

HON. \_\_\_\_\_  
District Judge - Dept. No. \_\_\_\_  
Twenty-First Judicial District  
Ravalli County Courthouse  
205 Bedford - Suite \_\_\_\_\_  
Hamilton, Montana 59840  
(406) 802-7198

FORM #43

**MONTANA TWENTY-FIRST JUDICIAL DISTRICT COURT  
RAVALLI COUNTY**

<p>In re the Marriage of:</p> <p>_____, Petitioner,</p> <p>and</p> <p>_____, Respondent.</p>	<p>Cause No.: _____ Department No.: _____</p> <p><b>FINDINGS OF FACT, CONCLUSIONS OF LAW AND FINAL DECREE OF DISSOLUTION</b></p>
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The Petition for Dissolution, filed herein on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, came for hearing this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. The Petitioner appeared pro se.

The Respondent [ ] did not appear or otherwise respond to the Petition. The Respondent's default was entered on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
[ ] did not appear, but filed a Consent to Entry of Decree.  
[ ] appeared pro se.  
[ ] appeared and was represented by \_\_\_\_\_.

After considering all evidence and pleadings, the Court finds:

**FINDINGS OF FACT**

1. The Respondent was served with the Petition and Summons on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

2. Choose One:  
 The parties were married on *(date)*: \_\_\_\_\_ . The marriage was registered in the County of \_\_\_\_\_, State of \_\_\_\_\_.  
 The parties were married at common law. The parties assumed a marital relationship by mutual consent and agreement and confirmed their marriage by cohabitation and public repute.
3. Choose One:  
 The parties separated on *(date)*: \_\_\_\_\_.  
 The parties are not yet separated.
4. Choose One:  
 The marriage is irretrievably broken in that there is serious marital discord which adversely affects the attitude of one of the parties towards the marriage, and there is no reasonable prospect of reconciliation.  
 The marriage is irretrievably broken in that the parties have lived separate and apart for a period of more than one hundred eighty (180) days preceding the commencement of these proceedings, and there is no reasonable prospect of reconciliation.
5. The conciliation provisions of the Montana Conciliation law and M.C.A. § 40-4-107 do not apply.
6. The Petitioner has been domiciled within the state of Montana for at least ninety (90) days prior to the filing of this action.
7. Choose One:  
 There were no children born of the marriage.  
 There were children of the marriage, but none are now minors.  
 There were children born of the marriage, but this Court has no jurisdiction over them.
8. The wife  is  is not pregnant with a child of this marriage.
9. A Temporary Economic Restraining Order was issued in this matter under M.C.A. § 40-4-121(3) and is currently in effect.
10. The Petitioner has complied with the preliminary disclosure requirements of M.C.A. § 40-4-252.
11. The Petitioner has complied with or waived the final disclosure requirements of M.C.A. §§ 40-4-253 and 40-4-254.
12. Choose One:  
 The parties do not own any real property.  
 The  Petitioner  Respondent  both parties are the owner(s) of record of real property located at \_\_\_\_\_  
 \_\_\_\_\_.

The legal description of the property is \_\_\_\_\_

13. Choose One:  
 The parties do not own any vehicles.  
 The parties own \_\_\_\_\_ vehicle(s).
14. The parties have accumulated household furnishings and other personal property during the course of their marriage. The personal property of the parties  has  has not already been divided.
15. Choose One:  
 There are no debts of the marriage.  
 The parties have accumulated debts during the course of their marriage.
16. Choose One:  
 The wife would like to be restored to her former name of \_\_\_\_\_.  
 The wife does not want to be restored to her former name.  
 The wife has not indicated whether she would like to be restored to her former name.
17. Other Provisions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
18. All of the other allegations of the Petitioner's complaint not inconsistent herewith are true, and the relief requested should be granted.

