

**State of Minnesota**

**District Court**

County of:
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Judicial District:	_____
Court File Number:	_____
Case Type:	Dissolution without Children

**In Re the Marriage of:**

\_\_\_\_\_  
Name of Petitioner A (first, middle, last)  
and

**Joint Petition, Agreement, and  
Judgment and Decree for  
Marriage Dissolution  
Without Children**

\_\_\_\_\_  
Name of Petitioner B (first, middle, last)

**1. Information about Petitioner A:**

Full Name: \_\_\_\_\_  
First Middle Last

Address: \_\_\_\_\_  
Street Address Apt. No.

\_\_\_\_\_  
City County State Zip Code

Date of Birth: \_\_\_\_\_

Petitioner A's former or other names or write "None":

\_\_\_\_\_  
First Middle Last

\_\_\_\_\_  
First Middle Last

Petitioner A's social security number is listed on Confidential Form 11.1 and submitted along with the Joint Petition.

**2. Information about Petitioner B:**

Full Name: \_\_\_\_\_  
First Middle Last

Address: \_\_\_\_\_  
Street Address Apt. No.

City \_\_\_\_\_ County \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Petitioner B's former or other names or write "None"':

First \_\_\_\_\_ Middle \_\_\_\_\_ Last \_\_\_\_\_

First \_\_\_\_\_ Middle \_\_\_\_\_ Last \_\_\_\_\_

Petitioner B's social security number is listed on Confidential Form 11.1 and submitted along with the Joint Petition.

**3. Children** "Minor" children are under age 18, or under age 20 but still in high school.

a. Do Petitioners have minor children together?  YES  NO

**If YES**, you are using the wrong form. Use the *Joint Petition for Divorce with Children*.

b. Do Petitioners have any adult dependent children who  YES  NO are not able to support themselves because of a physical or mental condition?

If you answered YES, you may need to ask the court to make an order regarding support for the adult dependent, but you should use the *Joint Petition for Divorce With Children* forms to do this.

c. Has either Petitioner given birth during the marriage to  YES  NO a child who is not a child of the other spouse?

**If you answered no to C, skip to D.**

i. Fill in the information for all children born during the marriage who are not biological children of both spouses.

<u>Full Name of Child</u>	<u>Date of Birth</u>	<u>Age</u>	<u>Birth Parent</u>

ii. Is there a court order naming someone other than the  YES  NO spouse as the father of the children listed in (i)?

<u>Full Name of Child</u>	<u>Date of Order</u>	<u>County/State</u>	<u>Court File No.</u>

- iii. Have the spouse and the biological Father signed a  YES  NO Minnesota Recognition of Parentage (ROP) for any of the children listed in (i) above?

If YES, state the full name of the child: \_\_\_\_\_

and submit with the Petition a **certified copy of the Recognition of Parentage.**

- Has a "Spouse's Non-Parentage Statement" for any of  YES  NO the children listed at (i) above been signed?

If YES, state the full name of the child: \_\_\_\_\_  
and submit with the Petition a **certified copy of the Spouse's Non-Parentage Statement.**

**STOP:** For each minor child listed at c.(i) you must have a court order OR the Recognition of Parentage **and** Non-Parentage Statement to use the *Joint Petition for Divorce Without Children* forms. Otherwise, use the *Joint Petition for Divorce with Children* forms.

- d. Is either spouse pregnant?  YES  NO  UNKNOWN  
(If either spouse is pregnant, you are using the wrong form. Use *Joint Petition for Divorce with Children*.)

#### 4. Our Marriage

Petitioners were married on (month, day, year) \_\_\_\_\_

in the City of \_\_\_\_\_, County of \_\_\_\_\_,

State of \_\_\_\_\_, Country of \_\_\_\_\_.

#### 5. 180 Day Requirement

- a. Petitioner A has been living in Minnesota for the past six (6) months:  YES  NO  
b. Petitioner B has been living in Minnesota for the past six (6) months:  YES  NO  
c. Petitioners were married in Minnesota, but neither Petitioner A nor  YES  NO  
Petitioner B reside in Minnesota, nor reside in a jurisdiction that will maintain an action for dissolution because of the sex or sexual orientation of the Petitioners.

#### 6. Armed Forces

- a. Petitioner A is an active duty member of the armed forces:  YES  NO  
**IF YES**, has the member of the armed forces been stationed in Minnesota for the past six (6) months?  YES  NO  
b. Petitioner B is an active duty member of the armed forces:  YES  NO  
**IF YES**, has the member of the armed forces been stationed in Minnesota for the past six (6) months?  YES  NO

#### 7. Marriage Cannot be Saved

There has been an irretrievable breakdown of our marriage relationship.

**8. Physical Living Situation**

Do the Petitioner A and Petitioner B live together at this time?  YES  NO

If NO, the date we separated was: \_\_\_\_\_

If YES, Petitioner A and Petitioner B are living together at this time because:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**9. Other Proceedings**

Has a separate court case for marriage dissolution, legal separation, or annulment already been started by Petitioner A or Petitioner B in Minnesota or elsewhere?  YES  NO

If YES, the type of court case is \_\_\_\_\_,  
and it was started in \_\_\_\_\_ County,  
in the State of \_\_\_\_\_, and the court file number is \_\_\_\_\_,  
and the status or outcome of the case is:  Open  Closed  Unknown  
or \_\_\_\_\_

**10. Protection or Harassment Order**

a. An *Order for Protection* or a *Harassment/Restraining Order* in effect regarding Petitioner A and Petitioner B:  YES  NO

If YES, the *Order* protects:  Petitioner A  Petitioner B The *Order* was filed in \_\_\_\_\_ County, on the date: \_\_\_\_\_, and the court file number is \_\_\_\_\_. A copy of the Order is submitted along with this Joint Petition.

