

Read Before Filling out Exhibit A: Confidential Division of Property & Debts & Values (Form 4)

Divorce can have serious long-term legal and financial consequences. Only a [lawyer](#) who agrees to represent you can tell you about your options based on your circumstances.

This Exhibit A (Form 4) is part of the *Filing for Divorce Together – With Children* forms packet. You may use this forms packet if **All** of the following are true:

- You and your spouse are currently in communication with each other.
- You and your spouse agree on **All** issues. (*Both spouses must agree in writing.*)
- The spouse listed as Plaintiff has lived in North Dakota for at least the last 6 months.
- All of the minor children of the marriage have lived in North Dakota with a spouse for at least the past 6 months (*or since birth*); ***Or*** Within the past 6 months, North Dakota was the home state of all of the children of the marriage **And** one spouse still lives in North Dakota.
- This is the only legal action in North Dakota, any other state, or tribe between you and your spouse regarding your marriage or your minor children.
- The reason for your divorce is irreconcilable differences (*no-fault by either spouse*).
- If either spouse is currently in the military, they're not deploying or deployed.
- There's **no** domestic violence protection order or disorderly conduct restraining order currently in effect protecting one spouse from the other.

You & Your Spouse **Must Complete and Sign the Settlement Agreement (Form 3), Exhibit A: Confidential Division of Property & Debt & Values (Form 4), and Exhibit B: Parenting Plan (Form 5). [Consult a lawyer](#) if you're unsure how to proceed.**

This Exhibit A (Form 4) must be filled out completely and signed by **Both spouses.** If this form isn't filled out completely and signed by both spouses, it may not be accepted for filing or your case may be dismissed without granting a divorce.

Retirement assets: If you decide to divide retirement assets, you need an additional court order called a "Qualified Domestic Relations Order," or QDRO, to make the division effective. A QDRO form **isn't** available through the North Dakota Legal Self Help Center. It's strongly recommended that you [hire a lawyer](#) to prepare a QDRO. If both spouses keep their own retirement assets, or don't have retirement assets, you don't need a QDRO.

Debts: If a spouse is ordered to pay a debt of the marriage and that spouse doesn't pay, the creditor may still go after the other spouse to pay the debt.

Don't include this cover sheet when you file the completed form.

Filing for Divorce Together – With Children

Instructions for Form 4: Exhibit A: Confidential Division of Property & Debts & Values

(Form 4: Exhibit A: Confidential Division of Property & Debts & Values is part of the *Filing for Divorce Together – With Children* packet of forms. [Review the instructions for the packet of forms](#). You **must complete** the Settlement Agreement, Exhibit A, and Exhibit B **before** you complete the Complaint.)

ND Legal Self Help Center Staff and Court employees can't help you fill out forms. If you're unsure how to proceed, [consult a lawyer](#).

ND Legal Self Help Center forms aren't official court forms. Judges and courts aren't required to accept them. There's no guarantee Center forms will be accepted. Use at your own risk.

Don't include these instruction sheets when you serve or file the completed form.

Fill out Exhibit A (Form 4) **Only** if you and your spouse agree on **All** issues in the Settlement Agreement (Form 3), Exhibit A (Form 4), and Exhibit B (Form 5). If you haven't reached a full agreement on **All** issues, you can't use this packet of forms.

Even if You Don't Have Any Property or Debt, you and your spouse Must complete this form. If you attempt to file this packet of forms without including Exhibit A (Form 4), the Clerk of Court won't accept your other completed forms for filing.

The Plaintiff & Defendant Must Work Together to Complete & Sign This Form:

Exhibit A: Confidential Division of Property & Debts & Values (Form 4) tells the judge or judicial referee the following:

- The value of your assets and debts;
- How you agree to divide your assets and debts; and
- Allows the judge or judicial referee to determine the fairness to both spouses of your agreed on division of property and the debts.

(The Exhibit A: Confidential Division of Property and Debt and Values (Form 4) is a confidential court record that isn't generally available to be viewed by the public after the document is filed with the clerk of court. However, any person with good cause may make a written request to the judge or judicial referee for access to Exhibit A (Form 4).)

If a person makes a written request, they must notify the parties in the divorce. The parties then have the option to tell the judge or judicial referee in writing why they agree or disagree with the request. If the judge or judicial referee finds that the public interest, or the personal interest of the person making the request, outweighs the privacy interest of the parties, or their dependent children, the judge or judicial referee grants access to Exhibit A (Form 4).)

Equitable Distribution of Property & Debt in Divorce

[Section 14-05-24 of the North Dakota Century Code](#) requires an equitable distribution of property and debt in a divorce. This is also called equitable division of property and debts.

Equitable distribution means that property and debts are divided fairly, rather than equally.

When the judge or judicial referee reviews your completed and signed Exhibit A (Form 4), they consider the following factors (the Ruff-Fischer guidelines) to decide if you and your spouse have reached an equitable distribution of property in your Exhibit A (Form 4) agreement:

- The respective ages of the spouses;
- The earning ability of each spouse;
- The duration of the marriage and conduct of the spouses during the marriage;
- The station in life of each spouse;
- The circumstances and necessities of each spouse;
- The health and physical condition of each spouse;
- Their financial circumstances as shown by the property owned at the time, its value at the time, its income-producing capacity, if any, whether accumulated before or after the marriage; and
- Other matters that may be important.

The division of property, once approved by the judge or judicial referee, is final and can only be changed under limited circumstances. Consult a Lawyer if you have Any Questions!

Definitions:

Assets – Everything owned by either spouse, whether owned jointly or individually, or acquired before or during the marriage. Assets include, but aren't limited to, real property, furniture, bank accounts, jewelry, life insurance policies, businesses, and retirement plans.

