**MONTANA \_\_\_\_\_\_\_\_\_\_\_\_ JUDICIAL DISTRICT COURT, \_\_\_\_\_\_\_\_\_\_\_\_\_\_ COUNTY**

|  |  |
| --- | --- |
| In re the Marriage of:  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,  ☐Petitioner ☐Co-Petitioner 1,  and  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,  ☐Respondent ☐Co-Petitioner 2 | **Case No: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**    **Findings of Fact and Conclusions of Law and**  **Final Dissolution Decree**  **No Minor Children** |

The Court enters the following:

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1. Procedural History.

On the \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 20\_\_\_\_, the Petition for Dissolution was filed by ☐Petitioner ☐Co-Petitioners jointly.

1. Nature of the Case. *Choose One.*

☐The Parties filed a joint Petition.

**OR**

☐On the \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 20\_\_\_\_, Respondent was served with the Petition and Summons.

**AND**

☐Respondent filed an answer or otherwise participated in this case.

**OR**

☐Respondent did not file an answer or otherwise participate in this case. Default was entered on the \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 20\_\_\_\_.

1. Property Distribution. *Choose One.*

☐Petitioner filed and served Respondent with the Petition and the Property Distribution.

**OR**

☐Petitioner/Co-Petitioner 1 ☐Respondent/Co-Petitioner 2 has filed a Property Distribution and sent a copy to the other party.

**OR**

☐The parties have agreed upon a Property Distribution and submitted it to the Court for final approval.

**OR**

☐ Other: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

1. Hearing. *Choose One*.

On the \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_ the Court held a:

☐Default hearing.

**OR**

☐Uncontested hearing. The parties agreed to all issues in this case.

**OR**

☐Contested hearing.

**OR**

☐No hearing. The parties have filed joint or individual Affidavits for Entry of a Decree of Dissolution of Marriage without a Hearing.

1. Appearances.

Petitioner/Co-Petitioner 1

☐appeared in person ☐without a lawyer ☐with a lawyer \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Respondent/Co-Petitioner 2

☐appeared in person ☐without a lawyer ☐with a lawyer \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

☐failed to appear

☐Not applicable. The parties filed joint or individual Affidavits for Entry of a Decree of Dissolution of Marriage without a Hearing.

1. Jurisdiction over the Parties.

90 days before this case was filed either husband or wife was domiciled or was stationed in Montana.

1. Venue.

Venue is proper in this county.

1. Marriage. *Choose One.*

☐The parties were married on (date) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. The marriage license was filed in \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ County, State of \_\_\_\_\_\_\_\_\_\_\_.

**OR**

☐The parties were married at common law as of (date) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. The parties assumed a marital relationship by mutual consent and agreement. The parties confirmed their marriage by living together and by public knowledge.

**OR**

☐The parties filed a declaration of marriage on (date) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ in \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ County, State of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

1. Irretrievable Breakdown. The marriage of the parties is irretrievably broken in that: *Choose one.*

☐The parties lived separate and apart for more than 180 days before this case was filed.

**OR**

☐There is serious marital discord that adversely affects the attitude of one or both of the parties toward the marriage and there is no reasonable prospect of reconciliation.

1. There were no children born of the marriage or there are no minor children at this time. Neither party is pregnant with a child of the marriage.
2. Declaration of Disclosure.

☐The parties are in compliance with the financial disclosure requirements §§ 40-4-252 through 254, M.C.A.

**OR**

☐(In the event of default), Petitioner has provided financial disclosure and waives any further disclosure from Respondent.

**OR**

☐The parties have made preliminary disclosure and ask that the preliminary disclosure serve as the final disclosure.

1. Spousal Maintenance. *Choose One*.

☐Spousal maintenance was not requested by either party.

**OR**

☐Spousal maintenance is necessary because the requesting party lacks sufficient property to provide his/her reasonable needs; and is unable to be self-supporting through appropriate employment or is the custodian of a child whose condition or circumstances make it appropriate that the custodian not be required to seek employment outside the home.

**OR**

☐Spousal maintenance is denied because: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

1. Previous Names. *Choose One*.

☐Petitioner/Co-Petitioner 1 ☐ Respondent/Co-Petitioner 2 request restoration of a previous name.

**OR**

☐Neither party requests restoration of a previous name at this time.

1. Additional Findings.

☐The Court makes additional findings of fact as follows: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

☐Additional Findings of Fact and Conclusions of Law attached hereto.

From the above Findings of Fact and Conclusions of Law, the Court orders the following:

**DECREE OF DISSOLUTION OF MARRIAGE**

1. The Court has jurisdiction over the parties and this cause of action.
2. The Court dissolves the marriage between the parties.
3. If applicable, the Court dissolves the Temporary Economic Restraining Order issued in this matter under M.C.A. § 40-4-121(3).
4. The following property distribution is a fair and equitable apportionment between the parties of the marital property, assets, and liabilities and is not unconscionable: *Choose One*.

☐The Agreed Proposed Property Distribution ☐as modified

☐Petitioner’s Proposed Property Distribution ☐as modified

☐Respondent’s Proposed Property Distribution ☐as modified

☐The Court’s Property Distribution

1. The Court has signed and adopts and incorporates by reference the approved Property Distribution. The Court orders the parties to follow the Property Distribution.
2. Each party is ordered to take any action necessary to carry out the terms and conditions of this Decree including the signing and transfer of titles, deeds, or other documents within \_\_\_\_\_\_\_\_\_\_\_\_\_\_ number of days from the date of this Decree or as more specifically provided in the Property Distribution.
3. Petitioner’s/Co-Petitioner 1’s name will ☐remain ☐be restored to: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

First Middle Last

1. Respondent’s/Co-Petitioner 2’s name will ☐remain ☐be restored to: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

First Middle Last

1. Spousal Maintenance. *Choose One.*

☐ No spousal maintenance is awarded in this case.

**OR**

☐ Petitioner/Co-Petitioner 1 ☐ Respondent/Co-Petitioner 2 shall pay $\_\_\_\_\_\_\_\_ per month commencing on the \_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_ until *(date of last payment)* \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ in spousal support. The payment must be made on the \_\_\_\_ of each month directly to ☐ Petitioner/Co-Petitioner 1 ☐ Respondent/Co-Petitioner 2.

1. Other Provisions: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

DATED this day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 20\_\_\_\_.

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

☐ DISTRICT COURT JUDGE / ☐ STANDING MASTER