**11. Public Assistance**

If either party is receiving public assistance from the State of Minnesota or applies for it after this proceeding is started, notice of this marriage dissolution action must be given to the county's collections and support office. See Minn. Stat. § 518A.44.

a. Petitioner A receives public assistance from the State of Minnesota:  YES  NO

If YES, the assistance is from \_\_\_\_\_ County. (Check all that apply):

- MFIP in the amount of \_\_\_\_\_ per month
- Tribal TANF in the amount of \_\_\_\_\_ per month
- General Assistance in the amount of \_\_\_\_\_ per month

- Medical Assistance
- Child Care Assistance     MinnesotaCare

b. Petitioner B receives public assistance from the State of Minnesota:     YES     NO

**If YES**, the assistance is from \_\_\_\_\_ County. (Check all that apply):

- MFIP in the amount of \_\_\_\_\_ per month
- Tribal TANF in the amount of \_\_\_\_\_ per month
- General Assistance in the amount of \_\_\_\_\_ per month
- Medical Assistance
- Child Care Assistance     MinnesotaCare

**12. Petitioner A's Employment**

- a. Petitioner A is employed:     YES     NO
- b. Petitioner A is self-employed:     YES     NO
- c. Petitioner A works at least 40 hours per week:     YES     NO

If Petitioner A is unemployed or working less than 40 hours a week, answer these questions:

i. Why is Petitioner A unemployed or working less than 40 hours a week?

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ii. What is Petitioner A's past work experience (types of jobs, hours, pay, length of time at the job, etc.) and what are Petitioner A's professional qualifications or licenses?

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d. Current Employment: (If Petitioner A has more than two jobs at this time, use an attachment for the additional jobs.)

\_\_\_\_\_  
Name of Petitioner A's Employer (If self-employed, list name and business address)

\_\_\_\_\_  
Employer's Street Address

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

\_\_\_\_\_  
Name of Petitioner A's Employer (If self-employed, list name and business address)

\_\_\_\_\_  
Employer's Street Address

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

Questions about Current Jobs	1st Job	2nd Job
Is Petitioner A paid by the hour or salaried?	<input type="radio"/> hourly <input type="radio"/> salary	<input type="radio"/> hourly <input type="radio"/> salary
What is the average number of hours the Petitioner A works per week?	_____ hours	_____ hours
How much overtime pay does Petitioner A receive per week on average?	\$ _____	\$ _____
Does Petitioner A receive bonuses? <input type="radio"/> Yes <input type="radio"/> No 1st Job <input type="radio"/> Yes <input type="radio"/> No 2nd Job	If Yes, how much was received in bonuses last year? \$ _____	If Yes, how much was received in bonuses last year? \$ _____
	How much does Petitioner A expect to receive this year? \$ _____	How much does Petitioner A expect to receive this year? \$ _____

### 13. Petitioner A's Income

#### Source of Income

**Amount Per Month** (or zero) before deductions/taxes

Self Employment Income \_\_\_\_\_ per month.

Self Employment income means gross receipts minus costs of goods sold, minus ordinary and necessary business expenses.

Job with \_\_\_\_\_ per month.

Monthly income from a job = Hourly wage x Hours worked per week x 4.33 (weeks per month)

Second job with \_\_\_\_\_ per month.

Third job with \_\_\_\_\_ per month.

Commissions from all jobs \_\_\_\_\_ per month.

Divide the total amount you expect this year by 12 to get a monthly average.

Unemployment benefits \_\_\_\_\_ per month.

Social Security Retirement, Survivors or Disability  
Income (RSDI) (do not include SSI) \_\_\_\_\_ per month.

Investment and Rental Income \_\_\_\_\_ per month.

Annuity Payments \_\_\_\_\_ per month.

Pension or Disability from work or military \_\_\_\_\_ per month.

Worker's Compensation \_\_\_\_\_ per month.

Court-ordered spousal maintenance you receive \_\_\_\_\_ per month.

Other income \_\_\_\_\_ per month.

Add all of the above:                      Total monthly income \_\_\_\_\_ per month.

Enter the amount of child support Petitioner A is court-ordered to pay for any non-joint children \_\_\_\_\_ per month.

Enter the amount of spousal maintenance Petitioner A is court-ordered to pay to your current or former spouse \_\_\_\_\_ per month.

**14. Petitioner B's Employment**

- a. Is Petitioner B employed?                       YES     NO
- b. Is Petitioner B self-employed?                       YES     NO
- c. Is Petitioner B working at least 40 hours per week?     YES     NO

If Petitioner B is unemployed or working less than 40 hours a week, answer these questions:

i. Why is Petitioner B unemployed or working less than 40 hours a week?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

ii. What is Petitioner B's past work experience (types of jobs, hours, pay, length of time at the job, etc.) and professional qualifications or licenses?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

d. Current Employment: (If Petitioner B has more than two jobs at this time, use an attachment for the additional jobs.)

