

How to File for Dissolution of Marriage Without Children

DISCLAIMER

Information Not Legal Advice. This document has been prepared for general information purposes only. The information provided is not legal advice. Legal advice is dependent upon the specific circumstances of each situation. Also, the law may vary from state to state, so that some information may not be correct for your jurisdiction. Finally, the information contained in this document is not guaranteed to be up to date. The information cannot replace the advice of competent legal counsel licensed in your state.

What is the Process?

NOTE: The steps for filing for a dissolution may be slightly different in your judicial district. Always check with the Clerk of District Court in your district to make sure that you are following the right procedures.

Need Privacy?

Unless you ask the Court to protect information, everything filed with the court may be viewed by the public. Separate forms may be filed to protect information in your case files from being available for public view. These forms are available in the Privacy Protection Packet, available at <http://courts.mt.gov/library> "Forms," at www.MontanaLawHelp.org or by calling or visiting your local Self Help Law Center.

NEED HELP? There are resources available to assist you in filling out these forms.

The Court Help Program. The Court Help Program provides assistance to people representing themselves in court. There are self help law centers located throughout the state to assist you on a walk in basis and travelling appointments to other courthouses. Self help staff are not lawyers and cannot provide legal advice. Staff are informed about the court process and can answer many questions as well as review your forms for completeness. Find the Court Help services near you: <http://courts.mt.gov/selfhelp>

Montana Legal Services Association. Montana Legal Services Association coordinates volunteer attorney legal resources at a free or reduced cost. If you qualify financially for assistance, Montana Legal Services may connect you with a pro bono attorney, an attorney at a reduced fee, or local attorney resources in your area. Visit www.montanalawhelp.org, www.mtlsa.org, or call MLSA at 1-800-666-6899.

State Bar of Montana. If you are interested in hiring an attorney to advise you or represent you in this matter, the State Bar Lawyer and Information Referral Service is a database of attorneys. You can be connected with attorneys for any place in the state to

help your family legal matter. Access the Lawyer Referral and Information Service by visiting www.montanabar.org or calling 1(406)449-6577.

STEP ONE: Fill out the forms you need. Read all of the forms listed in Step two to determine which forms will be most appropriate for your situation. Fill out these forms completely. Be sure to read “Introduction to Family Law in Montana” before you begin filling out the forms. It will highlight the major decisions you will have to make.

STEP TWO: File Documents.

Court documents for a Dissolution without Children are filed at the Clerk of District Court office in the county where you or your Spouse are living. After filling out the appropriate forms, make 2 sets of copies (3 sets of forms total) of the forms that start your case. Take all of the copies with you to the Clerk of District Court office.

The original set of forms will be kept by the Clerk of Court. One copy you will keep in a safe place, and the other copy you will serve on your Spouse in Step three.

Here is a list of the forms you need to file with the Clerk of District Court:

1. Petition for Dissolution without Minor Children **MP 112**
2. Summons and Temporary Economic Restraining Order **MP 412**
3. Proposed Property Distribution **MP 500**
4. Dissolution Decree **MP 713**
5. Vital Statistics form. You can find this form in the back of the packet or online at dphhs.mt.gov/CSED. File this form with the Clerk of Court when you file your other paperwork.

There is a charge for filing for dissolution in Montana. If you have financial hardship and cannot afford to pay the court, you may fill out a Form titled “Affidavit of Inability to Pay Filing Fee,” available at <http://courts.mt.gov/selfhelp> and at www.MontanaLawHelp.org, by calling or visiting your local Self Help Law Center or from the Clerk of Court’s office.

STEP THREE: Serve your Spouse.

Serving your Spouse.

You must serve your Spouse the following documents by one of the four options described below:

1. Disclosure of Income and Expenses **MP 510**. This document is not filed with the Court, it is only served on your Spouse.

AND copies of the following documents that you filed with the Court in Step One:

2. Petition for Dissolution without Minor Children **MP 112**

3. Summons and Temporary Economic Restraining Order **MP 400**
4. Proposed Property Distribution **MP 500**

You may serve your spouse by one of four methods: (1) Service by Sheriff, (2) Service through Notice and Acknowledgement of your Spouse, (3) a private process server, or (4) Service by Publication. The method of service most appropriate depends on the details of your case and your relationship.

OPTION #1: Service by the Sheriff.

Service by Sheriff may be most appropriate for you if:

- You are concerned about your safety,
- You are not communicating well with your spouse, or
- You would like your case to move forward quickly.

Service by Sheriff is accomplished by delivering or mailing to the Sheriff in the County where your Spouse resides

1. Copies of all documents listed 1-4 above,

AND

2. Original and Copy of the Request for Sheriff to Serve Documents **MP 401.12**. The original was given back to you after approved by the Clerk of District Court in Step Two.

The Sheriff Department usually charges a fee for service of process. If you have an Affidavit of Inability to Pay Filing Fees approved by the Court, the Sheriff may waive the service fee.

OPTION #2: Service through Notice and Acknowledgement of your Spouse.

Service through Notice and Acknowledgment of your Spouse may be most appropriate for you if:

- You have regular communication with your spouse
- You believe you and your spouse will cooperate
- You are willing to allow your Spouse extra time to respond to your petition.

In order to serve your Spouse by acknowledgment, you can hand deliver or send via mail:

1. Copies of all documents listed 1-4 above,

AND

2. Notice and Acknowledgment of Service **MP 403.12**.
3. Acknowledgement of Service **MP 403.22**

OPTION #3: Private Process Server. Service by a private process server may be appropriate if:

- You are having trouble locating or serving your spouse by other means.
- You have the ability to hire a process server at less cost than a Sheriff (because you do not have an Affidavit of Inability to Pay or you are serving someone out of State).

The private process server of your choice may have specific requirements. Private process servers will also charge a fee. At a minimum, your private process server must serve your spouse with copies of all documents listed 1-4 above.

OPTION #4: Service by Publication. Service by publication is an option of last resort and should only be pursued if:

- All other methods to serve your Spouse have failed
- You and everyone you know have no information about where your Spouse is.

Service by Publication requires a long process of filing many documents with the court. Service by Publication may also involve an additional expense imposed by the newspaper you are ordered to publish notice in:

1. Request for Order Granting Service of Summons by Publication **MP 402.12**
2. Order for Service of Summons by Publication **MP 402.22**
3. Summons for Publication **MP 402.32**
4. Affidavit for Publication of Summons

Only after the Court has approved your request and signed an Order allowing Service by Publication can you proceed with service by publication.

STEP FOUR: File the Original Summons and Return of Service.

After you receive proof that your spouse was served (by either a Return of Service, a Notice and Acknowledgment, or a Proof of Publication), make one copy of the proof of service. File the original with the Clerk of District Court. At the same time, file the original Summons.

STEP FIVE: Wait and work towards a resolution.

After your spouse is served, they have 21 days to respond to the petition. During this time you may discover many important things about your case.

If your spouse disagrees with any part of your proposed property distribution they may file an Answer to your petition. Along with an Answer, your Spouse may file their own proposed property distribution. At that time, you can decide whether there is any room for agreement on some or all of your proposals.

MEDIATION: If you do not agree but you think you could come to some agreement, you may choose to go to mediation. Some courts require litigants to go to mediation before setting a hearing to finalize the case. Mediation is a process

where a neutral facilitator (called a “mediator”) helps both people come up with a shared solution. Mediation is confidential and agreements made in mediation will only be filed in Court when both you and your Spouse agree. Mediation can be a cost effective way to find a compromise and speed up the dissolution process.

If, at any time, you change your mind, you may “amend” your proposal by filing a motion and a new version of your proposal. Your Spouse will have additional time to respond to new proposals. If you come to an agreement, you can file with the Court a Notice of Agreement **MP 612** and the proposed agreement in writing.

STEP SIX: Request a Final Hearing.

Once your spouse has filed a response, or their time to file has expired, you can request a hearing to finalize your dissolution. You will now file these forms with the Clerk of District Court:

1. Request for a Hearing and Default by Clerk **MP 701**
*If your Spouse did not respond to your petition, you may request a default judgment, which means you are asking the Court to consider only what you have filed in making a decision. **MP 701** includes the option to request a default.
2. Order Granting Hearing on Dissolution without Children **MP 714**
3. Notice of Entry of Decree **MP 704**
4. (Optional) New proposals or agreements. In order to make sure the Court considers new proposals or agreements between you and your spouse, you will file all completed forms at this time.

STEP SEVEN: Attend your final hearing.

Attending your hearing is very important. The judge will ask you questions about your marriage. This is the time for the judge to make a decision on your dissolution. After the judge has made a decision, the Judge will sign the Decree of Dissolution **MP 713**. The Court will adopt the version of the Proposed Property Distribution **MP 500** that the Court considers fair. The Court will indicate which property distribution is “Court Ordered” by signing the document and listing it as an “Exhibit” to the Final Decree.

STEP EIGHT: File your Notice of Entry of Decree.

