

## Motion for Default Divorce Judgment

### Instructions for Form 5b: Declaration of Proof for Default Divorce Judgment (No Children)

(Form MP5b: Declaration of Proof for Default Divorce Judgment (No Children) is part of the Motion for Default Divorce Judgment. [Review the instructions for the packet of forms.](#))

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 this instruction sheets when you serve or file the completed form.

A Declaration of Proof for Default Divorce Judgment (No Children) is one of a set of required documents that make up a written Motion for Default Divorce Judgment.

The **MP5b: Declaration of Proof for Default Divorce Judgment (No Children)** form is your, the Plaintiff's, written statement of the jurisdictional and factual matters in the divorce complaint, including the factual basis for the grounds of the divorce.

**Caution!** Use MP5b: Declaration of Proof for Default Divorce Judgment (No Children) **only** when there are **no** children of the marriage.

You, the Plaintiff, arrange to serve the Declaration of Proof for Default Divorce Judgment (No Children) with all of the other documents listed on page 3.

#### **You, the Plaintiff, Complete and Sign this Form.**

- ☐ **Top of Form (Caption):** Fill in the caption exactly as you filled in the caption on the *Summons*.
- ☐ **Fill in your full legal name.** This should match your name in the Caption.
- ☐ **Paragraph 1:** Read carefully. If this information isn't true, you can't use this form.
- ☐ **Paragraph 2:** Read carefully. If this information isn't true, you can't use this form.
- ☐ **Paragraph 3:** Fill in the same date, city and state as Paragraph 2 of your Form 3: Brief.
- ☐ **Paragraph 4:** Read carefully. If this information isn't true, you can't use this form.

- ☐ **Paragraph 5:** You're required to tell the court if you or the Defendant are in the Armed Forces and currently deployed or notified of deployment.

**"Deploying or Deployed"** means a uniformed service member who has been notified of orders of movement or mobilization for more than ninety days but less than eighteen months and the orders are designated as unaccompanied, not authorized for dependent travel, or don't permit family members to move to the deployment location.

Check (✓) the box(es) that correctly show(s) the deployment status of both you and the Defendant.

If you check (✓) the "Defendant **is not** currently in the Armed Forces" box or the "I **do not know** whether Defendant is currently in active service" box, **you must** check (✓) and complete the matching boxes of Paragraph 6 of your Form 4: Declaration of Default.

If none of the boxes fit your situation, you can't use this form.

- ☐ **Paragraph 6:** Fill in your identifying information.
- ☐ **Paragraph 7:** Fill in the Defendant's identifying information. **Don't** leave a blank space.
- ☐ **Paragraph 8:** Read carefully. If this information isn't true, you can't use this form.
- ☐ **Paragraph 9:** Fill in your monthly income. Write "\$0.00" if there is no income from the source listed. **Don't** leave a blank space.
- ☐ **Paragraph 10:** Fill in the Defendant's monthly income. Write "\$0.00" if there is no income from the source listed. If you don't know Defendant's income from the source listed, write "Unknown" in the blank space. **Don't** leave a blank space.
- ☐ **Paragraph 11:** Check (✓) the box showing whether either party needs spousal support.  
  
If you check (✓) the second box, complete **all** of the information. **Don't** leave any blanks.
- ☐ **Paragraph 12:** You must file a property and debt listing with your motion documents. This paragraph states you completed and are filing an Exhibit A: Confidential Division of Property & Debts & Values. You complete Exhibit A **before** you serve and file your motion.
- ☐ **Paragraph 13:** Check (✓) the box showing whether you're requesting to restore your name. If you are, write the name you're requesting.
- ☐ **Paragraphs 14 through 16:** Read carefully. If these statements aren't true, you can't use this form.
- ☐ **Signature:** You must sign and date the Declaration of Proof for Default Divorce Judgment (No Children).

### What do I do next?

- ☐ Set aside the completed Declaration of Proof for Default Divorce Judgment (With Children).
- ☐ Complete the next form in the set. (The proposed Findings of Fact, Conclusions of Law, and Order for Default Divorce Judgment is the next form.)
- ☐ Once you complete all of the forms listed below, you serve the Declaration of Proof for Default Divorce (No Children) with those forms.
- ☐ The originals are filed with the court in **Step 7**, with the Declaration of Service by Mail.

### For divorces **(No Children)**, the following forms are required:

- MP1: Notice of Motion for Default Divorce Judgment;
- MP2: Motion for Default Divorce Judgment;
- MP3: Brief in Support of Default Divorce Judgment;
- MP4: Declaration of Default, Identification and Active Military Status;
- **MP5b: Declaration of Proof for Default Divorce Judgment (No Children);**
- MP6b: Proposed Findings of Fact, Conclusions of Law, and Order for Default Divorce Judgment
- MP7b: Proposed Judgment (*No Children*);
- MP8: Exhibit A: Confidential Division of Property & Debts & Values;
  - Summary Real Estate Disposition Judgment (*if needed*);
- MP10b: Confidential Information Form (*No Children*); and
- MP11b: Declaration of Service by Mail.

