

Divorce When the Spouses Don't Agree Instructions for Rule 8.3 N.D.R.Ct., Confidential Property and Debt Listing

Important Deadline: If you and your spouse don't reach a settlement on all issues, your divorce goes to trial. Issues on which you don't agree are decided by a Judge.

At least **14 days** before your divorce trial date, you **must** file a **joint** property and debt listing. Carefully review the Order you receive after your pretrial conference. Your Pretrial Order may give a different deadline.

If you and your spouse are unable to complete the Confidential Property and Debt Listing jointly, you may file a Rule 8.3 N.D.R.Ct., Confidential Property and Debt Listing on your own.

The Rule 8.3 N.D.R.Ct., Confidential Property and Debt Listing is designed for common, uncomplicated divorces. If this form doesn't fit your circumstances, you may use this as a template to create your own document. You may want to contact a lawyer to assist you.

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 sheet when you serve or file the completed form.

The Confidential Property and Debt Listing Must be Filled Out Completely!! Don't leave any of the paragraphs within the form unanswered.

If a section of the form doesn't apply to you, type or write "N/A" or "Not Applicable."

If a section of the form asks for information you don't know and are unable to find, write "Unknown."

If the section of the form asks for a dollar amount and there is none, type or write \$0.00 in the space.

If a form isn't completely filled out, it could result in the clerk not accepting your forms for filing, or the court may send the form back to you to complete.

Follow and Carefully Read All Instructions! There are boxes () before each step. Check each box as you finish the step. Don't go on to the next step **until** the previous step is completed.

What is the Rule 8.3., N.D.R.Ct., Confidential Property and Debt Listing?

The Rule 8.3., N.D.R.Ct., Property and Debt Listing tells the Court the value of your assets and liabilities (debts) and allows the Court to determine the division of the property and the debts equitably (fairly).

Warning for Dividing Property and Debt:

When dividing property and debt, the Court considers the following factors (the Ruff-Fischer guidelines):

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

Complete the Rule 8.3 N.D.R.Ct., Pretrial Conference Statement

- **Fill in the Top of the Form:**

The information to fill out the top part of the form (“the caption”) is the same as on the Pretrial Conference form.

- **Opening Paragraph on Page 1 (Choose one option only!):**

- If you and your spouse are filing this **jointly**, put a checkmark in the first box.
- If you are the **Plaintiff and filing this alone**, put a checkmark in the second box and explain why you’re unable to file this with the Defendant.
- If you are the **Defendant and filing this alone**, put a checkmark in the third box and explain why you’re unable to file this with the Plaintiff.

Real Property and Personal Property (Assets) Listing

Review the information about real property and personal property (assets) listing on the top of page 2 of the Rule 8.3, N.D.R.Ct., Confidential Property and Debt Listing form.

For each asset, you **must** include the following information:

Description of the item (including account numbers, if any). If you don't have a type of property, write *"Not Applicable"* on the row(s).

If this form is being completed jointly, the **Plaintiff** fills in their values **under Plaintiff's Values** and the **Defendant** fills in their values under **Defendant's Values**. **Don't** fill in the Court's value.

If this form is being completed only by you, the **Plaintiff**, fill in the description and values under **Plaintiff's Values**. **Don't** fill in the Court's value.

If this form is being completed only by you, the **Defendant**, fill in the description and Values under **Defendant's Values**. **Don't** fill in the Court's value.

Line 1. Real Property – Home:

- Fill in the description of your home's real property;
- List the owner(s) of your home;
- List the value.

Lines 2 - 3. Real Property – Other:

- List and describe all other real property owned jointly or individually;
- List the owner of the property;
- List the value(s).

Lines 4 – 7. Bank and/or Credit Union Accounts: Include checking accounts, savings accounts, money market accounts, stocks, bonds, and certificates of deposit.

- List all account(s) owned jointly or individually;
- List the account(s) owner;
- List the accounts number(s);
- List the current balance(s).