FROM the above Findings of Fact, the Court makes the following:

**CONCLUSIONS OF LAW**

1. The Court has jurisdiction over this cause.
2. The marriage of the parties is irretrievably broken.
3. The Petitioner, having complied with the Preliminary Disclosure requirements of M.C.A. § 40-4-252 and complied with or waived the final disclosure requirements of M.C.A. §§ 40-4-253 and 40-4-254, and the Respondent having failed to answer within the statutory time frame, the Court finds good cause to enter this Decree without service of final declarations of disclosure.
4. Based on the duration of the marriage and on the parties' age, health, education, skills, and financial circumstances, the Petitioner's proposed division of property and debts is equitable.
5. If requested, the wife should be restored to her former name.
6. Other Provisions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

**DECREE OF DISSOLUTION OF MARRIAGE**

1. The marriage between the Petitioner and the Respondent is hereby dissolved.

2. Marital and Property Settlement Agreement

The parties have entered into a Marital and Property Settlement Agreement filed as Document # \_\_\_\_\_. This Agreement is incorporated herein and made a part of the Final Decree. The parties are ordered to perform the provisions of the Marital and Property Settlement Agreement.

The parties have NOT entered into a Marital and Property Settlement Agreement. The assets and liabilities are divided as follows:

A. Real Property.

The parties do not own any real property.

The  Wife  Husband is hereby granted all right, title, and interest in the real property located at \_\_\_\_\_, with legal

description of \_\_\_\_\_

The  Wife  Husband shall transfer his/her interest in this real property to the  Wife  Husband.

**or**

Describe the proposed distribution of the real property:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
If needed, attach additional sheets as Exhibit \_\_\_\_\_.

B. Vehicles:

The parties do not own any vehicles.

**or**

The parties' vehicle(s) shall be distributed as follows (*Please include the year, make, and model for each vehicle listed.*):

a. The Wife is awarded all right, title and interest in following vehicle(s):

Vehicle:	VIN#:
Vehicle:	VIN#:
Vehicle:	VIN#:

b. The Husband is awarded all right, title, and interest in the following vehicle(s):

Vehicle:	VIN#:
Vehicle:	VIN#:
Vehicle:	VIN#:

c. The parties shall transfer all right and title in said vehicle(s) to the appropriate party. If either party fails to transfer such right and title in the vehicle(s) within twenty (20) days from the date of this Decree, the registrar of Motor Vehicles of the State of Montana is hereby ordered to issue sole title to the party awarded said vehicle(s) upon receipt of a certified copy of this Decree.  
If needed, attach additional sheets as Exhibit \_\_\_\_\_.

C. Other Personal Property:

Each party is hereby granted the exclusive right and title to the personal property currently in his or her possession.

**or**

Each party is hereby granted the exclusive right and title to the following personal property:

To Wife:

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

To Husband:

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

\_\_\_\_\_  
If needed, attach additional sheets as Exhibit \_\_\_\_\_.

D. Debts:

Choose one:

There are no debts of the marriage.

The parties have accumulated debts during the course of their marriage. Each party shall be responsible for the debts currently in his or her name.

**or**

The parties have accumulated debts during the course of their marriage. The responsibility for the debts shall be distributed as follows:

To Wife:

<b>Description of Debt</b> <i>Use Code #</i> See Sensitive Data Form	<b>Creditor</b>	<b>Current Balance</b>	<b>Amount to Wife</b>

The Wife is responsible for any and all other debts in Wife's name only; any and all other debts incurred solely by the Wife since the parties' separation.

To Husband:

<b>Description of Debt</b> <i>Use Code #</i> See Sensitive Data Form	<b>Creditor</b>	<b>Current Balance</b>	<b>Amount to Husband</b>

The Husband is responsible for any and all other debts in the Husband's name only; any and all other debts incurred solely by the Husband since the parties' separation.

If needed, attach additional sheets as Exhibit \_\_\_\_\_.

3. The Temporary Economic Restraining Order issued in this matter under M.C.A. § 40-4-121(3) is hereby dissolved.
4. Each party is ordered to execute any and all documents which now or in the future may be necessary to carry into full force and effect the terms and conditions of this Decree.
5. Choose One:  
 The wife's name is restored to \_\_\_\_\_.  
 The wife's name was never changed and shall remain as: \_\_\_\_\_.  
 The wife's name is not restored to her former name.

6. Other Provisions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
DISTRICT COURT JUDGE