Date of Valuation – The date the Fair Market Value (FMV) was established.

Debts (also called Liabilities) – Everything owed by either spouse, whether owed jointly or individually, or incurred before or during the marriage. Debts include, but aren't limited to, mortgages, credit cards, student loans and car loans.

Equitable Distribution (also called Equitable Division) – Marital property and debt is divided equitably (fairly) in a divorce. Equitable distribution doesn't mean equal distribution.

Equity – Fair Market Value (FMV) of the asset, real property, or personal property, minus the debt connected to the asset, real property or personal property.

Fair Market Value (FMV), or Market Value – The price at which the property would sell.

Liabilities – See Debts.

Marital Property – All of the assets and debts owned by either spouse, whether owned or owed jointly or individually, or acquired or incurred before or during the marriage.

Net Value – See Equity.

Personal property – Every kind of property that isn't real property.

Qualified Domestic Relations Order (QDRO) – An order of the court that directs the administrator of a retirement plan to divide retirement assets as granted in a divorce judgment. There are many different QDRO's that are specific to the type of retirement plan. For more information about QDRO's, go to dol.gov/agencies/ebsa/workers-and-families/separation-and-divorce and scroll to the "Retirement" section.

If you divide a retirement asset between spouses, a QDRO is required. The spouses **Must** present a proposed QDRO to the court to consider and sign. The court **Won't** draft a QDRO for you. The ND Legal Self Help Center **Doesn't** have QDRO forms or instructions. Center staff **Can't** help you draft a QDRO. Consult a lawyer when dividing a retirement asset!

Real Property (also called Real Estate) – Land either with or without buildings on it. For example, a home is real property.

Secured Debt – A debt that's backed by collateral you, the borrower, have. Collateral is an asset of value pledged to secure a debt. (For example, a home loan is a secured debt because you put your home up as collateral to secure the loan.)

Unsecured Debt – Debt that isn't backed by collateral. Instead, unsecured debt relies on consideration. Consideration refers to the benefit each party receives in exchange for what the party gives up. Consideration may be a promise, performance, or forbearance. (Unsecured debts may include credit cards, medical bills, utility bills, etc.)

Valuation Date – This is the date on which the fair market value (FMV) of property is established. This is also the date the total amount owed on a debt or liability is established. When you divorce, you need to figure out the valuation date for your property and debt.

See [N.D.C.C. Section 14-05-24\(1\)](#) for the valuation dates for property and debt in a divorce.

In general, the valuation date is the date to which **both spouses agree**.

There may be property to which federal law applies. If so, the valuation date is the date required by the federal law(s) that applies to the property.

☐ **Top of form (Caption):** Fill in the caption exactly as you filled in the caption on *Form 3: Settlement Agreement*.

☐ **Paragraphs 1 & 2:** If the statements in Paragraphs 1 and 2 aren't true, **Stop!** You can't use this form or the *Filing for Divorce Together – With Children* packet of forms.

☐ **Paragraph 3: Real Property Jointly Owned by Both Spouses.** Put a checkmark (✓) next to the statement that's true for your situation.

If you choose the second statement, complete all of the information. **Don't leave any blanks.**

The legal description of the real property **isn't** the street address. The legal description may be found on the warranty deed, mortgage, title insurance, or from the County Recorder.

☐ **Paragraph 4: Real Property Solely Owned by Plaintiff.** Put a checkmark (✓) next to the statement that's true for your situation.

If you choose the second statement, complete all of the information. **Don't leave any blanks.**

The legal description of the real property **isn't** the street address. The legal description may be found on the warranty deed, mortgage, title insurance, or from the County Recorder.

☐ **Paragraph 5: Real Property Solely Owned by Defendant.** Put a checkmark (✓) next to the statement that's true for your situation.

If you choose the second statement, complete all of the information. **Don't leave any blanks.**

The legal description of the real property **isn't** the street address. The legal description may be found on the warranty deed, mortgage, title insurance, or from the County Recorder.

- ☐ **Paragraph 6: Motor Vehicles, Boats, Watercraft, Campers, Snowmobiles, or Trailers.** Put a checkmark (✓) next to the statement that's true for your situation.

If you choose the second statement, read the instructions on the form. Complete all of the information for every motor vehicle, boats, watercraft, camper, snowmobile, or trailer you and your spouse own jointly and separately, acquired both before and during the marriage.

Don't leave any blanks. If you finish Paragraph 6 and have blank spaces left, type or write "not applicable" in the blank spaces.

- ☐ **Paragraph 7: Household Goods, Furniture, and Furnishings.** Before you complete Paragraph 7, you and your spouse must agree how to divide **all** of the household goods, furniture, and furnishings you own jointly and separately, acquired both before and during the marriage.

After you divide **all** of your household goods, furniture, and furnishings, you must agree on the total value of each spouse's share of divided household goods, furniture, and furnishings.

Fill in the total agreed upon value of each spouse's share of the divided household goods, furniture, and furnishings.

- ☐ **Paragraph 8: Other Personal Property.** Put a checkmark (✓) next to the statement that's true for your situation.

If you choose the second statement, read the instructions on the form. Complete all of the information for all of the other personal property you and your spouse own jointly and separately, acquired both before and during the marriage, that isn't listed anywhere else on Exhibit A (Form 4).

You can't use Paragraph 8 to list real property (real estate). All real property must be listed in Paragraphs 3, 4, and 5.

Don't leave any blanks. If you finish Paragraph 8 and have blank spaces left, type or write "not applicable" in the blank spaces.

Caution for Paragraphs 9 & 10: Dividing Pension Plans and Retirement Accounts

Dividing pension plans and retirement accounts is extremely complicated. You and your spouse are responsible for making sure these assets are divided with a separate court order.

