

## **Divorce When Spouses Don't Agree Instructions (Proposed) Exhibit A: Confidential Division of Property & Debt & Values**

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) Exhibit A: Confidential Division of Property & Debts & Values. Exhibit A is part of your proposed Findings and your proposed Judgment. Exhibit A **must** be filed with the (Proposed) Findings of Fact, Conclusions of Law, and Order for Judgment and (Proposed) Judgment.

**The judge may require one or both parties to provide a proposed Exhibit A: Confidential Division of Property & Debt & Values for the judge to review!**

If you're assigned to provide a proposed Exhibit A, you may find this form helpful.

**\*\*Pay attention to the judge's instructions or order regarding the deadline to serve and file your proposed documents.**

**Important!!** The Exhibit A: Confidential Division of Property & Debt & Values 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.

**Exhibit A: Confidential Division of Property & Debt & Values must reflect what the judge found to be true and ordered at trial.**

**This (Proposed) Exhibit A: Confidential Division of Property & Debt & Values 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 Exhibit A: Confidential Division of Property & Debt & Values.**

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

**WARNING!!** If you can't use this form as it is and must create your own document, you must list the property & debt & values on a separate exhibit. Don't add this information to the text of the Findings of Fact, Conclusions of Law and Order for Judgment, or Judgment. If you do, it won't be accepted!

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 Exhibit A: Confidential Division of Property & Debt & Values**

Exhibit A: Confidential Division of Property & Debts & Values, as ordered by the judge, reflects the following:

- The value of your assets and debts;
- The division of your assets and debts; and
- The fairness to both spouses of the division of property and debts

*(The Exhibit A: Confidential Division of Property and Debt and Values is a confidential court record that isn't generally available to be viewed by the public after the document is filed with the clerk of court. However, any person with good cause may make a written request to the judge or judicial referee for access to Exhibit A.)*

*If a person makes a written request, they must notify the parties in the divorce. The parties then have the option to tell the judge or judicial referee in writing why they agree or disagree with the request. If the judge or judicial referee finds that the public interest, or the personal interest of the person making the request, outweighs the privacy interest of the parties, or their dependent children, the judge or judicial referee grants access to Exhibit A.)*

### **Equitable Distribution of Property & Debt in Divorce**

[Section 14-05-24 of the North Dakota Century Code](#) requires an equitable distribution of property and debt in a divorce. This is also called equitable division of property and debts.

Equitable distribution means that property and debts are divided fairly, rather than equally.

When the judge orders the division of property and debts and values as reflected in the proposed Exhibit A form, they consider the following factors (the Ruff-Fischer guidelines) to equitably distribute property and debts:

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

**The division of property, once ordered by the judge, is final and can only be changed under limited circumstances. Consult a Lawyer if you have Any Questions!**

## Definitions:

**Assets** – Everything owned by either spouse, whether owned jointly or individually, or acquired before or during the marriage. Assets include, but aren't limited to, real property, cars, furniture, bank accounts, jewelry, life insurance policies, businesses, and retirement plans.

**Date of Valuation** – The date the Fair Market Value (FMV) was established.

**Debts** (also called Liabilities) – Everything owed by either spouse, whether owed jointly or individually, or incurred before or during the marriage. Debts include, but aren't limited to, mortgage, credit cards, student loans and car loans.

**Equitable Distribution** (also called Equitable Division) – Marital property and debt is divided equitably (fairly) in a divorce. Equitable distribution doesn't mean equal distribution.

**Equity** – Fair Market Value (FMV) of the asset, real property, or personal property, minus the debt connected to the asset, real property or personal property.

**Fair Market Value (FMV), or Market Value** – The price at which the property would sell.

**Liabilities** – See Debts.

**Marital Property** – All of the assets and debts owned by either spouse, whether owned or owed jointly or individually, or acquired or incurred before or during the marriage.

**Net Value** – See Equity.

**Real Property** (also called Real Estate) – Land either with or without buildings on it. For example, a home is real property.

**Secured Debt** – A debt that's backed by collateral you, the borrower, have. Collateral is an asset of value pledged to secure a debt. (For example, a home loan is a secured debt because you put your home up as collateral to secure the loan.)

**Unsecured Debt** – Debt that isn't backed by collateral. Instead, unsecured debt relies on consideration. Consideration refers to the benefit each party receives in exchange for what the party gives up. Consideration may be a promise, performance, or forbearance. (Unsecured debts may include credit cards, medical bills, utility bills, etc.)