Lines 8 – 10. Retirement and/or Pension Plans: If Plaintiff or Defendant’s past or present employer or union or other group pays or has paid money into a pension, profit-sharing plan, individual retirement account, or other retirement plan:

- List the name of all plan(s) owned jointly or individually;
- List the owner of the plan(s);
- List the account number(s) for the plan;
- List the current value(s).

Lines 11 – 12. Life Insurance:

- List the life insurance policy(ies);
- List the owner of the policy(ies);
- List the account number(s);
- List the current value(s).

Lines 13 – 17. Business and/or Farm Assets: These items would include, but aren’t limited to farm machinery, grain on hand, accounts receivable, business equipment, etc.

- List and describe any business or farm assets owned jointly or individually;
- List the owner of the asset(s);
- List the value(s).

Lines 18 – 23. Vehicles, Motorcycles, 4-Wheelers, and/or Snow Machines:

- List and describe all vehicles, motorcycles, 4-wheelers, and snow machines owned jointly or individually;
- List the owner of the item(s);
- List the value(s) of the item(s).

Lines 24 – 26. Boats and/or Recreational Vehicles (RVs):

- List and describe all boats, ski jets, recreational vehicles, etc., owned jointly or individually;
- List the owner of the item(s);
- List the value(s).

Lines 27 – 31. Guns:

- List and describe all guns owned jointly or individually;
- List the owner of the gun(s);
- List the value(s).

Lines 32 – 39. TV's, Computers, and Other Electronics:

- List and describe all TV's, computers, and other electronics owned jointly or individually;
- List the owner of the electronic(s);
- List the value(s).

Lines 40 – 48. Household Goods and Furnishings:

- List and describe all household goods and furnishings owned jointly or individually;
- List the owner of the household item(s);
- List the value(s).

Lines 49 – 56. Other Personal Property Not Listed Above:

- List and describe all other personal property you have not listed above owned jointly or individually.
- List the owner of the item(s);
- List the value(s).

(This space left intentionally blank.)

Debts (Liabilities) Listing

Review the information about debts (liabilities) on the top of page 7 of the Rule 8.3, N.D.R.Ct., Confidential Property and Debt Listing form.

For each debt, you **must** include the following information:

Description of the debt (including account numbers, if any). If you don't have a type of debt, write "*Not Applicable*" on the row(s).

If this form is being completed jointly, the **Plaintiff** fills in their debt amounts **under Plaintiff's Debt Amounts** and the **Defendant** fills in their debt amounts under **Defendant's Debt Amounts**. **Don't** fill in the Court's value.

If this form is being completed only by you, the **Plaintiff**, fill in the description and debt amount under **Plaintiff's Debt Amounts**. **Don't** fill in the Court's value.

If this form is being completed by you, the **Defendant**, fill in the description and debt Amounts under **Defendant's Debt Amounts**. **Don't** fill in the Court's debt amounts.

Important: Creditors aren't bound by the order of the court regarding which spouse is responsible for the debt. If one spouse is ordered to pay and doesn't pay the debt, the creditor can still seek payment from the other spouse.

Line 1. Mortgages on Real Property – Home:

- Fill in the description of your home's mortgage;
- List the mortgage account number;
- List who owes the debt;
- List the balance of the current debt owing.

Lines 2 – 3. Mortgages on Real Property – Other:

- Fill in the description of any other mortgages on real property and what property it is on;
- List the mortgage account number;
- List who owes the debt;
- List the balance of the current debt owing.

Lines 4 – 7. Bank and/or Credit Union Loans.

- Fill in the description of any bank or credit union loans;
- List the loan number (if any);
- List who owes the debt;
- List the balance of the current debt owing.

Lines 8 – 11. Vehicle, Motorcycle, 4-Wheeler, Snow Machine, Boat, and/or Recreational Vehicle (RV) Loans:

- Fill in the description of any other loans on the above items and state what items it is on;
- List the loan account number (if any);
- List who owes the debt;
- List the balance of the current debt owing.

