

REQUESTED AND APPOINTED.

IN THE SENATE

APRIL 23, 1991

ON MOTION, FREE CONFERENCE COMMITTEE
REQUESTED AND APPOINTED.

IN THE HOUSE

APRIL 24, 1991

FREE CONFERENCE COMMITTEE REPORTED.

SECOND READING, FREE CONFERENCE
COMMITTEE REPORT ADOPTED.

IN THE SENATE

APRIL 24, 1991

FREE CONFERENCE COMMITTEE
REPORT ADOPTED.

IN THE HOUSE

APRIL 25, 1991

THIRD READING, FREE CONFERENCE
COMMITTEE REPORT ADOPTED.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *HOUSE* BILL NO. *752*
 2 INTRODUCED BY *Loth* *William* *Bradley* *Mercer*
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH A
 5 PROCEDURE FOR SUMMARY DISSOLUTION OF MARRIAGE; AND PROVIDING
 6 AN IMMEDIATE EFFECTIVE DATE."
 7

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 NEW SECTION. **Section 1. Summary dissolution** --
 10 conditions necessary at commencement of proceedings. A
 11 marriage may be dissolved by the summary dissolution
 12 procedure specified in [sections 1 through 8] if all of the
 13 following conditions exist on the date the proceeding is
 14 commenced:

15 (1) Each party has met the requirements of 40-4-104
 16 with regard to dissolution of marriage.

17 (2) Irreconcilable differences have caused the
 18 irretrievable breakdown of the marriage, and both parties
 19 agree that the marriage should be dissolved.

20 (3) There are no children from the relationship born
 21 before or during the marriage or adopted by the parties
 22 during the marriage, and the wife, to her knowledge, is not
 23 pregnant.

24 (4) (a) Except as provided in subsection (4)(b),
 25 neither party has any interest in real property.

1 (b) The limitation of subsection (4)(a) does not apply
 2 to the lease of a residence occupied by either party if the
 3 lease does not include an option to purchase and if it
 4 terminates within 1 year from the date of the filing of the
 5 petition.

6 (5) There are no unpaid obligations in excess of \$4,000
 7 incurred by either or both of the parties after the date of
 8 their marriage, excluding the amount of any unpaid
 9 obligations with respect to an automobile.

10 (6) The total fair market value of property assets,
 11 excluding all encumbrances and automobiles, is less than
 12 \$13,000, and neither party has separate property assets in
 13 excess of \$13,000, excluding all encumbrances and
 14 automobiles.

15 (7) The parties have executed an agreement setting
 16 forth the division of assets and the assumption of
 17 liabilities and have duly executed any documents, title
 18 certificates, bills of sale, or other evidence of transfer
 19 necessary to effectuate the agreement.

20 (8) The parties waive any right to maintenance.

21 (9) The parties, upon entry of final judgment of
 22 dissolution of marriage, irrevocably waive their respective
 23 rights to appeal the terms of the dissolution and their
 24 rights to move for a new trial on the dissolution.

25 (10) The parties have read and state that they



-2- INTRODUCED BILL
 HB752

1 understand the contents of the summary dissolution brochure
2 provided for in [section 7].

3 (1) The parties desire that the court dissolve the
4 marriage.

5 NEW SECTION. Section 2. Joint petition -- filing --
6 form -- contents. (1) A proceeding for summary dissolution
7 of marriage is commenced by filing in the district court a
8 joint petition in the form prescribed by the court and by
9 paying the fee required by [section 8].

10 (2) The petition must:

11 (a) be signed under oath by both parties;

12 (b) state that, as of the date of the filing of the
13 joint petition, each condition set forth in [section 1] has
14 been met;

15 (c) state the mailing address of both parties; and

16 (d) state whether or not the wife elects to have her
17 maiden or former name restored and, if so, state the name to
18 be restored.

19 NEW SECTION. Section 3. Revocation of joint petition
20 -- termination of proceeding -- notice -- copy to other
21 party. (1) At any time prior to the entry of final judgment,
22 either party to the marriage may revoke the joint petition
23 and thereby terminate the summary dissolution proceeding
24 filed pursuant to [sections 1 through 8].