After your hearing, you will need to file your Notice of Entry of Decree **MP 704** with the Clerk of District Court.

Your dissolution is not final until this step is complete. Request a copy of your final Dissolution Decree with Exhibits from the Clerk of District Court. If your Spouse was not present for the hearing, make two copies and mail copies of the following documents to your spouse:

1. Notice of Entry of Decree **MP 704**
2. Dissolution Decree **MP 713**
3. Court Ordered Property Distribution **MP 500**

Keep your copy of the Decree and Exhibits in a safe place. You can make copies of your Decree later if you need them.

Document Checklist

- MP 112** - Petition for Dissolution without children (2 copies, 3 total)

Attachments:

- MP 113 E** - Additional Court Cases

- MP 500** – Property Distribution / Signed by Judge: _____ (2 copies, 3 total)

Attachments:

- MP 500 A** – Additional Real Property
- MP 500 B** – Additional Vehicle
- MP 500 C** – Additional Accounts
- MP 500 D** – Additional Debts

- MP 510** – Declaration and Disclosure of Income and Expenses (2 copies, 3 total)

Attachments:

- MP 510 A** – Additional Income
- MP 510 B** – Additional Expense

- MP 412** – Summons and Temporary Economic Restraining Order (1 copy, 2 total)

Returned Service Document / Attempts to Serve:

- MP 401** – Request for Sheriff to Serve
- MP 403.2** – Acknowledgement of Service by Certified Mail
 - (Mailed to Respondent but not returned) MP 403.1** – Notice and Request for Acknowledgement
- MP 402.1** – Request for Order Granting Service by Publication

- MP 611.1** - Motion to Request Order for Mediation
- MP 611.2** - Mediation Summary (Mediator fills out)
- MP 611.3** - Order for Mediation
- MP 612** - Notice of Agreement (w/ Attached Exhibits)

- MP 701** – Request for Hearing and Statement of Compliance with Financial Disclosure

- Request for Default**

- MP 714** – Order Granting Hearing on Dissolution
- MP 713** – Dissolution Decree/ Signed by Judge: _____
- MP 704** – Notice of Entry of Decree
- Vital Statistics**



Filing Process for a Dissolution of Marriage without Children

Step 1: Filing Initial Documents (Petitioner)

1. **MP-112** Petition (Attachments used when necessary)
 - a. **MP-113B** Additional Children
 - b. **MP-113C** Additional Residences for Children
 - c. **MP-113D** Additional People Who Claim Custody
 - d. **MP-113E** Additional Court Cases
2. **MP-500** Proposed Property Distribution



Step 2: Service Documents

1. **MP-412** Summons & TRO
2. **MP-510** Disclosure of Income and Expenses (NOT FILED WITH COURT)
 - a. **MP-510A** Additional Income
 - b. **MP-510B** Additional Expenses

*How to Serve the Other Party (All three options require proof of service be filed with Clerk of Court)

- A. **MP-401** Request for Sheriff to Serve or;
- B. **MP-403.12** Notice and Acknowledgement or;
 - a. **MP-403.22** Acknowledgement of Service by Mail
- C. **MP-402.1** Request for Order Granting Service by Publication; **MP-402.2** Order for Service of Summons by Publication; **MP-402.3** Summons for Publication



Step 3: Request for Default Judgement -File MP-703

Dissolution Decree from Step 5 at the same time

1. **MP-701** Request for a Hearing and Statement of Compliance with Financial Disclosure
 - a. Petitioner can request default judgement using MP-701
2. **MP-702** Order Granting Hearing on Dissolution
3. **MP-703** Dissolution Decree (entirely filled out by Petitioner)

Step 4 (If Respondent files an answer): Mediation

1. **MP-611.1** Motion to Request Order for Mediation
2. **MP-611.2** Mediation Summary (Mediator fills out)
3. **MP-611.3** Order for Mediation
4. **MP-612** Notice of Agreement (w/ Attached Exhibits)



Step 5: Request for final hearing

1. **MP-701** Request for a Hearing and Statement of Compliance with Financial Disclosure
 2. **MP-702** Order Granting Hearing on Dissolution
 3. **MP-703** Dissolution Decree (entirely filled out by parties)
- Incorporated by reference:
- A. **MP-500** Final Court Ordered Property Distribution
 4. **MP-704** Notice of Entry of Decree and Vital Statistics (Last filings)

21 Days for Respondent's Answer (MP-201)

Name

Mailing Address

City State Zip Code

Phone Number

E-mail Address (optional)

Petitioner/Plaintiff Respondent/Defendant

MONTANA _____ JUDICIAL DISTRICT COURT, _____ COUNTY

IN THE JUSTICE COURT OF _____ COUNTY, STATE OF MONTANA

IN THE MUNICIPAL OR CITY COURT OF _____, MONTANA

Petitioner / Plaintiff,

and

Respondent / Defendant.

Case No: _____
(leave blank, the clerk will write in)

Statement of Inability to Pay Court Costs and Fees

I have a good cause of action or defense but am unable to pay filing or other court fees. I request the court waive the costs and fees. I provide the following information.

My full legal name is: _____. I was born in this month _____ and this year _____.

I am represented by an entity that provides free legal services to low-income persons.

Or

I am represented by a volunteer/pro bono attorney, and am financially eligible for free legal services. (Attach a certificate of eligibility from legal aid organization to this form.)

Or

I receive one or more of these benefits: (Check the box for each benefit you receive.)

SNAP TANF SSI Medicaid WIC LIEAP

If you checked any one of the three boxes above, skip to the end of this form, and sign the declaration on page 3. You don't need to fill out the remainder of the form.

If you did not check a box above, you may still qualify for a fee waiver. Please continue to fill out pages 2 and 3 of this form so the court has the information it needs to decide if you qualify for the fee waiver.

I. INCOME (Complete this Section to the best of your ability.)

What do you do for work? _____ Who is your employer? _____

What is your household's annual income, before taxes? _____ How many people are in your household? ____
 (The tables below will help you answer these questions, if you are not sure what to put in the blanks.)

If you are unemployed, when were you last employed (Month, Year)? _____ Your job? _____

Are you married? Yes No Separated Getting Divorced **NOTE:** If you are not married, if you and your spouse are separated, or if one of you is filing for dissolution of marriage, you do not need to provide your spouse's income below.

Fill in the chart below with the income received by you, and by your spouse, if applicable. Put a "0" in each blank if you or your spouse don't receive the income listed.

Income Sources	Amount YOU receive per month before taxes	Amount YOUR SPOUSE receives per month before taxes
Employment	\$	\$
Retirement/Pension	\$	\$
Workers' Compensation	\$	\$
Social Security	\$	\$
Unemployment	\$	\$
Government Benefits	\$	\$
Child Support Received	\$	\$
A person or agency pays my rent or other monthly expenses and the amount is: _____	\$	\$
Other Income—e.g., rental income, stocks, investments, etc.—describe: _____	\$	\$
Total here:	\$	\$

What is your household size? How many persons, if any, depend on you financially? If none, then write "N/A" below. Attach another page if needed and check here to tell the court you attached another page:

Dependents (Initials Only)	Age	Relationship to You
1.		
2.		
3.		
4.		
5.		

II. ASSETS *(Complete this Section to the best of your ability.)*

What property do you and your spouse own? Include your spouse's property if you are married and not separated and not filing for dissolution. Fill in the chart below, only listing items that you could sell for \$600 or more. If you don't own an item listed, write "N/A" in the "Value" column for that item. "Value" means the total amount the item(s) identified in a column would sell for, minus the amount you still owe on the item(s), if anything.

Asset	Value
Cash (This includes the money in your savings and checking accounts)	\$
Vehicle 1: provide year, make and model _____	\$
Vehicle 2: provide year, make and model _____	\$
Home where you live now	\$
Real estate or other homes/mobile homes (Not including the home you are living in now)	\$
Recreational vehicle(s) such as snowmobile, ATV, camper/RV, boat, motorcycle, etc.	\$
Guns or other collections	\$
Other Item(s) worth more than \$600—describe: _____	\$

III. DEBTS AND EXTRAORDINARY EXPENSES *(Complete this Section to the best of your ability.)*

What bills do you and your spouse pay each month? Fill in the chart below.

Monthly Expenses	Value
Housing Expense: Mortgage or Rent	\$
General Household Expenses: Utilities, Phone/Internet/Cable, etc.	\$
Insurance Expenses, Healthcare Costs and/or Medical Debt(s)	\$
Childcare Expenses	\$
Other Extraordinary Expenses: e.g., Collection actions, Student Loans—describe:	\$

IV. ADDITIONAL INFORMATION *(This Section is optional.)*

If you have additional information that you want the court to consider about your inability to pay court costs, write that information under your signature below or attach an extra page. Check here if you attached another page:

V. DECLARATION *(This Section is Required.)*

I declare under penalty of perjury and under the laws of the State of Montana that the information in this document is true and correct. I understand that it is a crime to give false information in this document.