\_\_\_\_\_  
Name of Petitioner B's Employer (If self-employed, list name and business address)

\_\_\_\_\_  
Employer's Street Address

\_\_\_\_\_  
City    State    Zip Code





Investment and Rental Income \_\_\_\_\_ per month.  
 Annuity Payments \_\_\_\_\_ per month.  
 Pension or Disability from work or military \_\_\_\_\_ per month.  
 Worker's Compensation \_\_\_\_\_ per month.  
 Court-ordered spousal maintenance you receive. \_\_\_\_\_ per month.  
 Other income \_\_\_\_\_ per month.

Identify Source

Add all of the above:      Total monthly income \_\_\_\_\_ per month.  
 Enter the amount of child support Petitioner B is court-ordered to pay for any non-joint children \_\_\_\_\_ per month.  
 Enter the amount of spousal maintenance Petitioner B is court-ordered to pay to a current or former spouse \_\_\_\_\_ per month.

**16. Health Care Coverage**

(Health care coverage does not include Medical Assistance or MinnesotaCare)

- a. Petitioner A has :  Medical insurance  Dental insurance **OR**  No insurance  
 b. Petitioner B has :  Medical insurance  Dental insurance **OR**  No insurance

**17. Spousal Maintenance**

Spousal Maintenance is money paid by one spouse to the other for living expenses.

**Check only one box:**

Petitioner A and Petitioner B do not need spousal maintenance at this time, or in the future. Both parties agree that each party is fully capable of self-support and is not dependent upon the other for additional support in the form of spousal maintenance. Each party has made a full and fair disclosure of all income and assets and liabilities that each is responsible for, and agrees that this waiver is reasonable. The waiver is fair and equitable and is supported by the above consideration and was signed by both parties after full financial disclosure to each other.

Petitioner A or Petitioner B may need spousal maintenance in the future.

The court should reserve maintenance to allow either party to ask for spousal maintenance in the future because:

(explain why you want to do this)

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Petitioner A needs spousal maintenance from Petitioner B now.



If YES:

- i. Notice of this request for name change has been given to the proper authority as required by Minn. Stat. § 259.13. (IMPORTANT NOTICE: If you are a convicted felon and you request a name change without following the requirements of Minn. Stat. § 259.13, using the new last name after your divorce is a gross misdemeanor)
  - ii. An *Affidavit of Service of the Notice* marked Exhibit "A" has been submitted along with this Joint Petition
- c. Petitioner B wants to change his/her name to: *(full name, not initials)*

Petitioner B's name should be changed to:

- | First  | Middle | Last |                            |                             |
|--|--------|------|----------------------------|-----------------------------|
| 1. This name change request is made with no intent to defraud or mislead anyone: |        |      | <input type="radio"/> True | <input type="radio"/> False |
| 2. The person requesting the name change has been convicted of a felony.         |        |      | <input type="radio"/> YES  | <input type="radio"/> NO    |

If YES:

- i. Notice of this request for name change has been given to the proper authority as required by Minn. Stat. § 259.13. (IMPORTANT NOTICE: If you are a convicted felon and you request a name change without following the requirements of Minn. Stat. § 259.13, using the new last name after your divorce is a gross misdemeanor)
- ii. An *Affidavit of Service of the Notice* marked Exhibit "A" has been submitted along with this Joint Petition

### **AGREEMENT OF PETITIONER A AND PETITIONER B**

1. We have made this agreement to settle once and for all what we owe to each other and what we can expect to receive from each other. Each of us states that nothing has been held back, and that we have honestly included everything we could think of in listing our assets (everything we own and that is owed to us) and our debts (everything we owe) and that we believe the other has been open and honest in writing this agreement. We will sign and exchange any papers that might be needed to complete this agreement before or after the divorce.

#### **2. Real Estate**

Real estate includes a homestead, condominium, apartment building, vacant land, contract for deed interest, remainder interest, and more.

- Petitioner A owns no real estate by himself/herself or with anyone else.
- Petitioner B owns no real estate by himself/herself or with anyone else.

Petitioner A and/or Petitioner B own real estate as described on the Real Estate Attachment(s).

*(Use a separate Real Estate Attachment sheet for each parcel of real estate. The Real Estate Attachment sheet(s) must be attached to this Joint Petition, even if Petitioner A and Petitioner B have no real estate.)*

All Real Estate Attachments are incorporated into this *Joint Petition, Agreement, Judgment and Decree* and Petitioner A and Petitioner B agree that the real estate shall be awarded as stated on the Real Estate Attachment(s) in Attachment "C".

**Check one:**

- There is one Real Estate Attachment; OR  
 There are \_\_\_\_\_ Real Estate Attachments.