Lines 12 – 18. Charge Cards and/or Credit Cards:

- Fill in the description of any other charge card or credit card debt;
- List the account number;
- List who owes the debt;
- List the balance of the current debt owing.

Lines 19 – 23. Student Loans:

- Fill in the description of any student loans;
- List the account number;
- List who owes the debt;
- List the balance of the current debt owing.

Lines 24 – 33. Other Debts Not Listed Above:

- Fill in the description of any other debts not listed;
- List the account number (if any);
- List who owes the debt;
- List the balance of the current debt owing.

Total Property and Debts

Total Real Property and Personal Property (Assets):

- Add all of the values listed on lines 1 – 56 on pages 2 – 6;
 - List the total under Plaintiff's Total (leave blank if you're the Defendant filling out this form alone);
 - List the total under the Defendant's Total (leave blank if you're the Plaintiff filling out this form alone);
 - Leave the Court's Totals blank.

Total Debts (Liabilities):

- Add all of the debts listed on lines 1 – 33 on pages 7 – 9;
 - List the total under Plaintiff's Total (leave blank if you're the Defendant filling out this form alone);
 - List the total under the Defendant's Total (leave blank if you're the Plaintiff filling out this form alone);
 - Leave the Court's Totals blank.

Net Total:

- Subtract the total debts from total real property and personal property.
 - List the total under Plaintiff's Total (leave blank if you're the Defendant filling out this form alone);
 - List the total under the Defendant's Total (leave blank if you're the Plaintiff filling out this form alone);
 - Leave the Court's Totals blank.

Date and Signature:

NOTE: If you're the Plaintiff, sign under "Plaintiff's Date & Signature." If you're the Defendant, sign under "Defendant's Date and Signature."

The Plaintiff:

- Fills in the date signed;
- Fills in the city, county, state, and country where signed.
- Signs the signature line.
- Prints their name.

- Fills in the address lines. (If you have a physical address and a mailing address, type or write both addresses using the lines provided, and the space next to the address lines.)
- Fills in their phone number.
- Fills in their email address.

And

The Defendant:

- Fills in the date signed;
- Fills in the city, county, state, and country where signed;
- Signs the signature line.
- Prints their name.
- Fills in the address lines. (If you have a physical address and a mailing address, type or write both addresses using the lines provided, and the space next to the address lines.)
- Fills in their phone number.
- Fills in their email address.

**Make Copies and Serve the Rule 8.3., N.D.R.Ct.,
Confidential Property and Debt Listing**

Caution Regarding Domestic Violence

If there is a domestic violence protection order or disorderly conduct restraining order in effect, review the order to see if you are allowed to contact or serve your spouse! **Be careful not to violate the order!** Violating the order could have legal consequences for you and/or your spouse.

Before serving your spouse, consult a lawyer or a domestic violence intervention center in your area to help you navigate your situation. **Only follow the steps below once you know you can serve your spouse.**

If Plaintiff and Defendant completed this form together, the Plaintiff:

- Makes two copies: one for you, one for the Defendant.
- Serves a copy of the Rule 8.3 N.D.R.Ct., Confidential Property and Debt Listing on the Defendant by Mail.

If Only 1 Spouse completed the form, that spouse:

- Makes two copies: one for you, one for your spouse.
- Serves a copy of the Rule 8.3 N.D.R.Ct., Confidential Property and Debt Listing on your spouse by mail.

Complete the Declaration of Service by Mail

- The information to fill out the top part of the form (“the caption”) is the same as on the Rule 8.3 N.D.R.Ct., Confidential Property and Debt Listing.
- Paragraph 1:** Fill in your full name.
- Paragraph 2:** The Rule 8.3 N.D.R.Ct., Confidential Property and Debt Listing must be listed.
- Paragraph 3:** Review the information to make sure it’s correct. If it isn’t, you can’t use this form.
- Paragraph 4:** Fill in the date you mailed the document.
- Paragraph 5:** Fill in the name of your spouse and the mailing address you used to serve the document.
- Paragraph 6:** Review carefully! You’re declaring, under penalty of perjury under the laws of North Dakota, that everything you stated on the Declaration form is true and correct.
- Signature Block:**
 - Fill in the date you signed this Declaration;
 - Fill in the city, county, state, and country where you signed this Declaration.
 - Sign your name;
 - Print your name;
 - Fill in your address;
 - Fill in your city, state, and zip code.
 - Fill in your phone number;
 - Fill in your email address.

