous because you might not fully understand everything that can or will be ordered in your absence.
3. Allow Plenty of Time to Get to Court. You should arrive at the courtroom 30 minutes before your hearing time. Consider the traffic, weather, parking or frequency of the bus and allow plenty of extra time. You are not allowed to carry any weapons in the courthouse.
4. Bring your files. You should have a file with copies of all papers you and the other side have filed with the court, or given to each other.
5. Dress nicely and take your hat off.
6. Do not bring children. Unless the court has told you to bring your children to the hearing, make arrangements for someone to take care of your children if possible.
7. Proper conduct in the courtroom. Certain behaviors are not allowed because they are noisy, distracting or disrespectful. You cannot: chew gum, eat, read a newspaper, sleep, wear a hat, listen to earphones, carry a cell phone or pager unless it's turned off, have a camera or camera phone, or carry a weapon.
8. During the hearing you should listen carefully, ask permission of the Judge to speak, talk directly to the Judge and not the other side, avoid arguing with or interrupting another person, and control your emotions. When you talk to the Judge, start by saying "Your Honor". Speak loudly and clearly and remember that only one person can speak at a time.
9. Before you leave court make sure you understand what happens next. Do you need to come back for another court hearing? Do you need to take other steps or actions? Will the Judge make an order as a result of the hearing? Politely ask questions if you do not understand what will happen next.

Address _____
Telephone _____ Birthdate _____ Age _____ SSN _____

Employed: Yes _____ No _____ Self-Employed: Yes _____ No _____ Hourly wage \$ _____
Employer's name and address _____
Type of employment _____ Length of current employment _____
If unemployed:
Month/Year last employed _____ Last hourly wage \$ _____
Why did you leave your last employment? _____
Single _____ Married _____ Divorced _____ Separated _____

Are persons dependent on you for support? Yes _____ No _____
If yes, list each person and that person's age and relationship to you:

Spouse's name _____
Spouse's: birthdate _____ Age _____ SSN _____
Spouse's employer and address _____

Are you sharing expenses with anyone? Yes _____ No _____
If yes, explain _____
Are you sharing income with anyone? Yes _____ No _____
Explain _____

II. INCOME

Income available:
My wages or salary \$ _____ AFDC \$ _____
Other wages or salary \$ _____ SSI \$ _____
Unemployment \$ _____ Workers' Comp \$ _____
Food Stamps \$ _____ Medicaid \$ _____
Pension \$ _____ Retirement \$ _____
Child support \$ _____ Other income \$ _____

Total household income:
Last month \$ _____ Previous 12 months \$ _____

III. ASSETS

Do you or your spouse own or are you or your spouse buying any motor vehicles?
Yes _____ No _____ If yes, Year, make and model of vehicle(s):

Is/are vehicle(s) paid for? Yes _____ No _____
If not, how much do you or your spouse owe? \$ _____

Do you or your spouse own or are you or your spouse buying any land or other real estate? Yes _____
No _____ If yes, what is the approximate current market value? \$ _____ What
was the purchase price? \$ _____

When did you purchase the land or other real estate? _____
Is it paid for? Yes _____ No _____ If not, how much do you or your spouse owe on the land or other real estate? \$ _____

Do you or your spouse have:
Checking accounts? Yes _____ No _____ If yes, total amount \$ _____
Savings accounts? Yes _____ No _____ If yes, total amount \$ _____
List the banks where the accounts are held: _____

Do you or your spouse have stocks or bonds? Yes _____ No _____
If yes, what is the total amount of the stocks or bonds \$ _____

Do you or your spouse have wages due but not received?
Yes _____ No _____ If yes, list total amount \$ _____

Is there money owed to you or your spouse? Yes _____ No _____
If yes, total amount owed to you or your spouse \$ _____

Value of your or your spouse's personal property:
Sporting Equipment \$ _____ Guns \$ _____ Boats \$ _____
Trailers \$ _____ Campers \$ _____ Tools \$ _____
Stereos \$ _____ TVs \$ _____ Furniture \$ _____
Appliances \$ _____ Other personal property \$ _____

Describe and value other personal property you or your spouse own or are buying:

Do you or your spouse have in your possession or in your house any property worth over \$200.00 that belongs to another person? Yes _____ No _____ If yes:
Type of property: _____
Value of property \$ _____
Name the owner of the property: _____
Reason the property is in your possession: _____

IV. MONTHLY EXPENSES

List your or your spouse's monthly expenses:
Rent or house payment \$ _____
Clothes \$ _____ Food \$ _____
Miscellaneous items (List each item) \$ _____

V. OBLIGATIONS/DEBTS

Do you or your spouse have any debts or obligations that you owe?

Yes _____ No _____ If yes, describe the debts or obligations and list the amounts:

Have you sold, given away, or put in the name of another person or entity , or otherwise transferred any property of a value over \$200 within the preceding 12 months?

Yes _____ No _____ If yes, describe the property:

Value of property \$ _____

Name(s) to whom you transferred property: _____

Reason for transfer of property: _____

Please Check one of the following and complete all information:

_____ I have paid or will pay a total of \$ _____ for the preparation or processing of the documents or blank forms that will be filed in this entire case (from the beginning of the case to the end of the case) and agree that an equal amount is to be paid to the Clerk of District Court at the time of the entry of decree or final judgment in this case.

or

_____ I prepared all of the pleadings and papers to be filed in this case myself, and no one has been, or will be, paid on my behalf. I have not paid anyone or any organization for the preparation and processing of these documents or for the forms to be used in this case.