25 (2) The revocation is effected by filing with the clerk

1 of the court in which the proceeding was commenced a notice
2 of revocation in the form and content prescribed by the
3 district court.

4 (3) The revoking party shall send a copy of the notice
5 of revocation to the last-known address of the other party
6 by first-class mail, postage prepaid.

7 NEW SECTION. Section 4. Final judgment -- entry --
8 effect -- notice. After 90 days from the date of the filing
9 of the joint petition for summary dissolution, the district
10 court shall enter the final judgment dissolving the
11 marriage. Entry of final judgment restores each party to the
12 status of a single person and permits either to marry. The
13 clerk shall send a notice of entry of final judgment to the
14 last-known address of each party.

15 NEW SECTION. Section 5. Final judgment as final
16 adjudication of rights and obligations. Except as provided
17 in [section 6], entry of final judgment constitutes a final
18 adjudication of the rights and obligations of the parties
19 with respect to the status of the marriage and property
20 rights and constitutes a waiver of their respective rights
21 to maintenance, rights to appeal the terms of the
22 dissolution, and rights to a new trial.

23 NEW SECTION. Section 6. Actions to set aside final
24 judgment. (1) A final judgment made pursuant to [section 4]
25 does not prejudice or bar the rights of either party to

1 institute an action to set aside the final judgment for
2 fraud, duress, accident, mistake, or other grounds
3 recognized at law or in equity or to make a motion pursuant
4 to the Montana Rules of Civil Procedure.

5 (2) The district court shall set aside a final judgment
6 made pursuant to [section 4] regarding all matters except
7 the status of the marriage upon proof that the parties did
8 not meet the requirements of [section 1] on the date the
9 petition was filed.

10 NEW SECTION. Section 7. Brochure to describe
11 proceedings -- availability -- distribution -- contents and
12 form. (1) Each district court shall make available a
13 brochure, prepared and distributed by the attorney general,
14 describing the requirements, nature, and effect of
15 proceedings under [sections 1 through 8].

16 (2) (a) In nontechnical language, the brochure must:

17 (i) state that it is in the best interests of the
18 parties to consult an attorney regarding the dissolution of
19 their marriage. The services of an attorney may be obtained
20 through lawyer referral services, group or prepaid legal
21 services, or legal aid organizations.

22 (ii) state that the brochure is not intended as a guide
23 for self-representation in proceedings under [sections 1
24 through 8] and should not be relied upon exclusively by the
25 parties;

1 (iii) provide a concise summary of the provisions of
2 [sections 1 through 8] and 40-4-104;

3 (iv) describe the nature of services of the conciliation
4 court, if available;

5 (v) state that under the provisions of [sections 1
6 through 8], neither party to the marriage may obtain
7 maintenance from the other;

8 (vi) state in boldface type that, upon entry of final
9 judgment, the parties' rights and obligations with respect
10 to the marriage, including property and maintenance rights,
11 are permanently adjudicated without right of appeal but that
12 neither party is barred from instituting an action to set
13 aside the final judgment for fraud, duress, accident,
14 mistake, or other grounds recognized at law or in equity or
15 to make a motion pursuant to the Montana Rules of Civil
16 Procedure; and

17 (vii) state that until final judgment is entered, the
18 parties retain the status of married persons and cannot
19 remarry.

20 (b) The brochure may include other matters that the
21 attorney general considers appropriate.

22 NEW SECTION. Section 8. Fee. A \$100 filing fee must be
23 paid to the clerk of the district court when the joint
24 petition is filed. This fee includes costs for the filing of
25 the joint petition and entry of final decree.

LC 1966/01

1 NEW SECTION. **Section 9.** Codification instruction.
2 [Sections 1 through 8] are intended to be codified as an
3 integral part of Title 40, chapter 4, part 1, and the
4 provisions of Title 40, chapter 4, part 1, apply to
5 [sections 1 through 8].

