

DIVORCE

✓ **Uncontested (Spouses Agree)**

✓ **Without Children**

PACKET C

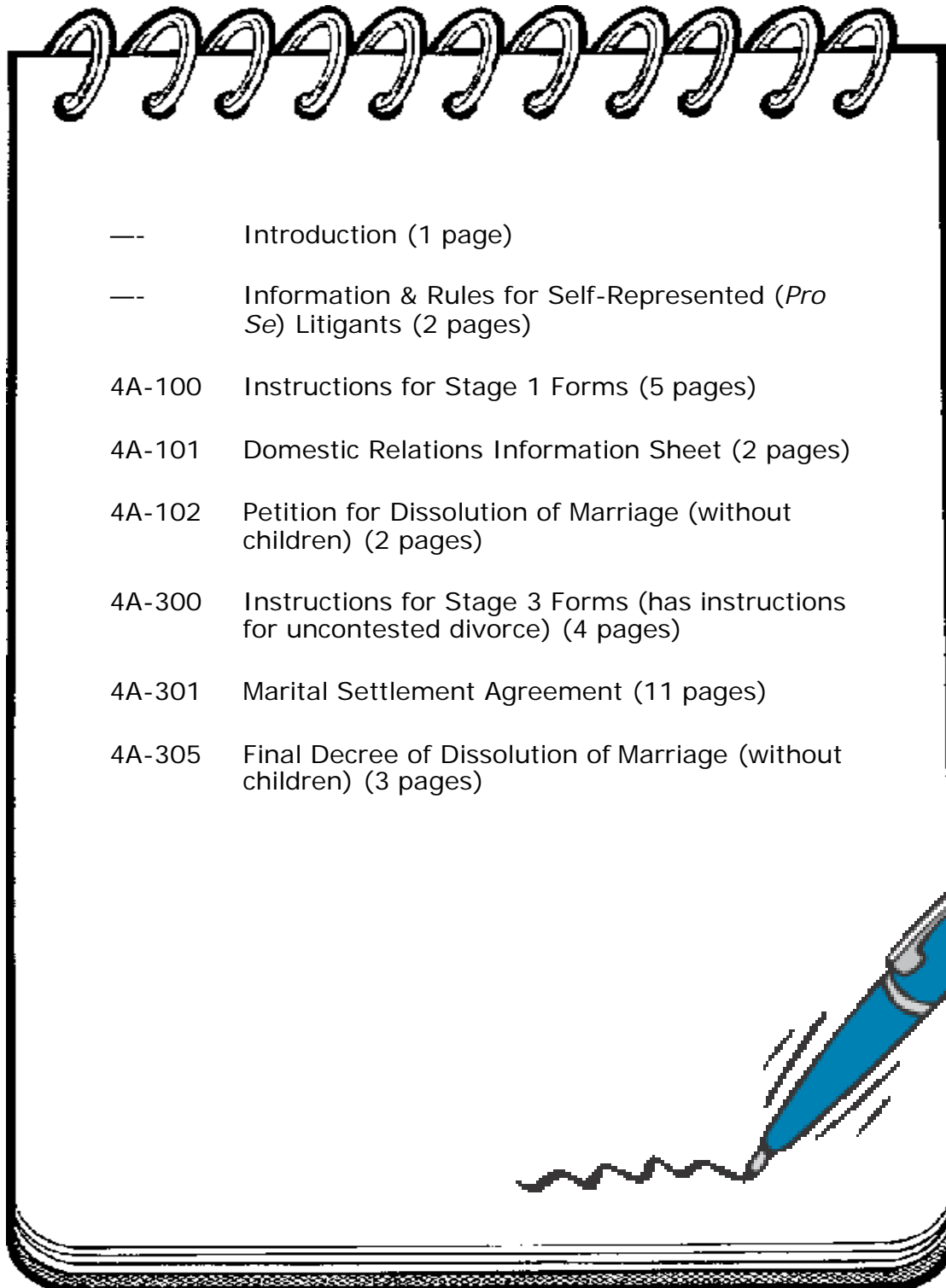
INSTRUCTIONS AND ALL FORMS

If you do not have a lawyer, you must use the forms in this packet to start and finish your divorce

THIS PACKET IS NOT A SUBSTITUTE FOR PROFESSIONAL LEGAL ADVICE

Inside are fill-in-the-blank forms mandated by the New Mexico State Supreme Court for Self-Represented Litigants. They do not deal with every situation. **Divorce** can be complicated and using legal forms without a lawyer's help can harm your legal rights. The Court assumes no responsibility and accepts no liability for actions taken by users of these documents, including reliance on their contents.