**Valuation Date** – This is the date on which the fair market value (FMV) of property is established. This is also the date the total amount owed on a debt or liability is established.

See [N.D.C.C. Section 14-05-24\(1\)](#) for the valuation dates for property and debt in a divorce.

In general, the valuation date is the date to which **both spouses agree**. If the **spouses can't agree**, the valuation date is 60 days before the initially scheduled trial date.

There may be property to which federal law applies. If so, the valuation date is the date required by the federal law(s) that applies to the property.

**Top of form (Caption):** Fill in the caption exactly as you filled in the caption on the Proposed Findings of Fact, Conclusions of Law, and Order for Judgment and Judgment.

**Paragraph 1:** This paragraph states Exhibit A is part of the the Findings and Judgment.

**Paragraph 2: Real Property Jointly Owned by Plaintiff and Defendant.** Put a checkmark  in the box next to the statement the judge ordered.

If the judge ordered the second statement, complete all of the information. **Don't leave any blanks.**

The legal description of the real property **isn't** the street address. The legal description may be found on the warranty deed, mortgage, title insurance, or from the County Recorder.

**Paragraph 3: Real Property Solely Owned by Plaintiff.** Put a checkmark  in the box next to the statement the judge ordered.

If the judge ordered the second statement, complete all of the information. **Don't leave any blanks.**

The legal description of the real property **isn't** the street address. The legal description may be found on the warranty deed, mortgage, title insurance, or from the County Recorder.

**Paragraph 4: Real Property Solely Owned by Defendant.** Put a checkmark  in the box next to the statement the judge ordered.

If the judge ordered the second statement, complete all of the information. **Don't leave any blanks.**

The legal description of the real property **isn't** the street address. The legal description may be found on the warranty deed, mortgage, title insurance, or from the County Recorder.

- Paragraph 5: Business or Farms Interests or Assets.** Put a checkmark  in the box next to the statement the judge ordered.

If the judge ordered the second statement, complete all of the information. Don't leave any blanks.

- Paragraph 6: Financial Assets.** Put a checkmark  in the box next to the statement the judge ordered.

If the judge ordered the second statement, complete all of the information. Don't leave any blanks.

- Paragraph 7: Life Insurance.** Put a checkmark  in the box next to the statement the judge ordered.

If the judge ordered the second statement, complete all of the information. Don't leave any blanks.

- Paragraph 8: Plaintiff's Pensions, Profit-Sharing Plans, IRAs and Other Retirement Plans.** Put a checkmark  in the box next to the statement the judge ordered.

If the judge ordered the second statement, complete all of the information. Don't leave any blanks.

- Paragraph 9: Defendant's Pensions, Profit-Sharing Plans, IRAs and Other Retirement Plans.** Put a checkmark  in the box next to the statement the judge ordered.

If the judge ordered the second statement, complete all of the information. Don't leave any blanks.

- Paragraph 10: Household Goods, Furniture, and Furnishings.** Fill in the information as the judge ordered and complete all information.

- Paragraph 11: Motor Vehicles, Boats, Watercraft, Campers, Snowmobiles, or Trailers.** Put a checkmark  in the box next to the statement the judge ordered.

If the judge ordered the second statement, complete all of the information. Don't leave any blanks.

- Paragraph 12: Other Personal Property.** Put a checkmark  in the box next to the statement the judge ordered.

If the judge ordered the second statement, complete all of the information. Don't leave any blanks.

- Paragraph 13: Secured and Unsecured Debts and Liabilities.** Put a checkmark  in the box next to the statement the judge ordered.

If the judge ordered the second statement, complete all of the information. **Don't leave any blanks.**

- Paragraph 14: Summary.** This is the total division of property and debts listed in \$\$ for Plaintiff and Defendant. List the total for Plaintiff and the total for Defendant for each category of the Summary.

For both Plaintiff and Defendant, subtract the Mortgages on Real Property and Debts and Liabilities to list the **Total**.

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

STATE OF NORTH DAKOTA  
COUNTY OF \_\_\_\_\_

IN DISTRICT COURT  
\_\_\_\_\_ JUDICIAL DISTRICT

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

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

**EXHIBIT A: CONFIDENTIAL DIVISION OF  
PROPERTY & DEBT & VALUES**

1. This Exhibit A: Confidential Division of Property & Debt & Values is incorporated by reference into the Findings of Fact, Conclusions of Law and Order for Judgment. Exhibit A is incorporated by reference into the Judgment.

