

## **Divorce When the Spouses Don't Agree Instructions for (Proposed) Findings of Fact, Conclusions of Law and Order for Judgment (No Children)**

After the divorce trial, the judge signs their Findings of Fact, Conclusions of Law, and Order for Judgment. Once dated and signed, the clerk of court issues a Judgment, which officially ends the marriage.

These are the instructions for the (Proposed) Findings of Fact, Conclusions of Law and Order for Judgment (No Children) form.

**The judge may require one or both parties to provide proposed Findings of Fact, Conclusions of Law and Order for Judgment for the judge to sign!**

If you're assigned to provide proposed Findings of Fact, Conclusions of Law and Order for Judgment, you may find this form helpful.

**\*\*Pay attention to the judge's instructions or order regarding the deadline to serve and file your proposed Findings of Fact, Conclusions of Law and Order for Judgment.**

**Important!!** The final Findings of Fact, Conclusions of Law, and Order for Judgment in a divorce depend on the unique circumstances of the marriage. It's impossible for a form to reflect every possible finding or order that may occur in a divorce trial.

**The Findings of Fact, Conclusions of Law and Order for Judgment must reflect what the judge found to be true and ordered at trial.**

**This (Proposed) Findings of Fact, Conclusions of Law and Order for Judgment form is designed for common, uncomplicated divorces. This form won't work as is for many divorces.**

**If everything from the trial isn't included on this form and/or doesn't reflect what the judge found or ordered at trial, you need to create your own Findings of Fact, Conclusions of Law and Order for Judgment document.**

**You may use this form as a template to create your own document.**

**ND Legal Self Help Center Staff and Court employees can't help you fill out forms, or create documents for you. If you're unsure how to proceed, consult a lawyer.**

**ND Legal Self Help Forms aren't official 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.**

**Before you start, make sure you have your notes from the trial to complete this form. Your notes should include everything the judge found to be true and everything the judge ordered.**

**If your notes are missing information from the trial, contact the Clerk of Court to ask how to get a copy of the recording.**

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

**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.

If this form doesn't reflect everything the judge found to be true and ordered at the trial, you can't use this form. However, you may use this form as a template to create your own document.

### **Complete the (Proposed) Findings of Fact, Conclusions of Law, and Order for Judgment (No Children)**

Findings of Fact are the Court's written determination of the facts made from the evidence presented at the divorce trial. This section explains the facts the judge found to be true.

Conclusions of Law are the rulings of law made by the judge based on, or in connection with, the Findings of Fact. This section contains the legal consequences of the facts the judge found to be true.

The "Findings of Fact, Conclusions of Law and Order for Judgment form is your **Proposed** Findings of Fact, Conclusions of Law and Order for Judgment to finalize your divorce.

The judge ultimately decides whether or not to grant your divorce. The judge also decides whether or not to use your proposed Findings of Fact, Conclusions of Law and Order for Judgment.

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

The information to fill out the top part of the form (“the caption”) is the same as all of the other forms you’ve filled out.

**Paragraph 1:**

- Fill in the date (month, day, year) of the trial.
- Fill in the name of the judge.
- Fill in the county where the trial was held;
- Put a checkmark  in the correct box indicating whether the Plaintiff appeared personally.
- Put a checkmark  in the correct box indicating whether the Defendant appeared personally.

- Paragraph 2:** This paragraph states the court makes the following findings and order based upon all pleadings and proceedings. “The court” is the judge.

### Findings of Fact:

**Important!!** The final Findings of Fact, Conclusions of Law, and Order for Judgment in a divorce depend on the unique circumstances of the marriage. It’s impossible for a form to reflect every possible finding or order that may occur in a divorce trial.

This Findings of Fact, Conclusions of law and Order for Judgment form is designed for common, uncomplicated divorces. This section won’t work as is for many divorces.