The separate court order is called a qualified domestic relations order (QDRO) and each spouse is responsible for getting their own proposed QDRO and presenting the proposed QDRO to the judge or judicial referee to sign.

The judge or judicial referee Won't draft a QDRO document or draft an order including a QDRO. The ND Legal Self Help Center Doesn't have QDRO forms. Center staff Can't help you draft a QDRO or help you get a proposed QDRO.

If Plaintiff's plan will be divided, the Plaintiff is responsible for getting the proposed QDRO for the judge or judicial referee to sign.

If Defendant's plan will be divided, the Defendant is responsible for getting the proposed QDRO for the judge or judicial referee to sign.

Contact the plan administrator early in the process. Some plan administrators have sample QDRO documents for you to follow when drafting your own QDRO.

Make sure your proposed QDRO shows **only** the year of birth and the last 4 digits of any Social Security Number. Full birthdates and full Social Security Numbers must be listed in Form 6.

Don't sign the proposed QDRO. The QDRO is signed by the judge or judicial referee.

If neither spouse has pension nor retirement plans, Or each spouse will keep their own pension or retirement plans, Without Dividing The Plans, you don't need to get a QDRO.

☐ **Paragraph 9: Plaintiff's Pensions, Profit-Sharing Plans, IRAs, Other Retirement Plans.** Put a checkmark (✓) next to the statement that's true for your situation.

If you choose the second statement, read the instructions on the form. Complete all of the information for all of Plaintiff's pensions, profit-sharing plans, IRAs, and other retirement plans acquired both before and during the marriage.

Don't leave any blanks. If you finish Paragraph 9 and have blank spaces left, type or write "not applicable" in the blank spaces.

☐ **Paragraph 10: Defendant's Pensions, Profit-Sharing Plans, IRAs, Other Retirement Plans.**

Put a checkmark (✓) next to the statement that's true for your situation.

If you choose the second statement, read the instructions on the form. Complete all of the information for all of Defendant's pensions, profit-sharing plans, IRAs, and other retirement plans acquired both before and during the marriage.

Don't leave any blanks. If you finish Paragraph 10 and have blank spaces left, type or write "not applicable" in the blank spaces.

☐ **Paragraph 11: Life Insurance.** Put a checkmark (✓) next to the statement that's true for your situation.

If you choose the second statement, read the instructions on the form. Complete all of the information for all of the life insurance policies for you and your spouse acquired both before and during the marriage.

- The face amount of the policy is the amount of the benefit purchased. For example, a \$100,000 life insurance policy would have a face amount of \$100,000.
- Calculate the cash value – add the total premium and payments made, subtract fees, commission, and expenses charged by the insurer. (You may find the cash value on the life insurance statement or call your insurer to get the cash value.)

Don't leave any blanks. If you finish Paragraph 11 and have blank spaces left, type or write "not applicable" in the blank spaces.

☐ **Paragraph 12: Business or Farm Interests or Assets.** Put a checkmark (✓) next to the statement that's true for your situation.

If you choose the second statement, read the instructions on the form. Complete all of the information for all of the business or farm interests or assets owned jointly or separately by you and your spouse, acquired both before and during the marriage.

- Examples of business or farm interests or assets include, but aren't limited to, farm machinery, grain on hand, accounts receivable, business equipment, etc.

Don't leave any blanks. If you finish Paragraph 12 and have blank spaces left, type or write "not applicable" in the blank spaces.

☐ **Paragraph 13: Financial Assets.** Put a checkmark (✓) next to the statement that's true for your situation.

This is the Paragraph to list other financial assets not listed anywhere else on Exhibit A.

You can't use Paragraph 13 to list real property (real estate). All real property must be listed in Paragraphs 3, 4, and 5.

If you choose the second statement, read the instructions on the form. Complete all of the information for all of the other financial assets owned jointly or separately by you and your spouse, acquired both before and during the marriage.

- Examples of other financial assets include, but aren't limited to, checking accounts, savings accounts, money market accounts, stocks, bonds, Certificates of Deposit, notes (money owed in writing), money owed (not in writing).

Don't leave any blanks. If you finish Paragraph 13 and have blank spaces left, type or write "not applicable" in the blank spaces.

Caution for Paragraph 14: Creditors Not Bound By This Agreement

In general, creditors aren't bound by the agreement of the parties.

When a debt is assigned to a spouse in a divorce judgment and that spouse doesn't pay, the creditor may still go after the spouse who wasn't assigned the debt for payment.

[Consult a lawyer](#) if you have questions.

- ☐ **Paragraph 14: Secured and Unsecured Debts and Liabilities.** Put a checkmark (✓) next to the statement that's true for your situation.

If you choose the second statement, read the instructions on the form. Complete all of the information for secured and unsecured debt or liability you and your spouse owe jointly and separately, incurred both before and during the marriage. **Don't include mortgages on real property.** (Mortgages must be listed in Paragraphs 3, 4, and 5.)

Don't leave any blanks. If you finish Paragraph 14 and have blank spaces left, type or write "not applicable" in the blank spaces.

- ☐ **Paragraph 15: Summary.** This is the total division of property and debts listed in \$\$ for Plaintiff and Defendant.

List the total for Plaintiff and the total for Defendant for each category of the Summary.

For both Plaintiff and Defendant, subtract the Mortgages on Real Property and Debts and Liabilities to list the **Total**.

Both Spouses Must Sign Exhibit A (Form 4)!