Date: _____ City: _____ State: _____

YOUR Signature: _____

Court Use Only

- MONTANA _____ JUDICIAL DISTRICT COURT, _____ COUNTY
- IN THE JUSTICE COURT OF _____ COUNTY, STATE OF MONTANA
- IN THE MUNICIPAL OR CITY COURT OF _____, MONTANA

<p>_____, Petitioner / Plaintiff,</p> <p>and</p> <p>_____, Respondent / Defendant.</p>	<p>Case No: _____ (leave blank, the clerk will write in)</p> <p>Order Regarding Statement of Inability to Pay Court Costs</p>
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**Warning! Read carefully the section checked below.
It is a court order.**

- Waiver of court costs is **Granted**. Declarant shall proceed without payment of court fees or costs.
- Temporary Waiver of court costs is **Granted**. Declarant may file without payment of court fees or costs, but the Court may determine at a later time that the declarant has the ability to pay all fees or costs and will require declarant to do so.
- Temporary Waiver of fees is **Granted**. Declarant may file without payment of court fees or costs, but must appear before the Court at _____ a.m/p.m. on the ____ day of _____ and show cause why the declarant lacks the ability to pay all fees or costs.

Warning! If this third box is checked, you must come to court on the date ordered above. If you don't come, the judge will deny your request to waive court costs, and you will have to pay the court costs.

- Waiver of Fees and costs is **Denied**. Waiver is denied based on the following:

Ordered this ____ day of _____, 20____.

Presiding Judge

Name

Mailing Address

City State Zip Code

Phone Number

E-mail Address (optional)

Petitioner appearing without a lawyer

MONTANA _____ JUDICIAL DISTRICT COURT, _____ COUNTY

<p>In re the Marriage of:</p> <p>_____, <i>(First, Middle, Last)</i> Petitioner <i>(you)</i>,</p> <p>and</p> <p>_____, Respondent <i>(your spouse)</i>.</p>	<p>Case No: _____ <i>(leave blank, the clerk will write in)</i></p> <p>Petition for Dissolution of Marriage Without Minor Children</p>
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1. Jurisdiction.

- a. Either spouse meets the residency requirements in §40-4-104, M.C.A. For 90 days before filing this case, either spouse lived or was stationed in Montana.
- b. Our marriage is irretrievably broken because there is serious marital discord which adversely affects the attitude of one of both parties toward the marriage, and there is no reasonable prospect of reconciliation or we lived separate and apart for at least 180 days before this case was filed.
- c. The Montana Conciliation Law (beginning at §40-3-101, M.C.A.) does not apply in this case.

2. You are the Petitioner. Your information:

Name First: _____ Middle: _____ Last: _____

Your e-mail address (optional): _____

Your Mailing Address: _____

City: _____ State: _____ County: _____

Your Physical Address: _____

City: _____ State: _____ County: _____

Your Year of Birth: _____ Age: _____ Your occupation: _____

How long have you lived in this county? _____

How long have you lived in Montana? _____

3. Your spouse is the Respondent. Your spouse's information:

Name First: _____ Middle: _____ Last: _____

Spouse's e-mail address (optional): _____

Spouse's Mailing Address: _____

City: _____ State: _____ County: _____

Spouse's Physical Address:

City: _____ State: _____ County: _____

Spouse's Year of Birth: _____ Age: _____ Spouse's occupation: _____

How long has your spouse lived in this county? _____

How long has your spouse lived in Montana? _____

4. Your marriage. Choose one.

We were married on (date) _____. We filed our marriage license in _____ County, State of _____.

OR

We were married at common law as of (date) _____. We assumed a marital relationship by mutual consent and agreement. We confirmed our marriage by living together and by public knowledge.

OR

We filed a declaration of marriage on (date) _____ in _____ County, State of _____.

5. Separation. Choose one.

We physically separated on (date) _____.

OR

We have not yet physically separated.

6. Pregnancy. Choose one.

The wife is not pregnant.

OR

The wife is pregnant and the husband is not the father.

Notice: A parenting plan must be filed after the child is born if the wife is pregnant and the husband is the father or the father is not known.

7. Preliminary Disclosure. Choose one:

I served my spouse a description of my income and expenses by using Form MP-510 when I served the petition.

OR

Within 60 days of filing this case I will serve my spouse a description of my income and expenses by using **Form MP-510**.

8. Property Distribution. Choose one.

We have marital property, including personal property, real property, other assets, liabilities, and/or debts that need to be distributed as we agree or by the court.

I ask the court to distribute our marital property as described in **Form MP-500** Financial Disclosure and Proposed Property Distribution. I filed this document separately.

OR

We entered into an agreement prior to getting married. (*Write MP-113-A on a copy of the prenuptial agreement and paper clip it to this document.*)

9. Former Name. Choose one.

I am asking that my name be restored to my previous name: _____.

OR

I want to keep my current name.

10. Maintenance. Choose One.

I am not requesting maintenance.

OR

I am requesting my spouse pay me \$_____ per month until (date)_____ for maintenance. The payment must be made on the ____ of each month directly to me.

OR

MP-112 Petition for Dissolution without Minor Children DRAFT

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I am requesting to pay my spouse \$ _____ per month until (date) _____ for maintenance. The payment must be made on the ____ of each month directly to my spouse.

I am requesting maintenance because I lack sufficient property to support myself and I am unable to gain employment sufficient to support myself or I need to care for a child with special needs.

11. Other:

I ask the court to take the following action:

1. Enter a decree of dissolution of marriage dissolving our marriage;
2. Grant each party the marital property, including personal property, real property, other assets, liabilities, and/or debts as stated in the Petitioner's Financial Disclosure and Proposed Property Distribution filed separately.
3. If I asked the Court to do so, restore me to my former name.
4. If I asked the Court to do so, enter an order for maintenance.
5. If the court deems proper, award me my attorneys' fees and court costs pursuant to §40-4-110, MCA.

6. Other:

- a. _____

- b. _____

- c. _____

7. And for any other relief this court decides is just and proper.

I declare under penalty of perjury and under the laws of the state of Montana that the information in this document is true and correct. I understand that it is a crime to give false information in this document.

Date: _____ City _____ State _____

Your Signature: _____

<p>_____, <input type="checkbox"/> Petitioner <input type="checkbox"/> Co Petitioner,</p> <p>_____, <input type="checkbox"/> Respondent <input type="checkbox"/> Co Petitioner .</p>	<p>Case No: _____</p> <p>Attachment: Additional Court Cases</p>
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Other: *(describe)* _____
 Court: _____ Case No: _____
 I participated as a party witness other: _____
 I didn't participate.

Other: *(describe)* _____
 Court: _____ Case No: _____
 I participated as a party witness other: _____
 I didn't participate.

Other: *(describe)* _____
 Court: _____ Case No: _____
 I participated as a party witness other: _____
 I didn't participate.

Other: *(describe)* _____
 Court: _____ Case No: _____
 I participated as a party witness other: _____
 I didn't participate.

Other: *(describe)* _____
 Court: _____ Case No: _____
 I participated as a party witness other: _____
 I didn't participate.

Other: *(describe)* _____
 Court: _____ Case No: _____
 I participated as a party witness other: _____
 I didn't participate.

MP-113-E Additional Court Cases

Name

Mailing Address

City, State Zip Code

Phone Number

E-mail Address (optional)

Petitioner Respondent Co Petitioner

Appearing without a lawyer

MONTANA _____ JUDICIAL DISTRICT COURT, _____ COUNTY

In re the Marriage of:

_____,
 Petitioner Co Petitioner,

and

_____,
 Respondent Co Petitioner.

Case No: _____

Petitioner **Respondent**

Agreed **Court Ordered**

Proposed **Amended**

Property Distribution

Warning: Montana law, §40-4-252, M.C.A. requires the full disclosure of all assets, debts, income, and expenses. I understand that I am required to tell my spouse about all of the assets, debts, income and expenses that I know about. My spouse is required to do the same for me.

This Proposed Property Distribution along with Form MP-510 Disclosure of Income and Expenses has been served on my spouse.

If I don't tell my spouse about something, the court may give me a penalty. The court gets to decide what the penalty will be. I am giving all of the information I know about the assets and debts listed on this form and writing "unknown" in the spaces for the information I don't know.

1. Real Property. Real property is land and the building(s) on the land. Real property also includes part ownership, for example when all the members of a family share a ranch. Real property does not include trailer, mobile, or manufactured homes unless the Department of Justice has officially recognized said structure as an improvement to the land pursuant to MCA 15-1-116 and issued appropriate documentation of such as required by law. Any owned parcel upon which a trailer, mobile, or manufactured home sits is real property regardless of the status of said structure.

Choose One.

I do not own any real property and my spouse does not own any real property

OR

I am listing the real property that my spouse and I own, regardless of whether we own it separately or together. I request distribution as follows:

Description	Value	Name on Title	Distributed to
Address: _____ _____ Legal Description: _____ _____ _____ Is there a secured debt on the property? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, amount owed: _____ As of: ____ / ____ / ____ Lender: _____		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent Other: _____ _____ _____

(If you have additional real property, complete and staple Form MP-500-A to this document.)