In this packet you will find . . .



PACKET C

UNCONTESTED DIVORCE - WITHOUT CHILDREN

Since you and your spouse have no minor children born of this marriage and you have agreed about the division of property and everything else, the dissolution of marriage (“divorce”) is *uncontested*.

Forms included in Packet C:

- Information & Rules for Self-Represented (*Pro Se*) Litigants (2 pages)
- 4A-100 Instructions for Stage 1 Forms (5 pages)
- 4A-101 Domestic Relations Information Sheet to be filled out by both
Petitioner and Respondent (2 pages)
- 4A-102 Petition for Dissolution of Marriage (without children) (2 pages)
- 4A-300 Instructions for Stage 3 Forms (4 pages)
 - Paragraph (E)(1) pertains to uncontested divorce
- 4A-301 Marital Settlement Agreement (11 pages)
- 4A-305 Final Decree of Dissolution of Marriage (without children) (3 pages)

Forms NOT included in Packet C that you may require, such as the following, are available at the Courthouse or may be obtained on line at www.nmcompcomm.us. Under the “Public Access Law” tab, look for “Rules of Practice and Procedure.”

- Rule 1-103 Rule on requesting (and cancelling a request for) an interpreter for a court hearing
- 4-115 Request for court interpreter
- 4-116 Cancellation of court interpreter

INFORMATION AND RULES FOR SELF-REPRESENTED (*PRO SE*) LITIGANTS

- Although we want to be responsive to your needs, the court staff **cannot** give you **any** legal advice.
- You should attend the Court’s Self-Represented Litigants Legal Advice Clinic. At each clinic, volunteer attorneys are available to give legal advice and can help you complete your forms. The clinics are free and are held once a month. Visit our website at eleventhdistrictcourt.nmcourts.gov for the date, time and location of the next clinic or ask court staff for a list of clinics.
- Your first choice should be to consult with an attorney. There is good reason for anyone seeking legal remedies to do so, but especially those who have been married a long time; have children; have significant property (land or retirement plans) and/or significant debts.
- If you are unable to afford an attorney, there are several sources available where you may get help. Please ask the clerk for a *Pro Se* resource list. If there is domestic violence in your relationship, you may qualify for assistance at DNA Legal Services.
- Remember that when you are appearing *pro se*, you are held to the same standards as attorneys and are expected to know the rules of evidence and courtroom procedure. The judges and hearing officer cannot help you present your case.
- **You must provide a complete mailing address** in your court case file and you must update it whenever there are changes. If you do not do so, your case may be decided without your input.
- Be timely for Court hearings. If you do not appear on time, your case may be decided without you or a bench warrant may be issued for your arrest.
- There are two District Court locations: 851 Andrea Drive, Farmington and 103 South Oliver, Aztec. Be sure to check the notice carefully for the time and location of the hearing. Allow yourself adequate travel time to appear for your hearing on time.
- Hearings are often scheduled on a “trailing docket” which means that many cases are scheduled for a hearing at the same time. If this happens in your case, please be sure to arrange to be in Court for several hours or the entire day while the judge or hearing officer deals with each case one at a time.