6 NEW SECTION. **Section 10.** Effective date. [This act] is
7 effective on passage and approval.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0752, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act to establish a procedure for summary dissolution of marriage.

ASSUMPTIONS:


1. The cost of researching, writing, printing and distributing a sufficient number of brochures would be \$12,000.
2. Current law is represented by the executive budget recommendation for the Legal Service Bureau of the Department of Justice.
3. The current filing fee for a dissolution of marriage is \$100 plus \$25 for entry of judgment. This bill sets the filing fee and entry of final decree at a fee of \$100.

FISCAL IMPACT:Expenditures:Department of Justice:Legal Services Bureau

	FY '92			FY '93		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
Personal Services	744,000	744,000	0	743,000	743,000	0
Operating Costs	166,000	178,000	12,000	161,000	161,000	0
Equipment	13,000	13,000	0	13,000	13,000	0
Total	923,000	935,000	12,000	917,000	917,000	0
<u>Funding:</u>						
General Fund (01)	923,000	935,000	12,000	917,000	917,000	0

EFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

There may be a minor decrease in district court revenue from the reduction in fees addressed in Assumption 3. There may also be some reduction in the time spent by district courts on divorce procedures.

 2-15-91
 ROD SUNDSTED, BUDGET DIRECTOR DATE
 Office of Budget and Program Planning

 2/18/91
 HOWARD TOOLE, PRIMARY SPONSOR DATE

Fiscal Note for HB0752, as introduced

HB 752

APPROVED BY COMMITTEE
ON JUDICIARY

1 HOUSE BILL NO. 752

2 INTRODUCED BY TOOLE, MEASURE, BRADLEY, MERCER

3
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15 (1) Each party has met the requirements of 40-4-104
16 with regard to dissolution of marriage.

17 (2) Irreconcilable differences have caused the
18 irretrievable breakdown of the marriage, and both parties
19 agree that the marriage should be dissolved.

20 (3) There are no children from the relationship born
21 before or during the marriage or adopted by the parties
22 during the marriage, and the wife~~7-to-her-knowledge7~~ is not
23 pregnant.

24 (4) (a) Except as provided in subsection (4)(b),
25 neither party has any interest in real property.

1 (b) The limitation of subsection (4)(a) does not apply
2 to the lease of a residence occupied by either party if the
3 lease does not include an option to purchase and if it
4 terminates within 1 year from the date of the filing of the
5 petition.

6 (5) There are no unpaid obligations in excess of \$4,000
7 incurred by either or both of the parties after the date of
8 their marriage, excluding the amount of any unpaid
9 obligations with respect to ~~an-automobile~~ A MOTOR VEHICLE
10 WITH A RATED CARRYING LOAD IN PERSONS AND PROPERTY OF 1 TON
11 OR LESS.

12 (6) The total fair market value of property assets,
13 excluding all encumbrances and ~~automobiles~~ MOTOR VEHICLES
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15 OR LESS, is less than \$13,000, and neither party has
16 separate property assets in excess of \$13,000, excluding all
17 encumbrances and ~~automobiles~~ MOTOR VEHICLES WITH A RATED
18 CARRYING LOAD IN PERSONS AND PROPERTY OF 1 TON OR LESS.

19 (7) The parties have executed an agreement setting
20 forth the division of assets and the assumption of
21 liabilities and have duly executed any documents, title
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23 necessary to effectuate the agreement.

24 (8) The parties waive any right to maintenance.

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1 dissolution of marriage, irrevocably waive their respective
 2 rights to appeal the terms of the dissolution and their
 3 rights to move for a new trial on the dissolution.

4 (10) The parties have read and state that they
 5 understand the contents of the summary dissolution brochure
 6 provided for in [section 7].

7 (11) The parties desire that the court dissolve the
 8 marriage.