State of North Dakota

In District Court

County of \_\_\_\_\_

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

\_\_\_\_\_) )

Plaintiff, )

Case No. \_\_\_\_\_

vs )

\_\_\_\_\_) )

Defendant. )

**Declaration of Proof for  
Default Divorce Judgment  
(No Children)**

I, \_\_\_\_\_ (Plaintiff name), the

undersigned, state as follows:

1. I am the Plaintiff in the above-captioned action for divorce.
2. I am a resident of the State of North Dakota, and have been a resident for the entire six months before serving the Summons and Complaint.
3. The Defendant and I were married to each other on \_\_\_\_\_ (date) in \_\_\_\_\_ (city, state) and have since that date remained spouses.
4. To the best of my knowledge, no decree, judgment or order of divorce, separation or annulment has been granted to either party against the other in a Court of North Dakota or a Court of any other state, territory or country, and there is no other action pending for divorce by either party against the other in any Court.
5. **Military Deployment Status** (select all that apply; continues on page 2):

☐ I am not currently in the Armed Services of the United States of America or its allies.

☐ I **am** currently in the Armed Services of the United States of America or its allies but not currently deployed or notified of deployment.

☐ Defendant **is not** currently in the Armed Services of the United States of America or its allies.

☐ Defendant **is** currently in the Armed Services of the United States of America or its allies but not currently deployed or notified of deployment.

☐ I **do not know** whether Defendant is currently in active service in the Armed Services of the United States of America or its allies.

**6. My Identifying Information:**

My full name: \_\_\_\_\_

Address where I live: \_\_\_\_\_

\_\_\_\_\_

My occupation and employment address: \_\_\_\_\_

\_\_\_\_\_

My Year of Birth: \_\_\_\_\_ Last 4 Digits of my Social Security Number: \_\_\_\_\_

**7. Defendant's Identifying Information:**

Defendant's full name: \_\_\_\_\_

Address where Defendant lives, or last reasonably ascertainable address: \_\_\_\_\_

\_\_\_\_\_

Defendant's occupation and employment address: \_\_\_\_\_

\_\_\_\_\_

Defendant's Year of Birth: \_\_\_\_\_ Last 4 Digits of Defendant's Social Security Number: \_\_\_\_\_

**8.** Defendant and I do not have minor child together and no children are expected to be born of the marriage.

9. I have the following sources of monthly income:

|                                    |    |
|------------------------------------|----|
| Employment:                        | \$ |
| Public Assistance:                 | \$ |
| Social Security Benefits:          | \$ |
| Unemployment/Workers Compensation: | \$ |
| Interest/Dividend Income:          | \$ |
| Other ( <i>describe</i> ):         | \$ |

10. The Defendant has the following sources of monthly income:

|                                    |    |
|------------------------------------|----|
| Employment:                        | \$ |
| Public Assistance:                 | \$ |
| Social Security Benefits:          | \$ |
| Unemployment/Workers Compensation: | \$ |
| Interest/Dividend Income:          | \$ |
| Other ( <i>describe</i> ):         | \$ |

11. Spousal support (*choose one*):

☐ Neither I nor Defendant need spousal support.

☐ (*choose one*) ☐ I need/ ☐ Defendant needs spousal support from (*choose one*) ☐ me/  
☐ Defendant. This is because (*choose one*) ☐ I am/ ☐ Defendant is \_\_\_\_\_ years of age,  
has been married to (*choose one*) ☐ me/ ☐ Defendant for \_\_\_\_\_ years, has a monthly  
income totaling \$ \_\_\_\_\_, and because (*continues on page 4*):

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**12.** Defendant and I are owners of property and have accumulated a certain amount of debt throughout the marriage, which should be equitably divided by the Court. To the best of my knowledge, a true and correct listing of all our property, debt, and liabilities is set forth in Exhibit A: Confidential Division of Property & Debts & Values. I believe the distribution of property and debt is fair and equitable.

**13.** *(Choose one.)*

☐ I am not requesting to restore my name.

☐ I request to restore my name to \_\_\_\_\_. I have no intent to defraud or mislead anyone by changing my name.

**14.** Irreconcilable differences exist between the Defendant and I, and these differences have made it impossible for us to continue our marriage.

**15.** I have submitted to the Court proposed Findings of Fact, Conclusions of Law and Order for Default Judgment, and Exhibit A: Confidential Division of Property & Debts & Values, which I believe contain an equitable division between the Defendant and I of our marital estate.

**16.** I declare, under penalty of perjury under the law of North Dakota, that everything I stated in this Declaration of Proof for Default Divorce Judgment (No Children) is true and correct.

Signed on \_\_\_\_\_ (Date) in \_\_\_\_\_ (City),  
\_\_\_\_\_(County), \_\_\_\_\_ (State) \_\_\_\_\_ (Country).

\_\_\_\_\_  
(Plaintiff's Signature)

\_\_\_\_\_  
(Plaintiff's Printed Name)

\_\_\_\_\_  
(Address) (City, State, Zip Code)

\_\_\_\_\_  
(Telephone Number) (Email Address)