- Children are not allowed in the courtroom without the judge’s permission. There are no childcare facilities at the Court. Please make other arrangement for your children for the time you will be at Court.
- You are expected to come to your Court hearings in person. Appearing by telephone is only acceptable if you ask the Court’s permission in writing ahead of time (there is a form for this) and only if the Court approves your request. (Appearing at a Court hearing by telephone is called a “telephonic appearance.”)
- Be courteous. Other than to make appropriate objections, do not interrupt anyone who is speaking during the hearing. If you are representing yourself and you have an objection to something a witness says, merely stand and say “Objection,” and the Court will allow you to state the nature of your objection.
- Do not make faces or gestures at the opposing party, his or her attorney, witnesses or the judge while in the courtroom. Speak directly to the judge, not the opposing party or a witness. You will be given an opportunity to be heard if you wait your turn.
- Treat all Court personnel with respect, including bailiffs, judicial assistants, clerks, judges and hearing officers.
- Show your respect for the Court by wearing clean, neat clothing. Wearing hats, sunglasses, shorts or pajamas in the courtroom is not allowed.
- Do not bring any food or beverage into the courtroom and do not chew gum or eat candy in the courtroom.
- Cell phones are allowed in the courtroom but only if they are turned off. If your phone rings while you are in the courtroom, the judge has the authority to fine you or to take your phone.
- Bring at least four (4) copies of any documents that you want to offer into evidence.

THANK YOU.

Karen L. Townsend, Chief District Judge
Daylene A. Marsh, District Judge
Bradford J. Dalley, District Judge
Sarah V. Weaver, District Judge
Curtis R. Gurley, District Judge
Kyle M. Finch, Hearing Officer and Commissioner

4A-100. Domestic relations forms; INSTRUCTIONS FOR STAGE 1 and cautions regarding use of forms.

A. **Short title.** These forms, compiled as Forms 4A-100 through 4A-403 NMRA, shall be known as the Domestic Relations Forms and shall be cited by their New Mexico Rules Annotated set and form number, as in “Form 4A- NMRA.”

B. **Mandatory acceptance of forms by district court.** The New Mexico Supreme Court has approved these Domestic Relations Forms for use in domestic relations actions by self-represented litigants and attorneys appearing in the district courts. As provided by Rule 1-120 NMRA, these forms supersede conflicting local district court domestic relations forms and shall be accepted by the district courts.

C. **Responsibility of self-represented parties.** A self-represented person shall abide by the same rules of procedure and rules of evidence as lawyers. It is the responsibility of a self-represented person to determine what needs to be done and to take the necessary action. A self-represented person involved in a divorce proceeding may need the advice of an attorney or other appropriate professional during the process and is responsible for finding an attorney or other appropriate professional for advice or representation.

(1) All notices from the court will be mailed to you at the last address on file with the court. If you move, you must file a Notice of change of Address so that you receive your mail from the court.

(2) Rule 1-005 NMRA requires that you provide a copy of anything you file in the court to the other party on the same day you file it. This is what the Certificate of Service confirms.

D. **Definitions.** The following definitions apply to the terms used in the Domestic Relations Forms:

(1) “contested divorce proceeding” means a divorce proceeding in which the parties cannot reach an agreement on one or more decisions that must be made to finalize a divorce, including but not limited to the division of property, debts, spousal support, child custody, time sharing, visitation, or child support, and therefore are unable to file all of the required forms at the same time;

(2) “creditor” means a person, agency, bank, or business to whom a debt is owed;

(3) “custody plan” means Form 4A-302 NMRA, which sets forth the type of legal custody and includes a parenting plan, when required by law;

(4) “debt” means separate or community debt as defined in Section 40-3-9 NMSA 1978. Debt is an amount of money owed to a creditor that may include, but is not limited to: loans (signature, car, school, payday), mortgages, credit card balances, balances owed on bills (utilities, phone, cell phone, cable television), and federal and state tax bills. The party whose name is on the debt may not be the only party responsible for payment of the debt;

(5) “default” means the process to get relief from the court in the form of an order when a party fails to respond or defend a case (either party is subject to a default judgment for failure to respond). See Rule 1-055 NMRA for more information;

(6) “dissolution of marriage” means a divorce;

(7) “divorce proceeding” means the judicial process used to get a divorce;

(8) “minor child” means a child who is under eighteen (18) years of age and who is the child of both parties to a divorce. For the purposes of support only, a child who is under the age of nineteen (19) and attending high school full time may be considered a minor child;

(9) “parenting plan” means a plan as defined by Section 40-4-9.1 NMSA 1978, setting forth the responsibilities of each parent individually and the parents jointly in a joint custody arrangement. For an example of a parenting plan, *see* Form 4A-302(II)(B) NMRA;

(10) “party” means a spouse named in a divorce proceeding;

(11) “petition for dissolution of marriage” means the document that requests a divorce;

(12) “petitioner” means the first party named on a petition for dissolution of marriage.