**3. Non-Marital Property**

Non-marital Property means: (1) anything that you or your spouse owned before the marriage; (2) a gift, bequest, devise, or inheritance made by a third party to one but not to the other spouse; (3) anything that you or your spouse got in trade or in exchange for your non-marital property; (4) anything that is an increase in the value of non-marital property (STOP: Property can be part non-marital and part marital. Defining and valuing non-marital property can be complicated. If you have any concerns or questions, you should stop here and talk to an attorney.) (5) anything you or your spouse received after the valuation date set by the Court; or (6) anything defined as non-marital property by a valid antenuptial contract.

a. Petitioner A owns non-marital property:                     YES     NO

If YES, Petitioner A and Petitioner B agree that that the following property is Petitioner A's non-marital property and shall be awarded to Petitioner A:

\_\_\_\_\_

The total value of Petitioner A's non-marital property is \_\_\_\_\_

b. Petitioner B owns non-marital property:                     YES     NO

If YES, Petitioner A and Petitioner B agree that that the following property is Petitioner B's non-marital property and shall be awarded to Petitioner B:

\_\_\_\_\_

The total value of Petitioner B's non-marital property is \_\_\_\_\_

**4. Division of Marital Property**

Marital Property means almost anything that you or your spouse own that you or your spouse received during the marriage, even during the times that you and your spouse were separated. This includes real estate, boats, cabins, household goods, furniture, jewelry, and other things.

*(See attached Asset Sheet listing all assets. The Asset Sheet must be attached to the Joint Petition, even if Petitioner A and Petitioner B have no assets.)*

The Asset Sheet is incorporated into this *Joint Petition, Agreement, Judgment and Decree* and Petitioner A and Petitioner B agree to divide their marital property as listed by them in Attachment "A".

**5. Division of Marital Debts**

Marital Debts means debts incurred by you or your spouse during the marriage, even during the times that you and your spouse were separated. Do not include monthly expenses you pay in full each month, such as telephone and utilities.

*(See attached Debt Sheet listing all debts. The Debt Sheet must be attached to the Joint Petition, even if Petitioner A and Petitioner B have no debts.)*

The Debt Sheet is incorporated into this *Joint Petition, Agreement, Judgment and Decree* and Petitioner A and Petitioner B agree to divide their marital debts as listed by them in Attachment "B".

**6. Spousal Maintenance**

- a. Neither party is awarded spousal maintenance. Both Petitioners have waived any claims to spousal maintenance for the past, present, or future, and expressly waive all rights to modify their waivers of maintenance. This court is divested of jurisdiction to award or modify maintenance in the future pursuant to *Karon v. Karon*, 435 N.W. 2d 501 (Minn. 1989).

Consideration for this agreement is: (check all that apply)

- the parties' mutual waivers of maintenance
- the property settlement
- the parties' respective incomes and ability to earn income
- other:

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The Court has reviewed this agreement and finds it to be fair and equitable under all of the circumstances, and supported by sufficient consideration including the parties' mutual waivers, incomes per year and the property division. Full disclosure of each party's financial circumstances has occurred.

- b. Maintenance is reserved because:

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Either party can ask the court to order the payment of spousal maintenance in the future by filing a Motion stating a change in circumstances.

- c.  Petitioner A  Petitioner B shall pay permanent spousal maintenance to the other party in the amount of \_\_\_\_\_ per month starting on (date): \_\_\_\_\_
- d.  Petitioner A  Petitioner B shall pay temporary spousal maintenance to the other party in the amount of \_\_\_\_\_ per month starting on (date): \_\_\_\_\_ and ending on (date): \_\_\_\_\_ .

The monthly amount of permanent or temporary spousal maintenance shall be:

subject to the income withholding from the payor's income, regardless of source, by his or her employer, trustee, or other payor of funds and mailed to: Minnesota Child Support Payment Center, P.O. Box 64326, St. Paul, MN 55164-0326. If the person paying spousal support is self-employed, send payments to Minnesota Child Support Payment Center, P.O. Box 64306, St. Paul, MN 55164-0306. **To start income withholding, Petitioner A or Petitioner B must apply for income withholding only services at the Child Support office in their County and must send a copy of this Order to the Child Support office.** Until income withholding starts, the person owing maintenance shall pay the amount directly to the spouse receiving it.

**OR**

maintenance shall be paid directly to the spouse owing the maintenance to the spouse receiving it, payable on the \_\_\_\_\_ day of each month.

### 7. Medical and Dental Insurance for the Parties

Petitioner A and Petitioner B shall each provide for his or her own health and dental insurance. Either party may be eligible to extend for a limited time, at his/her own expense, the dependent coverage available under the other party's insurance plan, pursuant to federal and state statutes.

### 8. Other Agreements

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**BASED UPON THE ABOVE INFORMATION**, Petitioner A and Petitioner B request that the Court issue a final judgment and decree terminating our marriage and ordering the terms of this Agreement.

READ and SIGN the Acknowledgment.

## Acknowledgment

By presenting this form to the court, I certify that to the best of my knowledge, information, and belief, the following statements are true. I understand that if a statement is not true, the court can order a penalty against me (such as to pay money to the other party, pay court costs, and/or other penalties).

1. The information I included in this form is based on facts and supported by existing law.
2. I am not presenting this form for any improper purpose. I am not using this form to:
  - a. Harass anyone;
  - b. Cause unnecessary delay in the case; or
  - c. Needlessly increase the cost of litigation.
3. No judicial officer has said I am a frivolous litigant.
4. There is no court order saying I cannot serve or file this form.
5. This form does not contain any "restricted identifiers" or confidential information as defined in Rule 11 of the General Rules of Practice ([https://www.revisor.mn.gov/court\\_rules/gp/id/11/](https://www.revisor.mn.gov/court_rules/gp/id/11/)) or the Rules of Public Access to Records of the Judicial Branch ([https://www.revisor.mn.gov/court\\_rules/rule/ra-toh/](https://www.revisor.mn.gov/court_rules/rule/ra-toh/)).
6. If I need to file "restricted identifiers," confidential information, or a confidential document, I will use Form 11.1 and/or Form 11.2, as required by Rule 11.