I further declare that I am the person above named, that I have read the foregoing questions and information and know the same to be true to the best of my knowledge, and that IF ANY PART OF THE ABOVE IS MADE FALSELY, I AM SUBJECT TO PROSECUTION FOR PERJURY.

(Signature of Affiant)

SUBSCRIBED AND SWORN TO before me, a notary public, this _____ day of _____, _____.

Notary Public for State of Montana

Residing at _____

My Commission Expires: _____

Hon. _____
Fourth Judicial District
Mineral County Courthouse
PO Box 129
Superior, Montana 59872
Phone:(406) 822-3538
Fax: (406)822-3822

**MONTANA FOURTH JUDICIAL DISTRICT COURT,
MINERAL COUNTY**

<p>In re the Marriage of:</p> <p>_____, Co-Petitioner,</p> <p>and</p> <p>_____, Co-Petitioner.</p>	<p>Dept. No. Cause No.</p> <p style="text-align: center;">ORDER ON INABILITY TO PAY FILING FEES AND OTHER COSTS</p>
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Having considered the information contained in [Petitioner's] [Respondent's] Affidavit of Inability to Pay Filing Fees and Other Costs, IT IS HEREBY ORDERED that, pursuant to §25-10-404, MCA et seq., all officers of the Court shall perform all services associated with this action, including filing, issuance and service of all pleadings and Court orders, without demanding or receiving fees in advance. Leave to file the Petition expires thirty (30) days from the date of this Order.

Dated this _____ day of _____, 20 ____.

DISTRICT COURT JUDGE

FORM # 7

Name

Address

City State Zip Code

Phone Number

PETITIONER PRO SE

MONTANA FOURTH JUDICIAL DISTRICT COURT, MINERAL COUNTY

In re the Marriage of:

_____,
Petitioner,

and

_____,
Petitioner.

Dept. No.:
Cause No.:

REQUEST FOR HEARING AND ORDER SETTING HEARING ON FINAL DECREE

The Petitioner, _____, appearing Pro Se, respectfully requests a hearing in the above-titled matter. The Petitioner requests that the hearing be set on _____, at _____ am/pm. Petitioner estimates the length of the hearing will be _____ minutes and intends to call _____ witness(es).

DATED this _____ day of _____, _____.

Petitioner Pro Se

1 Hon. _____
2 District Judge, Dept. No. ____
3 Fourth Judicial District
4 Mineral County Courthouse
5 PO Box 129
6 Superior, MT 59872
7 Phone: 406-882-3538
8 Fax: 406-822-3822

9
10 **ORDER SETTING HEARING**

11 Hearing is set on the _____ day of _____ at _____
12 am/pm by order of the Court.

13 DATED this _____ day of _____, _____.

14
15 _____
16 District Court Judge
17
18
19
20
21
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25

INSTRUCTIONS

FORM # 6

Order Information: Check the box that most accurately describes the type of order being entered. If it is a dissolution of marriage, enter the place of marriage and indicate if child support is ordered. Temporary support orders and paternity orders that contain child support are categorized as “child support order, without dissolution.” “Child support order” includes medical support orders. If the order does not contain a child support order, social security numbers of the parties are not required and only Parts 1, 2 and 9 need to be completed.

Parts 1 and 2: Provide information about the parties to the order. If there is a child support order, be sure to check the box that shows whether the party owes support (payer) or will receive support (payee). If a party is ordered to both pay and receive support, check the box labeled “both.” If there is no support order, check the box labeled “N/A” for not applicable. If a party is ordered to pay \$0 support, that party should be considered a payer.

Part 3: Provide information about the children named in the order and indicate which parent or other party the children live with. If the parenting plan provides for shared residential parenting, circle “B” for both. If a child is not living with either parent, circle “O” and list the child’s name and address.

Part 4: Complete this part if support is ordered to be paid to an agency or an individual other than a parent.

Part 5: Indicate whether any of the parties are protected from each other by a protective or restraining order. If yes, list the names of the protected parties. This includes any protected children.

Part 6: Provide information about the employment or other source of income of the party who is ordered to pay child support. If both parties are ordered to pay support, skip Part 6 and complete Part 10 instead.

Part 7: Provide information about the support order. Check the type(s) of support ordered and enter the amount and how often it is due. (Example: \$100 per week.) All orders should have a “begin” date; many will not have an “end” date. If both parties are ordered to pay support, skip Part 7 and complete Part 11 instead.

If the order enters a judgment for past due support, show the **total** amount of the judgment. If the judgment includes amounts for penalties, fees or interest, list those amounts on the appropriate lines.

List any special conditions of the support order. (Example: support is due until the child graduates from college.) Copy the information requested about the guidelines to this form from the guidelines worksheet.

Part 8: Provide information about health insurance coverage for the children. If insurance is not provided, indicate whether it is available through the employer of either parent. Relationship of the party providing insurance is the party’s relationship to the children. (Example: mother, father, mother’s spouse, father’s spouse.) List the terms and conditions of the insurance coverage. (Example: 80/20 plan, \$500 deductible, major medical only.)

Part 9: Provide information about the person completing this form.

Part 10: Employment information for multiple payers. Complete only if both parties are ordered to pay support. See Part 6 instructions.

Part 11: Order information for multiple payers. Complete only if both parties are ordered to pay support. See Part 7 instructions.

