

\_\_\_\_\_ Judicial District

\_\_\_\_\_ County Courthouse

Address \_\_\_\_\_

\_\_\_\_\_, Montana \_\_\_\_\_  
*city zip code*

FORM #46

MONTANA \_\_\_\_\_ JUDICIAL DISTRICT COURT  
\_\_\_\_\_ 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 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, M.C.A. §§ 40-3-101, et. seq., and § 40-4-107 do not apply.

6. At least one of the parties has been domiciled within the state of Montana for at least ninety (90) days prior to the filing of this action.

7. No Children of the Marriage Choose One:

There were no children born of the marriage.

There were children of the marriage, but none are now minors.

There are children of the marriage but this court does not have jurisdiction because

\_\_\_\_\_  
\_\_\_\_\_.

8. The wife  is  is not pregnant with a child of this marriage. Due date: \_\_\_\_\_.

9.  The Parties have complied with the preliminary disclosure requirements of MCA §40-4-252.

The Parties have complied with the final disclosure requirements of MCA §40-4-253 & -254.

**or in the event of a default:**

The Petitioner has complied with the preliminary disclosure requirements of MCA §40-4-252.

Having requested entry of default, Petitioner has waived the final declaration of disclosure.

10. Choose One:

The parties do not own any real property.

The  Wife  Husband  both parties are the owner(s) of record of real property located at \_\_\_\_\_

\_\_\_\_\_.

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

\_\_\_\_\_  
\_\_\_\_\_.

11. Choose One:

The parties do not own any vehicles.

The parties own \_\_\_\_\_ vehicle(s).

12. 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.

13. Choose One:

There are no debts of the marriage.

The parties have accumulated debts during the course of their marriage.

14.  The parties have entered into a Marital and Property Settlement Agreement that distributed their property and debts and obligations and made specific provisions for spousal maintenance and other matters related to dissolution of their marriage. Petitioner/Respondent/Both parties testified that the provisions contained in their agreement are fair and equitable.

15. 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 never changed her name.

16. Other Provisions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

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 Parties

- having complied with the Preliminary Disclosure requirements of M.C.A. §40-4-252;
- having complied with the final disclosure requirements of M.C.A. §§40-4-253 and 40-4-254;

OR in the event of a default

The Petitioner

- having complied with the preliminary disclosure requirements of MCA §40-4-252;
- having requested entry of default and waived the final declaration of disclosure;

the Court finds good cause to enter this Decree.

4. Choose One:

- Based on the duration of the marriage and on the parties' age, health, education, skills, and financial circumstances, the division of property and debts is equitable.
- The parties' Marital and Property Settlement Agreement constitutes a fair and equitable division of the parties' property and debts, is not unconscionable, and should be approved by this Court.

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 of the parties is hereby dissolved.

2. Choose One:

- 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: \_\_\_\_\_

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

3. Choose One:

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 \_\_\_\_\_.

4. Choose One:

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:

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To Husband:

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

5. 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:

Description of Debt	Creditor	Current Balance	Amount to Wife

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:

Description of Debt	Creditor	Current Balance	Amount to Husband

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 \_\_\_\_.

6. Choose One:
- Based on the duration of the marriage and on the parties' age, health, education, skills, and financial circumstances, the division of property and debts is equitable.
  - The issues of property and debt distribution, spousal maintenance, and all other affairs of the marriage are determined pursuant to the Marital and Property Settlement Agreement filed herein. The parties are ordered to perform and comply with the terms and conditions contained in the agreement. The terms of the agreement are enforceable by all remedies available for enforcement of a judgment, including contempt, and are enforceable as contract terms.

7. Choose One:
- The wife's name is restored to \_\_\_\_\_.  
Wife shall be issued an Order for Name Change which is a sealed document in the court file.
  - The wife's name is not restored to her former name.
  - The wife never changed her name.

8. 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.

9. Other Provisions:

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

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