2. Vehicles. Any trailer, mobile, or manufactured home, regardless of whether it was constructed before or after 1976, is considered a vehicle unless otherwise deemed an improvement to land by the Department of Justice pursuant to MCA 15-1-116.

Choose one.

Neither my spouse or I have any vehicles.

OR

My spouse and I have the following vehicles and request distribution as follows:

Description	Value	Name on Title	Distributed to
Year/Make/Model: _____ VIN#: _____ Is there an outstanding loan on the vehicle? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, amount owed: _____ As of: ____ / ____ / ____ Lender: _____			<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent Other: _____ _____
Year/Make/Model: _____ VIN#: _____ Is there an outstanding loan on the vehicle? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, amount owed: _____ As of: ____ / ____ / ____ Lender: _____			<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent Other: _____ _____

(If you have additional vehicles, complete and staple **Form MP500-B** to this document.)

3. Bank Accounts, Certificates of Deposit, and Cash. Choose One.

Neither my spouse nor I have any bank accounts, certificates of deposit, or cash.

OR

I am listing the bank accounts and cash that my spouse and I own, regardless of whether we own them separately or together. I request distribution of the bank accounts and cash as follows:

Description <i>Include name of bank and only the last four digits of the account number</i>	Balance as of __/__/__	Percentage of Ownership	Distributed to:
		%__ Petitioner %__ Respondent	%__ Petitioner %__ Respondent Other: _____
		%__ Petitioner %__ Respondent	%__ Petitioner %__ Respondent Other: _____
		%__ Petitioner %__ Respondent	%__ Petitioner %__ Respondent Other: _____

(If you have additional Bank Accounts, complete and staple **Form MP-500-C** to this document.)

4. Pensions/Retirement Accounts; Life Insurance; Stocks, Bonds, Secured Notes, Health Savings Accounts, and Mutual Funds. Choose One:

- Neither my spouse or I have any pensions/retirement accounts, life insurance, stocks, bonds, secured notes, health savings accounts, or mutual funds.

OR

- My spouse and I have the following pensions/retirement accounts, life insurance, stocks, bonds, secured notes, health savings accounts, or mutual funds and request distribution as follows:

Description	Cash Value	Percentage of Ownership	Distributed to
		%___ Petitioner %___ Respondent Other: _____	%___ Petitioner %___ Respondent Other: _____

(If you have additional Accounts, complete and staple **Form MP-500-C** to this document.)

5. Personal Property (including appliances, pets, furniture, jewelry, art, guns, etc.). Choose One:

I request the following distribution of our personal property:

Description	Value	Current Possession	Distributed to
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Other: _____	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent Other: _____
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Other: _____	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent Other: _____
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Other: _____	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent Other: _____
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Other: _____	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent Other: _____

		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Other:_____	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent Other:_____
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Other:_____	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent Other:_____

(If you have additional personal property, complete and staple **Form MP-500-C** to this document.)

6. Business Interests (including equipment, tools, livestock, etc.). **Choose One.**

Neither my spouse or I have any business interests.

OR

My spouse and I have the following business interests and request distribution as follows:

Description	Cash Value	Percentage of Ownership	Distributed to
		%___ Petitioner %___ Respondent Other:_____	%___ Petitioner %___ Respondent Other:_____
		%___ Petitioner %___ Respondent Other:_____	%___ Petitioner %___ Respondent Other:_____

(If you have additional business interests, complete and staple **Form MP-500-C** to this document.)

7. Other Assets. Choose one.

Neither my spouse or I have any other assets.

OR

My spouse and I have the following assets and request distribution as follows:

Description	Cash Value	Percentage of Ownership	Distributed to
		%___ Petitioner %___ Respondent %___ _____	%___ Petitioner %___ Respondent %___ Other
		%___ Petitioner %___ Respondent %___ _____	%___ Petitioner %___ Respondent %___ Other

		%__ Petitioner %__ Respondent %__ _____	%__ Petitioner %__ Respondent %__ Other
		%__ Petitioner %__ Respondent %__ _____	%__ Petitioner %__ Respondent %__ Other

(If you have additional assets, complete and staple **Form MP-500-C** to this document.)

8. Disclosure of Debts. Choose One.

Neither my spouse nor I have any debts.

OR

My spouse and I have the following debts and request distribution as follows:

Description	Creditor	Amount	Percentage of Responsibility	Distributed to
Utility Bill(s):				
			%__ Petitioner %__ Respondent	%__ Petitioner %__ Respondent
			%__ Petitioner %__ Respondent	%__ Petitioner %__ Respondent
Credit Card(s):				
			%__ Petitioner %__ Respondent	%__ Petitioner %__ Respondent
			%__ Petitioner %__ Respondent	%__ Petitioner %__ Respondent
			%__ Petitioner %__ Respondent	%__ Petitioner %__ Respondent
Student Loan(s):				
			%__ Petitioner %__ Respondent	%__ Petitioner %__ Respondent
			%__ Petitioner %__ Respondent	%__ Petitioner %__ Respondent

			%__ Petitioner %__ Respondent	%__ Petitioner %__ Respondent
			%__ Petitioner %__ Respondent	%__ Petitioner %__ Respondent

Medical Expenses:				
			%__ Petitioner %__ Respondent	%__ Petitioner %__ Respondent
			%__ Petitioner %__ Respondent	%__ Petitioner %__ Respondent
			%__ Petitioner %__ Respondent	%__ Petitioner %__ Respondent
Other Liabilities:				
			%__ Petitioner %__ Respondent	%__ Petitioner %__ Respondent
			%__ Petitioner %__ Respondent	%__ Petitioner %__ Respondent
			%__ Petitioner %__ Respondent	%__ Petitioner %__ Respondent

*(If you have additional debts and liabilities, complete and staple **Form MP-500-D** to this document.)*

I declare under penalty of perjury and under the laws of the state of Montana that the information in this document is true and correct. I understand that it is a crime to give false information in this document.

Dated this _____ day of _____, 20__.

City _____ State _____

Sign Here: _____

Print Name: _____

Petitioner Respondent

Co-Petitioner Respondent Respondent Petitioner

(Only complete this section if you are filing jointly as Co Petitioners)

I declare under penalty of perjury and under the laws of the state of Montana that the information in this document is true and correct. I understand that it is a crime to give false information in this document.

Dated this _____ day of _____, 20__.

City _____ State _____

Other spouse sign here: _____

Print Name: _____

Co-Petitioner Respondent Petitioner

(Leave the following section blank. It is for the judge to use.)

Order by the Court

- The Court found this property distribution to be equitable.
- The Judge's signature on this document makes this property distribution that parties must follow.

Dated this _____ day of _____, 20__.

DISTRICT COURT JUDGE

<p>_____ ,</p> <p style="text-align: right;"><input type="checkbox"/> Petitioner,</p> <p>and</p> <p>_____ ,</p> <p style="text-align: right;"><input type="checkbox"/> Respondent <input type="checkbox"/> Co Petitioner.</p>	<p>Case No: _____</p> <p>Attachment: Additional Real Property Sheet ____ of ____.</p>
---	--

Description	Value	Name on Title	Distributed to
Address: _____ _____ Legal Description: _____ _____ _____ Is there a secured debt on the property? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, amount owed: _____ As of: __/__/_____ Lender: _____		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent Other: _____ _____ _____
Description	Value	Name on Title	Distributed to
Address: _____ _____ Legal Description: _____ _____ _____ Is there a secured debt on the property? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, amount owed: _____ As of: __/__/_____ Lender: _____		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent Other: _____ _____ _____

<p>_____,</p> <p style="text-align: right;"><input type="checkbox"/> Petitioner,</p> <p>and</p> <p>_____,</p> <p style="text-align: right;"><input type="checkbox"/> Respondent <input type="checkbox"/> Co Petitioner.</p>	<p>Case No: _____</p> <p>Attachment: Additional Vehicles Sheet _____ of _____.</p>
---	--

Description	Value	Name on Title	Distributed to
Year/Make/Model: _____ VIN#: _____ Is there an outstanding loan on the vehicle? <input type="checkbox"/> Yes <input type="checkbox"/> No es, amount owed: _____ of: ___ / ___ / ___ Lender: _____			<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent Other: _____ _____
Year/Make/Model: _____ VIN#: _____ Is there an outstanding loan on the vehicle? <input type="checkbox"/> Yes <input type="checkbox"/> No es, amount owed: _____ of: ___ / ___ / ___ Lender: _____			<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent Other: _____ _____

MP-500-B Additional Vehicles

<p>_____ ,</p> <p style="text-align: right;"><input type="checkbox"/> Petitioner,</p> <p>and</p> <p>_____ ,</p> <p style="text-align: right;"><input type="checkbox"/> Respondent <input type="checkbox"/> Co Petitioner.</p>	<p>Case No: _____</p> <p>Attachment: Additional Accounts Sheet ____ of ____.</p>
---	---