9 NEW SECTION. Section 2. Joint petition -- filing --
 10 form -- contents. (1) A proceeding for summary dissolution
 11 of marriage is commenced by filing in the district court a
 12 joint petition in the form prescribed by the court ~~and by~~
 13 ~~paying the fee required by {section 8}.~~

14 (2) The petition must:

15 (a) be signed under oath by both parties;

16 (b) state that, as of the date of the filing of the
 17 joint petition, each condition set forth in [section 1] has
 18 been met;

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20 (d) state whether or not the wife elects to have her
 21 maiden or former name restored and, if so, state the name to
 22 be restored.

23 NEW SECTION. Section 3. Revocation of joint petition
 24 -- termination of proceeding -- notice -- copy to other
 25 party. (1) At any time prior to the entry of final judgment,

1 either party to the marriage may revoke the joint petition
 2 and thereby terminate the summary dissolution proceeding
 3 filed pursuant to [sections 1 through 8 7].

4 (2) The revocation is effected by filing with the clerk
 5 of the court in which the proceeding was commenced a notice
 6 of revocation in the form and content prescribed by the
 7 district court.

8 (3) The revoking party shall send a copy of the notice
 9 of revocation to the last-known address of the other party
 10 by first-class mail, postage prepaid.

11 NEW SECTION. Section 4. Final HEARING AND FINAL
 12 judgment -- entry -- effect -- notice. After 90 30 days from
 13 the date of the filing of the joint petition for summary
 14 dissolution, the district court shall HOLD A HEARING AT
 15 WHICH BOTH PARTIES MUST BE PRESENT, AND IF THE COURT
 16 DETERMINES THAT THE CONDITIONS IN [SECTION 1] EXIST, THE
 17 COURT SHALL enter the final judgment dissolving the
 18 marriage. Entry of final judgment restores each party to the
 19 status of a single person and permits either to marry. The
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16 with regard to dissolution of marriage.17 (2) Irreconcilable differences have caused the
18 irretrievable breakdown of the marriage, and both parties
19 agree that the marriage should be dissolved.20 (3) There are no children from the relationship born
21 before or during the marriage or adopted by the parties
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1 dissolution of marriage, irrevocably waive their respective
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- 14 (2) The petition must:
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 - 17 joint petition, each condition set forth in [section 1] has
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-End-

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
April 16, 1991

MR. PRESIDENT:

We, your committee on Judiciary having had under consideration House Bill No. 752 (third reading copy -- blue), respectfully report that House Bill No. 752 be amended and as so amended be concurred in:

1. Title, lines 5 and 6.

Strike: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"


2. Page 4, line 12.

Strike: "30"

Insert: "20"

3. Page 7, lines 13 and 14.

Strike: section 9 in its entirety

Signed: 

Richard Pinsoneault, Chairman

 4-16-91
Ad. Coord.

SB 4-16-91
Sec. of Senate

1:25

SENATE
HB 752

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2 INTRODUCED BY TOOLE, MEASURE, BRADLEY, MERCER

3
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10 WITH A RATED CARRYING LOAD IN PERSONS AND PROPERTY OF 1 TON
11 OR LESS.12 (6) The total fair market value of property assets,
13 excluding all encumbrances and automobiles MOTOR VEHICLES
14 WITH A RATED CARRYING LOAD IN PERSONS AND PROPERTY OF 1 TON
15 OR LESS, is less than \$13,000, and neither party has
16 separate property assets in excess of \$13,000, excluding all
17 encumbrances and automobiles MOTOR VEHICLES WITH A RATED
18 CARRYING LOAD IN PERSONS AND PROPERTY OF 1 TON OR LESS.19 (7) The parties have executed an agreement setting
20 forth the division of assets and the assumption of
21 liabilities and have duly executed any documents, title
22 certificates, bills of sale, or other evidence of transfer
23 necessary to effectuate the agreement.

24 (8) The parties waive any right to maintenance.

25 (9) The parties, upon entry of final judgment of

1 dissolution of marriage, irrevocably waive their respective
 2 rights to appeal the terms of the dissolution and their
 3 rights to move for a new trial on the dissolution.

4 (10) The parties have read and state that they
 5 understand the contents of the summary dissolution brochure
 6 provided for in [section 7].

