

# INSTRUCTIONS

## Notice of Intent to Proceed to Judgment Without a Hearing

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### Forms You May Need

- *Notice of Intent to Proceed to Judgment Without a Hearing* (10DIV-102)
  - *Affidavit of Service* (SOP105)
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### Steps to Take

These forms and instructions are for general use but may not work for your particular case. The instructions explain the steps you need to complete in more detail and answer common questions. They are not a full guide to the law or processes. Court employees and Self-Help staff may be able to give general information on court rules and procedures, but they cannot give legal advice. You can find a lawyer to provide legal advice by visiting [www.mncourts.gov/Help-Topics/Find-a-Lawyer.aspx](http://www.mncourts.gov/Help-Topics/Find-a-Lawyer.aspx)

1. Fill out and sign the *Notice of Intent to Proceed to Judgment Without a Hearing* (10DIV-102).
2. Make two copies of the completed *Notice*. You should have one copy for yourself, one copy for your spouse, and the original for Court Administration.
3. Serve a copy of the *Notice of Intent to Proceed to Judgment Without a Hearing* on your spouse at their last known address by first class U.S. mail.
  - Papers cannot be served on a legal holiday.
  - The *Notice* can be served by:
    - The sheriff;
    - Another adult; or
    - You.

**NOTE:** If there is a no contact, restraining, or protection order between you and your spouse, you should get legal advice about service.

4. The person who mailed the *Notice* must complete the *Affidavit of Service* (SOP105).
5. File the original *Notice of Intent to Proceed to Judgment Without a Hearing* and the *Affidavit of Service* with Court Administration.

County of: _____	Court File Number: _____
Judicial District: _____	Case Type: _____

In the Marriage of:

\_\_\_\_\_  
Petitioner

and

\_\_\_\_\_  
Respondent

**Notice of Intent to Proceed to Judgment  
Without a Hearing**

To Respondent:

You are hereby notified that an application will be made for a final judgment and decree to be entered not sooner than 14 days from the date of this notice. You are further notified that the court will be requested to grant the relief requested in the Petition without a hearing. You should contact the undersigned and the District Court Administrator immediately if you have any defense to assert to this default judgment and decree. This notice is given pursuant to the Minnesota General Rules of Practice, Rule 306.01(b).

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

County and state where signed:

Address: \_\_\_\_\_

\_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

**State of Minnesota**

**District Court**

County of: _____	Judicial District: _____
	Court File Number: _____
	Case Type: _____

\_\_\_\_\_  
Petitioner / Plaintiff (first, middle, last)

and / vs.

**Affidavit of Service**

\_\_\_\_\_  
Respondent / Defendant (first, middle, last)

I, \_\_\_\_\_, state that I am at least 18 years of age  
(Name of person who hand delivered or mailed documents)

having been born on \_\_\_\_\_ and that on \_\_\_\_\_, I served the following documents, namely

\_\_\_\_\_  
(Title of Documents hand delivered or mailed)

upon (check one)  Petitioner/Plaintiff  Respondent/Defendant

Service was done as follows: (check all that apply)

Personal service: By handing a true and correct copy of the documents to

\_\_\_\_\_  
 Mail service: By mailing a true and correct copy of the documents by first class mail to (name)

\_\_\_\_\_ at his/her last known address at

\_\_\_\_\_  
(Street address) (City) (State) (Zip Code)

and depositing the envelope, with sufficient postage, in the U.S. Mail at a postal box located in the

City of \_\_\_\_\_, State of \_\_\_\_\_ Zip Code \_\_\_\_\_.

I declare under penalty of perjury that everything that I have stated in this document is true and correct. Minn. Stat. § 358.116.

Dated: \_\_\_\_\_

\_\_\_\_\_  
County and State where signed

\_\_\_\_\_  
Signature

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_

E-mail address: \_\_\_\_\_