You can use this packet of forms **Only If** the forms are completed and signed as follows:

- **Summons (Form 1)** – signed by Plaintiff and a clerk of court
- **Complaint (Form 2)** – signed by Plaintiff
- **Settlement Agreement (Form 3)** – signed by Plaintiff & Defendant in presence of notary public or clerk of court
- **Exhibit A: Property and Debt Listing (Form 4)** – signed by Plaintiff & Defendant in presence of notary public or clerk of court
- **Exhibit B: Parenting Plan (Form 5)** – signed by Plaintiff & Defendant in presence of notary public or clerk of court
- **Confidential Information Form (Form 6)** – signed by Plaintiff & Defendant
- **Admission of Service (Form 7)** – signed by Defendant
- **Affidavit of Proof (Form 8)** – signed by Plaintiff in presence of notary public or clerk of court
- **Findings of Fact, Conclusions of Law and Order for Judgment (Proposed) (Form 9)** – unsigned
- **Judgment (Proposed) (Form 10)** – unsigned

☐ **Plaintiff Completes and Signs Page 15.** The Plaintiff must sign and date in the presence of a Notary Public or a Clerk of Court.

☐ **Defendant Completes and Signs Page 16.** The Defendant must sign and date in the presence of a Notary Public or a Clerk of Court.

Each spouse may sign on separate dates and at separate locations, but **both spouses must sign and date **Before** filing this completed packet of forms with the court.**

- The form doesn't have to be signed in North Dakota or signed by a North Dakota Notary Public or a North Dakota Clerk of Court.
- If you sign the form in a state other than North Dakota, sign in the presence of a Notary Public or Clerk of Court of that state.

State of North Dakota

County Of _____

In District Court

_____ Judicial District

Plaintiff,
vs.

Defendant.

)
)
)
)
)
)
)

Case No. _____

Exhibit A:
Confidential Division of
Property & Debts & Values

1. Plaintiff and Defendant have reached an agreement resolving the values and division of all property and debt in this divorce proceeding.

2. Plaintiff and Defendant's entire agreement resolving the values and division of all property and debt is set forth in this Exhibit A: Confidential Division of Property and Debts and Values.

3. **Real Property Jointly Owned by Plaintiff and Defendant** (*choose one*):

☐ Plaintiff and Defendant **do not** jointly own any real property.

☐ Plaintiff and Defendant agree on how to divide their jointly owned real property as follows:

a. **Property 1** (*continues on next page*):

The street address of this **Jointly Owned Real Property** is _____
_____, in the City of _____,
County of _____, State of _____, and it is legally described as:

This real property was purchased on _____ for \$_____.

There is a mortgage or loan against the property in the amount of \$_____.

The fair market value of this **Jointly Owned Real Property** is \$ _____. The date of valuation to establish fair market value is _____.

Agreement of Plaintiff and Defendant for Property 1 of Jointly Owned Real Property:

(Choose one) ☐ Plaintiff / ☐ Defendant is awarded sole title and interest in **Property 1 of Jointly Owned Real Property**, described above, and subject to a mortgage or loan against the property in the amount of \$ _____.

Additionally (describe any additional details related to the award of sole title and interest of Property 1 of Jointly Owned Real Property. If there are no additional details, write "not applicable"), _____

_____.

b. Property 2 (continues on next page page):

☐ Does Not Apply (choose if you don't jointly own additional real property).

The street address of this **Jointly Owned Real Property** is _____
_____, in the City of _____,
County of _____, State of _____, and it is legally described as:

This real property was purchased on _____ for \$ _____.
There is a mortgage or loan against the property in the amount of \$ _____.
The fair market value of this **Jointly Owned Real Property** is \$ _____. The date of valuation to establish fair market value is _____.

Agreement of Plaintiff and Defendant for Property 2 of Jointly Owned Real Property:

(Choose one) ☐ Plaintiff / ☐ Defendant is awarded sole title and interest in **Property 2 of Jointly Owned Real Property**, described above, and subject to a mortgage or loan against the property in the amount of \$_____.

Additionally (describe any additional details related to the award of sole title and interest of Property 2 of Jointly Owned Real Property. If there are no additional details, write "not applicable"), _____

_____.

4. Real Property Solely Owned by Plaintiff (choose one):

☐ Plaintiff **does not** solely own any real property.

☐ Plaintiff and Defendant agree on how to divide Plaintiff's solely owned real property as follows (continues on next page):

The street address of **Plaintiff's Solely Owned Real Property** is _____
_____, in the City of _____,
County of _____, State of _____, and it is legally described as:

This real property was purchased on _____ for \$_____.

There is a mortgage or loan against **Plaintiff's Solely Owned Real Property** in the amount of \$_____. The fair market value of this property is \$_____. The date of valuation to establish fair market value is _____.

Agreement of Plaintiff and Defendant for Plaintiff's Solely Owned Real Property:

(Choose one) ☐ Plaintiff / ☐ Defendant shall be awarded sole title and interest in **Plaintiff's Solely Owned Real Property**, described above, and subject to a mortgage or loan against the property in the amount of \$ _____.

Additionally (describe any additional details related to the award of sole title and interest of Plaintiff's Solely Owned Real Property. If there are no additional details, write "not applicable"), _____

_____.

5. Real Property Solely Owned by Defendant (choose one):

☐ Defendant **does not** solely own any real property.

☐ Plaintiff and Defendant agree on how to divide Defendant's solely owned real property as follows (*continues on next page*):

The street address of **Defendant's Solely Owned Real Property** is _____
_____, in the City of _____,
County of _____, State of _____, and it is legally described as:

This real property was purchased on _____ for \$ _____.

There is a mortgage or loan against **Defendant's Solely Owned Real Property** in the amount of \$ _____. The market value of this property is \$ _____. The date of valuation to establish fair market value is _____.

Agreement of Plaintiff and Defendant for Defendant's Solely Owned Real Property:

(Choose one) ☐ Plaintiff / ☐ Defendant shall be awarded sole title and interest in **Defendant's Solely Owned Real Property**, described above, and subject to a mortgage or loan against the property in the amount of \$_____.