2. **Real Estate Jointly Owned by Plaintiff and Defendant** (*choose one*):

Plaintiff and Defendant **do not** jointly own any real estate.

Plaintiff and Defendant jointly own real estate, as follows:

The street address of the **Jointly Owned Real Estate** is \_\_\_\_\_  
\_\_\_\_\_, in the City of \_\_\_\_\_,  
County of \_\_\_\_\_, State of \_\_\_\_\_, and it is legally described as:

This real property was purchased on \_\_\_\_\_ for \$\_\_\_\_\_.

There is a mortgage or loan against the property in the amount of \$\_\_\_\_\_.

The fair market value of the **Jointly Owned Real Estate** is \$\_\_\_\_\_, with a valuation date of \_\_\_\_\_.



(Choose one)  Plaintiff /  Defendant is awarded sole title and interest in the **Jointly Owned Real Estate**, described above, and subject to a mortgage or loan against the property in the amount of \$\_\_\_\_\_.

Additionally (describe any additional details related to the award of sole title and interest of the Jointly Owned Real Estate. If there are no additional details, write "not applicable"),

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**3. Real Estate Solely Owned by Plaintiff (choose one):**

Plaintiff **does not** solely own any real estate.

Plaintiff solely owns real estate, as follows:

The street address of **Plaintiff's Solely Owned Real Estate** is \_\_\_\_\_  
\_\_\_\_\_, in the City of \_\_\_\_\_,  
County of \_\_\_\_\_, State of \_\_\_\_\_, and it is legally described as:

This real property was purchased on \_\_\_\_\_ for \$\_\_\_\_\_.

There is a mortgage or loan against **Plaintiff's Solely Owned Real Estate** in the amount of \$\_\_\_\_\_. The current market value of this property is \$\_\_\_\_\_, with a valuation date of \_\_\_\_\_.

(Choose one)  Plaintiff /  Defendant is awarded sole title and interest in **Plaintiff's Solely Owned Real Estate**, described above, and subject to a mortgage or loan against the property in the amount of \$\_\_\_\_\_.

Additionally (describe any additional details related to the award of sole title and interest of Plaintiff's Solely Owned Real Estate. If there are no additional details, write "not applicable"), \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

**4. Real Estate Solely Owned by Defendant (choose one):**

Defendant **does not** solely own any real estate.

Defendant solely owns real estate, as follows:

The street address of **Defendant's Solely Owned Real Estate** is \_\_\_\_\_  
\_\_\_\_\_, in the City of \_\_\_\_\_,  
County of \_\_\_\_\_, State of \_\_\_\_\_, and it is legally described as:

This real property was purchased on \_\_\_\_\_ for \$\_\_\_\_\_.

There is a mortgage or loan against **Defendant's Solely Owned Real Estate** in the amount of \$\_\_\_\_\_. The current market value of this property is \$\_\_\_\_\_, with a valuation date of \_\_\_\_\_.

(Choose one)  Plaintiff /  Defendant is awarded sole title and interest in **Defendant's Solely Owned Real Estate**, described above, and subject to a mortgage or loan against the property in the amount of \$\_\_\_\_\_.

Additionally (describe any additional details related to the award of sole title and interest of Defendant's Solely Owned Real Estate. If there are no additional details, write "not applicable"), \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**5. Business or Farm Interests or Assets (choose one):**

- Plaintiff and Defendant **do not** have any business or farm interests or assets.
- Plaintiff and Defendant have business or farm interests or assets. Plaintiff and Defendant are awarded as their own, the business or farm assets listed in their column.

<b>Description of Business or Farm Interests or Assets:</b> (For each business or farm asset, describe the interest or asset, who owns the interest or asset, the location, list the account number (if any), balances owed (if any), monthly payments (if any), and Date of Valuation.)	<b>Plaintiff</b> (Fair Market Value)	<b>Defendant</b> (Fair Market Value)
	\$	\$
	\$	\$
	\$	\$
<b>Total Value of Business or Farm Assets to Each Person</b>	<b>\$</b>	<b>\$</b>

**6. Financial Assets (choose one):**

Plaintiff and Defendant **do not** own financial assets not otherwise mentioned on the Confidential Division of Property & Debt & Values.