7 (11) The parties desire that the court dissolve the
 8 marriage.

9 NEW SECTION. Section 2. Joint petition -- filing --
 10 form -- contents. (1) A proceeding for summary dissolution
 11 of marriage is commenced by filing in the district court a
 12 joint petition in the form prescribed by the court and by
 13 paying the fee required by {section 8}.

- 14 (2) The petition must:
- 15 (a) be signed under oath by both parties;
 - 16 (b) state that, as of the date of the filing of the
 - 17 joint petition, each condition set forth in [section 1] has
 - 18 been met;
 - 19 (c) state the mailing address of both parties; and
 - 20 (d) state whether or not the wife elects to have her
 - 21 maiden or former name restored and, if so, state the name to
 - 22 be restored.

23 NEW SECTION. Section 3. Revocation of joint petition
 24 -- termination of proceeding -- notice -- copy to other
 25 party. (1) At any time prior to the entry of final judgment,

1 either party to the marriage may revoke the joint petition
 2 and thereby terminate the summary dissolution proceeding
 3 filed pursuant to [sections 1 through 8 7].

4 (2) The revocation is effected by filing with the clerk
 5 of the court in which the proceeding was commenced a notice
 6 of revocation in the form and content prescribed by the
 7 district court.

8 (3) The revoking party shall send a copy of the notice
 9 of revocation to the last-known address of the other party
 10 by first-class mail, postage prepaid.

11 NEW SECTION. Section 4. Final HEARING AND FINAL
 12 judgment -- entry -- effect -- notice. After 90 ~~30~~ 20 days
 13 from the date of the filing of the joint petition for
 14 summary dissolution, the district court shall HOLD A HEARING
 15 AT WHICH BOTH PARTIES MUST BE PRESENT, AND IF THE COURT
 16 DETERMINES THAT THE CONDITIONS IN [SECTION 1] EXIST, THE
 17 COURT SHALL enter the final judgment dissolving the
 18 marriage. Entry of final judgment restores each party to the
 19 status of a single person and permits either to marry. The
 20 clerk shall send a notice of entry of final judgment to the
 21 last-known address of each party.

22 NEW SECTION. Section 5. Final judgment as final
 23 adjudication of rights and obligations. Except as provided
 24 in [section 6], entry of final judgment constitutes a final
 25 adjudication of the rights and obligations of the parties

1 with respect to the status of the marriage and property
2 rights and constitutes a waiver of their respective rights
3 to maintenance, rights to appeal the terms of the
4 dissolution, and rights to a new trial.

5 NEW SECTION. Section 6. Actions to set aside final
6 judgment. (1) A final judgment made pursuant to [section 4]
7 does not prejudice or bar the rights of either party to
8 institute an action to set aside the final judgment for
9 fraud, duress, accident, mistake, or other grounds
10 recognized at law or in equity or to make a motion pursuant
11 to the Montana Rules of Civil Procedure.

12 (2) The district court shall set aside a final judgment
13 made pursuant to [section 4] regarding all matters except
14 the status of the marriage upon proof that the parties did
15 not meet the requirements of [section 1] on the date the
16 petition was filed.

17 NEW SECTION. Section 7. Brochure to describe
18 proceedings -- availability -- distribution -- contents and
19 form. (1) Each district court shall make available a
20 brochure, prepared and distributed by the attorney general,
21 describing the requirements, nature, and effect of
22 proceedings under [sections 1 through 8 7].

23 (2) (a) In nontechnical language, the brochure must:

24 (i) state that it is in the best interests of the
25 parties to consult an attorney regarding the dissolution of

1 their marriage. The services of an attorney may be obtained
2 through lawyer referral services, group or prepaid legal
3 services, or legal aid organizations.