Description <i>Include name of bank and only the last four digits of the account number</i>	Cash Value as of ____/____/____	Percentage of Ownership	Distributed to:
		%____ Petitioner %____ Respondent	%____ Petitioner %____ Respondent Other:_____
		%____ Petitioner %____ Respondent	%____ Petitioner %____ Respondent Other:_____
		%____ Petitioner %____ Respondent	%____ Petitioner %____ Respondent Other:_____

<p>_____ ,</p> <p style="text-align: right;"><input type="checkbox"/> Petitioner,</p> <p>and</p> <p>_____ ,</p> <p style="text-align: right;"><input type="checkbox"/> Respondent <input type="checkbox"/> Co Petitioner.</p>	<p>Case No: _____</p> <p>Attachment: Additional Debts Sheet _____ of _____.</p>
---	---

Description	Creditor	Amount	Percentage of Responsibility	Distributed to
			%__ Petitioner %__ Respondent	%__ Petitioner %__ Respondent
			%__ Petitioner %__ Respondent	%__ Petitioner %__ Respondent
			%__ Petitioner %__ Respondent	%__ Petitioner %__ Respondent
			%__ Petitioner %__ Respondent	%__ Petitioner %__ Respondent
			%__ Petitioner %__ Respondent	%__ Petitioner %__ Respondent
			%__ Petitioner %__ Respondent	%__ Petitioner %__ Respondent
			%__ Petitioner %__ Respondent	%__ Petitioner %__ Respondent
			%__ Petitioner %__ Respondent	%__ Petitioner %__ Respondent

Name

Mailing Address

City, State Zip Code

Phone Number

E-mail Address (optional)

Petitioner Respondent Co Petitioner

Appearing without a lawyer

MONTANA _____ JUDICIAL DISTRICT COURT, _____ COUNTY

In re the Marriage of:

_____,
 Petitioner,

and

_____,
 Respondent Co Petitioner.

Case No: _____

Petitioner **Respondent**
 Co-Petitioner **Amended**

Disclosure of Income and Expenses

Warning: Montana law, §40-4-252, M.C.A. requires the full disclosure of all assets, debts, income, and expenses. I understand that I am required to tell my spouse about all of the assets, debts, income and expenses that I know about. My spouse is required to do the same for me.

This Disclosure of Income and Expenses along with Form MP-500 Proposed Property Distribution has been served on my spouse.

If I don't tell my spouse about something, the court may give me a penalty. The court gets to decide what the penalty will be. I am providing all of the information I know about the income and expenses listed on this form and writing "unknown" in the spaces for the information I don't know.

NOTE: This Document is served on the **other party only** and **cannot be filed with the Court** unless the Court specifically orders you to file it. The following is being served as required by §§ 40-4-252 through 254, M.C.A.

1. Disclosure of Income

Source of Income		Amount per Month
Gross Wages, Salary, Commissions	Petitioner	
	Respondent	
Income from Rents, Interest, Dividends	Petitioner	
	Respondent	
Self Employment Earnings	Petitioner	
	Respondent	
Unemployment or Worker's Compensation	Petitioner	
	Respondent	

Social Security Benefits, including SSI, SSDI	Petitioner	
	Respondent	
Public Assistance (including TANF and LIEAP)	Petitioner	
	Respondent	
Food Stamps	Petitioner	
	Respondent	
Pension, Retirement	Petitioner	
	Respondent	
Child Support	Petitioner	
	Respondent	

--	--	--

Dependent's Benefits	Petitioner	
	Respondent	
Other Income (<i>describe</i>):	Petitioner	
	Respondent	
Monthly Total	Petitioner	
	Respondent	

(If you have additional income, complete and staple **Form MP-510-A** to this document.)

2. Disclosure of Expenses

Description of Expense		Amount per Month
Taxes and withholdings	Petitioner	
	Respondent	
Retirement Contribution	Petitioner	
	Respondent	
Health Insurance (self and children)	Petitioner	
	Respondent	
Medical Expenses	Petitioner	
	Respondent	
Rent or Housing (including property taxes and insurance relating to housing)	Petitioner	
	Respondent	
Transportation	Petitioner	
	Respondent	
Car Insurance	Petitioner	
	Respondent	
Student Loans	Petitioner	
	Respondent	
Utilities	Petitioner	
	Respondent	

MP-510 Income and Expense Disclosure

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Telephone (cell phone and land line)	Petitioner	
	Respondent	
Clothing	Petitioner	
	Respondent	

Food and Household Supplies	Petitioner	
	Respondent	
Child Care	Petitioner	
	Respondent	
Union Dues	Petitioner	
	Respondent	
Child Support Payments	Petitioner	
	Respondent	
Other: (describe)	Petitioner	
	Respondent	
Monthly Total	Petitioner	
	Respondent	

(If you have additional expenses, complete and staple **Form MP-510-B** to this document.)

I declare under penalty of perjury and under the laws of the state of Montana that the information in this document is true and correct. I understand that it is a crime to give false information in this document.

Dated this _____ day of _____, 20__.

City _____ State _____

Sign Here: _____

Print Name: _____

Petitioner Respondent Co-Petitioner

MP-510 Income and Expense Disclosure

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<p>_____, <input type="checkbox"/> Petitioner,</p> <p>and</p> <p>_____, <input type="checkbox"/> Respondent <input type="checkbox"/> Co Petitioner.</p>	<p>Case No: _____</p> <p>Attachment: Additional Income Sheet ____ of ____.</p>
---	--

Description of Income		Amount per Month
	Petitioner	
	Respondent	
	Petitioner	
	Respondent	
	Petitioner	
	Respondent	
	Petitioner	
	Respondent	
	Petitioner	
	Respondent	
	Petitioner	
	Respondent	
	Petitioner	
	Respondent	

<p>_____, <input type="checkbox"/> Petitioner,</p> <p>and</p> <p>_____, <input type="checkbox"/> Respondent <input type="checkbox"/> Co Petitioner.</p>	<p>Case No: _____</p> <p>Attachment: Additional Expenses Sheet ____ of ____.</p>
---	--

Description of Income		Amount per Month
	Petitioner	
	Respondent	
	Petitioner	
	Respondent	
	Petitioner	
	Respondent	
	Petitioner	
	Respondent	
	Petitioner	
	Respondent	
	Petitioner	
	Respondent	
	Petitioner	
	Respondent	

Name

Mailing Address

City, State Zip Code

Phone Number

Petitioner appearing without a lawyer

MONTANA _____ **JUDICIAL DISTRICT COURT,** _____ **COUNTY**

In re the Marriage of:

_____,
Petitioner (*you*),

and

_____,
Respondent (*your spouse*).

Case No: _____
(*leave blank, the clerk will complete*)

**Summons and Temporary
Economic Restraining Order
by Clerk of Court**

NOTICE: You are named in this family-law lawsuit. The court may make a decision without your involvement unless you submit a written response to the court and to the Petitioner within 21 days. Read the information below.

A petition was filed with the Clerk of District Court asking the court to dissolve your marriage. You received a copy of the petition for dissolution with this Summons.

You must submit a written response to the Clerk of District Court and send a copy to the Petitioner within 21 calendar days. Day 1 of the 21-day period is the day after you received this Summons. If the 21st day falls on a weekend or court holiday, you may submit your response on the next business day. You must either pay a fee to submit your response or ask the court in writing to waive the fee. You can find forms for responding to a petition and waiving court fees at: www.courts.mt.gov.

If you do not submit a response, the court may give Petitioner everything they asked for in the Petition.

IMPORTANT: A Temporary Economic Restraining Order is in effect. This Order

MP-412 Summons and TRO

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applies to both petitioner's and respondent's financial decisions until this lawsuit is over.

1. You are limited in what you can do financially and with your property.
 - It doesn't matter if the property is yours alone or if you hold it with someone else.
 - It doesn't matter if the property is personal property (as an example, cash or furniture) or real property (as an example, a house)
2. You **may** use your property in the usual course of business and for the necessities of life and to pay reasonable attorney fees in this case.
3. You **must not**:
 - transfer, hide, sell, or in any way dispose of any property without your spouse's consent or a court order.
 - change, cancel, cash, borrow against, transfer, dispose of, change the beneficiary of any insurance or other coverage, including life, health, automobile, or disability coverage held for the benefit of a party or a child of a party for whom support may be ordered.
4. You **must**:
 - Notify the other person at least 5 business days before using your property for anything other than the necessities of life or to pay reasonable attorney fees.
 - account to the court for all spending other than the necessities of life or to pay reasonable attorney fees after you receive this restraining order.
5. This temporary restraining order is effective until the court amends or cancels it.
6. You can find this law at § 40-4-121(2), M.C.A.
7. **It is a criminal offense to violate this temporary restraining order.** Find this law at § 45-5-220 or § 45-5-626, M.C.A.

DATED this ____ day of _____, 20__.