Additionally (describe any additional details related to the award of sole title and interest of Defendant's Solely Owned Real Property. If there are no additional details, write "not applicable"), _____

6. Motor Vehicles, Boats, Watercraft, Campers, Snowmobiles, or Trailers (choose one;

Paragraph 6 continues on next page):

☐ Plaintiff and Defendant **do not** own any motor vehicles, boats, watercraft, campers, snowmobiles or trailers.

☐ Plaintiff and Defendant agree on how to divide their motor vehicles, boats, watercraft, campers, snowmobiles or trailers. Plaintiff and Defendant shall receive as their own, the motor vehicles, boats, watercraft, campers, snowmobiles or trailers listed in their column.

Description of Description of Motor Vehicles, Boats, Watercraft, Campers, Snowmobiles or Trailers (include the type of motor vehicle, boat etc., year/make/model, vehicle identification number, name(s) on title, balance owed, monthly payment (if any) & date of valuation. If you own a manufactured or mobile home that isn't converted to real property, list it here.):	Plaintiff (Current agreed upon value)	Defendant (Current agreed upon value)
	\$	\$

Description of Description of Motor Vehicles, Boats, Watercraft, Campers, Snowmobiles or Trailers <i>(include the type of motor vehicle, boat etc., year/make/model, vehicle identification number, name(s) on title, balance owed, monthly payment (if any) & date of valuation. If you own a manufactured or mobile home that isn't converted to real property, list it here.):</i>	Plaintiff (Current agreed upon value)	Defendant (Current agreed upon value)
	\$	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$
Total Value of Motor Vehicles, Boats, Etc. to Each Person	\$	\$

7. Household Goods, Furniture, and Furnishings: Plaintiff and Defendant have already divided the household goods, furniture and furnishings in an equitable manner to their satisfaction.

	Plaintiff	Defendant
Total Agreed Upon Value of Share of Household Goods, Furniture, and Furnishings to Each Person	\$	\$

8. Other Personal Property (*choose one*):

☐ Plaintiff and Defendant **do not** own any other personal property not otherwise mentioned on Exhibit A.

☐ Plaintiff and Defendant own other personal property not otherwise mentioned on Exhibit A. Plaintiff and Defendant shall be awarded as their own, the other personal property listed in their column.

Description of Other Personal Property (<i>include a description of the personal property, list who owns or possesses the personal property, any debts or encumbrances, balance owed (if any), monthly payment (if any), & date of valuation</i>):	Plaintiff (<i>Current agreed upon value</i>)	Defendant (<i>Current agreed upon value</i>)
	\$	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$
Total Value of Other Personal Property to Each Person	\$	\$

9. Plaintiff's Pensions, Profit-Sharing Plans, IRAs, Other Retirement Plans (*choose one*):

☐ Plaintiff **does not** have any pensions, profit-sharing plans, individual retirement accounts (IRAs) or other retirement plans.

☐ Plaintiff and Defendant agree on how to divide Plaintiff's pensions, profit-sharing plans, individual retirement accounts (IRAs) and other retirement plans.

Plaintiff's pensions, profit-sharing plans, individual retirement accounts (IRAs) and other retirement plans shall be awarded as listed in Plaintiff's and Defendant's columns.

If Plaintiff's retirement plan is divided between Defendant and Plaintiff, Plaintiff shall obtain the proposed qualified domestic relations order (QDRO).

Description of Plaintiff's Pensions, Profit-Sharing Plans, IRAs and Other Retirement Plans (<i>for each plan, list the employer, union, or other group that provides the plan; the date you started working at the job or date you joined the union or group plan; the type of pension or retirement plan, & the present value. For individual retirement accounts, list the account number, the bank that has the individual retirement account, & the present account balance</i>):	Plaintiff (<i>Current agreed upon value</i>)	Defendant (<i>Current agreed upon value</i>)
	\$	\$
	\$	\$
	\$	\$
Total Value of Plaintiff's Retirement Plans to Each Person	\$	\$

10. Defendant's Pensions, Profit-Sharing Plans, IRAs, Other Retirement Plans (*choose one*):

☐ Defendant **does not** have any pensions, profit-sharing plans, individual retirement accounts (IRAs) or other retirement plans.

☐ Plaintiff and Defendant agree on how to divide Defendant's pensions, profit-sharing plans, individual retirement accounts (IRAs) and other retirement plans.

Defendant's pensions, profit-sharing plans, individual retirement accounts (IRAs) and other retirement plans shall be awarded as listed in Plaintiff's and Defendant's columns.

If Defendant's retirement plan is divided between Defendant and Plaintiff, Defendant shall obtain the proposed qualified domestic relations order (QDRO).

Description of Defendant's Pensions, Profit-Sharing Plans, IRAs and Other Retirement Plans (<i>for each plan, list the employer, union, or other group that provides the plan; the date you started working at the job or date you joined the union or group plan; the type of pension or retirement plan, & the present value. For individual retirement accounts, list the account number, the bank that has the individual retirement account, & the present account balance</i>):	Plaintiff (<i>Current agreed upon value</i>)	Defendant (<i>Current agreed upon value</i>)
	\$	\$
	\$	\$
	\$	\$
Total Value of Defendant's Retirement Plans to Each Person	\$	\$

11. Life Insurance (choose one):

☐ Plaintiff and Defendant **do not** have life insurance policies.

☐ Plaintiff and Defendant agree on how to divide their life insurance policies. Plaintiff and Defendant shall be awarded as their own, the life insurance policies listed in their column.