Medical Support: \$ _____ per _____ \$ _____ \$ _____ \$ _____ \$ _____

Spousal Support: \$ _____ per _____ \$ _____ \$ _____ \$ _____ \$ _____
(Alimony)

Is payer exempt from income withholding under MCA §40-5-315? No Yes Tribal Order

List any special terms/conditions of the support order(s): _____

Was the mother represented by an attorney? Yes No Was the father represented by an attorney? Yes No

Information from child support guidelines worksheet:

Mother "Income after Deductions": \$ _____ "Credit for Payment of Expenses": \$ _____

Father "Income after Deductions": \$ _____ "Credit for Payment of Expenses": \$ _____

8 **Health Insurance:** (Attach additional pages if needed.)

Is health insurance provided for the children? Yes No (If no, answer last question in this section)

Name and relationship of party providing insurance: _____ Policy No. _____

Name of insurance carrier or health benefit plan: _____

Address of insurance carrier or health benefit plan: _____

Names of children covered: _____

Terms/conditions of coverage: _____

If children are not covered, is coverage available through:

Father's employer? Yes No

Mother's employer? Yes No

9 **This form was completed by:** Name / Title: _____

Telephone: _____ Signature: _____ Date: _____

Complete next page if both parties are ordered to pay child support.

Information contained in this form is private and confidential.

It may only be shared with courts, agencies and individuals authorized by MCA 40-5-923.

Multiple Payers: Complete Parts 10 and 11 only if the order requires both parties to pay support.

10 **Mother's Employer/Income Source Information:** Provide information about the mother's employment or periodic source of income. (Attach additional pages if needed.)

Name of Employer or Source of Income Telephone

Street City State Zip

Father's Employer/Income Source Information: Provide information about the father's employment or periodic source of income. (Attach additional pages if needed.)

Name of Employer or Source of Income Telephone

Street City State Zip

11 **Support Order:** Date Order Signed: _____

Mother's Support Obligation If applicable, arrears due at time of order: \$ _____

Check type of support and enter appropriate information

Support Type	Total Due	Frequency	Begin Date	End Date	Judgment	Penalty (*list amounts if included in judgment)	* Fees*	Interest*
<input type="checkbox"/> Child Support:	\$ _____	per _____	_____	_____	\$ _____	\$ _____	\$ _____	\$ _____
<input type="checkbox"/> Medical Support:	\$ _____	per _____	_____	_____	\$ _____	\$ _____	\$ _____	\$ _____
<input type="checkbox"/> Spousal Support: (Alimony)	\$ _____	per _____	_____	_____	\$ _____	\$ _____	\$ _____	\$ _____

Is the mother exempt from income withholding under MCA §40-5-315? No Yes Tribal Order

Father's Support Obligation If applicable, arrears due at time of order: \$ _____

Check type of support and enter appropriate information

Support Type	Total Due	Frequency	Begin Date	End Date	Judgment	Penalty* (*list amounts if included in judgment)	Fees*	Interest*
<input type="checkbox"/> Child Support:	\$ _____	per _____	_____	_____	\$ _____	\$ _____	\$ _____	\$ _____
<input type="checkbox"/> Medical Support:	\$ _____	per _____	_____	_____	\$ _____	\$ _____	\$ _____	\$ _____
<input type="checkbox"/> Spousal Support: (Alimony)	\$ _____	per _____	_____	_____	\$ _____	\$ _____	\$ _____	\$ _____

Is the father exempt from income withholding under MCA §40-5-315? No Yes Tribal Order

List any special terms/conditions of the support order(s): _____

Was the mother represented by an attorney? Yes No Was the father represented by an attorney? Yes No

Information from child support guidelines worksheet:

Mother: "Income after Deductions": \$ _____ "Credit for Payment of Expenses": \$ _____
Father: "Income after Deductions": \$ _____ "Credit for Payment of Expenses": \$ _____

Name

Address

City State Zip Code

Phone Number

FORM # 5

**MONTANA FOURTH JUDICIAL DISTRICT COURT
MINERAL COUNTY**

<p>In re the Marriage of:</p> <p>_____, Petitioner,</p> <p>and</p> <p>_____, Petitioner.</p>	<p>Cause No.: _____ Department No. _____</p> <p><input type="checkbox"/> Wife's <input type="checkbox"/> Husband's</p> <p>NOTICE OF ENTRY OF DECREE</p>
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Notice is hereby given that on the ____ day of _____, 20____, the Court entered a Final Decree of Dissolution in the above-entitled action. A true and correct conformed copy of the Final Decree of Dissolution is attached to this Notice and served upon you.

Dated this ____ day of _____, 20____.

Petitioner *Pro se*

HON. _____
District Judge - Dept. No. ____
Fourth Judicial District
Mineral County Courthouse
PO Box 129
Superior, MT 59872
Phone: 406-822-3538
Fax: 406-822-3822

FORM # 4

**MONTANA FOURTH JUDICIAL DISTRICT COURT
MINERAL COUNTY**

<p>In re the Marriage of:</p> <p>_____, Petitioner,</p> <p>and</p> <p>_____, Petitioner.</p>	<p>Cause No.: _____ Department No. _____</p> <p>FINDINGS OF FACT, CONCLUSIONS OF LAW AND FINAL DECREE OF DISSOLUTION</p>
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The Joint Petition for Dissolution, filed herein on the ____ day of _____, 20____,
came for hearing this ____ day of _____, 20____. The Petitioners appeared pro se.

After considering all evidence and pleadings, the Court finds:

FINDINGS OF FACT

1. The Petitioners, _____ (“Wife”) and _____ (“Husband”) have both signed a Joint Petition for Dissolution.
2. Choose One:
 The parties were married on (*date*):_____. The marriage was registered in the County of _____, State of _____.
 The parties were married at common law. The parties assumed a marital relationship by mutual consent and agreement and confirmed their marriage by cohabitation and public repute.
3. Choose One:

- The parties separated on *(date)*: _____.
- The parties are not yet separated.