(Seal)

Clerk of Court

By: _____
Deputy Clerk

Name

Mailing Address

City, State Zip Code

Phone Number

E-mail Address (optional)

Petitioner

Appearing without a lawyer

MONTANA _____ JUDICIAL DISTRICT COURT _____ COUNTY

In re the Marriage of:

_____,

and

_____,

Respondent (*your spouse*).

Case No: _____
(leave blank, the clerk will complete)

**Request for Sheriff
to Serve Documents**

To the Sheriff of _____ County:

Please serve upon the Respondent the following documents:

- Summons and Temporary Economic Restraining Order (original and one copy)
- Petition for Dissolution of Marriage
- Petitioner's Declaration of Income and Expenses
- Petitioner's Proposed Property Distribution
- _____
- _____

Also enclosed is:

- The Petitioner's Affidavit and Order of Inability to Pay Filing Fees which waives the fee for service in this matter;

OR

- \$_____ to cover the fee for service in this matter

MP-401.12 Request for Sheriff to Serve Documents

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1. Physical Description of Respondent: ___ ft ___ inches. Hair color _____ Eye Color _____
Other: _____

2. The Respondent [] does not/[] does carry a weapon.

3. At present, the Respondent can be found:

[] At his/her residence: _____
_____.

Times normally at this address: [] ___:___ a/p to ___:___ a/p and [] ___:___ a/p to ___:___ a/p.

[] Other: _____.

[] At his/her place of employment: _____
_____.

Times normally at this address: [] ___:___ a/p to ___:___ a/p and [] ___:___ a/p to ___:___ a/p.

[] Other: _____.

[] Other location: _____
_____.

Times normally at this address: [] ___:___ a/p to ___:___ a/p and [] ___:___ a/p to ___:___ a/p.

[] Other: _____.

Please serve the papers on the Respondent as soon as possible. Please return the original Summons to me at the address above, along with proof of service or a statement that you were unable to locate the Respondent.

Dated this _____ day of _____, 20____.

Petitioner appearing without a lawyer (sign here)

Record of Service (for Sheriff's use only)

I certify that: **Choose One**

- I personally served the following documents:
- Summons and Temporary Economic Restraining Order (original and one copy)
 - Petition for Dissolution of Marriage
 - Petitioner's Declaration of Income and Expenses
 - Petitioner's Proposed Property Distribution
 - _____
 - _____

on the Respondent by delivering a copy to him/her personally on the _____ day of _____, 20____, at _____ in the County of _____, State of _____.

OR

- After due effort, I was unable to locate or serve the Respondent in the County of _____, State of _____.

Dated this _____ day of _____, 20____.

Sheriff
By: _____
Deputy Sheriff

Name

Mailing Address

City, State Zip Code

Phone Number

E-mail Address (optional)

Petitioner appearing without a lawyer

MONTANA _____ **JUDICIAL DISTRICT COURT** _____ **COUNTY**

In re the Marriage of:

_____,
Petitioner (you),

and

_____,
Respondent (your spouse).

Case No: _____
(leave blank, the clerk will complete)

**Notice and Request for
Acknowledgment of Service
of Summons and Petition for
Dissolution of Marriage**

NOTICE To: *(your spouse's name)* _____, Respondent:

I am serving the following documents according to the rules of civil procedure.
You can find the rules at the Montana Rules of Civil Procedure Rule 4(D)(3)(A):

- Summons and Temporary Economic Restraining Order (MP-400)
- Petition for Dissolution of Marriage (MP-112)
- Petitioner's Declaration of Income and Expenses (MP-510)
- Petitioner's Proposed Property Distribution (MP-500)
- _____

MP-403.12 Notice and Acknowledgment of Service

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You were sent papers in the mail, now what?

Why is my name on these papers?

- ∞ You are named in a family law case.
- ∞ A petition to dissolve your marriage was filed in district court.

Why did I get these papers in the mail?

- ∞ Your spouse is trying to serve you without having to use a sheriff or other process server.

IMPORTANT: Keep a copy of these papers for your records.

I don't want to have a sheriff serve me, what can I do?

- ∞ Fill out the acknowledgment part of this form;
- ∞ Put it in the enclosed stamped return envelope;
- ∞ Return it to your spouse within 21 days after the date it was mailed.

What does it mean if I fill out and return the acknowledgment?

- ∞ Filling out and returning the acknowledgment means that you received these papers.
- ∞ It doesn't mean that you agree with what is in the petition.

If I fill out and return the acknowledgement, do I need to do anything else?

- ∞ You must submit a written response to the court and your spouse within 21 days. If you don't submit a written response, the court may decide against you without you being heard.
- ∞ You must pay a fee to submit your written response, or ask the court to waive the fee if you are low income.

What happens if I don't fill out and return the acknowledgment?

- ∞ If you don't fill out and return the acknowledgment within 21 days after it was mailed:

- You will be served with these papers by the sheriff or other process server.
- You may have to pay the costs of serving you.

Where can I get help?

- ∞ You can find a response form and the closest Self Help Law Center at: courts.mt.gov/selfhelp
- ∞ You can find more information at www.MontanaLawHelp.org

CERTIFICATE OF MAILING OR HAND DELIVERY

On _____ day of _____, 20____, I sent by certified mail, postage prepaid, or delivered by hand the following documents:

- Two copies of this Notice and Acknowledgement of Service by Certified Mail and a stamped return envelope (MP-403)
- Summons and Temporary Economic Restraining Order (MP-412)
- Petition for Dissolution of Marriage (MP-112)
- Petitioner’s Declaration of Assets, Debts, Income and Expenses (MP-510)
- Petitioner’s Proposed Property Distribution (MP-500)
- _____
- _____

to Respondent at:

(mailing address)

Date of Signature

Petitioner Signature
Appearing without a lawyer

Print Name

Name

Mailing Address

City, State Zip Code

Phone Number

E-mail Address (optional)

Respondent appearing without a lawyer

MONTANA _____ **JUDICIAL DISTRICT COURT** _____ **COUNTY**

In re the Marriage of:

_____,
Petitioner,

and

_____,
Respondent.

Case No: _____

**Acknowledgment of Service
of Summons and Petition for
Dissolution of Marriage**

I state that:

1. I am the Respondent in this case.
2. I accept service of the following documents:
 - Summons and Temporary Economic Restraining Order
 - Petition for Dissolution of Marriage
 - Petitioner's Declaration of Assets, Debts, Income and Expenses,
 - Petitioner's Proposed Property Distribution
 - _____
 - _____

3. I received a copy of these documents on the _____ day of _____,
20____.

4. I understand the date I received these documents is the date I was served.

I declare under penalty of perjury and under the laws of the state of Montana that the information in this document is true and correct. I understand that it is a crime to give false information in this document.

Date: _____ City _____ State _____

Your Signature: _____

Your Printed Name: _____

Name

Mailing Address

City, State Zip Code

Phone Number

E-mail Address (optional)

Petitioner appearing without a lawyer

MONTANA _____ **JUDICIAL DISTRICT COURT** _____ **COUNTY**

In re the Marriage of:

Petitioner (*you*),

and

Respondent (*your spouse*).

Case No: _____

**Request for Order Granting
Service by Publication**

Petitioner, _____, states under oath:

1. I am the petitioner in this case.
2. I filed a petition to dissolve my marriage with respondent.
3. I filed the petition with the Clerk of District Court on the _____ day of _____, 20____.
4. The clerk issued a summons and temporary economic restraining order.
5. The process server returned the summons and temporary economic restraining order and petition as unserved because they could find respondent.

6. Respondent's: (*choose one*):

Address is: _____

Last known address is: _____

Address is unknown.

7. Respondent (*choose all that apply*):

resides out of the state;

departed from the state;

cannot, after due diligence, be found;

has concealed himself/herself in order to avoid the service of summons.

8. I cannot personally serve the summons and petition on Respondent.

9. Respondent is a necessary and proper party to this case.

10. I know that I must pay for the costs of publication, and that the first publication must happen within 60 days after I file this affidavit.

11. For these reasons, I request an order for service of summons by publication to be made in (*name of newspaper*) _____, in (*name of county*) _____ County, Montana.

I declare under penalty of perjury and under the laws of the state of Montana that the information in this document is true and correct. I understand that it is a crime to give false information in this document.

Date: _____

City _____ State _____

Your Signature: _____
Petitioner, Appearing without a lawyer

MONTANA _____ JUDICIAL DISTRICT COURT _____ COUNTY

In re the Marriage of:

_____,
Petitioner (*you*),

and

_____,
Respondent (*your spouse*).

Case No: _____

**Order for
Service of Summons by
Publication**

Petitioner filed a Request for Service of Summons by Publication. The Clerk of District Court finds:

1. Petitioner filed a petition to dissolve the marriage between Petitioner and Respondent.
2. Respondent is a necessary and proper party to this case.
3. Respondent cannot be personally served because of the reasons listed in Petitioner's request for order granting service of summons by publication.