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF _____

_____ JUDICIAL DISTRICT

_____)
 _____)
 PLAINTIFF,)
 vs)
 _____)
 DEFENDANT.)

Case No. _____

**Rule 8.3, N.D.R.Ct., Confidential
Property and Debt Listing**

(At least 14 days before the date of your divorce trial, you must file a joint property and debt listing with the court. Carefully review the Order you received after your pretrial conference. Your Pretrial Order may give you a different deadline to file the property and debt listing. If you're unable to complete the property and debt listing jointly with your spouse, you may file a property and debt listing on your own. If this form doesn't fit all of your property and debt, create your own property and debt listing using this form as a template. You may need to retain a lawyer to help you.)

As required by Rule 8.3 of the North Dakota Rules of Court, the following confidential listing of property and debts is submitted by *(choose one)*:

- The Plaintiff and Defendant together.
- The Plaintiff only because *(explain why you're unable to file a property and debt listing together with the Defendant)*: _____

- The Defendant only because *(explain why you're unable to file a property and debt listing together with the Plaintiff)*: _____

Real Property and Personal Property (Assets) Listing

(Assets are all real property and personal property owned by either spouse, whether the asset is owned jointly or individually. Real property is land, either with or without buildings on it. Real property is also known as real estate. Personal property is every kind of property that isn't real property. Personal property includes, but isn't limited to, cars, bank and credit union accounts, household goods and furnishings, and retirement plans.)

All real property and personal property (assets) must be listed and numbered separately. You're not required to agree on all values. If you don't agree on a value, both spouses present evidence of their claimed value at the trial and the judge (court) decides.)

| Description of Property <i>(Describe each item so the other spouse can easily identify it. Include account numbers. If you don't have a type of property, write "Not Applicable" on the row(s).)</i> | Plaintiff's Values | Defendant's Values | Court's Values <i>(leave blank)</i> |
|---|-----------------------|-----------------------|--|
| Real Property – Home: | | | |
| 1. | \$ | \$ | \$ |
| Real Property – Other: | | | |
| 2. | \$ | \$ | \$ |
| 3. | \$ | \$ | \$ |
| Bank and/or Credit Union Accounts: | | | |
| 4. | \$ | \$ | \$ |
| 5. | \$ | \$ | \$ |
| 6. | \$ | \$ | \$ |
| 7. | \$ | \$ | \$ |

| Description of Property <i>(Describe each item so the other spouse can easily identify it. Include account numbers. If you don't have a type of property, write "Not Applicable" on the row(s).)</i> | Plaintiff's Values | Defendant's Values | Court's Values <i>(leave blank)</i> |
|--|---------------------------|---------------------------|---|
| Retirement and/or Pension Plans: | | | |
| 8. | \$ | \$ | \$ |
| 9. | \$ | \$ | \$ |
| 10. | \$ | \$ | \$ |
| Life Insurance: | | | |
| 11. | \$ | \$ | \$ |
| 12. | \$ | \$ | \$ |
| Business and/or Farm Assets: | | | |
| 13. | \$ | \$ | \$ |
| 14. | \$ | \$ | \$ |
| 15. | \$ | \$ | \$ |
| 16. | \$ | \$ | \$ |
| 17. | \$ | \$ | \$ |
| Vehicles, Motorcycles, 4-Wheelers, and/or Snow Machines: | | | |
| 18. | \$ | \$ | \$ |