4. Choose One:

- The marriage is irretrievably broken in that there is serious marital discord which adversely affects the attitude of one of the parties towards the marriage, and there is no reasonable prospect of reconciliation.
- The marriage is irretrievably broken in that the parties have lived separate and apart for a period of more than one hundred eighty (180) days preceding the commencement of these proceedings, and there is no reasonable prospect of reconciliation.

5. The conciliation provisions of the Montana Conciliation law, M.C.A. §§ 40-3-101, et. seq., and § 40-4-107 do not apply.

6. At least one of the Petitioners has been domiciled within the state of Montana for at least ninety (90) days prior to the filing of this action.

7. Choose One:

- There were no children born of the marriage.
- There were children born of the marriage, but this Court has no jurisdiction over them because _____.

8. The wife is is not pregnant with a child of this marriage.

9. The Petitioners have waived the exchange of preliminary declarations of disclosure.

10. The Petitioners have complied with the final disclosure requirements of M.C.A. §§ 40-4-253 and 40-4-254.

11. Choose One:

- The parties do not own any real property.
- or**
- The Wife Husband both parties is/are the owner(s) of record of real property located at _____.

_____.
The legal description of the property is

12. Choose One:

- The parties do not own any vehicles.
- The parties own _____ vehicle(s).

13. The parties have accumulated household furnishings and other personal property during the course of their marriage. The personal property of the parties has not has already been divided.

14. Choose One:

- There are no debts of the marriage.
- The parties have accumulated debts during the course of their marriage.

15. Choose One:

- The wife would like to be restored to her former name of _____.
- The wife does not want to be restored to her former name.

16. Other Provisions: _____

_____.

17. All of the other allegations of the Petitioners' complaint not inconsistent herewith are true, and the relief requested should be granted.

FROM the above Findings of Fact, the Court makes the following:

CONCLUSIONS OF LAW

1. The Court has jurisdiction over this cause.
2. The marriage of the parties is irretrievably broken.
3. Based on the duration of the marriage and on the parties' age, health, education, skills, and financial circumstances, the Petitioners' proposed division of property and debts is equitable.
4. If requested, the wife should be restored to her former name.
5. Other Provisions: _____

_____.

FROM the above Findings of Fact and Conclusions of Law, the Court orders the following:

DECREE OF DISSOLUTION OF MARRIAGE

1. The marriage of the parties is hereby dissolved.
2. Choose One:
 - The parties do not own any real property.
 - The Wife Husband is hereby granted all right, title, and interest in the real property located at _____, with legal

description of

The Wife Husband shall transfer his/her interest in this real property to the Wife Husband.

or

Describe the proposed distribution of the real property: _____

_____.

If needed, attach additional sheets as Exhibit _____.

3. Choose One:

The parties do not own any vehicles.

or

The parties' vehicle(s) shall be distributed as follows (*Please include the year, make, and model for each vehicle listed.*):

a. The Wife is awarded all right, title and interest in following vehicle(s):

Vehicle: _____ VIN#: _____

Vehicle: _____ VIN#: _____

Vehicle: _____ VIN#: _____

b. The Husband is awarded all right, title, and interest in the following vehicle(s):

Vehicle: _____ VIN#: _____

Vehicle: _____ VIN#: _____

Vehicle: _____ VIN#: _____

c. The parties shall transfer all right and title in said vehicle(s) to the appropriate party. If either party fails to transfer such right and title in the vehicle(s) within twenty (20) days from the date of this Decree, the registrar of Motor Vehicles of the State of Montana is hereby ordered to issue sole title to the party awarded said vehicle(s) upon receipt of a certified copy of this Decree.

If needed, attach additional sheets as Exhibit _____.

4. Choose One:

Each party is hereby granted the exclusive right and title to the personal property currently in his or her possession.

or

Each party is hereby granted the exclusive right and title to the following personal property:

To Wife:

To Husband:

If needed, attach additional sheets as Exhibit ____.

5. Choose One:

There are no debts of the marriage.

The parties have accumulated debts during the course of their marriage. Each party shall be responsible for the debts currently in his or her name.

or

The parties have accumulated debts during the course of their marriage. The responsibility for the debts shall be distributed as follows:

To Wife:

Description of Debt	Creditor	Current Balance	Amount to Wife

Any and all other debts in Wife's name only; any and all other debts incurred solely by the Wife since the parties' separation.

To Husband:

Description of Debt	Creditor	Current Balance	Amount to Husband

Description of Debt	Creditor	Current Balance	Amount to Husband

Any and all other debts in the Husband's name only; any and all other debts incurred solely by the Husband since the parties' separation.

If needed, attach additional sheets as Exhibit _____.

- 6. Each party is ordered to execute any and all documents which now or in the future may be necessary to carry into full force and effect the terms and conditions of this Decree.

- 7. Choose One:
 - The wife's name is restored to _____.
The wife shall be granted an Order for Name Change which will be sealed in the court file.
 - The wife's name is not restored to her former name.

- 8. Other Provisions: _____

DATED this ____ day of _____, 20____.

 DISTRICT COURT JUDGE

Name

Address

City State Zip Code

Phone Number

WIFE, PETITIONER PRO SE

Name

Address

City State Zip Code

Phone Number

HUSBAND, PETITIONER PRO SE

MONTANA FOURTH JUDICIAL DISTRICT COURT
MINERAL COUNTY

Table with 2 columns: Case information (Cause No., Department No.) and Title (MARITAL AND PROPERTY SETTLEMENT AGREEMENT). Left side contains 'In re the Marriage of:' followed by two blank lines for names and 'Petitioner' labels.

