

County

Judicial District:
Court File Number:
Case Type: Dissolution without Children

In Re the Marriage of:

Name of Petitioner

and

Name of Respondent

Notice of Motion and Motion for Temporary Relief without Children

TO: [ ] Petitioner [ ] Respondent

First Middle Last

Street Address Apt. No.

City County State Zip Code

NOTICE

PLEASE TAKE NOTICE that on the \_\_\_ day of \_\_\_, \_\_\_ at \_\_\_ o'clock \_\_\_m. before \_\_\_ in Room \_\_\_ of the \_\_\_ located at \_\_\_, Minnesota, I will ask the Court for an Order granting the following relief:

1. The Court should order the other party and me to use mediation to help us reach an agreement:

- [ ] YES [ ] NO. If YES, the issues that should be mediated are:
a. Dividing our household goods, furnishings, vehicles, bank accounts, other assets and personal property;
b. Dividing our real property;
c. Maintenance;
d. Dividing our debts;

e. Other: \_\_\_\_\_  
\_\_\_\_\_

2. Transitional (temporary) maintenance should be granted as follows: *(check one)*

- a. Transitional maintenance should not be granted either to me or the other party.
- b. The Court should decide temporary maintenance later.
- c. The other party should pay to me \$ \_\_\_\_\_ per month for transitional maintenance. The payment should be automatically withheld from the other party's wages or salary and paid to me according to Minn. Stat. § 518.611 or 518.613.

3. Attorney's fees should be awarded as follows: *(check one)*

- a. The Court should require me and the other party to each pay our own attorney's fees and expenses if we have any.
- b. The Court should require the other party to pay me \$ \_\_\_\_\_ toward my attorney's fees and expenses.
- c. The Court should decide attorney's fees later.

4. Until the final decree is ordered (check one):

a. I should have sole use and possession of the home located at \_\_\_\_\_  
\_\_\_\_\_ in the City of \_\_\_\_\_  
\_\_\_\_\_, State of \_\_\_\_\_, and *(check one)*:

I  the other party should pay the mortgage and other expenses for the home.

b. The other party should have sole use and possession of the home located at \_\_\_\_\_  
\_\_\_\_\_ in the City of \_\_\_\_\_  
\_\_\_\_\_, State of \_\_\_\_\_, and *(check one)*:

I  the other party should pay the mortgage and other expenses for the home.

c. The other party and I should share the use and possession of the home located at \_\_\_\_\_  
\_\_\_\_\_ in the City of \_\_\_\_\_  
\_\_\_\_\_, State of \_\_\_\_\_. The mortgage and other expenses for the home should be paid as follows:

Expense

Who Should Pay

<u>Expense</u>	<u>Who Should Pay</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

5. Until the final decree is ordered (*check one*):

- a. The other party and I should have the temporary use and possession of the personal belongings, household goods, and furnishings that each of us now has in possession.
- b. The Court should give me temporary sole use and possession of the following personal belongings, household goods, and furnishings (*list the items you want*):

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

- c. The Court should give the other party temporary sole use and possession of the following personal belongings, household goods, and furnishings (*list the items they want*):

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

6.  a. Until the final decree is ordered, temporary use and possession of the vehicles should be divided, and the vehicle loans and insurance should be paid, as follows:

Year	Make	Model	Awarded to whom	Who pays vehicle loan/insurance

b. We do not own any vehicles.

7.  a. Until the final decree is ordered, our debts should be paid as follows:

Creditor (to whom the money is owed)	Total Balance Owed	Monthly Amount Due	Who Should Pay
	\$	\$	
	\$	\$	
	\$	\$	
	\$	\$	
	\$	\$	
	\$	\$	
	\$	\$	

b. We do not have any debts.

8. The Court should allow me to change certain medical, dental, automobile, or life insurance policies:  YES  NO. If YES, list the policy and the changes you want to make: \_

\_\_\_\_\_

\_\_\_\_\_.

9. The other party should reinstate insurance:  YES  NO. If YES, list the insurance that should be reinstated\_\_\_\_\_

\_\_\_\_\_.

10. The Court should order the other party to immediately notify me of any salary or wage increases, bonuses or other extra income:  YES  NO.
11. The Court should order that the other party shall not spend or otherwise use income raises, income tax refunds, bonuses, or other extra income:  YES  NO.
12. Restrain both parties from transferring, encumbering, concealing or disposing of property, including any tax refunds, except in the usual course of business or for the necessities of life, except as to any future earned income, except as the parties with their attorneys may mutually agree in writing.
13. The Court should allow me to sell or otherwise get rid of other property:  YES  NO.  
If YES, list the property you wish to dispose of and explain why: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
14. Restrain both parties from harassing, vilifying, mistreating, molesting, disturbing the peace, or restraining the liberty of the other party or the children of the parties.
15. The Court should grant the additional relief:  YES  NO. If YES, the relief I request is: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.
16. The Court should grant other additional relief that is fair and just.

The grounds for this *Motion* are as stated in the *Affidavit* and is filed along with this *Notice of Motion and Motion*.

**VERIFICATION AND ACKNOWLEDGEMENTS**

- a) I have read this document. To the best of my knowledge, information and belief, the information contained in this document is well grounded in fact and is warranted by existing law.

- b) I have not been determined by any Court in Minnesota or in any other state to be a frivolous litigant and I am not the subject of an Order precluding me from serving or filing this document.
- c) I am not serving or filing this document for any improper purpose, such as to harass the other party or to cause delay or needless increase in the cost of litigation or to commit a fraud on the Court.
- d) I understand that if I am not telling the truth, or if I am misleading the Court or serving or filing this document for an improper purpose, the Court can order me to pay money to the other party, including the reasonable expenses incurred by the other party because of filing or serving this document, court costs, and reasonable attorney's fees.

### Notice to Other Party

The Rules establish deadlines for responding to motions. All responsive pleadings shall be served and filed with the court administrator no later than 7 days before the scheduled hearing. The court may, in its discretion, disregard any responsive pleadings served or filed with the court administrator less than 7 days before such hearing in ruling on the motion or matter in question.

According to Minnesota General Rules of Practice, Rule 303.01(c), after you receive these papers, if you want to respond to anything raised by the other party in their papers, your written response:

- Must be served on the other party:
  - At least 7 days before the hearing if **personally served**; or
  - At least 10 days before the hearing if **served by mail**.
- Must be filed with the Court Administrator **at least 7 days before the hearing**.

#### Rule 303.03(a)(2) – Raising New Issues

If you want to raise **new** issues at the hearing the other party has scheduled, your *Motion* and *Affidavit* must be **personally served** on the other party **at least 14 days before the hearing** or **mailed** to the other party **at least 17 days before the hearing**. Your papers raising **new** issues must be filed with the Court Administrator **at least 14 days before the hearing**.

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

\_\_\_\_\_  
Signature of person bringing the *Motion*.

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

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

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

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

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