This person is referred to as a “petitioner” solely for purposes of identifying the parties in the court system;

(13) “property” means the types of property the parties to a divorce may own, including community, separate, or quasi-community as defined in Section 40-3-8 NMSA 1978. Property includes, but is not limited to: homes, land, livestock, cars/vehicles, furniture, savings and checking accounts, retirement accounts, jewelry, inheritances, tools, and art. The name of the party on the title to the property may not be the sole owner of the property. Questions about whether property is separate or community should be referred to a private attorney or the court, as appropriate;

(14) “respondent” means the second party named on a petition in a domestic relations proceeding;

(15) “service” or “service of process” means having a person eighteen (18) years or older, who is not a party to the action, give papers to a named party in a case by personally handing the paperwork to the person, or having the papers delivered to a named party in a case by some other way as described in Rule 1-004 NMRA;

(16) “summons” means a notice to the respondent that a lawsuit has started. The summons notifies the respondent to respond to the divorce petition within the specified deadline.

The summons is a two-part form. On the first part, the summons has information about the court, names and addresses of the parties, the deadline for a response, and notice that a default may happen for failure to respond. The second part of the summons is the return. The summons is served on the respondent. Once the respondent is served, the return must be filled out by the person who did the service of process and signed by that person with a notarized signature. When the original summons, including the return, is completely filled out and signed, the petitioner is responsible for filing it with the district court. The summons form is Form 4-206 NMRA. Filing the completed summons and return lets the court know that the respondent has been served;

(17) “summons packet” means **a copy of the summons** (Form 4-206 NMRA), petition for dissolution of marriage (Form 4A-102 or 4A-103 NMRA), temporary domestic order (Form 4A-201 NMRA), and a blank copy of the Domestic Relations Information Sheet (Form 4A-101 NMRA). See Paragraph E below for more information. The summons packet is served on the respondent;

(18) “temporary domestic order” means an order issued by the court when a divorce proceeding is filed that instructs the parties on how to conduct themselves regarding interactions with each other, finances, children, and property until the divorce is final. The temporary domestic order is Form 4A-201 NMRA;

(19) “time sharing and order for support and care of children” means one or more orders of the court to include a parenting plan as defined in Paragraph L of Section 40-4-9.1 NMSA 1978 containing the duties of the parents of minor children relating to child custody, time sharing, visitation, and support, including support of a child under nineteen (19) years of age who is attending high school;

(20) “uncontested divorce proceeding” means a divorce proceeding in which the parties are in complete agreement as to all the decisions that must be made to finalize a divorce, including but not limited to decisions regarding the division of property, debts, spousal support, child custody, timesharing, visitation, and child support, and present the following required forms, completed and signed by both parties, for filing at the same time;

(a) *Without children.* If the parties do not have minor children, the following forms must be filed in an uncontested divorce proceeding;

(i) Domestic relations information sheet, Form 4A-101 NMRA;

(ii) Petition for dissolution of marriage (without minor children), Form 4A-102 NMRA;

(iii) Marital settlement agreement, Form 4A-301 NMRA; and

(iv) Final decree of dissolution of marriage (without minor children), Form 4A-305 NMRA.

(b) *With children.* If the parties have minor children, the following forms must be filed in an uncontested divorce proceeding;

(i) Domestic relations information sheet, Form 4A-101 NMRA

- NMRA;
- (ii) Petition for dissolution of marriage (with minor children), Form 4A-103
 - (iii) Marital settlement agreement, Form 4A-301 NMRA;
 - (iv) Custody plan and order, Form 4A-302 NMRA;
 - (v) Child support obligation and order, Form 4A-303 NMRA, with attached child support worksheet as described in Section 40-4-11.1 NMSA 1978; and
 - (vi) Final decree of dissolution of marriage (with minor children), Form 4A-306 NMRA.

