

Motion for Default Divorce Judgment

Instructions for Form 7b: (Proposed) Judgment (No Children)

(Form MP7b: (Proposed) 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 these instruction sheets when you serve or file the completed form.

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

The **MP7b: (Proposed) Judgment (No Children)** form is signed by the Clerk of Court if the judge signs your proposed Findings of Fact, Conclusions of Law, and Order for Default Judgment.

You aren't divorced until a divorce judgment is dated, signed and filed.

You, the Plaintiff, Complete this Form.

To complete this form you need your **completed** *Form 6b: Findings of Fact, Conclusions of Law, and Order for Default Divorce Judgment (No Children)*.

Top of Form (Caption): Fill in the caption exactly as you filled in the caption on the *Summons*.

- ☐ **Paragraph 1:** Fill in the same North Dakota county from Paragraph 1 of your completed Form 6b: Findings of Fact, Conclusions of Law, and Order for Default Divorce Judgment (No Children).
- ☐ **Paragraphs 2 through 3:** Read carefully. If this information isn't true, you can't use this form.

It is Hereby Ordered, Adjudge and Decreed, as Follows: Paragraphs 4 - 12

To complete this section of the form, refer to the "Conclusions of Law" section of your completed *Form 6b: Findings of Fact, Conclusions of Law and Order for Default Divorce Judgment (No Children)*.

Copy the information **Exactly** from each paragraph of the “Conclusions of Law” section of your completed *Form 6b: Findings of Fact, Conclusions of Law and Order for Default Divorce Judgment (No Children)*.

Paragraph 13

Fill in the last four digits of your Social Security Number and the last four digits of the Defendant’s Social Security Number. (If you don’t know Defendant’s Social Security Number, write “Unknown”.

Final Paragraph

Leave this section blank. If the Court uses this form, the Clerk of Court fills in the information and dates and signs the form.

What do I do next?

- ☐ Set aside the completed proposed Judgment (No Children) form. (You make copies later.)
- ☐ Complete the next form in the set. (Form 8: Exhibit A: Confidential Division of Property & Debts & Values)
- ☐ The originals are filed with the court in **Step 7**. Make sure to also file 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*);
- MP11b: Declaration of Service by Mail

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

State of North Dakota

In District Court

County of _____

_____ Judicial District

Plaintiff,
vs

Defendant.

)
)
)
)
)
)

Case No. _____

Judgment
(No Children)

1. The above-entitled action for divorce under N.D.C.C. Chapter 14-05 came on duly for review before the undersigned at the District Court, _____ County, North Dakota as a default matter.
2. The Plaintiff is self-represented. It appears to the Court that the Summons has been served upon the Defendant in accordance with the laws of the State of North Dakota. The Defendant failed to respond to the Summons in any manner.
3. The Court having been fully advised in this matter and having considered the same; and the Court having made its Findings of Fact, Conclusions of Law and Order for Default Divorce Judgment:

It is Hereby Ordered, Adjudged and Decreed, as Follows:

4. **Jurisdiction.** The District Court has jurisdiction over the parties and subject matter of the present action and this Court is the proper venue of this action.
5. **Divorce Awarded.** The Plaintiff is awarded an absolute Decree of Divorce on the grounds of irreconcilable differences, all in accordance with the provisions of the North Dakota Century Code.

6. Spousal Support (*choose one*):

☐ Neither Plaintiff nor Defendant is awarded permanent or rehabilitative spousal support and the court is divested from any jurisdiction to make any awards of spousal support in the future.

☐ Defendant must pay to Plaintiff the amount of \$_____ per month as and for spousal support for a period of _____, beginning _____.

☐ Plaintiff must pay to Defendant the amount of \$_____ per month as and for spousal support for a period of _____, beginning _____.

7. Property and Debt: Plaintiff and Defendant shall be awarded the property, debts, and liabilities as stated on Exhibit A: Confidential Division of Property and Debt and Values. Exhibit A is incorporated by reference into this Default Divorce Judgment.

8. Income Tax Returns: The parties shall share historical accounting and tax information, documents and records with the other as may be necessary for each to prepare a complete and accurate income tax return for subsequent tax years. Each party must execute any IRS or similar forms as may be necessary for each to prepare a complete and accurate income tax return for subsequent tax years.

9. Plaintiff's Former Name (*choose one*):

☐ Plaintiff does not want to restore their name.

☐ Plaintiff, presently known as _____ and year of birth _____, is restored to their former name of _____ in any Judgment issued herein and known thereafter as _____.

10. Remarriage: There are no restrictions on remarriage.

11. Execution Of Required Documents: The parties must, within ten (10) days from the date of Entry of Judgment, or upon presentation, whichever occurs first, execute any document, transfer papers, titles or other documents required to effect the terms and provisions of the Judgment and Decree.

In the event a party fails to sign transfer papers, as required, the Judgment shall operate to transfer title to property, as awarded.

12. Effects Of Bankruptcy: The division of property set forth in this judgment, including the payment of debts, is made with the understanding that the party assuming such debt shall and will have sufficient assets and income to serve the debts, and that neither party will file bankruptcy. The net value of the property received by one party will be substantially impaired if the other party would be required to pay debts or obligations assumed by that party as set forth in this judgment. Accordingly, if either party files bankruptcy and it results in the other party having to pay any debts or obligations by the parties set forth in this judgment, then the aggrieved party shall be entitled to relief under Rule 60 of the North Dakota Rules of Civil Procedure and grounds for relief will exist within the meaning of Rule 60.

(This space left intentionally blank.)

13. In accordance with North Dakota Century Code Section 14-05-02.1:

Plaintiff's Social Security Number is XXX-XX-_____.

Defendant's Social Security Number is XXX-XX-_____.

Witness, the Honorable _____, and my hand and seal.

(Clerk of the District Court)

Civil No. _____