Plaintiff and Defendant own financial assets not otherwise mentioned on the Confidential Division of Property & Debt & Values. Plaintiff and Defendant are awarded all right, title, interest and equity in and to the financial assets listed in their column.

<b>Description of Financial Assets:</b> (For example checking accounts, savings accounts, money market accounts, stocks, bonds, Certificates of Deposit, notes (money owed in writing), and money owed (not in writing). For each asset, describe the asset, who owns the asset, the location of the asset, list the policy or account number (if any), balances owed (if any), monthly payments (if any), and Date of Valuation.)	<b>Plaintiff</b> (Fair Market Value)	<b>Defendant</b> (Fair Market Value)
	\$	\$
	\$	\$
	\$	\$
	\$	\$
<b>Total Value of Financial Assets to Each Person</b>	<b>\$</b>	<b>\$</b>

**7. Life Insurance** (*choose one*):

- Plaintiff and Defendant **do not** have life insurance policies.
- Plaintiff and Defendant have life insurance policies. Plaintiff and Defendant are awarded as their own, the life insurance policies listed in their column.

<b>Description of Life Insurance Policies:</b> (For each life insurance policy, list the name of the company, type of insurance, policy number, face amount of the policy, amount of any loans against the policy, name of insured, name(s) of beneficiary, monthly payments (if any), and Date of Valuation.)	<b>Plaintiff</b> (Cash Value)	<b>Defendant</b> (Cash Value)
	\$	\$
	\$	\$
	\$	\$
	\$	\$
<b>Total Value of Life Insurance to Each Person</b>	<b>\$</b>	<b>\$</b>

**8. Plaintiff's Pensions, Profit-Sharing Plans, IRAs and Other Retirement Plans** (*choose one*):

Plaintiff **does not** have any pensions, profit-sharing plans, individual retirement accounts (IRAs) or other retirement plans.

Plaintiff has pensions, profit-sharing plans, individual retirement accounts (IRAs) or other retirement plans. Plaintiff's pensions, profit-sharing plans, individual retirement accounts (IRAs) and other retirement plans are awarded as listed in Plaintiff's and Defendant's columns. If Plaintiff's retirement plan is divided between Defendant and Plaintiff, Plaintiff shall obtain the proposed qualified domestic relations order (QDRO).

<b>Description of Plaintiff's Pensions, Profit-Sharing Plans, IRAs and Other Retirement Plans:</b> (For each plan, list the employer, union, or other group that provides the plan; the date you started working at the job or date you joined the union or group plan; the type of pension or retirement plan, the present value, and the Date of Valuation. For an individual retirement account, list the account number, the bank that has the individual retirement account, the present account balance, and the Date of Valuation.)	<b>Plaintiff</b> (Present Value or Present Account Balance)	<b>Defendant</b> (Present Value or Present Account Balance)
	\$	\$
	\$	\$
	\$	\$
<b>Total Value of Plaintiff's Retirement Plans to Each Person</b>	<b>\$</b>	<b>\$</b>

**9. Defendant’s Pensions, Profit-Sharing Plans, IRAs and Other Retirement Plans** (*choose one*):

Defendant **does not** have any pensions, profit-sharing plans, individual retirement accounts (IRAs) or other retirement plans.

Defendant has pensions, profit-sharing plans, individual retirement accounts (IRAs) or other retirement plans. Defendant’s pensions, profit-sharing plans, individual retirement accounts (IRAs) and other retirement plans are awarded as listed in Plaintiff’s and Defendant’s columns. If Defendant’s retirement plan is divided between Defendant and Plaintiff, Defendant shall obtain the proposed qualified domestic relations order (QDRO).

<b>Description of Defendant’s Pensions, Profit-Sharing Plans, IRAs and Other Retirement Plans:</b> (For each plan, list the employer, union, or other group that provides the plan; the date you started working at the job or date you joined the union or group plan; the type of pension or retirement plan, the present value, and the Date of Valuation. For an individual retirement account, list the account number, the bank that has the individual retirement account, the present account balance, and the Date of Valuation.)	<b>Plaintiff</b> (Present Value or Present Account Balance)	<b>Defendant</b> (Present Value or Present Account Balance)
	\$	\$
	\$	\$
	\$	\$
<b>Total Value of Defendant’s Retirement Plans to Each Person</b>	<b>\$</b>	<b>\$</b>





**11. Motor Vehicles, Boats, Watercraft, Campers, Snowmobiles or Trailers (choose one):**

Plaintiff and Defendant **do not** own any motor vehicles, boats, watercraft, campers, snowmobiles or trailers.

