

PACKET “D”

Response to Dissolution (Without Children)

“WORKSHEET”

BEGIN BY FILLING OUT SENSITIVE DATA FORM

- _____ Form 54. Affidavit of Inability to Pay
- _____ Form 55. Response to Petition for Dissolution (without children)
- _____ Form 56a. Respondent's Preliminary Declaration of Disclosure
- _____ Form 56b. Respondent's Notice of Service of Preliminary Declaration
- _____ Form 57a. Marital and Property Settlement Agreement
- _____ Form 57b. Status Report to the Court
- _____ Form 58a. Respondent's Final Declaration of Disclosure
- _____ Form 58b. Respondent's Notice of Serving Final Declaration of Disclosure Statement
- _____ Form 59. Consent to Entry of Final Decree

DISCLAIMER

Documents are not legal advice. These documents are adaptations of the documents distributed by the Montana Supreme Court Commission on Self-Represented Litigants and have been approved by the Judges of the 4th Judicial District. These documents do not constitute legal advice, and no information contained in these documents can be relied upon to replace the advice of competent legal counsel licensed to practice in Montana.

INSTRUCTIONS & CHECKLIST PACKET “D” -- RESPONSE DISSOLUTION WITHOUT CHILDREN

NOTE: If an Order of Protection has been issued by the Justice Court or Municipal Court, see Pro Se Packet K for instructions on how to transfer the Order of Protection to District Court.

NOTE: 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 birth dates of any person involved in this case

Use these formats when required to put sensitive information **in all other 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. THE DIVORCE (“Dissolution”) PROCESS ---- RESPONDING:

There are LOTS of forms that will need to be completed. Take it step-by-step-- in order -- and it should make it easier for you. On the top half of the first page of every court document there is a “**heading**” which identifies the party completing the form and a “**caption**” which sets out the case description. Fill out the heading and caption **the exact same way** on every form. If you provide your email address you must confirm with the Clerk of Court i that you would like orders either physically mailed or email to you.

You, the “**Respondent,**” have been served with divorce papers. You have a couple of options:

- Respond within 20 days** - by filling out the enclosed documents, sending copies to your spouse, and filing the original documents with the Clerk of Court. By responding, you will have the opportunity to present your proposals for property

division, child custody and support issues to the Court.

- Do nothing. If you agree with what your spouse has stated and requested in the Complaint and you do not wish to object or respond, the dissolution will be granted by default. **[IF YOU DO NOTHING, YOUR SPOUSE MAY BE AWARDED ALL THAT HE/SHE REQUESTED.]** After a default hearing is over, you will be served with a copy of the Final Decree.

STEP 1. -- Accepting Service.

- Form #40a Included with the papers served upon you is Form 40a - Notice and Acknowledgment of Receipt of Summons and Petition. Fill out this form. Complete page 3 and sign **before a notary public** to verify that you received the documents. **If you fail to sign and return this form to your spouse, the Sheriff will need to deliver the same papers to you. You may be required to pay the Sheriff's cost for this service. Once you have signed and returned this form, you must file your response in 20 days or a default will be entered against you.**

STEP 2. -- Filling Out The Forms

Note: You may want to use a pen with blue ink so you know which are the originals.

- Form #55 Each row corresponds with a paragraph in the Petition that was filed by your spouse. Fill in every row stating whether you agree or disagree. If you disagree, give your reason. Sign page 3 and 4 in front of a notary public.
- Form #56a Complete. Sign on page 6 in front of a notary public.
- Form #56b Complete and sign.

STEP 3. -- Making Copies

- Make 2 copies of Forms 40a, 55, 56a and 56b. One copy will be for your own personal records. The others, except for #56a, will be needed for the following steps.

STEP 4. -- Filing Response With Clerk of Court.

- Bring the originals and two copies of every form filled out in Step 2 (except #56a) to the Clerk of District Court's Office for filing.
- \$70.00 Fee -- cash/money order/personal check (subject to change). If you cannot afford the fee, fill out and submit Form 54 "Affidavit of Inability to Pay." 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 set is to be retained by you. One copy is for service upon your spouse.