Description of Life Insurance Policies (for each life insurance policy, list the name of the company, type of insurance, policy number, face amount of the policy, amount of any loans against the policy, name of insured, name(s) of beneficiary, & monthly payments (if any)):	Plaintiff (Current agreed upon value)	Defendant (Current agreed upon value)
	\$	\$
	\$	\$
	\$	\$
	\$	\$
Total Value of Life Insurance to Each Person	\$	\$

12. Business or Farm Interests or Assets (choose one; Paragraph 12 continues on next page):

☐ Plaintiff and Defendant **do not** have any business or farm interests or assets.

☐ Plaintiff and Defendant agree on how to divide their business or farm interests or assets.

Plaintiff and Defendant shall receive as their own, the business or farm interests or assets listed in their column.

Description of Business or Farm Interests or Assets <i>(for each business or farm asset, describe the interest or asset, who owns the interest or asset, the location, list the account number (if any), balances owed (if any), monthly payments (if any), & date of valuation):</i>	Plaintiff (Current agreed upon value)	Defendant (Current agreed upon value)
	\$	\$
	\$	\$
	\$	\$
Total Value of Business or Farm Assets to Each Person	\$	\$

13. Financial Assets *(choose one; Paragraph 13 continues on next page):*

☐ Plaintiff and Defendant **do not** own financial assets not otherwise mentioned on Exhibit A.

☐ Plaintiff and Defendant agree on how to divide their financial assets not otherwise mentioned on Exhibit A. Plaintiff and Defendant shall be awarded all right, title, interest and equity in and to the other financial assets listed in their column.

Description of Financial Assets: <i>(for example checking accounts, savings accounts, money market accounts, stocks, bonds, Certificates of Deposit, notes (money owed in writing), & money owed (not in writing). For each asset, describe the asset, who owns the asset, the location of the asset, list the policy or account number (if any), balances owed (if any), monthly payments (if any), & date of valuation)</i>	Plaintiff (Current agreed upon value)	Defendant (Current agreed upon value)
	\$	\$

Description of Financial Assets: <i>(for example checking accounts, savings accounts, money market accounts, stocks, bonds, Certificates of Deposit, notes (money owed in writing), & money owed (not in writing). For each asset, describe the asset, who owns the asset, the location of the asset, list the policy or account number (if any), balances owed (if any), monthly payments (if any), & date of valuation)</i>	Plaintiff (Current agreed upon value)	Defendant (Current agreed upon value)
	\$	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$
Total Value of Other Financial Assets to Each Person	\$	\$

14. Secured and Unsecured Debts and Liabilities *(choose one; Paragraph 14 continues on next two pages):*

☐ Plaintiff and Defendant **do not** have any secured or unsecured outstanding debts and liabilities.

☐ Plaintiff and Defendant agree on how to divide their secured and unsecured debts and liabilities. Plaintiff and Defendant shall pay as their own debts and liabilities listed in their column.

Plaintiff and Defendant listed all secured and unsecured debts and liabilities they know of on Exhibit A. Any debts and liabilities not listed on Exhibit A shall be paid by the person whose name is on the debt or liability.

Description of Debts and Liabilities (<i>list all secured and unsecured debts and liabilities. Describe each debt and liability as clearly as possible. Include who the debt is owed to, purpose of the debt, collateral for the secured debt (if any), whose name is on the debt and account numbers. Do not include mortgages on real property</i>)	Plaintiff (Current amount owed)	Defendant (Current amount owed)
	\$	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$

Description of Debts and Liabilities (<i>list all secured and unsecured debts and liabilities. Describe each debt and liability as clearly as possible. Include who the debt is owed to, purpose of the debt, collateral for the secured debt (if any), whose name is on the debt and account numbers. Do not include mortgages on real property</i>)	Plaintiff (Current amount owed)	Defendant (Current amount owed)
	\$	\$
	\$	\$
	\$	\$
	\$	\$
Total Debts and Liabilities to be Paid by Each Person	\$	\$

15. Summary:

Plaintiff

Defendant

Real Property (<i>Paragraphs 3, 4, and 5</i>)	\$	\$
Motor Vehicles/Boats/Campers/Etc. (<i>Paragraph 6</i>)	\$	\$
Household Goods/Furniture/Furnishings (<i>Paragraph 7</i>)	\$	\$
Other Personal Property (<i>Paragraph 8</i>)	\$	\$
Pensions/Retirement Plans/Etc. (<i>Paragraphs 9 and 10</i>)	\$	\$
Life Insurance (<i>Paragraph 11</i>)	\$	\$
Business or Farm Interests or Assets (<i>Paragraph 12</i>)	\$	\$
Financial Assets (<i>Paragraph 13</i>)	\$	\$
Mortgages on Real Property (<i>Paragraphs 3, 4, and 5</i>)	- \$	- \$
Debts and Liabilities (<i>Paragraph 14</i>)	- \$	- \$
(Mortgages & Debts subtracted from Assets) Total	\$	\$

Notarized Signatures on Pages 15 and 16.

Plaintiff's Signature is on Page 15 of 16 of this Exhibit A.

Defendant's Signature is on Page 16 of 16 of this Exhibit A.

Plaintiff's Notarized Signature

I, _____, **Plaintiff**, swear under penalty of perjury that the information in this Exhibit A: Confidential Division of Property and Debts and Values is true and correct, and that I have read, understand, and agree to be bound by this Agreement.

Dated _____.

(Plaintiff's Signature)

(Plaintiff's Printed Name)

(Plaintiff's Address)

(City, State, Zip Code)

(Telephone Number)

(Email Address)

STATE OF _____)

COUNTY OF _____)SS

Signed and sworn to before me on _____, by

_____.

(Notary Public or Clerk of Court)

If Notary, my commission expires: _____

Defendant's Notarized Signature

I, _____, **Defendant**, swear under penalty of perjury that the information in this Exhibit A: Confidential Division of Property and Debts and Values is true and correct, and that I have read, understand, and agree to be bound by this Agreement.