Plaintiff and Defendant own motor vehicles, boats, watercraft, campers, snowmobiles or trailers. Plaintiff and Defendant are awarded as their own, the motor vehicles, boats, watercraft, campers, snowmobiles or trailers listed in their column.

Description of Motor Vehicles, Boats, Watercraft, Campers, Snowmobiles or Trailers (Include the type of motor vehicle, boat, etc., year/make/model, vehicle identification number, name(s) on title, balance owed, monthly payment (if any), and Date of Valuation. If you own a manufactured or mobile home <b>is not</b> converted to real property, list it here.)	Plaintiff (Fair Market Value)	Defendant (Fair Market Value)
	\$	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$
<b>Total Value of Motor Vehicles, Boats, Etc. to Each Person</b>	<b>\$</b>	<b>\$</b>

**12. Other Personal Property** (*choose one*):

Plaintiff and Defendant **do not** own other personal property not otherwise mentioned on the Confidential Division of Property & Debt & Values.

Plaintiff and Defendant own other personal property not otherwise mentioned on the Confidential Division of Property & Debt & Values. Plaintiff and Defendant are awarded as their own, the other personal property listed in their column.

<b>Description of Other Personal Property</b> (Include a description of the personal property, list who owns or possesses the personal property, any debts or encumbrances, balance owed (if any), monthly payment (if any), and Date of Valuation.)	<b>Plaintiff</b> (Fair Market Value)	<b>Defendant</b> (Fair Market Value)
	\$	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$
<b>Total Value of Other Personal Property to Each Person</b>	<b>\$</b>	<b>\$</b>

**13. Secured and Unsecured Debts and Liabilities (choose one):**

Plaintiff and Defendant **do not** have any outstanding secured or unsecured debts and liabilities.

Plaintiff and Defendant have outstanding secured or unsecured debts and liabilities. Plaintiff and Defendant shall pay as their own the debts and liabilities listed in their column. Any debts and liabilities not listed on the Confidential Division of Property & Debt & Values shall be paid by the person whose name is on the debt or liability.

<b>Description of Debts and Liabilities</b> (List all secured and unsecured debts and liabilities. Describe each debt and liability as clearly as possible. Include who the debt is owed to, purpose of the debt, whose name is on the debt, account numbers, and the Date of Valuation. <b>Do not</b> include mortgages on real estate.)	<b>Plaintiff</b> (Amount Owed)	<b>Defendant</b> (Amount Owed)
	\$	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$

<b>Description of Debts and Liabilities</b> (List all secured and unsecured debts and liabilities. Describe each debt and liability as clearly as possible. Include who the debt is owed to, purpose of the debt, whose name is on the debt, account numbers, and the Date of Valuation. <b>Do not</b> include mortgages on real estate.)	<b>Plaintiff</b> (Amount Owed)	<b>Defendant</b> (Amount Owed)
	\$	\$
	\$	\$
	\$	\$
<b>Total Debts and Liabilities to be Paid by Each Person</b>	<b>\$</b>	<b>\$</b>

**14. Summary:**

	<b>Plaintiff</b>	<b>Defendant</b>
<b>Real Estate</b> (Paragraphs 2, 3, and 4)	\$	\$
<b>Business or Farm Interests or Assets</b> (Paragraph 5)	\$	\$
<b>Financial Assets</b> (Paragraph 6)	\$	\$
<b>Life Insurance</b> (Paragraph 7)	\$	\$
<b>Pensions/IRA's/Retirement Plans/Etc.</b> (Paragraphs 8 and 9)	\$	\$
<b>Household Goods/Furniture/Furnishings</b> (Paragraph 10)	\$	\$
<b>Motor Vehicles/Boats/Campers/Etc.</b> (Paragraph 11)	\$	\$
<b>Other Personal Property</b> (Paragraph 12)	\$	\$
<b>Mortgages on Real Estate</b> (Paragraphs 2, 3, and 4)	- \$	- \$
<b>Debts and Liabilities</b> (Paragraph 13)	- \$	- \$
<b>(Debts &amp; Mortgages subtracted from Assets) Total</b>	<b>\$</b>	<b>\$</b>

\_\_\_\_\_  
(Judge of District Court)

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