STEP 5. -- Serving the Other Party.

You now need to serve the copies of documents you have prepared on your spouse. Mail or personally deliver the documents to your spouse. **NOTE: If there is a TOP or Order of Protection that prohibits you from contacting your spouse, service of these documents must only be done by mail. You must not personally deliver these documents to your spouse.**

II. SETTLEMENT OF PROPERTY

STEP 6. -- Can you agree??

- Form 57a If you and your spouse can agree on the division of property, work together completing this form. (Spouse also has the same form labeled 41a. Either form can be used) Both parties need to sign page 7 in front of a notary public. Make 2 copies and file original with the Court.
- If you have reached agreement with your spouse and filed either Form 41a or Form #57a (Settlement Agreement) you will be notified of the hearing date for the final decree of dissolution.
- Form #58a Complete and sign. Mail copy to spouse.
- Form #58b Complete and sign. Mail copy to spouse. **File #58b with the Clerk of Court. Do not file #58a.**

STEP 7. -- If you don't agree . . .

- Form 57a If you cannot agree on the division of property, complete this form stating how you want the property divided, and send a copy to your spouse stating this is your proposal for dividing the property. Do not file a copy with the Court unless your spouse agrees and signs
- Form 57b If you cannot thereafter come to an agreement, complete this form and request a hearing be set for the Court to decide the issues.
- If you have filed Form #57b or your spouse filed Form 41b (Request for Hearing) you will be notified of the hearing date to decide the issues.
- Form #58a Complete and sign. Mail copy to spouse.
- Form #58b Complete and sign. Mail copy to spouse. **File #58b with the Clerk of Court. Do not file #58a.**

III. HEARING ON CONTESTED ISSUES:

If a hearing was requested and the Court has set a date for a hearing on the contested issues, please read the following:

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.

STEP 8. -- Court Hearing - on Contested Issues.

Be prepared to present evidence to the Court and discuss your position.

IV. HEARING ON FINAL DECREE:

STEP 9. -- Court Hearing - Final Decree - Non-contested.

You have reached an agreement with your spouse and he/she has signed the Marital and Property Settlement Agreement and he/she consented to the entry of the final decree (Document #41a or 57a, page 7). Both parties can attend the hearing on the final decree, but it is NOT NECESSARY. Only one party must attend. If you decide you will attend the hearing, you should be prepared to answer any questions asked of you by the Judge.

- Form #59 If you do not want to attend the hearing on the Final Decree, complete and sign Form 59 in front of a notary public. Make 2 copies. File original with the Clerk of Court. Mail or deliver one copy to your spouse. You will be sent a Notice of Entry of Final Decree once the hearing is held.

STEP 10. -- Court Hearing - Final Decree - Contested.

By this time, a hearing has been held on the contested issues, and the Court has made a decision. The last step remaining is a hearing on the final decree. Both parties can attend the hearing on the final decree, but it is NOT NECESSARY. If you decide you will attend the hearing, you should be prepared to answer any questions asked of you by the Judge.

(Revised 01/11)

- Form #59 If you do not want to attend the hearing on the Final Decree, complete and sign Form 59 in front of a notary public. Make 2 copies. File original with the Clerk of Court. Mail or deliver one copy to your spouse.

Name

Address

City State Zip Code

Phone Number

Email Address

RESPONDENT PRO SE

**MONTANA FOURTH JUDICIAL DISTRICT COURT
MISSOULA COUNTY**

<p>In re the Marriage of:</p> <p>_____, Petitioner,</p> <p>and</p> <p>_____, Respondent.</p>	<p>Cause No.: _____ Department No. _____</p> <p style="text-align: center;">SENSITIVE DATA FORM “CONFIDENTIAL”</p>
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Pursuant to the Privacy and Access rules of the Montana Supreme Court (AF 06-0377) sensitive data should not be filed or included in a case record, except on this form. **Sensitive data is defined as social security numbers, bank account numbers, credit card numbers, other financial account numbers, and dates of birth for the parties and any minor children (unless required to be made public by law).** The Clerk will secure this form separately from other case records and will prohibit access to this information except as provided by Section 4.60(c) of the *Rules on Public Access to Court Records* (available at www.courts.mt.gov).