THIS AGREEMENT is made and entered into this ___ day of ___, 20___, by and between ___, hereinafter referred to as "Husband," and ___, hereinafter referred to as "Wife."

RECITALS

- A. Husband and Wife were married on ___, in ___ County, ___.
B. No children have been born as a result of this marriage.

- C. Wife is not pregnant.
 Wife is now pregnant, due date: _____.
- D. A proceeding for Dissolution of Marriage is now pending in the District Court of the Fourth Judicial District in the State of Montana, in and for the County of Mineral under Cause No. _____.
- E. The parties' marriage is irretrievably broken in that there is serious marital discord which adversely affects the attitude of one or both of the parties toward the marriage, and there is no reasonable prospect of reconciliation. Husband and Wife intend, through this Agreement, to accomplish a just settlement of their respective property rights, apportion marital liabilities, and set forth their respective rights, duties and obligations arising out of the dissolution of their marriage.
- F. Wife has been represented by _____.
 Husband has been represented by _____.
 Wife Husband has/have not been formally represented by an attorney.
- G. An Order of Protection has been filed has not been filed.
The Order of Protection should stay in effect be dissolved.

AGREEMENT

For and in consideration of the mutual covenants contained herein, Husband and Wife agree as follows:

1. **DIVISION OF ASSETS.** Property belonging to the parties on the date of marriage shall remain their separate property. The parties acknowledge that they have acquired or maintained various items of personal and intangible property during the course of their marriage which has been equitably distributed between them. Each party shall retain ownership and possession of the personal property items in their separate possession and shall assume the debt against those personal property items. The equitable division of the assets and liabilities is as follows:

HUSBAND - ASSETS

<u>Description</u>	<u>Value</u>
A. _____	_____
B. _____	_____
C. _____	_____
D. _____	_____
E. _____	_____
F. _____	_____
G. _____	_____
H. _____	_____
I. _____	_____

J. _____
 K. _____
TOTAL ASSETS \$ _____

WIFE - ASSETS

<u>Description</u>	<u>Value</u>
A. _____	_____
B. _____	_____
C. _____	_____
D. _____	_____
E. _____	_____
F. _____	_____
G. _____	_____
H. _____	_____
I. _____	_____
J. _____	_____
K. _____	_____
TOTAL ASSETS	\$ _____

HUSBAND - LIABILITIES

<u>Description</u>	<u>Amount</u>
A. _____	_____
B. _____	_____
C. _____	_____
D. _____	_____
E. _____	_____
F. _____	_____
G. _____	_____
H. _____	_____
I. _____	_____
TOTAL LIABILITIES	\$ _____

WIFE - LIABILITIES

<u>Description</u>	<u>Amount</u>
A. _____	_____
B. _____	_____
C. _____	_____
D. _____	_____
E. _____	_____
F. _____	_____
G. _____	_____
H. _____	_____

I. _____
TOTAL LIABILITIES \$ _____

Special Arrangements / Agreements: _____

-
2. **APPORTIONMENT OF LIABILITIES.** Unless otherwise specified, each party agrees to be solely responsible for the liabilities associated with each asset awarded to such party as provided in Section 1 hereof and any other debt in their separate names.
 3. **FULL DISCLOSURE AND WAIVER OF FORMAL DISCOVERY.** The parties have accurately, fully, and completely disclosed to each other all income, assets, and liabilities of which they are aware. The parties acknowledge any deliberate failure to provide complete disclosure may be a basis to set aside this Agreement and any Decree incorporating this Agreement. The property referred to in this Agreement represents all of the property in which either party has an interest.
 4. **MAINTENANCE.** Both parties acknowledge that they are able to support themselves from their earnings and the assets which have been awarded to them. Accordingly, both parties waive any claim to maintenance from the other party. Husband and Wife agree to accept, in lieu of maintenance, the distribution of property as set forth in Section one (1) above. Each of the parties agree that the assignment and distribution of property as set forth above is fair and adequate.
 5. **ATTORNEY'S FEES.** Each party shall remain solely liable for all attorney's fees and costs incurred by that party in connection with the dissolution proceedings, through the date of entry of a Decree of Dissolution approving this Agreement. In the event that either party thereafter shall find it necessary to retain an attorney and/or institute legal proceedings to enforce, modify or interpret any provision of this Agreement, or the Final Decree of Dissolution entered in conformity herewith, the Court may award reasonable attorney's fees and costs to the prevailing party, in addition to any other appropriate relief.
 6. **MUTUAL RELEASE.** In consideration of the execution of this Agreement and its terms and conditions, each party releases and forever discharges the other party, his or her personal representatives and assigns, from any and all rights, claim, demand, or obligation at any time hereafter for any purpose. Each of the parties waives all rights of inheritance in the estate of the other and any right to act as personal representative of the will or estate of the other party. Each of the parties hereby waives the right to claim or receive any family allowance, exempt property allowance or homestead allowance from the estate of the other party. Each party waives any and all additional rights which he or she has or may have by reason of the parties' marriage, including rights of dower and curtesy, except as otherwise specifically provided herein.
 7. **ENFORCEMENT OF AGREEMENT.** This Agreement shall be made an integral part of any

Decree of Dissolution of marriage of the parties, and shall be enforceable through execution, contempt citation, or any other remedy or procedure provided by law.