4 (ii) state that the brochure is not intended as a guide
5 for self-representation in proceedings under [sections 1
6 through 8 7] and should not be relied upon exclusively by
7 the parties;

8 (iii) provide a concise summary of the provisions of
9 [sections 1 through 8 7] and 40-4-104;

10 (iv) describe the nature of services of the conciliation
11 court, if available;

12 (v) state that under the provisions of [sections 1
13 through 8 7], neither party to the marriage may obtain
14 maintenance from the other;

15 (vi) state in boldface type that, upon entry of final
16 judgment, the parties' rights and obligations with respect
17 to the marriage, including property and maintenance rights,
18 are permanently adjudicated without right of appeal but that
19 neither party is barred from instituting an action to set
20 aside the final judgment for fraud, duress, accident,
21 mistake, or other grounds recognized at law or in equity or
22 to make a motion pursuant to the Montana Rules of Civil
23 Procedure; and

24 (vii) state that until final judgment is entered, the
25 parties retain the status of married persons and cannot

1 remarry.

2 (b) The brochure may include other matters that the
3 attorney general considers appropriate.

4 ~~NEW SECTION.--Section 8.--Fee.--A \$100 filing fee must be~~
5 ~~paid to the clerk of the district court when the joint~~
6 ~~petition is filed. This fee includes costs for the filing of~~
7 ~~the joint petition and entry of final decree.~~

8 NEW SECTION. Section 8. Codification instruction.
9 [Sections 1 through 7] are intended to be codified as an
10 integral part of Title 40, chapter 4, part 1, and the
11 provisions of Title 40, chapter 4, part 1, apply to
12 [sections 1 through 7].

13 ~~NEW SECTION.--Section 9.--Effective date. {This act} is~~
14 ~~effective on passage and approval.~~

-End-

Free Conference Committee
on House Bill 752
Report No. 1, April 23, 1991

4/24/94
11:00 AM
BOS

Page 1 of 1

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered House Bill 752 and recommend House Bill 752 (reference copy -- salmon) be amended as follows:

1. Title, line 6.

Following: "~~DATE~~"

Insert: "; AND PROVIDING AN EFFECTIVE DATE"

2. Page 4, lines 19 through 21.

Following: "marry." on line 19

Strike: the remainder of line 19 through "party." on line 21.

3. Page 7, line 15.

Following: line 14

Insert: "NEW SECTION. Section 9. Effective date. [This act] is effective July 1, 1992."

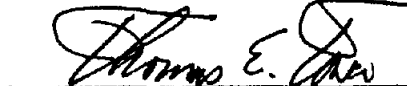
And this Free Conference Committee report be adopted.

For the House:

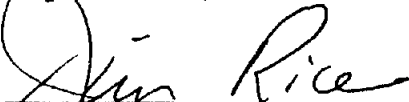
For the Senate:



Rep. Toole, Chair



Sen. Towe, Chair



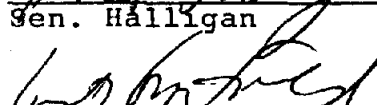
Rep. Rice



Sen. Halligan



Rep. Southworth



Sen. Grosfield

ADOPT

REJECT

FCCR #1
HB 752
871132CC.HSF

HOUSE BILL NO. 752

INTRODUCED BY TOOLE, MEASURE, BRADLEY, MERCER

A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH A PROCEDURE FOR SUMMARY DISSOLUTION OF MARRIAGE; ~~AND PROVIDING AN IMMEDIATE EFFECTIVE DATE;~~ AND PROVIDING A DELAYED EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Summary dissolution --

conditions necessary at commencement of proceedings. A marriage may be dissolved by the summary dissolution procedure specified in [sections 1 through 7] if all of the following conditions exist on the date the proceeding is commenced:

(1) Each party has met the requirements of 40-4-104 with regard to dissolution of marriage.

(2) Irreconcilable differences have caused the irretrievable breakdown of the marriage, and both parties agree that the marriage should be dissolved.

(3) There are no children from the relationship born before or during the marriage or adopted by the parties during the marriage, and the wife, to her knowledge, is not pregnant.

(4) (a) Except as provided in subsection (4)(b),

neither party has any interest in real property.

(b) The limitation of subsection (4)(a) does not apply to the lease of a residence occupied by either party if the lease does not include an option to purchase and if it terminates within 1 year from the date of the filing of the petition.