**This Findings of Fact section must reflect what the the judge found to be true at trial.**

**Make sure you have your notes from the trial to complete this section. Your notes should include everything the judge found to be true.**

**If everything from the trial isn’t included in this section and/or doesn’t reflect what the judge found at trial, you need to create your own Findings of Fact, Conclusions of Law and Order for Judgment document.**

**You may use this form as a template to create your own document.**

- Paragraph 3:** This paragraph finds the Summons and Complaint were personally served upon Defendant.
- Paragraph 4:** Fill in the **Plaintiff's** information which includes:
- Full name and address.
  - Birth year.
  - Last 4 numbers of social security number.
  - Employer's name and address.
- Paragraph 5:** Fill in the **Defendant's** information which includes:
- Full name and address.
  - Birth year.
  - Last 4 numbers of social security number.
  - Employer's name and address.
- Paragraph 6:** Fill in your marriage information which includes:
- The date (month, date, year) you and your spouse were married.
  - The city, county, and state where you were married.
- Paragraph 7:** This paragraph finds the Plaintiff meets the residency requirement for divorce in North Dakota.
- Paragraph 8:** This paragraph finds no decree, judgment, or order for divorce, separation or annulment has been granted against the other in any court, state, tribe, territory, or county of North Dakota and no action is pending.
- Paragraph 9:** This paragraph finds whether Plaintiff or Defendant served in the Armed Services of the United States of American. Put a checkmark  in the box next to the option the judge found to be true at the trial.
- Paragraph 10:** This paragraph finds there are irreconcilable differences between Plaintiff and Defendant making continuation of the marriage impossible.
- Paragraph 11:** This paragraph finds there are no minor or dependent child(ren) born or expected to be born of the marriage.

- Paragraph 12:** This paragraph lists **Plaintiff's** monthly income by all sources that the judge found to be true at the trial. If a source isn't listed, write the source in the "Other" box and list the monthly amount. If you don't have any income from a source, write \$0.00.
- Paragraph 13:** This paragraph lists the **Defendant's** monthly income by all sources that the judge found to be true at the trial. If a source isn't listed, write the source in the "Other" box and list the monthly amount. If the Defendant doesn't have any income from a source, write \$0.00.
- Paragraph 14:** This paragraph finds whether the judge found that Plaintiff or Defendant needs spousal support. Put a checkmark  in the box by the option the judge found to be true at the trial. If you choose the second option, fill in the details on page 4.
- Paragraph 15:** This paragraph finds the Plaintiff and Defendant have property and outstanding debts and liabilities which are listed on Exhibit A and is incorporated by reference.

**You must complete Exhibit A after you complete this form and the proposed Judgment.**

- Paragraph 16:** Put a checkmark  in the box indicating whether the judge found that Plaintiff wants to restore their name and indicate Plaintiff's new name.
- Paragraph 17:** Put a checkmark  in the box indicating whether the judge found that Defendant wants to restore their name and indicate Defendant's new name.

### Conclusions of Law:

**Important!!** The final Findings of Fact, Conclusions of Law, and Order for Judgment in a divorce depend on the unique circumstances of the marriage. It's impossible for a form to reflect every possible finding or order that may occur in a divorce trial.

This (Proposed) Findings of Fact, Conclusions of law and Order for Judgment form is designed for common, uncomplicated divorces. This section won't work as is for many divorces.

This Conclusions of Law section must reflect what the judge ordered at trial.

Make sure you have your notes from the trial to complete this section. Your notes should include everything the judge found to be true.

**If everything from the trial isn't included in this section and/or doesn't reflect what the judge found or ordered at trial, you need to create your own Findings of Fact, Conclusions of Law and Order for Judgment document.**

