

PACKET C INSTRUCTIONS
UNCONTESTED DIVORCE WITHOUT CHILDREN
(Motion - Simple)

This packet is for people with no children and simple property or debt issues.

You may use these forms if they fit your case. There are many other forms that you could use or that a lawyer might suggest that you use. You are not required to use these particular forms.

Use these forms to file for divorce if:

You and your spouse

- . DO NOT have children, under age 18, from this marriage; AND
- . DO NOT have a retirement savings plan like an IRA, a retirement account, pension plan or 401(k) that you are dividing; AND
- . DO NOT OWN a house, mobile home, lot, car, truck or other vehicle together; AND
- . HAVE filed any other papers with the Court in this case; AND
- . AGREE on how you are going to **divide all** the property and debt from your marriage, AND
- . Are BOTH willing to **sign** these forms.

How to Get Help

When you file court papers or appear in court as a self-represented person, you are your own **LAWYER**.

GET THE HELP YOU NEED BEFORE YOU SUBMIT THESE FORMS.

A **LAWYER** specializing in divorce matters is the **BEST** person to answer your questions. You may hire a lawyer to answer your specific questions **OR** hire a lawyer to represent you through the process. One lawyer may represent only **ONE** of you. It is a conflict for one lawyer to represent both of you in a divorce.

COURT CLERKS are not lawyers and **CANNOT** give you advice about how to fill out the forms or advice about issues that are not covered in the forms. They **CAN** give you information about how to file these forms with the Court.

THE JUDGE decides the issues in your case, but cannot represent either one of you. The judge cannot and will not give you advice about how to fill out these forms.

GENERAL INSTRUCTIONS. The Court has prepared general instructions on each of the forms that you need to complete.

FILING INSTRUCTIONS. The Court has prepared a court information sheet with filing instructions to help you file the forms with the Court.

SEE A LAWYER WITH QUESTIONS YOU MAY HAVE.

COURT STAFF CANNOT TELL YOU HOW TO FILL OUT THESE FORMS.

FORMS

There are 3 required forms in this packet.

Required Forms (3)

1. **Motion for Entry of Final Decree** **2 Pages**
In this form you ask the judge for a divorce.
2. **Verified Marital Settlement Agreement** **4 Pages**
In this form you describe and divide your property and debt.
3. **Final Decree of Dissolution of Marriage** **2 Pages**
In this form the Judge grants the divorce.

GENERAL INSTRUCTIONS

1. Fill out the required forms.
2. You must **type or print** all of the information on the forms that you fill out. If there is not enough room for your answer on the form, write your answer on a separate page and staple the page to the form.
3. After you have filled out the *Motion for Entry of Final Decree*, *Verified Marital Settlement Agreement* and the *Final Decree of Dissolution of Marriage* you and your wife/husband must **sign both** the *Motion for Entry of Final Decree*, and the *Verified Marital Settlement Agreement* **before a notary**. You are swearing, under oath and penalty of perjury, that the information in the forms is true and correct. You must also **sign** the *Final Decree of Dissolution of Marriage*. **Make sure that the information IS true and correct.**

4. After you have filled out and signed the forms you must **file** them with the Court Clerk. When you are ready to file your forms you should bring:

- *Motion for Entry of Final Decree* original and 2 copies
- *Verified Marital Settlement Agreement* original and 2 copies
- *Final Decree of Dissolution of Marriage Decree* original and 2 copies

THESE FORMS DO NOT TRANSFER (CHANGE) LEGAL TITLE TO:

- . **PROPERTY (such as land, a house or a lot).** Typically you need to prepare, sign and record a deed in the real property records where the property is located.
- . **CARS, TRUCKS, OR OTHER VEHICLES.** Typically you need to change the title at the Department of Motor Vehicles.

A **LAWYER** specializing in divorce matters is the **BEST** person to answer your questions on how to transfer these kinds of property. To transfer title to property such as land, a house or a lot, you may also contact your local county clerk's office. To transfer title to cars, trucks, or other vehicles contact your local motor vehicle department. The phone numbers for the county clerk's office and the motor vehicle department are on the Court Information Sheet.

SEE A LAWYER IF YOU HAVE QUESTIONS.

Motion for Entry of Final Decree

This is the form that tells the Court that you want a divorce and that you have agreed on how you will divide all of your property and debts.

1. Type or print your answers.
2. Fill in the "Petitioner," "Respondent" and case number information by looking at the papers that you previously filed with the Court.
3. If there is not enough room on this form to answer a question, answer the question on a separate piece of paper and staple the paper to this form.
4. When you have finished the *Motion for Entry of Final Decree* both of you must sign the *Motion for Entry of Final Decree* in front of a notary. You are swearing, under oath and penalty of perjury, that the information in the form is true and correct. **Make sure that the information IS true and correct.**
5. After the *Motion for Entry of Final Decree* has been signed and notarized make two copies of the *Motion for Entry of Final Decree*.

6. Read the *Court Information Sheet* for information about how to file this form with the Court.

SEE A LAWYER IF YOU HAVE QUESTIONS.

Verified Marital Settlement Agreement

- . THIS IS THE **MOST IMPORTANT** FORM IN THIS PACKET.
- . MAKE SURE IT IS COMPLETE AND CORRECT.
- . WE RECOMMEND THAT YOU SEE A **LAWYER** TO MAKE SURE THIS FORM IS FILLED OUT CORRECTLY.

This form describes and explains all of your agreements about your divorce. ONCE THE JUDGE SIGNS THE *FINAL DECREE OF DISSOLUTION OF MARRIAGE* FORM, YOU ARE ORDERED BY THE COURT TO DO THE THINGS THAT YOU HAVE AGREED TO DO IN THIS FORM.

1. Type or print your answers.
2. Copy the “Petitioner” “Respondent” and case number information from the *Motion for Entry of Final Decree*.
3. Fill out all of the details of the agreement between the two of you. Fill out Attachment A if you need more space or include a separate sheet of paper.
4. When you have finished the *Verified Marital Settlement Agreement* both of you must sign the document in front of a notary. You are swearing, under oath and penalty of perjury, that the information in the form is true and correct. **Make sure that the information IS true and correct.**
5. When you have finished and signed the *Verified Marital Settlement Agreement*, make two copies of the form.
6. Read the *Court Information Sheet* for information about how to file this form with the Court.

SEE A LAWYER IF YOU HAVE QUESTIONS.

Final Decree of Dissolution of Marriage

This is the form that grants you a divorce. ONCE THE JUDGE SIGNS THIS FORM, YOU ARE ORDERED BY THE COURT TO DO THE THINGS THAT YOU HAVE AGREED TO DO IN THE *VERIFIED MARITAL SETTLEMENT AGREEMENT*.

1. Type or print your answers.
2. Copy the “Petitioner” “Respondent” and case number information from the *Petition for Dissolution of Marriage*.
3. On page 2, Wife must indicate whether or not to change her name. NOTE: Wife may want to get a *certified copy* of this form in order to prove her name has been changed. A *certified copy* is typically needed to change a social security card.
4. On page 2, sign your name where it says Husband’s Name or Wife’s Name. Do not sign your name on the line that says “DISTRICT COURT JUDGE.” The District Court Judge will put his or her name on that line. **Make sure that the information IS true and correct.**
5. When you have finished and signed the *Final Decree of Dissolution of Marriage*, make two copies of it.
6. Read the *Court Information Sheet* for information about how to file this form with the Court.

SEE A LAWYER IF YOU HAVE QUESTIONS.

This packet has been pre-approved by the Supreme Court for use by self-represented litigants. Lawyers may use this packet but should review the forms to determine their appropriateness in each case.