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

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

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

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

\_\_\_\_\_  
Signature of Petitioner A

\_\_\_\_\_  
Signature of Petitioner B

\_\_\_\_\_  
Daytime Telephone Number of Petitioner A

\_\_\_\_\_  
Daytime Telephone Number of Petitioner B

\_\_\_\_\_  
E-mail address of Petitioner A

\_\_\_\_\_  
E-mail address of Petitioner B

**PETITIONER A'S ATTORNEY**

Petitioner A is

acting as his/her own attorney

OR

is represented by the following attorney:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

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

\_\_\_\_\_  
Telephone

\_\_\_\_\_  
Email Address

\_\_\_\_\_  
Attorney Registration Number

**PETITIONER B'S ATTORNEY**

Petitioner B is

acting as his/her own attorney

OR

is represented by the following attorney:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

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

\_\_\_\_\_  
Telephone

\_\_\_\_\_  
Email Address

\_\_\_\_\_  
Attorney Registration Number

(If public assistance is being provided to a party or non-joint children, the public authority must sign off on this Joint Petition and Agreement.)

The public authority responsible for the collection and enforcement of child support reviewed and agreed to the Joint Petition and Agreement of the above-named parties.

DATE: \_\_\_\_ / \_\_\_\_ / \_\_\_\_  
Month Day Year

Name and Title \_\_\_\_\_

Attorney Reg #: \_\_\_\_\_

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

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

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

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



## COURT ORDER

This case came before the Court without a hearing on the parties' Joint Petition for Dissolution of Marriage. The Court, having reviewed the file, makes the following Order:

1. The parties' Joint Petition and Attachments contains the necessary facts and includes an agreement on all issues before the Court. The real estate, if any, and the personal property of the parties is hereby awarded according to the division set out in their foregoing Joint Petition, which is made part of this final judgment. Debts and liabilities of the parties must be paid as provided in their foregoing Joint Petition. The parties are ordered to obey all of its provisions.
2. The marriage between the parties is dissolved and the parties are single.
3.  Petitioner A's name is changed to:

\_\_\_\_\_

First	Middle	Last
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Petitioner B's name is changed to:

\_\_\_\_\_

First	Middle	Last
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4. Each party shall execute any documents necessary to transfer real estate and personal property as awarded herein without further order of the Court. Should either party fail to execute the necessary documents, a certified copy of the Judgment and Decree shall operate to transfer title as awarded herein.
5. NOTICE: IF THE AGREEMENT OF THE PARTIES INCLUDES AN AWARD OF SPOUSAL MAINTENANCE AND / OR CHILD SUPPORT, Appendix A is incorporated and made a part of this final judgment. Appendix A contains, among other things, provisions regarding payments to the Public Agency pursuant to Minnesota Statutes § 518A.50; Depriving Another of Custodial or Parental Rights - A Felony, Minnesota Statutes § 609.26; Rules of Support, Maintenance, Parenting Time; Parental Rights from Minnesota Statutes § 518.17, subdivision 3; Wage and Income Deduction of Maintenance and Child Support pursuant to Minnesota Statutes § 518A.53; Change of Address or Residence; Cost of Living Increase of Maintenance and Child Support pursuant to Minnesota Statutes § 518A.75; Judgments for Unpaid Maintenance and Child Support pursuant to Minnesota Statutes § 548.091; Medical Insurance and Expenses pursuant to Minnesota Statutes § 518A.41; and Minnesota Statutes § 259.115 regarding criminal penalties for failure to comply with felon name change law.

General Rule of Practice 125 notwithstanding, let Judgment be entered immediately.

The foregoing facts were found  
by me after due hearing and the  
Order thereon is recommended.

BY THE COURT

\_\_\_\_\_  
District Court Referee

\_\_\_\_\_  
Judge of District Court

DATED \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
Month Day Year

DATED \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
Month Day Year

Judgment

I certify the above constitutes the Judgment of the Court and Judgment is hereby entered.

\_\_\_\_\_  
Court Administrator

\_\_\_\_\_  
Deputy

DATED \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
Month Day Year

**Attachment "A"**  
**DIVISION OF ASSETS AND VALUE**

Petitioner A's Name: \_\_\_\_\_

Petitioner B's Name: \_\_\_\_\_

**Date we filled out this form:** \_\_\_\_\_

1. We agree on how to divide our assets (everything we own and that is owed to us).
2. Each person shall receive as their own, all assets in their column.

**Definitions: Current Fair Market Value** is an estimate of the amount of money you could get if you sold the item to a stranger, such as through a newspaper advertisement. It does **not** mean what you paid for it originally, and it does not mean what it would cost you to replace it if you lost it. If you are still paying for an item, list it in Petitioner A's or Petitioner B's column at the *present value*.