8. **FUTURE INSTRUMENTS.** Each party agrees to execute any and all documents which are now necessary or which may become necessary in the future to carry into full force and effect the terms and conditions of this Agreement.
9. **VOLUNTARY AGREEMENT.** This Agreement is voluntary. Each party has read and approved the same in its entirety. Neither party is acting under duress, menace, fraud, or undue influence in the execution of this Agreement.
10. **MODIFICATION.** Except as provided under Montana law, this Agreement, and the Decree of Dissolution to be entered in conformity herewith, may not be modified or amended without the express written consent, duly executed, of both parties.
11. **ENTIRE UNDERSTANDING.** This Agreement contains the entire understanding of the parties. There are no promises, understandings, agreements, or representations between the parties other than those expressly set forth in this Agreement.
12. **BINDING NATURE OF AGREEMENT.** This Agreement shall inure to the benefit of and be binding upon the heirs, successors, executors, administrators, personal representatives, and assigns of the parties.

CONSENT TO ENTRY OF DECREE: Both parties consent to the entry of the Decree of Dissolution by the Fourth Judicial District Court, Mineral County, Mineral, Montana.

EFFECTIVE DATE. This Agreement shall become effective and enforceable immediately upon the execution hereof by both parties.

DATE

HUSBAND

DATE

WIFE

STATE OF MONTANA)

:ss

COUNTY OF MINERAL)

This instrument was acknowledged before me on this _____ day of _____, 20____, by _____.

Notary Public for the State of Montana
Printed Name: _____
Residing at: _____
My Commission Expires: _____

STATE OF MONTANA)

:ss

COUNTY OF MINERAL)

This instrument was acknowledged before me on this _____ day of _____, 20____, by _____.

Notary Public for the State of Montana
Printed Name: _____
Residing at: _____
My Commission Expires: _____

Name

Address

City State Zip Code

Phone Number

FORM #2b

**MONTANA FOURTH JUDICIAL DISTRICT COURT
MINERAL COUNTY**

<p>In re the Marriage of:</p> <p>_____, Petitioner,</p> <p>and</p> <p>_____, Petitioner.</p>	<p>Cause No.: _____ Department No. _____</p> <p><input type="checkbox"/> Wife's <input type="checkbox"/> Husband's</p> <p>FINAL DECLARATION OF DISCLOSURE OF ASSETS, DEBTS, INCOME, AND EXPENSES</p>
--	---

****WARNING:** Montana law requires the full disclosure of all assets, debts, income and expenses. Failure of either party to file a complete financial disclosure statement shall authorize the Court to accept the statement of the other party as accurate. Any deliberately false statement made herein or on any schedules or attachments may subject you to the penalty of perjury or other appropriate relief and may be considered a fraud upon the Court.

If you need additional space on which to list your assets, debts, income or expenses, please attach additional sheets of paper as necessary. Do not write in the margins or on the reverse sides of the pages of this document.

**DO NOT FILE THIS DOCUMENT WITH THE CLERK OF COURT.
FILE A "NOTICE OF SERVICE OF FINAL DECLARATION OF
DISCLOSURE."**

DISCLOSURE OF ASSETS

REAL ESTATE	Estimated Value	Name(s) on Title
Address: _____ Legal Desc: _____ _____ Secured Debt: Yes / No Amount: _____ Lender: _____		
Address: _____ Legal Desc: _____ _____ Secured Debt: Yes / No Amount: _____ Lender: _____		

VEHICLES / RECREATIONAL VEHICLES	Estimated Value	Name(s) on Title
Year/Make/Model: _____ VIN#: _____ Loan on Vehicle: Yes / No Amount: _____ Lender: _____		
Year/Make/Model: _____ VIN#: _____ Loan on Vehicle: Yes / No Amount: _____ Lender: _____		
Year/Make/Model: _____ VIN#: _____ Loan on Vehicle: Yes / No Amount: _____ Lender: _____		
Year/Make/Model: _____ VIN#: _____ Loan on Vehicle: Yes / No Amount: _____ Lender: _____		
Year/Make/Model: _____ VIN#: _____ Loan on Vehicle: Yes / No Amount: _____ Lender: _____		

BANK ACCOUNTS / CASH	Balance as of ____/____/____	Name(s) on Account
Name of Bank: _____ Account # (SENSITIVE DATA FORM) ____ Savings ____ Checking ____ Cert of Dep.		
Name of Bank: _____ Account # (SENSITIVE DATA FORM) ____ Savings ____ Checking ____ Cert of Dep.		
Name of Bank: _____ Account # (SENSITIVE DATA FORM) ____ Savings ____ Checking ____ Cert of Dep.		
Name of Bank: _____ Account # (SENSITIVE DATA FORM) ____ Savings ____ Checking ____ Cert of Dep.		

PENSIONS, RETIREMENT, LIFE INSURANCE, STOCKS, BONDS, SECURED NOTES, MUTUAL FUNDS	Balance as of ____/____/____	Name(s) on Account
Description:		
Description:		
Description:		

PERSONAL PROPERTY (including appliances, furniture, jewelry, art, guns, etc.)	Estimated Value

PERSONAL PROPERTY, continued	Est. Value

BUSINESS INTERESTS (including equipment, tools, livestock, etc.)	Est. Value

OTHER ASSETS	Est. Value

DISCLOSURE OF DEBTS

Any mortgages or secured debts should be listed with the real estate above.
Any vehicle loans should be listed with the vehicles above.

(List amounts owing for credit cards, utility bills, medical expenses, etc.)

