

## Instructions for filing a Joint Affidavit for Entry of Decree Without Hearing

**If you are the single Petitioner:** You cannot file a Joint Affidavit for Entry of Decree until 21 days after the Respondent has been served **and** the Respondent **must** also file his/her Declaration of Assets, Debts, Income & Expenses. However if the Respondent files an Answer to the Petition, but the parties have reached an agreement and signed and filed a Marital & Property Settlement Agreement, the parties do not have to wait 21 days.

**If the parties have filed a Joint Petition for Dissolution** the parties do not have to wait 21 days to file their Joint Affidavit for Entry of Decree.

### **WHEN FILING A JOINT AFFIDAVIT FOR ENTRY OF DECREE:**

- 1) Prepay the \$45.00 Judgement fee (unless previously waived by the Court).
- 2) Provide the Clerk of District Court with pre-addressed stamped envelopes for all parties that are large enough to accommodate the Final Decree and any certified copies you are requesting.
- 3) **KEEP IN MIND** if you need Certified copies of the Final Decree (in dissolution cases where you are changing your name) you should also pre-pay the \$2.00 fee per document to save you a trip back to the Justice Center. You may write one check to the Clerk of District Court to cover all those fees.

\_\_\_\_\_  
(Your name)

\_\_\_\_\_  
(Your street address)

\_\_\_\_\_  
(City State Zip code)

\_\_\_\_\_  
(Phone number)

MONTANA 11<sup>th</sup> JUDICIAL DISTRICT COURT, FLATHEAD COUNTY

In re the Marriage of: )  
 )  
\_\_\_\_\_, )  
Petitioner, )  
 )  
and )  
 )  
\_\_\_\_\_, )  
Co-Petitioner/Respondent. )

Case No. DR- \_\_\_\_\_

**JOINT AFFIDAVIT FOR ENTRY  
OF DECREE WITHOUT HEARING**

MCA § 40-4-108

We, the undersigned, under oath and penalty of perjury, swear or affirm as follows:

1. (CHOOSE ONLY ONE):

- [ ] The parties filed either a Joint Petition for Dissolution fully distributing the parties' assets, debts, and providing for maintenance (if any) and a Joint Parenting Plan (if applicable) , or have entered into a Marital and Property Settlement Agreement and a Stipulated Final Parenting Plan. If a Parenting Plan was submitted, either a child support worksheet or the CSED order is attached to the Findings of Fact, Conclusions of Law and Final Decree of Dissolution filed with the Court and the parties request the Court to adopt the child support amount entered in our Final Decree.
- [ ] The Petitioner filed a Petition for Dissolution, the Respondent was duly served, and the Default of the Respondent has been entered. The Respondent has no objection to the division of assets, debts, and liabilities as set forth by the

Petitioner and has likewise filed with the Court his or her “Final Declaration of Disclosure of Assets, Debts, Income and Expenses” and provided a certificate of mailing or hand delivery to the Petitioner prior to signing this Affidavit for Entry of Decree Without Hearing.

2. The conciliation provisions of the Montana Conciliation Law do not apply.
3. If applicable, we have complied with the preliminary declaration of disclosure requirements of MCA § 40-4-252 through 40-4-254 or MCA § 40-4-257. We understand that failure to disclose an asset or liability on the final declaration of disclosure is presumed to be grounds for the court, without taking into account the equitable division of the marital estate, to award the undisclosed asset to the opposing party or the undisclosed liability to the noncomplying party. We also understand that that in addition to any other civil or criminal remedy available under law for the commission of perjury, the court may set aside the judgment (decree), or part of the judgment (decree), if the court discovers, within five years from the date of entry of judgment (decree) that a party has committed perjury in the final declaration of disclosure.
4. Neither one of us were harassed, coerced or threatened by anyone in connection with entering into any agreement relative to our assets, debts, maintenance or our parenting plan.
5. We waive the right to appear personally in court to present testimony as to any matters and request that the Court enter the proposed Final Decree by affidavit in lieu of a hearing before this Court.
6. Child Support (choose only one):
  - Is not applicable as there are no children in this action.
  - Is being calculated or has been calculated by Child Support Enforcement; the Flathead County Self-Help Center volunteer attorney; or by using the MLSA online calculator. Either worksheets or the CSED proof of open case are attached to the Final Decree. We request that the Court Order the support as indicated on the worksheets or final Order of CSED.

[ ] Is being calculated or has been calculated by Child Support Enforcement; the Flathead County Self-Help Center volunteer attorney; or by using the MLSA online calculator and worksheets are attached to the Final Decree. We request that the Court Order the support we have indicated on our Final Decree **which differs from the calculation**. We request that support be ordered as follows for the following reasons:

---

---

---

---

---

---

---

---

7. We understand that regardless of this Affidavit, the court may require a hearing for any reason the court considers necessary.

**WE DECLARE UNDER PENALTY OF PERJURY AND UNDER THE LAWS OF THE STATE OF MONTANA THAT THE FOREGOING IS TRUE AND CORRECT.**

DATED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
(day) (month) (year)

\_\_\_\_\_  
SIGNATURE of Petitioner

DATED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
(day) (month) (year)

\_\_\_\_\_  
SIGNATURE of Respondent/Co-Petitioner