Dated _____.

(Defendant's Signature)

(Defendant's Printed Name)

(Defendant's Address)

(City, State, Zip Code)

(Telephone Number)

(Email Address)

STATE OF _____)

COUNTY OF _____)SS

Signed and sworn to before me on _____, by

_____.

(Notary Public or Clerk of Court)

If Notary, my commission expires: _____

Instructions for Summary Real Estate Disposition Judgment Form 4b

This form is optional.

You only complete this form if you listed real property in Paragraphs 3, 4, or 5 of your “Exhibit A: Confidential Division of Property & Debts & Values” Form 4, **And** you need to transfer ownership of real property as part of the divorce.

If you don’t need Form 4b, discard Form 4b and these instructions.

When one of the divorcing parties presents a certified copy of a Divorce Judgment to the County Recorder’s office to transfer ownership of real estate, the County Recorder’s office needs them to submit (as an attachment) Exhibit A: Confidential Division of Property & Debts & Values since that is where the legal description of the real estate is found.

Divorcing parties may not want to do this because, once recorded, the information in the Exhibit A: Confidential Division of Property & Debts & Values becomes public. All documents recorded with a County Recorder’s Office are subject to public searches and open records laws. The County Recorder’s Office can only allow social security numbers to be redacted (crossed out). Everything else in the document is public.

When a Summary Real Estate Disposition Judgment document is submitted for recording, it only includes the real estate information. All the other confidential property and debt information in the Exhibit A: Confidential Division of Property & Debts & Values form remains confidential because it’s only filed with the District Court.

This is your proposed Summary Real Estate Disposition Judgment for the Court to sign if the Judge or Judicial Referee grants your divorce.

Filling Out The Form

Note: Refer to your completed Settlement Agreement (Form 3) and Exhibit A: Confidential Division of Property & Debts & Values (Form 4). The information you type or write in the Summary Real Estate Disposition Judgment must be **Exactly** the same as your Form 3 and Form 4.

☐ Opening Paragraph:

- Leave the date of the Judgment blank. You can’t fill this date in until a Judgment is signed and dated granting your divorce.

☐ **Paragraph 1:**

- Fill in the date of your marriage from Paragraph 4 of your completed Settlement Agreement (Form 3);
- Leave the date of the Judgment blank. You can't fill this date in until a Judgment is signed and dated granting your divorce.

☐ **Paragraph 2:**

- Fill in "pro se" on both lines.

☐ **Paragraph 3:**

- Leave the name of the Judge or Judicial Referee blank. You won't know the name until after you complete and file all of the forms in Step 11.

☐ **Paragraph 4 (check only one box):**

- Check ☒ the "Stipulation" box.

☐ **Paragraph 5 (check only one box):**

- Check ☒ the "Yes, the real property was described by a legal description" box indicating the real property is described by a legal description in your Exhibit A: Confidential Division of Property & Debts & Values Form 4.
 - Your completed Exhibit A **Must** have the legal description(s) for the real property listed in Paragraphs 3, 4, and/or 5.

☐ **Paragraph 6 (check only one box):**

- Check ☒ the first box indicating the Judgment didn't result from a default judgment.

☐ **Paragraph 7:**

- Check ☒ The first box ("Yes") indicating the Summons and Complaint were personally served on the Defendant.
 - Check ☒ the Admission of Service box.
 - You can't fill in the date the Defendant signed the Admission of Service form until after you complete Step 10.

☐ **Paragraph 8:**

- Write "Not Published" on the first line.
- Write "N/A" on the second and third lines.

☐ **Paragraph 9:**

- Check (☒) all appropriate boxes indicating whether the parties are changing their names as part of the divorce judgment. If Plaintiff or Defendant are changing their names, write their new name. See Paragraphs 18 and 19 of your completed Settlement Agreement Form 3.

☐ **Paragraph 10:**

- Check (☒) each box for the legal description of the property your divorce judgment transfers. See Paragraphs 3, 4, and/or 5 of your completed Exhibit A: Confidential Division of Property & Debts & Values (Form 4). (If you **don't** need the 2nd or 3rd boxes, write "N/A" in the blank space and **don't** check the box.
 - Fill in the name of the County where the property is located **Exactly** as it appears in your completed Exhibit A.
 - Fill in the full legal description **Exactly** as it appears in your completed Exhibit A.

☐ **Paragraph 11:**

- Fill in the name(s) of the persons awarded an interest in each parcel of real estate and a description of the interest awarded. This information is in Paragraphs 3, 4, and/or 5 of your completed Exhibit A: Confidential Division of Property & Debts & Values (Form 4).

Some examples are listed below. Remember, these are only examples. Write the exact information as it appears in your completed Exhibit A!

Example 1

The Plaintiff, John Doe, is awarded all right, title and interest in and to the above identified real property, subject to encumbrances of record, but free and clear of any right title or interest in the property by the Defendant, Jane Doe, n/k/a Jane Smith.

Example 2

John Doe is awarded all right, title, interest, and equity in and to the above-described property, free and clear of any claim on the part of Jane Doe. John Doe shall be solely responsible for all expenses associated with the real property, including, but not limited to, routine maintenance and repair costs, utility bills, and monthly payments of principal, interest, taxes, and insurance.

☐ **Paragraph 12:**

- Fill in all liens, mortgages, encumbrances, or other interests as described in Paragraphs 3, 4, and/or 5 of your completed Exhibit A: Confidential Property & Debts & Values (Form 4). If there are none, write "none".

☐ **Paragraph 13:**

- Fill in any and all triggering or contingent events as listed in Paragraphs 3, 4, and/or 5 of your completed Exhibit A: Confidential Property & Debts & Values (Form 4). If there aren't any triggering or contingent events, write "none". If there are triggering or contingent events, explain.