**Present value** means the current fair market value minus the amount you still owe.

**Who Gets the Item and What is the Value**

**DESCRIPTION OF ASSET(S)**

- If you do not have the type of property described, enter a zero in the columns for Petitioner A and Petitioner B.
- To avoid confusion at a later date, describe each item as clearly as possible. However, list all information, such as account numbers for banks/ credit unions, life insurance, etc. on Confidential Information Form 11.1.
- List all property owned separately or together, no matter when it was acquired, except do not list the non-marital property described at #3 of the Joint Petition.

**\* Enter the current fair market value or present value of the item in the column of the person getting the item.**

DESCRIPTION OF ASSETS	*PETITIONER A	*PETITIONER B
<b>Cash on hand:</b>		
<b>Cash in banks/credit unions:</b> (List name of bank and whose name is on the account. Use Form CON111 (Form 11.1) to list bank name, account holder name, and account number.)		

DESCRIPTION OF ASSETS	*PETITIONER A	*PETITIONER B
<b>Stocks/Bonds:</b>		
<b>Notes</b> (money owed to you in writing):		
<b>Money owed to you</b> (not evidenced by a note):		
<b>Business interests:</b> (Name of business, who owns it)		
<b>Automobiles:</b> (Year, Make, Model) (Reminder: Use present value if you are still paying for the items.)		
<b>Boats:</b>		
<b>Other vehicles:</b> (Snowmobiles, 4-Wheelers, etc.)		
<b>Retirement Plans - Profit Sharing or Pension:</b> (Enter "present value". Contact plan administrator for the present value. Include name of employer/group providing the plan, and type of plan.)		

DESCRIPTION OF ASSETS	*PETITIONER A	*PETITIONER B
<b>401(k), IRAs or other:</b> (Enter current account balance, name of bank where funds are held, whose name is on the account.)		
<b>Furniture &amp; furnishings:</b>		
<input type="checkbox"/> We have already divided the furniture and furnishings in a fair manner. (Enter in each spouse's column the total value of their share of the furniture and furnishings already divided);		
<input type="checkbox"/> We agree to divide the furniture and furnishings as follows: (List items not included above.)		
<b>Collectibles &amp; Jewelry:</b>		
<b>Life insurance:</b> (cash surrender value) (List name of insurance company and use Form 11.1 to list insurance company and policy number.)		
<b>Sporting &amp; entertainment &amp; electronic equipment:</b> (TV, stereo, guns, etc.)		
<b>Real Estate</b>		

Do Not List Here. Use Real Estate Attachment.		
<b>Other assets:</b>		
<b>Total Value of Property To Each Person:</b> (Excluding Real Estate, and any Non-Marital Property listed at Paragraph #4 of the Joint Petition.)		

**Attachment "B"**  
**DIVISION OF LIABILITIES/DEBTS**

**Petitioner A's Name:** \_\_\_\_\_

**Petitioner B's Name:** \_\_\_\_\_

**Date we filled out this form:** \_\_\_\_\_

1. We agree on how to divide our marital debts (debts we have incurred since our marriage date, either separately or together).
2. Each person shall pay as their own the debts listed in their column, and shall not ask the other person to pay these debts/bills.
3. We have listed all marital debts we know of on this Attachment. Any debts incurred by one of us alone and not listed on this Attachment shall be paid by the person whose name is on the debt/bill.

**DESCRIPTION OF DEBT(S)**

- If you do not have the type of debt described, enter a zero in the columns for Petitioner A and Petitioner B.
- To avoid confusion at a later date, describe each debt as clearly as possible. For example, state who the debt is owed to, whether Petitioner A or Petitioner B's name is on the debt, but do not list confidential information such as account numbers. Use Form 11.1 to list confidential information.
- List all debts in Petitioner A's name alone and in Petitioner B's name alone and in both names together. Include debts incurred during the marriage and after separation. Do not include bills you pay in full each month.

**\* Write the current amount owed  
in the column of the person who  
will pay it.**

DESCRIPTION OF DEBTS	*PETITIONER A	*PETITIONER B
<b>Mortgages and loans on Real Estate:</b> Do not list here. Use the Real Estate Attachment.		
<b>Charge/Credit card accounts:</b>		





**Attachment "C"**  
**REAL ESTATE ATTACHMENT**

Fill out a separate Attachment for each parcel of real estate.

**Property #1**

1. Real Estate belongs to: (List all owners)

\_\_\_\_\_

2. Street Address of the real estate is:

\_\_\_\_\_

\_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

The property is in \_\_\_\_\_ County.

3. Legal Description is: (Use the full legal description from the deed. If the legal description is long, you may use an attachment. Type or print neatly.)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

4. Purchase Date: \_\_\_\_\_ and purchase price: \_\_\_\_\_

5. Mortgage or loans: (Write "NONE" if there is no mortgage).

1st Mortgage: Amount currently owed \_\_\_\_\_ and name of lender:

\_\_\_\_\_

2nd Mortgage: Amount currently owed \_\_\_\_\_ and name of lender:

\_\_\_\_\_

6. Current Market Value of this property: \_\_\_\_\_

7. This property is the homestead:     YES     NO

**AGREEMENT OF PETITIONER A AND PETITIONER B**

1. All right, title, and interest of Petitioner A and Petitioner B in the real estate described above shall be awarded to:     Petitioner A     Petitioner B

2. Petitioner A and Petitioner B also agree that: (Describe any liens in favor of Petitioner A or Petitioner B, or other agreements about the use, sale of, or award of the property. Attach additional pages if needed. If there are no other agreements, write "None".)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

3. The Mortgage(s) or Loan(s) described above shall be paid by:

Petitioner A     Petitioner B    starting on the following date: \_\_\_\_\_

There is no mortgage or loan.