Information on Petitioner. (name)	
Full Date of Birth	
Social Security Number	

Information on Respondent. (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____.

Petitioner

Note: Both parties will have access to this Sensitive Data Form unless an Order of Protection is in place.

Name _____

Address _____

City _____ State _____ Zip Code _____

Phone Number _____

Email Address _____

RESPONDENT PRO SE

**MONTANA FOURTH JUDICIAL DISTRICT COURT
MISSOULA COUNTY**

In re the Marriage of:

_____,
Petitioner,

and

_____,
Respondent.

Cause No.: _____

Department No.: _____

**AFFIDAVIT OF INABILITY TO
PAY FILING FEES AND OTHER
COSTS**

[ANSWER ALL QUESTIONS. USE N/A IF NOT APPLIABLE.]

**[NOTE TO CLERK: REMOVE FINAL PAGE AFTER JUDGE SIGNS AND FILE ORDER
SEPARATELY]**

STATE OF MONTANA)

:ss.

COUNTY OF _____)

I, _____, being first duly sworn, depose and say: That I have a good cause of action or defense but am unable to pay the costs or get security to secure the cause of action or defense. I request the court to waive the costs and approve indigence status. I declare the following:

I. PERSONAL INFORMATION

I am the _____ Plaintiff, _____ Petitioner or
_____ Defendant, _____ Respondent in the above proceeding.

Name _____

Address _____

Telephone _____ Birth date _____ 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: birth date _____ 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 _____

If yes, explain _____

II. INCOME

Income available:

My wages or salary \$ _____ AFDC \$ _____

Other wages or salary \$ _____ SSI \$ _____

Unemployment \$ _____ Worker's 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? \$ _____

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 and 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 that belongs to another person? Yes _____ No _____ If yes:

Type of property: _____

Value of property \$ _____

Name of owner of property: _____

Reason the property is in your possession: _____

IV. MONTHLY EXPENSES

List your or your spouse's monthly expenses:

Rent or house payment \$ _____

Clothes \$ _____

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 of \$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 PROCESCUTION FOR PERJURY.

(Signature of Affiant)

SUBSCRIBED AND SWORN TO before me, a notary public, this _____ day of _____, 2007.

(SEAL)

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

Hon. _____
Fourth Judicial District
Missoula County Courthouse
200 West Broadway
Missoula, Montana 59802
(406) 258-4780
Fax (406) 258-4899

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

<p>In re the Marriage of:</p> <p>_____, Petitioner,</p> <p>and</p> <p>_____, Respondent.</p>	<p>Dept. No. Cause No.: DR-</p> <p>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

Name

FORM #55

Mailing Address

City State Zip Code

Phone Number

Email Address

RESPONDENT PRO SE

**MONTANA FOURTH JUDICIAL DISTRICT COURT
MISSOULA COUNTY**

<p>In re the Marriage of:</p> <p>_____, Petitioner,</p> <p>and</p> <p>_____, Respondent.</p>	<p>Cause No.: _____ Department No.: _____</p> <p>RESPONSE TO PETITION FOR DISSOLUTION (WITHOUT CHILDREN)</p>
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The Respondent respectfully submits the following Response to Petition for Dissolution:

Paragraph #	Agree	Disagree	Reason for disagreeing:
1 - Petitioner Info			
2 - Respondent Info			
3 - Date & Place of Marriage			

Paragraph #	Agree	Disagree	Reason for disagreeing:
4 - Separation			
5 - Jurisdiction			
6 - Children of Marriage			
7 - Pregnancy			
8 - Preliminary Disclosure			
9 - Real Property			
10 - Vehicles			
11 - Personal Property			
12 - Debts			
13 - Wife's former name			

Paragraph #	Agree	Disagree	Reason for disagreeing:
14 - Other Provisions			

WHEREFORE, the Respondent prays as follows:

1. That the marriage of the parties be dissolved;
2. That the real and personal property accumulated by the parties during the marriage be equitably distributed;
3. That the bills, debts and obligations accumulated by the parties during the marriage be equitably distributed;
4. For such other and further suitable arrangements as the Court may deem just and proper under the circumstances.

