

## Motion for Default Divorce Judgment

### Instructions for Summary Real Estate Disposition Judgment

(The *Summary Real Estate Disposition Judgment* accompanies the *Form 8: Exhibit A: Confidential Division of Property & Debts & Values* **only if** you're transferring ownership of real estate and 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.

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) the confidential property and debts listing, since that is where the legal description of the real estate is found.

Divorcing parties may not want to do this because, once recorded, all of the information in the confidential property and debts listing 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 information in the confidential property and debts listing 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 divorce Judgment. The information you type or write in the Summary Real Estate Disposition Judgment must be **Exactly** the same as your Judgment and the confidential property and debt listing that is incorporated into your Judgment.

☐ **Opening Paragraph:**

- Fill in the date the Judgment was entered by the clerk of court.

☐ **Paragraph 1:**

- Fill in the date of your marriage;
- Fill in the date the Judgment was entered by the clerk of court. This is the same date as the opening paragraph.

☐ **Paragraph 2:**

- Write “pro se” on the line for the Plaintiff’s attorney.
- Fill in the name of the attorney representing the Defendant in the divorce. If the Defendant doesn’t have an attorney, write “pro se” on the line.

☐ **Paragraph 3:**

- Fill in the name of the Judge or Judicial Referee who signed the Order for Judgment.

☐ **Paragraph 4:**

- Check (✓) the second box. Check (✓) the Plaintiff box.

☐ **Paragraph 5:**

- Check (✓) the first box.

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

- If the Complaint contained the legal description check (✓) the second box.
- If the Complaint **didn’t** contain the legal description, check (✓) the third box.

☐ **Paragraph 7:**

- Check (✓) the first box (“Yes”) if the Summons and Complaint were personally served on the Defendant.
  - Check (✓) the correct box indicating how the Defendant was served **and** the date of the document showing the Defendant was served.
- Check (✓) the second box (“No”) if the Summons and Complaint weren’t personally served on the Defendant.

☐ **Paragraph 8:**

- If the Summons and Complaint were only served upon the Defendant by publication, fill in the following:
  - Name of Newspaper;
  - County the publication was made in; and
  - Dates of publication.
- Write “N/A” in all blanks not needed.

☐ **Paragraph 9:**

- Check (✓) all appropriate boxes indicating whether either of the parties changed their name as part of the divorce judgment. If they did change their name, indicate the party’s changed name.

☐ **Paragraph 10:**

- Check (✓) each box for the legal description of the property your divorce judgment transfers. (If you don’t need all three boxes or spaces, 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.
  - Fill in the full legal description.

☐ **Paragraph 11:**

- Fill in the name(s) of the persons awarded an interest in each parcel of each estate and a description of the interest awarded. This information should be in your Judgment.

**Some examples are listed below. Remember, these are only examples, look at your Judgment for the correct information!**

**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 the Judgment. If there are none, write “none”.

☐ **Paragraph 13:**

- Fill in any and all triggering or contingent events as set forth in the Judgment and Decree affecting the disposition of each parcel of real estate. If there are no 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 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.

**What do I do next?**

- ☐ Set aside the completed Summary Real Estate Disposition Judgment
- ☐ Complete the next form in the set.
  - If there **are children of the marriage**, the next form is the Parenting Plan.
  - If there are **no children of the marriage**, the Confidential Information Form is the next form (Make sure to use the correct form – without children.)
- ☐ Once you’ve completed all of the forms listed on **page 5**, you serve the Summary Real Estate Disposition Judgment.
- ☐ The originals are filed with the court in **Step Seven**. Make sure to also file the Declaration of Service by Mail.

*(This space left intentionally blank.)*

**For divorces (With 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;
- MP5a: Declaration of Proof for Default Divorce Judgment (*With Children*);
- MP6a: Proposed Findings of fact, Conclusions of Law, and Order for Default Divorce Judgment (*With Children*);
- MP7a: Proposed Judgment (*With Children*);
- MP8: Exhibit A: Confidential Division of Property & Debts & Values
  - **Summary Real Estate Disposition Judgment (*if needed*)**;
- MP9: Exhibit B: Parenting Plan;
- MP10a: Confidential Information Form (*With Children*); and
- MP11a: 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.

**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.

)  
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)  
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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):

- ☐ Not applicable, the Judgment and Decree did not result from a stipulation.
- ☐ 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, the Summons and Complaint were not personally served on the Defendant.

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.**

**I hereby certify that the foregoing Summary Real Estate Disposition Judgment constitutes the Judgment of this Court.**

**Approval of Summary Real Estate Disposition Judgment.**

**By the Court:**

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Judge or Judicial Referee

**By the Clerk of the District Court**

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Deputy