**Property #2**

1. Real Estate belongs to: (List all owners)

\_\_\_\_\_

2. Street Address of the real estate is:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

The property is in \_\_\_\_\_ County.

3. Legal Description is: (Use the full legal description from the deed. If the legal description is long, you may use an attachment. Type or print neatly.)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

4. Purchase Date: \_\_\_\_\_ and purchase price: \_\_\_\_\_

5. Mortgage or loans: (Write "NONE" if there is no mortgage).

1st Mortgage: Amount currently owed \_\_\_\_\_ and name of lender:

\_\_\_\_\_

2nd Mortgage: Amount currently owed \_\_\_\_\_ and name of lender:

\_\_\_\_\_

6. Current Market Value of this property: \_\_\_\_\_

7. This property is the homestead:     YES     NO

**AGREEMENT OF PETITIONER A AND PETITIONER B**

1. All right, title, and interest of Petitioner A and Petitioner B in the real estate described above shall be awarded to:     Petitioner A     Petitioner B

2. Petitioner A and Petitioner B also agree that: (Describe any liens in favor of Petitioner A or Petitioner B, or other agreements about the use, sale of, or award of the property. Attach additional pages if needed. If there are no other agreements, write "None".)

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3. The Mortgage(s) or Loan(s) described above shall be paid by:

Petitioner A     Petitioner B    starting on the following date: \_\_\_\_\_

There is no mortgage or loan.

## APPENDIX A

### NOTICE IS HEREBY GIVEN TO THE PARTIES:

**I. PAYMENTS TO PUBLIC AGENCY.** According to Minnesota Statutes, section 518A.50, payments ordered for maintenance and support must be paid to the Minnesota child support payment center as long as the person entitled to receive the payments is receiving or has applied for public assistance or has applied for support and maintenance collection services. Parents mail payments to: P.O. Box 64326, St. Paul, MN 55164-0326. Employers mail payments to: P.O. Box 64306, St. Paul, MN 55164.

**II. DEPRIVING ANOTHER OF CUSTODIAL OR PARENTAL RIGHTS -- A FELONY.** A person may be charged with a felony who conceals a minor child or takes, obtains, retains, or fails to return a minor child from or to the child's parent (or person with custodial or parenting time rights), according to Minnesota Statutes, section 609.26. A copy of that section is available from any court administrator.

**III. NONSUPPORT OF A SPOUSE OR CHILD – CRIMINAL PENALTIES.** A person who fails to pay court-ordered child support or maintenance may be charged with a crime, which may include misdemeanor, gross misdemeanor, or felony charges, according to Minnesota Statutes, section 609.375. A copy of that section is available from any district court clerk.

#### **IV. RULES OF SUPPORT, MAINTENANCE, PARENTING TIME.**

- A. Payment of support or spousal maintenance is to be as ordered, and the giving of gifts or making purchases of food, clothing, and the like will not fulfill the obligation.
- B. Payment of support must be made as it becomes due, and failure to secure or denial of parenting time is NOT an excuse for nonpayment, but the aggrieved party must seek relief through a proper motion filed with the court.
- C. Nonpayment of support is not grounds to deny parenting time. The party entitled to receive support may apply for support and collection services, file a contempt motion, or obtain a judgment as provided in Minnesota Statutes, section 548.091.
- D. The payment of support or spousal maintenance takes priority over payment of debts and other obligations.
- E. A party who accepts additional obligations of support does so with the full knowledge of the party's prior obligation under this proceeding.
- F. Child support or maintenance is based on annual income, and it is the responsibility of a person with seasonal employment to budget income so that payments are made throughout the year as ordered.
- G. *A Parental Guide to Making Child-Focused Parenting Time Decisions* is available from any court administrator.
- H. The nonpayment of support may be enforced through the denial of student grants; interception of state and federal tax refunds; suspension of driver's, recreational, and occupational licenses; referral to the department of revenue or private collection agencies; seizure of assets, including bank accounts and other assets held by financial

institutions; reporting to credit bureaus; interest charging, income withholding, and contempt proceedings; and other enforcement methods allowed by law.

- I. The public authority may suspend or resume collection of the amount allocated for child care expenses if the conditions of Minnesota Statutes, section 518A.40, subdivision 4, are met.
- J. The public authority may remove or resume a medical support offset if the conditions of section 518A.41, subdivision 16, are met.
- K. The public authority may suspend or resume interest charging on child support judgments if the conditions of section 548.091, subdivision 1a, are met.

