

BEFORE YOU BEGIN – REVIEW FORM 3 & FORM 4

Before you begin the steps for the *Divorce With An Agreement – No Children* forms packet, review the “Settlement Agreement” (Form 3) and “Exhibit A: Confidential Division of Property and Debts and Values” (Form 4).

Form 3 and Form 4 make up the FULL WRITTEN AGREEMENT for this divorce packet.

If you believe that you and your spouse can reach an agreement on **EVERY** paragraph of Form 3 and Form 4, follow the instructions for the packet to complete all of the required forms and file with the Clerk of Court.

If you **do not believe** that you and your spouse can reach an agreement on **EVERY** paragraph of **Form 3 and Form 4**, you **CANNOT** use this packet of forms. To see the other divorce resources available through the ND Legal Self Help Center, go to www.ndcourts.gov/legal-self-help/divorce. Review the Summary Divorce packet of forms and the Contested Divorce Informational Guide.

This packet of forms is designed for use in divorces with uncomplicated circumstances and DOES NOT apply to every possible situation or circumstance. If you discover that this packet of forms does not fit the divorce agreement between you and your spouse, you will need to create all of your own divorce documents or retain an attorney to do so.

The *Divorce With An Agreement – No Children* forms packet may be used by spouses who agree in writing on EVERY issue in the divorce.

EACH of the following forms MUST be completed and signed as indicated BEFORE filing with the Clerk of Court.

- Form 1. Summons** (signed by Plaintiff and a clerk of court)
- Form 2. Complaint** (signed by Plaintiff)
- Form 3. Settlement Agreement** (signed by Plaintiff & Defendant in presence of notary public)
- Form 4. Exhibit A: Confidential Division of Property and Debt and Values** (signed by Plaintiff & Defendant in presence of notary public)
- Form 5. Admission of Service** (signed by Defendant)
- Form 6. Affidavit of Proof for Stipulated Judgment** (signed by Plaintiff in presence of notary public)
- Form 7. Findings of Fact, Conclusions of Law and Order for Judgment (Proposed)** (completed, not signed)
- Form 8. Judgment (Proposed)** (completed, not signed)
- Form 9. Confidential Information Form** (signed by Plaintiff & Defendant)

Do not include this cover sheet when you serve or file the completed form.

IN DISTRICT COURT, _____ COUNTY, NORTH DAKOTA

_____ ,	}	
Plaintiff,	}	
	}	
vs.	}	SUMMONS
	}	
	}	Civil No. _____
_____ ,	}	
Defendant.	}	

The State of North Dakota to the above-named defendant:

You are hereby summoned and required to appear and defend against the complaint in this action, which (is herewith served upon you) (will be filed with the Clerk of this Court), by serving upon the undersigned an answer or other proper response within twenty one (21) days after the service of the summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

NOTICE OF TEMPORARY RESTRAINING PROVISIONS

Under Rule 8.4 of the North Dakota Rules of Court, upon service of the summons, you, and your spouse, are bound by the restraints following:

- (1) Neither spouse shall dispose of, sell, encumber, or otherwise dissipate any of the parties' assets except:
 - a. For the necessities of life or the necessary generation of income or preservation of assets; or
 - b. For retaining counsel to carry on or to contest the proceeding;

If a spouse disposes of, sells, encumbers, or otherwise dissipates assets during the interim period, that spouse shall provide to the other spouse an accounting within 30 days.

- (2) Neither spouse shall harass the other spouse.
- (3) All currently available insurance coverage must be maintained and continued without change in coverage or beneficiary designation.
- (4) Neither spouse shall remove their minor child(ren) from North Dakota without the written consent of the other spouse or order of the court except for temporary periods.

**IF EITHER SPOUSE VIOLATES ANY OF THESE PROVISIONS, THAT SPOUSE
MAY BE IN CONTEMPT OF COURT.**

Dated _____, 20_____.

Clerk of Court

Plaintiff's Signature

Printed Name

Street Address

City/State/Zip

Telephone Number