

Instructions for Summary Real Estate Disposition Judgment

If you need help with the form or have questions about whether this form is correct for your situation, [consult a lawyer](#) licensed to practice in North Dakota. The North Dakota Legal Self Help Center **can't** give you any assistance filing out this 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.

☐ **Paragraph 2:**

- Fill in the name of the attorney representing the Plaintiff in the divorce. If the Plaintiff doesn't have an attorney, write "pro se" on the line.
- 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 ☒ only one box which correctly identifies whether the Judgment resulted from Stipulation (Settlement Agreement), Default Judgment, or Trial.
- If you select "Default", you must check ☒ the box for the party who requested the default divorce judgment. If the non-requesting party appeared, you must check ☒ that box, as well.
 - "Appearance" in a request for a default judgment includes a broad range of responses by the **non-requesting** party to give the requesting party notice that they intend to challenge the request for default judgment. (See [AE2S Construction v. Hellervik Oilfield Technologies, et al.](#))
 - Whether a **non-requesting** party made an appearance depends on the specific facts of each individual request for default judgment and requires legal interpretation. Consult a lawyer licensed in North Dakota if you don't know whether to check ☒ the box for the **non-requesting** party.
- If you select "Trial", you must check ☒ the box for **each** party who attended the hearing.

☐ **Paragraph 5:**

- If your Judgment resulted from a Default Judgment or Trial, check ☒ the first box.
- If your Judgment resulted from a Stipulation (Settlement Agreement), check ☒ the second or third box indicating whether the real property was described by a legal description in your Judgment.

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

- If your Judgment resulted from a Stipulation (Settlement Agreement) or Trial, check ☒ the first box.
- If the Judgment and Decree resulted from a Default Judgment, and the Complaint contained the legal description check ☒ the second box.
- If the Judgment resulted from a Default Judgment **but** 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 the document shows the Defendant was served.
- Check ☒ the second box ("No") if the Summons and Complaint weren't personally served on the Defendant.
 - If the Defendant was served by publishing the Summons in the newspaper, check ☒ the second box.

☐ **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" on any lines you don't need.

☐ **Paragraph 9:**

- Check (☒) all appropriate boxes indicating whether either of the parties changed their name as part of the divorce judgment. If Plaintiff or Defendant changed their name in the Judgement, 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 the 2nd or 3rd boxes, 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 listed in the Judgment affecting the disposition of each parcel of real estate. If there aren’t any triggering or contingent events, write “none”. If there are triggering or contingent events, explain.

☐ **Paragraph 14:**

- Review this statement. You **must** have a signed and **certified** copy of the Summary Real Estate Disposition Judgment to be recorded or filed in place of the original Judgment in the office of any county recorder or registrar of titles where the real property is located.

☐ **Don’t Sign or Date This Form**

Now What?

The Summary Real Estate Disposition Judgment is filed with the Clerk of Court for review and signature by the court.

- If the parties submitted the divorce action through a **Stipulation (Settlement Agreement)**, file the Summary Real Estate Disposition Judgment at the same time you file all of your divorce documents.
- If one of the parties submitted the divorce action through a **Default Judgment**, the party submitting the documents for default judgment files the Summary Real Estate Disposition Judgment at the same time they file the other documents.
- If a **trial** is held to decide the divorce case, file your proposed Summary Real Estate Disposition Judgment with your proposed Findings and Judgment. Contact the [Clerk of Court](#) for instructions on how to file for review and signature.

State of North Dakota

In District Court

County of _____

_____ Judicial District

Plaintiff,
vs

Defendant.

)
)
)
)
)
)

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.

Attest:

Dated: _____

By: _____