☐ **Paragraph 14:**

- Review this statement. You **must** have a **certified** copy of the signed and dated Summary Real Estate Disposition Judgment to be recorded or filed in place of the original Judgment and Decree in the office of any county recorder or registrar of titles where the real property is located.

Now What?

The Summary Real Estate Disposition Judgment is filed in Step 11 with the Clerk of Court.

This is your proposed Summary Real Estate Disposition Judgment for the Court to sign if the Judge or Judicial Referee grants your divorce.

If the Judge or Judicial Referee grants your divorce, they review your proposed Summary Real Estate Disposition Judgment to decide if it's filled out correctly. If it's filled out correctly, the Court signs and dates the Summary Real Estate Disposition Judgment.

Get a certified copy of the signed and dated Summary Real Estate Disposition Judgment from the Clerk of Court. You're required to pay a fee.

Take the certified copy to the county recorder or registrar of titles in the North Dakota county where the real property is located.

If you need assistance with this form or have questions about whether this form is correct for your situation, [consult a lawyer](#) licensed to practice in North Dakota. The ND Legal Self Help Center **can't** give you any assistance filing out this form.

State of North Dakota

In District Court

County of _____

_____ Judicial District

Plaintiff,
vs

Defendant.

)
)
)
)
)
)

Case No. _____

**Summary Real Estate
Disposition Judgment**

The Court having approved and ordered the filing of a Summary Real Estate Disposition Judgment pursuant to N.D.C.C. § 14-05-24.2 for the purpose of recording in the office of the County Recorder in lieu of a Quit Claim Deed as provided for in the statute, consistent with the terms of the Judgment dated _____ in the above referenced matter.

Now, Therefore, it is hereby ordered, adjudged and decreed:

1. Dates of the parties' marriage and of the entry of Judgment and Decree of Divorce:

Date of Marriage: _____

Date of Entry of Judgment and Decree: _____

2. Name of the parties' attorney, or if pro se (if not represented, write "pro se" on the line(s)):

Plaintiff's Attorney: _____

Defendant's Attorney: _____

3. Name of the Judge/Judicial Referee, if any, who signed the Order for Judgment and Decree (fill in judge's or judicial referee's name):

4. Whether the Judgment and Decree resulted from a Stipulation (Settlement Agreement), a Default, or a Trial, and the appearances at the Default or Trial (check ☒ only one box):

- ☐ Stipulation
- ☐ Default (check ☒ all boxes that apply): ☐ Plaintiff ☐ Defendant appeared
- ☐ Trial (check ☒ all boxes that apply): ☐ Plaintiff ☐ Defendant appeared

5. If the Judgment and Decree resulted from a Stipulation, whether the real property was described by a legal description (check ☒ only one box):

- ☐ Yes, the real property was described by a legal description.
- ☐ No, the real property was not described by a legal description.

6. If the Judgment and Decree resulted from a Default, whether the Complaint contained the legal description of the property and whether disposition was made in accordance with the request (check ☒ only one box):

- ☐ Not applicable, the Judgment and Decree did not result from a default.
- ☐ Yes, the Complaint contained the legal description.
- ☐ No, the Complaint did not contain the legal description.

7. Whether the Summons and Complaint were served personally on the Defendant in accordance with the North Dakota Rules of Civil Procedure (check ☒ only one box):

- ☐ Yes, the Summons and Complaint were personally served on the Defendant by (check ☒ only one box and fill in the date of service):
 - ☐ Admission of Service, as shown by the Admission of Service dated _____.
 - ☐ Sheriff, as shown by the Certificate of Service dated: _____.
 - ☐ Process Server or other individual, as shown by the Declaration or Affidavit of Personal Service dated _____.
 - ☐ Certified Mail, Return Receipt Requested, as shown by the Declaration or Affidavit of Service by Mail dated _____.
- ☐ No.

8. If the Summons and Complaint were served on the Defendant only by publication, the name of each legal newspaper and county in which the Summons and Complaint were published and the dates of publication (fill in all applicable information – write “N/A” if the line isn’t needed. If the Summons and Complaint weren’t published write “Not Published” on the first line and then “N/A” on the second and third lines):

<u>Name of Newspaper</u>	<u>County Publication Made In</u>	<u>Dates of Publication</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

9. Whether either party changed the party's name through the Judgment and Decree (check ☒ all boxes that apply and fill in any requested information):

- ☐ No parties' names were changed.
- ☐ Plaintiff changed their name to _____.
- ☐ Defendant changed their name to _____.

10. The legal description of each parcel of real estate (check ☒ all boxes that apply and fill in the information requested):

- ☐ That real property located in the County of _____, State of North Dakota, legally described as follows (*write or type the legal description below*):

- ☐ That real property located in the County of _____, State of North Dakota, legally described as follows (*write or type the legal description below*):

- ☐ That real property located in the County of _____, State of North Dakota, legally described as follows (*write or type the legal description below*):

11. The name(s) of the persons awarded an interest in each parcel of real estate and a description of the interest awarded:

12. Liens, mortgages, encumbrances, or other interests in the real estate described in the Judgment and Decree *(include all liens, mortgages, encumbrances, or other interests as described in the Judgment and Decree. If there are none, write "None")*:

13. Triggering or contingent events set forth in the Judgment and Decree affecting the disposition of each parcel of real estate:

14. A certified copy of this Summary Real Estate Disposition Judgment may be recorded or filed in place of the original Judgment and Decree in the office of any county recorder or registrar of titles in which any parcel of real estate described herein is located, with the same effect as having filed the full Judgment and Decree.

Approval of Summary Real Estate Disposition Judgment.

By the Court:

Judge or Judicial Referee

Clerk of the District Court

By: _____
Deputy