It is ORDERED that Respondent is to be served by publication. Under Rule 4(D)(o) of the Montana Rules of Civil Procedure, the summons must:

- be published in a paper of general circulation in the county where the case is pending;
- be published once a week in this newspaper for three weeks in a row;
- give a general statement of the nature of this case;
- be published with 60 days of the filing of the affidavit requesting service by publication.

DATED this _____ day of _____, 20 ____.

(Seal)

Clerk of District Court

by: _____
Deputy Clerk

Name

Mailing Address

City, State Zip Code

Phone Number

Petitioner appearing without a lawyer

MONTANA _____ **JUDICIAL DISTRICT COURT** _____ **COUNTY**

In re the Marriage of:

_____,
Petitioner (*you*),

and

_____,
Respondent (*your spouse*).

Case No: _____

Summons for Publication

NOTICE TO: Respondent (*name*) _____.

You are named in a petition to dissolve your marriage. Unless you respond in 21 days, the court may decide against you without you being heard and give Petitioner everything asked for in the petition. You must submit your written response within 21 calendar days. The 21 day period starts the day after the last date of publication of this notice. If the final day falls on a weekend or court holiday, you may file your response on the next business day.

You must file your written response with the Clerk of District Court
at: _____ and
serve a copy of your answer on the Petitioner.

The following real property is part of this case: *(list property by common street name)*

Dated this ____ day of _____, 20__.

(Seal)

Clerk of Court

By:

Deputy Clerk

Optional (not for publication):

[] Petitioner asks the newspaper to waive publication fees because the court approved a filing fee waiver due to Petitioner's inability to pay filing fees. Attached is a copy of the order.

Name

Address

City State Zip Code

Phone Number

E-mail Address (optional)

Petitioner Respondent Co-Petitioners

Appearing without a lawyer

MONTANA _____ JUDICIAL DISTRICT COURT _____ COUNTY

In re the Marriage of:

_____,

Petitioner Co-Petitioner,

and

_____,

Respondent.

Case No: _____

Request for Hearing

and Default by Clerk

I, the Petitioner Respondent Co-Petitioner, ask the court to schedule a hearing to obtain a Final Decree of Dissolution.

1. Status of the Case. Choose One:

Respondent did not appear or otherwise respond to the Petition. More than 21 days has passed since Respondent was served. Petitioner asks the clerk to enter default against Respondent.

Respondent Co-Petitioner is participating in the case and we agree on all issues.

Respondent Co-Petitioner is participating in the case and we do not agree on all issues.

MP-701 Request for Hearing

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2. Child Support.

There are no minor children of the marriage.

OR

Petitioner Respondent Both spouses have submitted to the Court:

Choose One:

Proposed Child Support Guidelines Calculation Worksheet(s)

OR

Child Support Enforcement Division Child Support Order.

3. Final Financial Disclosure.

a. Petitioner Respondent Both spouses served a Preliminary Disclosure of Income and Expenses along with the summary of debts, assets, and liabilities within the Proposed Property Distribution. Therefore, the requirements of § 40-4-252, MCA have been met.

b. The Disclosure of Income and Expenses and contents of the Proposed Property Distribution meet the final disclosure requirements of § 40-4-254, MCA, because:

Choose one:

Petitioner requests a default and the final disclosure requirements are waived pursuant to §40-4-257, MCA.

OR

Both spouses agree to the summary of debts, assets, and liabilities within the Proposed Property Distribution.

OR

The summary of debts, assets, and liabilities within the Proposed Property Distribution previously filed and served and the Disclosure of Income and Expenses previously served are current and accurate.

OR

Circumstances have changed and

An Amended Disclosure of Income and Expenses was served on the other party on:_____.

An Amended Proposed Property Distribution was filed and served on the other party on:_____.

4. Request for Hearing

Choose One:

Default Hearing - Respondent did not appear or otherwise respond to the Petition.

OR

Uncontested Hearing - Respondent Co-Petitioner is participating in the case and we agree on all issues.

OR

Contested Hearing - Respondent Co-Petitioner is participating in the case and we do not agree on all issues.

I declare under penalty of perjury and under the laws of the state of Montana that the information in this document is true and correct. I understand that it is a crime to give false information in this document.

Dated this _____ day of _____, 20__.

Signature: _____
 Petitioner Respondent Co-Petitioner

(Leave the following section blank. It is for the court to use.)

Default Entered: ____/____/____

Default not entered.

COURT CLERK

MONTANA _____ JUDICIAL DISTRICT COURT _____ COUNTY

<p>In re the Marriage of:</p> <p>_____, Petitioner (<i>you</i>),</p> <p>and</p> <p>_____, <input type="checkbox"/> Co-Petitioner <input type="checkbox"/> Respondent (<i>your spouse</i>).</p>	<p>Case No: _____</p> <p style="text-align: center;">Final Dissolution Decree No Minor Children Findings of Fact and Conclusions of Law</p>
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1. Procedural History.

On the ____ day of _____, 20____, the Petition for Dissolution was filed by Petitioner Co-Petitioners jointly.

2. Nature of the Case. Choose One.

We 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. On ____ day of _____, 20____, default was entered.

3. Proposed Property Distribution. Choose One.

Petitioner filed and served Respondent the Property Distribution along with the Petition and nothing has changed.

OR

Circumstances have changed. Petitioner Respondent Each party has filed an Amended Property Distribution and sent a copy to the other party.

OR

Other: _____.

4. 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. The parties disagree on the following:

Some issues in the petition for dissolution

Some issues with the property distribution

5. Appearances.

a. Petitioner

appeared in person without a lawyer with a lawyer _____

b. Respondent

appeared in person without a lawyer with a lawyer _____

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The court considered the evidence at the hearing and all pleadings, and finds:

6. Jurisdiction over the Parties

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

7. Venue

Venue is proper in this county.

8. 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 _____.

9. Irretrievable Breakdown. Choose all that apply.

- The marriage of the parties is irretrievably broken.
- The parties lived separate and apart for at least 180 days before this case was filed.
- 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.
- The Montana Conciliation Law (beginning at §40-3-101, M.C.A.) does not apply in this case.

10. Financial Disclosure of Assets and Liabilities. The Court finds that the parties are in compliance with financial disclosure requirements §§ 40-4-252 through 254, M.C.A.

11. Property Distribution. Choose One.

The court finds the following property disbursement is an equitable apportionment between the parties of the marital property, assets, and liabilities

- Petitioner's Proposed Property Disbursement as modified
- Respondent's Proposed Property Disbursement as modified
- The Agreed Proposed Property Disbursement as modified
- The Court's Property Disbursement

12. Spousal Maintenance

Spousal maintenance was not requested by either party.

OR

The court finds that spousal maintenance is necessary because the requesting party lacks sufficient property to provide for the spouse's 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

The court denies spousal maintenance because: _____

Additional Findings: _____

13. Previous Names

Petitioner Respondent Co-Petitioner requested to have their previous name restored.

14. Additional Findings

The court makes additional findings of fact as follows: _____

Additional Findings of Fact and Conclusions of Law attached as Exhibit ____ are also incorporated into this decree.

DECREE OF DISSOLUTION OF MARRIAGE

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

1. The Court dissolves the marriage between Petitioner and Respondent.
2. The court dissolves the Temporary Economic Restraining Order issued in this matter under M.C.A. § 40-4-121(3).
3. The Court has signed and adopts the Property Distribution identified as Exhibit _____. The Court orders the parties to follow this Property Distribution.
4. Each party is ordered to take any action necessary to carry out the terms and conditions of this decree including the signing or transfer of titles, deeds, or other

MP 713 Dissolution Decree

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documents. All necessary actions must be completed no later than: _____.

5. Wife's name will remain be restored to: _____

6. Husband's name will remain be restored to: _____

7. Spousal Maintenance: *Choose One*

No spousal maintenance is awarded in this case.

OR

Court orders Petitioner Respondent pay \$_____ per month until *(date of last payment)* _____ in spousal support. The payment must be made on the ____ of each month directly to Petitioner Respondent

8. Other Provisions:

DATED this ____ day of _____, 20____.

DISTRICT COURT JUDGE

MONTANA _____ JUDICIAL DISTRICT COURT _____ COUNTY

In re the Marriage of:

_____,
 Petitioner Co Petitioner,

and

_____,
 Respondent Co Petitioner.

Case No: _____

**Court Order on Hearing for
Dissolution Without Minor
Children**

The Court Orders that the final hearing in this matter (**Choose One**):

Is scheduled for the ____ day of _____, 20____, at _____
o'clock _____. In Court Room _____, located at _____,
Montana. The Court estimates this hearing will last approximately _____.

OR

Will not be scheduled because (**Choose all that apply**):

The Court does not have sufficient reason to believe that **MP-510**
Declaration of Assets and Financial Disclosures have been
exchanged by the parties.

The Court does not have sufficient reason to believe that Service of
Process was completed.

(Optional) The Court has noted within the
record: _____

MP-714 Court Order on Hearing for Dissolution without Minor Children

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It is ORDERED that (*Choose One*):

Parties must comply with this order as

follows: _____
_____.