| Description of Property <i>(Describe each item so the other spouse can easily identify it. Include account numbers. If you don't have a type of property, write "Not Applicable" on the row(s).)</i> | Plaintiff's Values | Defendant's Values | Court's Values <i>(leave blank)</i> |
|--|---------------------------|---------------------------|---|
| 19. | \$ | \$ | \$ |
| 20. | \$ | \$ | \$ |
| 21. | \$ | \$ | \$ |
| 22. | \$ | \$ | \$ |
| 23. | \$ | \$ | \$ |
| Boats and/or Recreational Vehicles (RVs): | | | |
| 24. | \$ | \$ | \$ |
| 25. | \$ | \$ | \$ |
| 26. | \$ | \$ | \$ |
| Guns: | | | |
| 27. | \$ | \$ | \$ |
| 28. | \$ | \$ | \$ |
| 29. | \$ | \$ | \$ |
| 30. | \$ | \$ | \$ |
| 31. | \$ | \$ | \$ |

| Description of Property <i>(Describe each item so the other spouse can easily identify it. Include account numbers. If you don't have a type of property, write "Not Applicable" on the row(s).)</i> | Plaintiff's Values | Defendant's Values | Court's Values <i>(leave blank)</i> |
|--|---------------------------|---------------------------|---|
| TV's, Computers, and Other Electronics: | | | |
| 32. | \$ | \$ | \$ |
| 33. | \$ | \$ | \$ |
| 34. | \$ | \$ | \$ |
| 35. | \$ | \$ | \$ |
| 36. | \$ | \$ | \$ |
| 37. | \$ | \$ | \$ |
| 38. | \$ | \$ | \$ |
| 39. | \$ | \$ | \$ |
| Household Goods and Furnishings: | | | |
| 40. | \$ | \$ | \$ |
| 41. | \$ | \$ | \$ |
| 42. | \$ | \$ | \$ |
| 43. | \$ | \$ | \$ |

| Description of Property <i>(Describe each item so the other spouse can easily identify it. Include account numbers. If you don't have a type of property, write "Not Applicable" on the row(s).)</i> | Plaintiff's Values | Defendant's Values | Court's Values <i>(leave blank)</i> |
|--|---------------------------|---------------------------|---|
| 44. | \$ | \$ | \$ |
| 45. | \$ | \$ | \$ |
| 46. | \$ | \$ | \$ |
| 47. | \$ | \$ | \$ |
| 48. | \$ | \$ | \$ |
| Other Personal Property Not Listed Above: | | | |
| 49. | \$ | \$ | \$ |
| 50. | \$ | \$ | \$ |
| 51. | \$ | \$ | \$ |
| 52. | \$ | \$ | \$ |
| 53. | \$ | \$ | \$ |
| 54. | \$ | \$ | \$ |
| 55. | \$ | \$ | \$ |
| 56. | \$ | \$ | \$ |

Debts (Liabilities) Listing

(Debts, which are also known as liabilities, are everything owed by either spouse, whether the debt is owed jointly or individually. Debts include, but aren't limited to, mortgages, credit cards, student loans, and car loans.)

All debts (liabilities) must be listed and numbered separately. You're not required to agree on all debt amounts. If you don't agree on a debt amount, both spouses present evidence of their claimed debt amount at the trial and the judge (court) decides.)

| Description of Debt (Liability) <i>(Describe each item so the other spouse can easily identify it. Include account numbers. If you don't have a type of debt, write "Not Applicable" on the row(s).)</i> | Plaintiff's Debt Amounts | Defendant's Debt Amounts | Court's Debt Amounts <i>(leave blank)</i> |
|--|---------------------------------|---------------------------------|---|
| Mortgages on Real Property – Home: | | | |
| 1. | \$ | \$ | \$ |
| Mortgages on Real Property – Other: | | | |
| 2. | \$ | \$ | \$ |
| 3. | \$ | \$ | \$ |
| Bank and/or Credit Union Loans: | | | |
| 4. | \$ | \$ | \$ |
| 5. | \$ | \$ | \$ |
| 6. | \$ | \$ | \$ |
| 7. | \$ | \$ | \$ |
| Vehicle, Motorcycle, 4-Wheeler, Snow Machine, Boat, and/or Recreational Vehicle (RV) Loans: | | | |
| 8. | \$ | \$ | \$ |