**V. MODIFYING CHILD SUPPORT.** If either the obligor or obligee is laid off from employment or receives a pay reduction, child support may be modified, increased, or decreased. Any modification will only take effect when it is ordered by the court, and will only relate back to the time that a motion is filed. Either the obligor or obligee may file a motion to modify child support, and may request the public agency for help. **UNTIL A MOTION IS FILED, THE CHILD SUPPORT OBLIGATION WILL CONTINUE AT THE CURRENT LEVEL. THE COURT IS NOT PERMITTED TO REDUCE SUPPORT RETROACTIVELY.**

**VI. PARENTAL RIGHTS FROM MINNESOTA STATUTES, SECTION 518.17, SUBDIVISION 3. UNLESS OTHERWISE PROVIDED BY THE COURT:**

- A. Each party has the right of access to, and to receive copies of, school, medical, dental, religious training, police reports, and other important records and information about the minor children. Each party has the right of access to information regarding health or dental insurance available to the minor children. Presentation of a copy of this order to the custodian of a record or other information about the minor children constitutes sufficient authorization for the release of the record or information to the requesting party.
- B. Each party has the right to be informed by the other party as to the name and address of the school of attendance of the minor children. Each party has the right to be informed by school officials about the children's welfare, educational progress and status, and to attend school and parent teacher conferences. The school is not required to hold a separate conference for each party.
- C. Each party has the right to be notified by the other party of an accident or serious illness of a minor child, including the name of the health care provider and the place of treatment.
- D. Each party has the right to be notified by the other party if the minor child is the victim of an alleged crime, including the name of the investigating law enforcement officer or agency. There is no duty to notify if the party to be notified is the alleged perpetrator.
- E. Each party has the right of reasonable access and telephone contact with the minor children.

**VII. WAGE AND INCOME DEDUCTION OF SUPPORT AND MAINTENANCE.** Child support and / or spousal maintenance may be withheld from income, with or without notice to the person obligated to pay, when the conditions of Minnesota Statutes, section 518A.53, have been met. A copy of that section is available from any court administrator.

**VIII. CHANGE OF ADDRESS OR RESIDENCE.** Unless otherwise ordered, each party shall notify the other party, the court, and the public authority responsible for collection, if applicable, of the following information within ten days of any change: residential and mailing address, telephone number, driver's license number, social security number, and name, address, and telephone number of the employer.

**IX. COST OF LIVING INCREASE OF SUPPORT AND MAINTENANCE.** Basic support and / or spousal maintenance may be adjusted every two years based upon a change in the cost of living (using the U.S. Department of Labor, Bureau of Labor Statistics, consumer price index Mpls. St. Paul, for all urban consumers (CPI-U), unless otherwise specified in this order) when the conditions of Minnesota Statutes, section 518A.75, are met. Cost of living increases are compounded. A copy of Minnesota Statutes, section 518A.75, and forms necessary to request or contest a cost of living increase are available from any court administrator.

**X. JUDGMENTS FOR UNPAID SUPPORT; INTEREST.** According to Minnesota Statutes, section 548.091:

- A. If a person fails to make a child support payment, the payment owed becomes a judgment against the person responsible to make the payment by operation of law on or after the date the payment is due, and the person entitled to receive the payment or the public agency may obtain entry and docketing of the judgment **without notice** to the person responsible to make the payment.
- B. Interest begins accruing on a payment or installment of child support whenever the unpaid amount due is greater than the current support due.

**XI. JUDGMENTS FOR UNPAID MAINTENANCE.** A judgment for unpaid spousal maintenance may be entered and docketed when the conditions of Minnesota Statutes, section 548.091, are met. A copy of that section is available from any court administrator.

**XII. ATTORNEY FEES AND COLLECTION COSTS FOR ENFORCEMENT OF CHILD SUPPORT.** A judgment for attorney fees and other collection costs incurred in enforcing a child support order will be entered against the person responsible to pay support when the conditions of Minnesota Statutes, section 518A.735, are met. A copy of that section and forms necessary to request or contest these attorney fees and collection costs are available from any court administrator.

**XIII. PARENTING TIME EXPEDITOR PROCESS.** On request of either party or on its own motion, the court may appoint a parenting time expeditor to resolve parenting time disputes under Minnesota Statutes, section 518.1751. A copy of that section and a description of the expeditor process is available from any court administrator.

**XIV. PARENTING TIME REMEDIES AND PENALTIES.** Remedies and penalties for wrongful denial of parenting time are available under Minnesota Statutes, section 518.175, subdivision 6. These include compensatory parenting time; civil penalties; bond

requirements; contempt; and reversal of custody. A copy of that subdivision and forms for requesting relief are available from any court administrator.

**In addition to the Notices on pages above, the following NOTICE applies to all orders addressing custody pursuant to Minn. Stat. § 518.17, subd. 3a.**

### **NOTICE**

#### **EACH PARTY IS GRANTED THE FOLLOWING RIGHTS:**

1. Right of access to, and to receive copies of, school, medical, dental, religious training, police reports, and other important records and information about the minor children.
2. Right of access to information regarding health or dental insurance available to the minor children.
3. Right to be informed by the other party as to the name and address of the school of attendance of the minor children.
4. Right to be informed by school officials about the children's welfare, educational progress and status, and to attend school and parent-teacher conferences. The school is not required to hold a separate conference for each party, unless attending the same conference would result in violation of a court order prohibiting contact with a party.
5. Right to be notified by the other party of an accident or serious illness of a minor child, including the name of the health care provider and the place of treatment.
6. Right to be notified by the other party if the minor child is the victim of an alleged crime, including the name of the investigating law enforcement officer or agency. There is no duty to notify if the party to be notified is the alleged perpetrator.
7. Right to reasonable access and telephone or other electronic contact with the minor children.