DATED this _____ day of _____, 20____.

Respondent, Pro Se

STATE OF MONTANA)
) ss.
COUNTY OF _____)

_____, being first duly sworn on oath, says that he/she is the Respondent in the above-entitled proceeding; that he/she has read the foregoing Response and knows the contents thereof; and that the matter, facts and things stated therein are true to the best of his/her knowledge and belief.

Respondent, Pro Se

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

(Notary Seal)

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

Name

FORM #56a

Address

City State Zip Code

Phone Number

Email Address
RESPONDENT PRO SE

**MONTANA FOURTH JUDICIAL DISTRICT COURT
MISSOULA COUNTY**

In re the Marriage of:

_____,
Petitioner,

and

_____,
Respondent.

Cause No.: _____

Department No.: _____

**RESPONDENT'S PRELIMINARY
DECLARATION OF DISCLOSURE
OF ASSETS, DEBTS, INCOME,
AND EXPENSES**

****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 hereon 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 PRELIMINARY 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 # (Sealed – Sensitive Data Form) _____ Savings _____ Checking _____ Cert of Dep.		
Name of Bank: _____ Account # (Sealed – Sensitive Data Form) _____ Savings _____ Checking _____ Cert of Dep.		
Name of Bank: _____ Account # (Sealed – Sensitive Data Form) _____ Savings _____ Checking _____ Cert of Dep.		
Name of Bank: _____ Account # (Sealed – 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

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 of Respondent *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: _____

CERTIFICATE OF SERVICE

I, the undersigned, certify that I served the Preliminary Declaration of Disclosure on the
following person this ____ day of _____, 20____, by:

[] depositing the same in the U.S. Mail with postage pre-paid;

or

[] personally delivering this document to the following person.

(Insert Name _____
and Address _____
of Petitioner) _____

Signature of Respondent *Pro se*

 Name

 Address

 City State Zip Code

 Phone Number

 Email Address
 PETITIONER PRO SE

**MONTANA FOURTH JUDICIAL DISTRICT COURT
 MISSOULA COUNTY**

In re the Marriage of: _____, Petitioner, and _____, Respondent.	Cause No.: _____ Department No.: _____ <p style="text-align: center;">MARITAL AND PROPERTY SETTLEMENT AGREEMENT</p>
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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 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. This Court has no jurisdiction over them because _____.
- C. Wife is not now pregnant.
 Wife is now pregnant, due date: _____.
 Wife is pregnant, but not with child of this marriage.

- 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 Missoula 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. All bank, retirement, and stock accounts should be listed as well as any vehicles. 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, Missoula, Montana.

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

DATE

HUSBAND

DATE

WIFE

are using the following service/person to assist them:

_____ Community Dispute Resolution Service (543-1157)

_____ Families First Parenting Consultation (721-7690)

_____ (name of private mediator)

_____ (other individual or service)

2. Child Support (Choose One):

_____ Child Support has already been calculated and ordered by Child Support Enforcement Division. A copy of that order is attached to this Status Report.

_____ Parents agree that the attached calculations should be adopted by the Court and incorporated into a Final Child Support and Medical Support Order.

_____ Parties are not in agreement on child support.

3. Division of property, vehicles, assets, and debts (Choose One):

_____ Parties disagree

_____ Parties agree. Original signed agreement is attached to this Status Report.

_____ Parties plan to use a service or mediator or other person to assist them in trying to reach agreement. The parties are using the following service/person to assist them:

4. Respondent requests that the Court Order the parties to participate in mediation to attempt to resolve outstanding issues through the following services: _____

Community Dispute Resolution Service (543-1157)

_____ Families First Parenting Consultation (721-7690)

_____ (private mediator)

_____ (other individual or service)

5. Respondent asks that the Court not order mediation based on a history of violence and/or intimidation in the relationship.

_____ There is a current order of protection in effect

_____ There is no current order of protection in effect

6. Next step in court process (Choose One):

_____ Because the parties cannot agree on one or more significant issue, Respondent requests that the Court schedule an intervention conference or hearing.