| Description of Debt (Liability) <i>(Describe each item so the other spouse can easily identify it. Include account numbers. If you don't have a type of debt, write "Not Applicable" on the row(s).)</i> | Plaintiff's Debt Amounts | Defendant's Debt Amounts | Court's Debt Amounts <i>(leave blank)</i> |
|--|---------------------------------|---------------------------------|---|
| 9. | \$ | \$ | \$ |
| 10. | \$ | \$ | \$ |
| 11. | \$ | \$ | \$ |
| Charge Cards and/or Credit Cards: | | | |
| 12. | \$ | \$ | \$ |
| 13. | \$ | \$ | \$ |
| 14. | \$ | \$ | \$ |
| 15. | \$ | \$ | \$ |
| 16. | \$ | \$ | \$ |
| 17. | \$ | \$ | \$ |
| 18. | \$ | \$ | \$ |
| Student Loans: | | | |
| 19. | \$ | \$ | \$ |
| 20. | \$ | \$ | \$ |

| Description of Debt (Liability) <i>(Describe each item so the other spouse can easily identify it. Include account numbers. If you don't have a type of debt, write "Not Applicable" on the row(s).)</i> | Plaintiff's Debt Amounts | Defendant's Debt Amounts | Court's Debt Amounts <i>(leave blank)</i> |
|--|---------------------------------|---------------------------------|---|
| 21. | \$ | \$ | \$ |
| 22. | \$ | \$ | \$ |
| 23. | \$ | \$ | \$ |
| Other Debts Not Listed Above: | | | |
| 24. | \$ | \$ | \$ |
| 25. | \$ | \$ | \$ |
| 26. | \$ | \$ | \$ |
| 27. | \$ | \$ | \$ |
| 28. | \$ | \$ | \$ |
| 29. | \$ | \$ | \$ |
| 30. | \$ | \$ | \$ |
| 31. | \$ | \$ | \$ |
| 32. | \$ | \$ | \$ |
| 33. | \$ | \$ | \$ |

| Total Property and Debts | Plaintiff's Totals | Defendant's Totals | Court's Totals (leave blank) |
|---|---------------------------|---------------------------|---|
| Total Real Property and Personal Property (Assets) <i>(Add all of the values listed on lines 1-56 on Pages 2-6.)</i> | \$ | \$ | \$ |
| Total Debts (Liabilities) <i>(Add all of the values listed on lines 1-33 on Pages 7-9.)</i> | \$ | \$ | \$ |
| Net Total <i>(Subtract total debts from total real property and personal property)</i> | \$ | \$ | \$ |

I declare, under penalty of perjury under the law of North Dakota, that everything I stated in this Confidential Property and Debt Listing is true and correct.

Plaintiff's Date & Signature:

Signed on _____ (date) in _____ (city),
 _____ County, _____ (state), _____ (country).

(Plaintiff's Signature)

(Plaintiff's Printed Name)

(Address) *(City, State, Zip Code)*

(Telephone Number) *(Email Address)*

Defendant's Date & Signature:

Signed on _____ (date) in _____ (city),
 _____ County, _____ (state), _____ (country).

(Defendant's Signature)

(Defendant's Printed Name)

(Address) *(City, State, Zip Code)*

(Telephone Number) *(Email Address)*

6. I declare, under penalty of perjury under the law of North Dakota, that everything I stated in this Declaration of Service by Mail is true and correct.

Signed on _____ (date) in _____ (city),
_____ County, _____ (state), _____ (country).

Signature of Person Who Mailed Documents

Printed Name of Person Who Mailed Documents

Address

City, State, Zip Code

Telephone Number

Email Address