Once parties have complied, either party may file a new **MP-701** Request for a Hearing and Statement of Compliance.

OR

Parties appear at the hearing as scheduled.

DATED this _____ day of _____, 20____.

DISTRICT COURT JUDGE

Name

Mailing Address

City, State Zip Code

Phone Number

E-mail Address (optional)

Petitioner Respondent Co Petitioner

Appearing without a lawyer

**MONTANA _____ JUDICIAL DISTRICT COURT
_____ COUNTY**

<p>In re the Marriage of:</p> <p>_____, <input type="checkbox"/> Petitioner <input type="checkbox"/> Co Petitioner,</p> <p>and</p> <p>_____, <input type="checkbox"/> Respondent <input type="checkbox"/> Co Petitioner.</p>	<p>Case No: _____</p> <p>Notice of Entry of Decree</p>
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Notice is hereby given that on the _____ day of _____,
20____, the Court entered a Final Decree of Dissolution in the above-entitled action. A
true and correct conformed copy of the Final Decree of Dissolution is attached to this
Notice and served upon you.

DATED this _____ day of _____, 20____.

 Petitioner Respondent Co Petitioner

Print Name

Proof of Service

I, _____, attest that a true and correct copy of the foregoing Notice of Entry of Decree was served the ____ day of _____, 20____, by mailing said copy, postage paid, to:

Name

Street Address

City State Zip Code

I declare under penalty of perjury and under the laws of the state of Montana that the information in this document is true and correct. I understand that it is a crime to give false information in this document.

Dated this _____ day of _____, 20__.

Signature: _____
 Petitioner Respondent Co Petitioner

Print Name: _____

INSTRUCTIONS

Order Information: Check the box that most accurately describes the type of order being entered. If it is a dissolution of marriage, enter the place of marriage and indicate if child support is ordered. Temporary support orders and paternity orders that contain child support are categorized as “child support order, without dissolution.” “Child support order” includes medical support orders. If the order does not contain a child support order, social security numbers of the parties are not required and only Parts 1, 2 and 9 need to be completed.

Parts 1 and 2: Provide information about the parties to the order. If there is a child support order, be sure to check the box that shows whether the party owes support (payer) or will receive support (payee). If a party is ordered to both pay and receive support, check the box labeled “both.” If there is no support order, check the box labeled “N/A” for not applicable. If a party is ordered to pay \$0 support, that party should be considered a payer.

Part 3: Provide information about the children named in the order and indicate which parent or other party the children live with. If the parenting plan provides for shared residential parenting, circle “B” for both. If a child is not living with either parent, circle “O” and list the child’s name and address.

Part 4: Complete this part if support is ordered to be paid to an agency or an individual other than a parent.

Part 5: Indicate whether any of the parties are protected from each other by a protective or restraining order. If yes, list the names of the protected parties. This includes any protected children.

Part 6: Provide information about the employment or other source of income of the party who is ordered to pay child support. If both parties are ordered to pay support, skip Part 6 and complete Part 10 instead.

Part 7: Provide information about the support order. Check the type(s) of support ordered and enter the amount and how often it is due. (Example: \$100 per week.) All orders should have a “begin” date; many will not have an “end” date. If both parties are ordered to pay support, skip Part 7 and complete Part 11 instead.

If the order enters a judgment for past due support, show the **total** amount of the judgment. If the judgment includes amounts for penalties, fees or interest, list those amounts on the appropriate lines.

List any special conditions of the support order. (Example: support is due until the child graduates from college.)

Copy the information requested about the guidelines to this form from the guidelines worksheet.

Part 8: Provide information about health insurance coverage for the children. If insurance is not provided, indicate whether it is available through the employer of either parent. Relationship of the party providing insurance is the party’s relationship to the children. (Example: mother, father, mother’s spouse, father’s spouse.) List the terms and conditions of the insurance coverage. (Example: 80/20 plan, \$500 deductible, major medical only.)

Part 9: Provide information about the person completing this form.

Part 10: Employment information for multiple payers. Complete only if both parties are ordered to pay support. See Part 6 instructions.

Part 11: Order information for multiple payers. Complete only if both parties are ordered to pay support. See Part 7 instructions.

**MONTANA STATE CASE REGISTRY
AND VITAL STATISTICS REPORTING FORM
DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES
(See instructions on first page)**

County / Tribe _____ Judicial District No. _____ Cause No. _____

Date Decree/ Order Signed _____

Dissolution of Marriage

County that Issued Marriage License _____

City, County, State of Marriage _____

Date of Marriage _____

With Child Support Order

Without Child Support Order (Complete Parts 1, 2 & 9 only)

Modification of Child Support Order

Child Support Order, without Dissolution (Includes Temporary Support Orders and Paternity Orders with Child Support)

Legal Separation with Child Support Order

Dependent Neglect / Juvenile Delinquency

Invalid Marriage - Specify Legal Grounds for Action _____

1 Mother/Wife: Payer Payee Both N/A Maiden Name: _____

Name: _____ SSN: _____ Telephone: (____) _____

Last First Middle/Suffix

Mailing Address: _____

Street City State Zip

Residential Address (if different from above): _____

Date of Birth: _____ Place of Birth: _____ Race: _____

State / Foreign Country

Driver's License # / State _____ Occupation: _____

Number of this marriage (1st, 2nd, etc.): _____ Date, City & State of previous marriage(s): _____

2 Father/Husband: Payer Payee Both N/A

Name: _____ SSN: _____ Telephone: (____) _____

Last First Middle/Suffix

Mailing Address: _____

Street City State Zip

Residential Address (if different from above): _____

Date of Birth: _____ Place of Birth: _____ Race: _____

State / Foreign Country

Driver's License # / State _____ Occupation: _____

Number of this marriage (1st, 2nd, etc.): _____ Date, City & State of previous marriage(s): _____

Other Payee: If support is to be paid to another payee, check here and complete Part 4.

3	Names of Children Included in the Support Order						Re siding With **
	Last	First	Middle	Date of Birth	Sex	SSN	
	_____	_____	_____	_____	M F	_____	M F B O
	_____	_____	_____	_____	M F	_____	M F B O
	_____	_____	_____	_____	M F	_____	M F B O
	_____	_____	_____	_____	M F	_____	M F B O
	_____	_____	_____	_____	M F	_____	M F B O
	_____	_____	_____	_____	M F	_____	M F B O

**M=Mother F=Father
B=Both O=Other

If any of the above-named children are not residing with a parent, list the child's name and address : _____

Multiple Payers: Complete Parts 10 and 11 only if the order requires both parties to pay support.

10 **Mother's Employer/Income Source Information:** Provide information about the mother's employment or periodic source of income. (Attach additional pages if needed.)

Name of Employer or Source of Income _____ Telephone _____

Street _____ City _____ State _____ Zip _____

Father's Employer/Income Source Information: Provide information about the father's employment or periodic source of income. (Attach additional pages if needed.)

Name of Employer or Source of Income _____ Telephone _____

Street _____ City _____ State _____ Zip _____

11 **Support Order:** Date Order Signed: _____

Mother's Support Obligation If applicable, arrears due at time of order: \$ _____

Check type of support and enter appropriate information

Support Type	Total Due	Frequency	Begin Date	End Date	Judgment	Penalty* (*list amounts if included in judgment)	Fees*	Interest*
<input type="checkbox"/> Child Support:	\$ _____	per _____	_____	_____	\$ _____	\$ _____	\$ _____	\$ _____
<input type="checkbox"/> Medical Support:	\$ _____	per _____	_____	_____	\$ _____	\$ _____	\$ _____	\$ _____
<input type="checkbox"/> Spousal Support: (Alimony)	\$ _____	per _____	_____	_____	\$ _____	\$ _____	\$ _____	\$ _____

Is the mother exempt from income withholding under MCA 40-5-315? No Yes Tribal Order

Father's Support Obligation If applicable, arrears due at time of order: \$ _____

Check type of support and enter appropriate information

Support Type	Total Due	Frequency	Begin Date	End Date	Judgment	Penalty* (*list amounts if included in judgment)	Fees*	Interest*
<input type="checkbox"/> Child Support:	\$ _____	per _____	_____	_____	\$ _____	\$ _____	\$ _____	\$ _____
<input type="checkbox"/> Medical Support:	\$ _____	per _____	_____	_____	\$ _____	\$ _____	\$ _____	\$ _____
<input type="checkbox"/> Spousal Support: (Alimony)	\$ _____	per _____	_____	_____	\$ _____	\$ _____	\$ _____	\$ _____

Is the father exempt from income withholding under MCA 40-5-315? No Yes Tribal Order

List any special terms/conditions of the support order(s): _____

Was the mother represented by an attorney? Yes No Was the father represented by an attorney? Yes No

Information from child support guidelines worksheet:

Mother: "Income after Deductions": \$ _____ "Credit for Payment of Expenses": \$ _____

Father: "Income after Deductions": \$ _____ "Credit for Payment of Expenses": \$ _____