Creditor	Description	Amount	Name on Debt

DISCLOSURE OF INCOME

[] WIFE [] HUSBAND

Source of Income	Amt/Month	Source of Income	Amt/Month
Wages, Salary, Commissions		Food Stamps	
Rents, Interests, Dividends		Pension, Retirement	
Self Employment Earnings		Child Support	
Unemployment / Wk. Comp.		Dependent's Benefits	
Soc. Sec. Benefits / SSI		Other:	
Public Assistance			

DISCLOSURE OF EXPENSES

[] WIFE [] HUSBAND

Description of Expense	Amt/Month	Description of Expense	Amt/Month
Taxes, etc. withheld from income		Property Insurance	
Retirement		Transportation	
Health Insurance		Car Insurance	
Medical Expenses		Student Loans	
Housing (rent or mortgage)		Utilities	
Property Taxes		Telephone	
Clothing		Food/Household Supplies	
Child Care		Child Support Payments	
Other:			

DATED this ____ day of _____, 20____.

Signature

[] Wife [] Husband Petitioner, *pro se*

STATE OF MONTANA)

:SS

COUNTY OF _____)

SUBSCRIBED AND SWORN TO before me this ____ day of _____,
20____.

(Seal)

Name (printed)
Notary Public for the State of Montana
Residing at: _____
My Commission Expires: _____

DISCLOSURE OF ASSETS

REAL ESTATE	Estimated Value	Name(s) on Title
Address: _____ Legal Desc: _____ _____ Secured Debt: Yes / No Amount: _____ Lender: _____		
Address: _____ Legal Desc: _____ _____ Secured Debt: Yes / No Amount: _____ Lender: _____		

VEHICLES / RECREATIONAL VEHICLES	Estimated Value	Name(s) on Title
Year/Make/Model: _____ VIN#: _____ Loan on Vehicle: Yes / No Amount: _____ Lender: _____		
Year/Make/Model: _____ VIN#: _____ Loan on Vehicle: Yes / No Amount: _____ Lender: _____		
Year/Make/Model: _____ VIN#: _____ Loan on Vehicle: Yes / No Amount: _____ Lender: _____		
Year/Make/Model: _____ VIN#: _____ Loan on Vehicle: Yes / No Amount: _____ Lender: _____		
Year/Make/Model: _____ VIN#: _____ Loan on Vehicle: Yes / No Amount: _____ Lender: _____		

BANK ACCOUNTS / CASH	Balance as of ____/____/____	Name(s) on Account
Name of Bank: _____ Account # (SENSITIVE DATA FORM) ____ Savings ____ Checking ____ Cert of Dep.		
Name of Bank: _____ Account # (SENSITIVE DATA FORM) ____ Savings ____ Checking ____ Cert of Dep.		
Name of Bank: _____ Account # (SENSITIVE DATA FORM) ____ Savings ____ Checking ____ Cert of Dep.		
Name of Bank: _____ Account # (SENSITIVE DATA FORM) ____ Savings ____ Checking ____ Cert of Dep.		

PENSIONS, RETIREMENT, LIFE INSURANCE, STOCKS, BONDS, SECURED NOTES, MUTUAL FUNDS	Balance as of ____/____/____	Name(s) on Account
Description:		
Description:		
Description:		

PERSONAL PROPERTY (including appliances, furniture, jewelry, art, guns, etc.)	Estimated Value

PERSONAL PROPERTY, continued.	Est. Value

BUSINESS INTERESTS (including equipment, tools, livestock, etc.)	Est. Value

OTHER ASSETS	Est. Value

DISCLOSURE OF DEBTS

Any mortgages or secured debts should be listed with the real estate above.
Any vehicle loans should be listed with the vehicles above.

(List amounts owing for credit cards, utility bills, medical expenses, etc.)

Creditor	Description	Amount	Name on Debt

DISCLOSURE OF INCOME

[] WIFE [] HUSBAND

Source of Income	Amt/Month	Source of Income	Amt/Month
Wages, Salary, Commissions		Food Stamps	
Rents, Interests, Dividends		Pension, Retirement	
Self Employment Earnings		Child Support	
Unemployment / Wk. Comp.		Dependent's Benefits	
Soc. Sec. Benefits / SSI		Other:	
Public Assistance			

DISCLOSURE OF EXPENSES

[] WIFE [] HUSBAND

Description of Expense	Amt/Month	Description of Expense	Amt/Month
Taxes, etc. withheld from income		Property Insurance	
Retirement		Transportation	
Health Insurance		Car Insurance	
Medical Expenses		Student Loans	
Housing (rent or mortgage)		Utilities	
Property Taxes		Telephone	
Clothing		Food/Household Supplies	
Child Care		Child Support Payments	
Other:			

DATED this ____ day of _____, 20____.

Signature

[] Wife [] Husband Petitioner, *pro se*

STATE OF MONTANA)

:SS

COUNTY OF _____)

SUBSCRIBED AND SWORN TO before me this ____ day of _____,
20____.

(Seal)

Name (printed)

Notary Public for the State of Montana

Residing at: _____

My Commission Expires: _____

Name

Address

City State Zip Code

Phone Number
WIFE, PETITIONER PRO SE

Name

Address

City State Zip Code

Phone Number
HUSBAND, PETITIONER PRO SE

**MONTANA FOURTH JUDICIAL DISTRICT COURT
MINERAL COUNTY**

<p>In re the Marriage of:</p> <p>_____, Petitioner,</p> <p>and</p> <p>_____, Petitioner.</p>	<p>Cause No.: _____ Department No. _____</p> <p>JOINT PETITION FOR DISSOLUTION (NO CHILDREN)</p>
--	---

The Petitioners respectfully submit the following:

1. Information about Wife

- a. Name: _____
- b. Age: _____
- c. Address: _____
City: _____ State: _____ County: _____
- d. Length of Residence in County: _____
- e. Length of Residence in Montana, if applicable: _____
- f. Occupation: _____

2. Information about Husband

- a. Name: _____
- b. Age: _____
- c. Address: _____
City: _____ State: _____ County: _____
- d. Length of Residence in County: _____
- e. Length of Residence in Montana, if applicable: _____
- f. Occupation: _____

3. Date and Place of Marriage Choose One:

- We were married on (*date*):_____. The marriage was registered in the County of _____, State of _____.
- We were married at common law. We assumed a marital relationship by mutual consent and agreement and confirmed our marriage by cohabitation and public repute.