(5) There are no unpaid obligations in excess of \$4,000 incurred by either or both of the parties after the date of their marriage, excluding the amount of any unpaid obligations with respect to ~~an automobile~~ A MOTOR VEHICLE WITH A RATED CARRYING LOAD IN PERSONS AND PROPERTY OF 1 TON OR LESS.

(6) The total fair market value of property assets, excluding all encumbrances and ~~automobiles~~ MOTOR VEHICLES WITH A RATED CARRYING LOAD IN PERSONS AND PROPERTY OF 1 TON OR LESS, is less than \$13,000, and neither party has separate property assets in excess of \$13,000, excluding all encumbrances and ~~automobiles~~ MOTOR VEHICLES WITH A RATED CARRYING LOAD IN PERSONS AND PROPERTY OF 1 TON OR LESS.

(7) The parties have executed an agreement setting forth the division of assets and the assumption of liabilities and have duly executed any documents, title certificates, bills of sale, or other evidence of transfer necessary to effectuate the agreement.

(8) The parties waive any right to maintenance.



1 (9) The parties, upon entry of final judgment of
 2 dissolution of marriage, irrevocably waive their respective
 3 rights to appeal the terms of the dissolution and their
 4 rights to move for a new trial on the dissolution.

5 (10) The parties have read and state that they
 6 understand the contents of the summary dissolution brochure
 7 provided for in [section 7].

8 (11) The parties desire that the court dissolve the
 9 marriage.

10 NEW SECTION. Section 2. Joint petition -- filing --
 11 form -- contents. (1) A proceeding for summary dissolution
 12 of marriage is commenced by filing in the district court a
 13 joint petition in the form prescribed by the court and--by
 14 ~~paying-the-fee-required-by-{section-6}~~.

15 (2) The petition must:

16 (a) be signed under oath by both parties;

17 (b) state that, as of the date of the filing of the
 18 joint petition, each condition set forth in [section 1] has
 19 been met;

20 (c) state the mailing address of both parties; and

21 (d) state whether or not the wife elects to have her
 22 maiden or former name restored and, if so, state the name to
 23 be restored.

24 NEW SECTION. Section 3. Revocation of joint petition
 25 -- termination of proceeding -- notice -- copy to other

1 party. (1) At any time prior to the entry of final judgment,
 2 either party to the marriage may revoke the joint petition
 3 and thereby terminate the summary dissolution proceeding
 4 filed pursuant to [sections 1 through 8 ?].

5 (2) The revocation is effected by filing with the clerk
 6 of the court in which the proceeding was commenced a notice
 7 of revocation in the form and content prescribed by the
 8 district court.

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 10 of revocation to the last-known address of the other party
 11 by first-class mail, postage prepaid.

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 13 judgment -- entry -- effect ---notice. After ~~90~~ 30 20 days
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 17 DETERMINES THAT THE CONDITIONS IN [SECTION 1] EXIST, THE
 18 COURT SHALL enter the final judgment dissolving the
 19 marriage. Entry of final judgment restores each party to the
 20 status of a single person and permits either to marry. The
 21 clerk--shall-send-a-notice-of-entry-of-final-judgment-to-the
 22 last-known-address-of-each-party-

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 24 adjudication of rights and obligations. Except as provided
 25 in [section 6], entry of final judgment constitutes a final

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 8 does not prejudice or bar the rights of either party to
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11 (iv) describe the nature of services of the conciliation
 12 court, if available;

13 (v) state that under the provisions of [sections 1
 14 through 8 7], neither party to the marriage may obtain
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10 [Sections 1 through 8] are intended to be codified as an
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12 provisions of Title 40, chapter 4, part 1, apply to
13 [sections 1 through 8].

14 ~~NEW SECTION. Section 9. Effective date. [This act] is~~
15 ~~effective on passage and approval.~~

16 NEW SECTION. SECTION 9. EFFECTIVE DATE. [THIS ACT] IS
17 EFFECTIVE JULY 1, 1992.

-End-