**You may use this form as a template to create your own document.**

- Paragraph 18. Jurisdiction:** This paragraph orders the North Dakota State District Court has jurisdiction and venue over the parties and subject matter of the divorce.
- Paragraph 19. Divorce and Court Approval:** This paragraph awards the Plaintiff an absolute Decree of Divorce on the grounds of irreconcilable differences in accordance with North Dakota law.
- Paragraph 20. Spousal Support:** This paragraph orders who pays spousal support, for what amount, and for what period of time. Put a checkmark  in the box next to the correct statement and fill in all information.
- Paragraph 21. Property and Debt:** This paragraph orders that the Plaintiff and Defendant shall be awarded the property, debts, and liabilities as stated in Exhibit A; Confidential Property and Debt and Values.
- Paragraph 22. Income Tax Returns:** This paragraph contains the order regarding the sharing of income tax return.
- Paragraph 23. Plaintiff's Former Name:** Put a checkmark  in the box by the option the judge ordered at the trial. If the judge ordered Plaintiff can change their name, fill in their present full name and year of birth, and fill in their restored name and the name they will be known as from the date of the Judgment.
- Paragraph 24. Defendant's Former Name:** Put a checkmark  in the box by the option the judge ordered at the trial. If the judge ordered Defendant can change their name, fill in their present full name and year of birth, and fill in their restored name and the name they will be known as from the date of the Judgment.
- Paragraph 25. Remarriage:** This paragraph orders there are no restrictions on remarriage.
- Paragraphs 26. Execution of Required Documents:** This paragraph orders when required documents must be executed.
- Paragraph 27. Effects of Bankruptcy:** This paragraph explains the effects of bankruptcy upon the judgment as ordered by the judge.

## Order for Judgment:

- Stop!** Don't sign or put the case number in this section. This section is for the judge's use.

### Make 2 Copies of the (Proposed) Findings of Fact, Conclusions of Law and Order for Judgment

- Make two copies: one for you, one for your spouse.
- You'll serve your proposed Findings of Fact, Conclusions of Law and Order for Judgment with your proposed Judgment and your proposed Exhibit A to your spouse.

*(Instructions for service and the Declaration of Service follow on page 4 of the instructions for the proposed judgment.)*

### Complete the (Proposed) Exhibit

- Complete the following exhibit:
  - (Proposed) Exhibit A: Confidential Division of Property and Debt and Values.
  - Instructions are included with the exhibit.

### Complete the (Proposed) Judgment (No Children)

- Keep your (Proposed) Findings of Fact, Conclusions of Law and Order for Judgment handy. You need this form to complete your Judgment form!
  - Instructions are included with the (Proposed) Judgment.

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF \_\_\_\_\_

\_\_\_\_\_ JUDICIAL DISTRICT

\_\_\_\_\_) )  
 PLAINTIFF, )  
 vs )  
 \_\_\_\_\_) )  
 DEFENDANT. )

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

**Findings of Fact, Conclusions of Law  
and Order for Judgment**

*(No Children)*

1. The above-entitled proceeding for divorce came on for hearing before the above-named Court on \_\_\_\_\_ (*date*), and was heard by the Honorable \_\_\_\_\_ District Judge, in the District Court, \_\_\_\_\_ County, North Dakota. Plaintiff  did  did not appear personally. Defendant  did  did not appear personally.

2. Based upon all the pleadings and proceedings, the Court makes the following:

**FINDINGS OF FACT**

3. The Summons and Complaint were personally served upon Defendant as indicated by the proof of service on file.

4. Plaintiff's name is \_\_\_\_\_ (*full name*). Plaintiff's demographic information is as follows (*continues on next page*):

Plaintiff's Address: \_\_\_\_\_

Plaintiff's Birth Year: \_\_\_\_\_

Last 4 Digits of Plaintiff's Social Security Number: XXX-XX-\_\_\_\_\_

Plaintiff's Employer's Name and Address: \_\_\_\_\_



5. Defendant's name is \_\_\_\_\_ (*full name*).

Defendant's demographic information is as follows:

Defendant's Address: \_\_\_\_\_

Defendant's Birth Year: \_\_\_\_\_

Last 4 Digits of Defendant's Social Security Number: XXX-XX-\_\_\_\_\_

Defendant's Employer's Name and Address: \_\_\_\_\_

6. Plaintiff and Defendant were married on \_\_\_\_\_ in the  
City of \_\_\_\_\_, \_\_\_\_\_ County,  
\_\_\_\_\_ (*state*).