4. Separation Choose One:

- We separated on (*date*):_____.
- We are not yet separated.

5. Jurisdiction

- a. The jurisdictional requirements of M.C.A. § 40-4-104 exist.
- b. Choose One:
 - The marriage is irretrievably broken in that there is serious marital discord which adversely affects the attitude of one of the parties towards the marriage, and there is no reasonable prospect of reconciliation.
 - The marriage is irretrievably broken in that the parties have lived separate and apart for a period of more than one hundred eighty (180) days preceding the commencement of these proceedings, and there is no reasonable prospect of reconciliation.
- c. The conciliation provisions of the Montana Conciliation law, M.C.A. §§ 40-3-101, et. seq., and § 40-4-107 do not apply.

6. No Children of the Marriage Choose One:

- There were no children born of the marriage.
- There were children of the marriage, but none are now minors.
- There were children born of the marriage, but this Court has no jurisdiction over them, because _____.

7. Pregnancy Choose One:

- The wife is not pregnant.
- The wife is pregnant. However, the husband is not the father, and the child is not at issue in this proceeding.
- The wife is pregnant. The husband is the father.

8. Declarations of Disclosure of Assets, Debts, Income, and Expenses

We agree to waive the exchange of Preliminary Declarations of Disclosure of Assets, Debts, Income, and Expenses. In accordance with M.C.A. §§ 40-4-253 and 40-4-254, we have exchanged Final Declarations of Disclosure of Assets, Debts, Income and Expenses.

9. Real Property Choose One:

The parties do not own any real property.

or

a. The Wife Husband both parties are the owner(s) of record of real property located at _____.

The legal description of the property is _____.

b. This real property should be distributed as follows. Choose One:

The Wife Husband should be awarded ownership of this real property.

or

Describe the proposed distribution of the real property:

If needed, attach additional sheets as Exhibit _____.

10. Vehicles Choose One:

We do not own any vehicles.

We own the following vehicle(s). It is equitable that the vehicle(s) be distributed as follows (*Please include the year, make, and model for each vehicle listed.*):

To Wife:

Vehicle: _____ VIN#: _____

Vehicle: _____ VIN#: _____

Vehicle: _____ VIN#: _____

To Husband:

Vehicle: _____ VIN#: _____

Vehicle: _____ VIN#: _____

Vehicle: _____ VIN#: _____

If needed, attach additional sheets as Exhibit _____.

11. Personal Property Choose One:

We have already divided our personal property. It is equitable that each party retain the property currently in his or her possession.

or

We have not divided our personal property. It is equitable that the property be divided as follows:

To Wife:

To Husband:

If needed, attach additional sheets as Exhibit _____.

12. Debts

Choose One:

- There are no debts of the marriage.
- The parties have accumulated debts during the course of their marriage. It is equitable that each party retain responsibility for the debts currently in his or her name.

or

- We have accumulated debts during the course of our marriage. It is equitable that responsibility for the debts be divided as follows:

To Wife:

Description of Debt	Creditor	Current Balance	Amount to Wife

Any and all other debts in Wife's name only; any and all other debts incurred solely by the Wife since the parties' separation.

To Husband:

Description of Debt	Creditor	Current Balance	Amount to Husband

Any and all other debts in the Husband's name only; any and all other debts incurred solely by the Husband since the parties' separation.

If needed, attach additional sheets as Exhibit _____.

13. Wife's Former Name Choose One:

- The wife would like to be restored to her former name of _____.
- The wife does not want to be restored to her former name.

14. Other Provisions: _____

WHEREFORE, the Petitioners request as follows:

1. That this Court enter a Decree of Dissolution of Marriage dissolving the marital status between the parties;
2. That each party be granted real and personal property as requested above;
3. That each party be granted ownership of the vehicles as requested above;
4. That each party be ordered to pay debts as requested above;
5. That the wife be restored to use of her former name, if requested above;
6. Other Provisions _____; and
7. For such other and further relief as the Court deems just and proper.

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Hon. _____
Fourth Judicial District
Mineral County Courthouse
PO Box 129
Superior, Montana 59872
Phone: (406) 822-3538
Fax: (406) 822-3822

FORM # 9

**MONTANA FOURTH JUDICIAL DISTRICT COURT,
MINERAL COUNTY**

<p>In re the Marriage of:</p> <p>_____ ,</p> <p style="text-align: center;">Petitioner,</p> <p>and</p> <p>_____ ,</p> <p style="text-align: center;">Petitioner.</p>	<p>Dept. No.</p> <p>Cause No.:</p> <p style="text-align: center;">ORDER FOR NAME CHANGE</p>
--	--

The Court hereby ORDERS that Petitioner, _____ ,
whose date of birth is: _____ , shall be restored to the
name of: _____ . This document shall be **SEALED** by
order of the Court.

SO ORDERED this _____ day of _____ , 20__.

DISTRICT COURT JUDGE