_____ Parties have resolved all of the issues as indicated in this Status Report, and Respondent will submit a Request for Hearing form to the Court to schedule an uncontested final hearing.

DATED this ____ day of _____, 20____.

Respondent *Pro se*

CERTIFICATE OF SERVICE

I, the undersigned, certify that I served the Status Report to the Court on the following person this _____ day of _____, 20____, by:

[] depositing the same in the U.S. Mail with postage pre-paid;

or

[] personally delivering this document to the following person.

(Insert Name
and Address
of Petitioner)

Respondent *Pro se*

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: _____		

BANK ACCOUNTS / CASH	Balance as of ____ / ____ / ____	Name(s) on Account

BANK ACCOUNTS / CASH	Balance as of ____ / ____ / ____	Name(s) on Account
Name of Bank: _____ Account # (Sealed – Sensitive Data Form) _____ Savings _____ Checking _____ Cert of Dep.		
Name of Bank: _____ Account # (Sealed – Sensitive Data Form) _____ Savings _____ Checking _____ Cert of Dep.		
Name of Bank: _____ Account # (Sealed – Sensitive Data Form) _____ Savings _____ Checking _____ Cert of Dep.		
Name of Bank: _____ Account # (Sealed – 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

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 of Respondent *Pro se*

regardless of the characterization of the liability, with the possible exception of bills which are generally paid on a monthly basis. The listed liabilities include any debts for which Respondent is liable, regardless of however or whenever acquired, and whether the debt or obligation is currently existing or contingent. Those debts which encumber a particular property have also been identified in the Final Declaration.

The value of assets and liabilities as stated in the Final Declaration may fluctuate over time and the information provided sets forth value as of approximately (insert date) _____, 20____, except where otherwise specifically noted.

Respondent's income and expenses are declared in the Final Declaration which sets forth the average projected monthly income and living expenses of Respondent. Respondent's expenses are estimated based upon historical information and estimates as to projections for the future. Expenses and income are anticipated to vary over time. Respondent anticipates that his/her income and/or expenses may change due to distributions between parties resulting from the dissolution of their marriage, market fluctuations, possible changes in Respondent's employment or related income, and other potential factors.

DATED this ____ day of _____, 20_____.

Respondent *Pro se*

STATE OF MONTANA)
 :ss.
COUNTY OF _____)

_____, being first duly sworn, upon his/her oath, deposes and states as follows:

I am the Respondent in the above entitled action for dissolution of marriage. I have read the Final Declaration of Disclosure and the Notice of Serving Final Declaration of Disclosure. The facts and matters contained therein are true, correct and complete to the best of my knowledge and belief and are intended to comply with the disclosure obligations required under Montana law.

Respondent *Pro se*

SUBSCRIBED and SWORN to me before this ____ day of _____, 20____.

(Notary Seal)

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

CERTIFICATE OF SERVICE

I, the undersigned, certify that I served the Final Declaration of Disclosure on the following person this ____ day of _____, 20____, by:

- [] depositing the same in the U.S. Mail with postage pre-paid;
- or
- [] personally delivering this document to the following person.

(Insert Name and Address) _____

Signature of Respondent *Pro se*

Name

Address

City State Zip Code

Phone Number

Email Address

[] WIFE/ [] HUSBAND, PETITIONER PRO SE

**MONTANA FOURTH JUDICIAL DISTRICT COURT
MISSOULA COUNTY**

<p>In re the Marriage of:</p> <p>_____, Petitioner,</p> <p>and</p> <p>_____, Respondent.</p>	<p>Cause No.: _____ Department No.: _____</p> <p>CONSENT TO ENTRY OF FINAL DECREE</p>
--	--

The [] Wife [] Husband hereby consents to the entry of a Final Decree of
Dissolution in the above-entitled case and waives his/her right to appear and testify at the final hearing on
this matter. All outstanding issues between the parties have been resolved.

DATE [] WIFE [] HUSBAND

State of Montana)

:ss

County of _____)

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

(Seal)

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

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.

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.