7. Plaintiff is now, and for the entire 6 months immediately before serving the Summons and Complaint, a resident of the State of North Dakota.

8. No decree, judgment or order of divorce, separation or annulment has been granted to either party against the other in any Court of North Dakota or any other state, tribe, territory or country, and no other action is pending for divorce by either party against the other in any Court.

9. (*Choose one*):

Neither Plaintiff nor Defendant is currently in the Armed Services of the United States of America or its allies.

(*choose one*)  Plaintiff/  Defendant is currently in the Armed Services of the United States of America or its allies but is not currently deployed or notified of deployment.

10. Irreconcilable differences have arisen between the Plaintiff and Defendant making the continuation of the marriage impossible.

11. There are no minor or dependent children born or expected to be born of this marriage.

12. Plaintiff has the following sources of monthly income:

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

13. Defendant has the following sources of monthly income:

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

14. Spousal support (*choose one*):

Neither Plaintiff nor Defendant needs spousal support.

(*choose one*) Plaintiff/ Defendant needs spousal support from (*choose one*) Plaintiff/  
Defendant. (*Continues on next page.*)

This is because (*choose one*) Plaintiff/ Defendant is \_\_\_\_\_ years of age, has been married to (*choose one*) Plaintiff/ Defendant for \_\_\_\_\_ years, has a monthly income totaling \$\_\_\_\_\_, and because:

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**15.** Plaintiff and Defendant own property and have outstanding debts and liabilities, all of which are listed on Exhibit A: Confidential Division of Property and Debt and Values. Exhibit A is incorporated by reference into this Findings of Fact, Conclusions of Law and Order for Judgment.

**16.** Plaintiff wants to restore their name. Yes No

If **Yes**, Plaintiff's new name is \_\_\_\_\_.

Plaintiff has no intent to defraud or mislead anyone by changing their name.

**17.** Defendant wants to restore their name. Yes No

If **Yes**, the Defendant's new name is \_\_\_\_\_.

Defendant has no intent to defraud or mislead anyone by changing their name.

**FROM THE ABOVE AND FOREGOING, the Court now makes and enters the following:**

**CONCLUSIONS OF LAW**

**18. 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.

**19. DIVORCE AND COURT APPROVAL.** 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.

**20. SPOUSAL SUPPORT** (*choose one*):

Neither Plaintiff nor Defendant will be awarded permanent or rehabilitative spousal support and the court shall be 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 \_\_\_\_\_.

**21. 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 Judgment.

**22. INCOME TAX RETURNS:** The parties agree to 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.

In accordance with the Affordable Care Act (ACA), the party providing, or who has provided health insurance coverage for a child being claimed as a dependent, must supply the other party proof of coverage (IRS Form 1095-A, IRS Form 1095-B, or IRS Form 1095-C) on or before January 31, or as soon thereafter as proof of coverage is received, of every applicable calendar year.

**23. PLAINTIFF'S FORMER NAME** (*choose one*):

Plaintiff's name did not change with the marriage and does not need to be restored.

Plaintiff does not want to restore their name.

Plaintiff, presently known as \_\_\_\_\_

and year of birth \_\_\_\_\_, will be restored to their former name of

\_\_\_\_\_ in any Judgment issued herein

and will be known thereafter as \_\_\_\_\_.

**24. DEFENDANT'S FORMER NAME** (*choose one; Paragraph 24 continues on next page*):

Defendant's name did not change with the marriage and does not need to be restored.

Defendant does not want to restore their name.

Defendant, presently known as \_\_\_\_\_

and year of birth \_\_\_\_\_, will be restored to their former name of

\_\_\_\_\_ in any Judgment issued herein

and will be known thereafter as \_\_\_\_\_.

**25. REMARRIAGE:** There are no restrictions on remarriage.

**26. 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.

**27. 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.

**ORDER FOR JUDGMENT**

LET JUDGMENT BE ENTERED ACCORDINGLY.

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*(Judge of District Court)*

Civil No. \_\_\_\_\_