(21) “wage withholding order” means an order that requires child support to be withheld from the wages of the named parent.

E. STARTING THE DIVORCE PROCESS; CONTESTED. These are the first forms that must be filed with the court. When starting this process, each spouse must be named as a party on the forms. One spouse is the petitioner and the other is the respondent. The spouse starting the lawsuit is the named petitioner. The other spouse is the respondent. The claims or rights of either party are not determined on the basis of being named as the petitioner or respondent. See Paragraph F of this rule for instructions on completing forms and next steps after these forms are filled out. In a divorce proceeding, the case is started by filing the following completed forms with the court:

(1) **Domestic Relations Information Sheet.** Form 4A-101 NMRA shall be submitted to the court in all cases. This form is used to provide the court with essential information about the parties to the divorce proceeding, such as addresses, social security numbers, dates of birth, and the names and ages of the children of the parties. Although this form is required to be turned into the court, it is not a public record and is not part of the court file; and

(2) **Divorce Petition (Petition for Dissolution of Marriage).** Depending on whether there are minor children of both parties, one of the following two forms are used to request a divorce:

(a) Form 4A-102 NMRA is used if the parties do not have any minor children together; or

(b) Form 4A-103 NMRA is used if the parties have minor children together.

(3) **Summons.** The Summons Form is Form 4-206 NMRA. The petitioner must complete this form. When the petitioner completes the contact information, the court will fill in additional information to complete the summons and return the original summons to the petitioner. A **copy of the summons** shall be served on the respondent as part of the Summons Packet. See Paragraph J of this rule for serving the Summons Packet. It is the responsibility of the petitioner to file the original summons with a completed return with the court.

(4) **Temporary Domestic Order (TDO).** The TDO is Form 4A-201 NMRA. Each judicial district has different procedures about who provides the standard form and how a TDO is issued. Some courts provide the form when the lawsuit is filed and others require the party starting the lawsuit to complete the form. Check with the court where you are filing your lawsuit to find out if you need to bring a TDO form with you. The contents of the TDO form shall not be changed by any person. The form requires only the completion of the court caption on the first page. If the court where you are filing your lawsuit does not issue its own TDO, bring additional copies of the TDO with you when filing your lawsuit.

F. Completion of forms. When filling out any forms, please do the following:

(1) **Type or print.** You must type or print all of the information required to be completed on forms filed with the court. If there is not enough room on the form to provide all of the information required, add a separate page for the information and include the page with the rest of the form before making copies and filing the form with the court. Your handwriting should be clear and easy to read.

(2) **Signing the forms and other papers.** Your signature on a form or other paper filed with the court means the following:

- (a) you have read and understand the form or paperwork;
- (b) the information provided by you on the form is factually correct to the best of your knowledge; and

(c) the information in the paperwork is accurate and true.

Some forms may need to be signed in front of a notary public and notarized.

G. Required number of copies to file with the court. After completing and signing any required forms, take the original and two copies of each form to the court clerk for filing. The clerk will file the originals and return stamped copies to you. One copy is for you, and you must provide the other copy to the other party.

H. Pay the filing fee. A filing fee must be paid to the court clerk in cash or money order at the time the divorce case is opened. A divorce case is opened by filing a domestic relations information sheet, divorce petition, and summons. If you cannot afford to pay the filing fee, you may ask the court to allow you to file for free or a reduced rate by filing an application for free process. The application for free process is Form 4-222 NMRA.

I. Filing the first forms with the court. After completing the Summons Packet, take the original and two (2) copies of each completed form to file in the district court. The court clerk will sign and stamp the original summons and give the original and two (2) copies of it back to you with a copy of your filed divorce petition so that a copy of the summons can be served on the respondent. The clerk may also give you two (2) copies of the TDO or will endorse (stamp) copies of a TDO provided by you. One copy of the temporary domestic order must be served on the respondent as part of the summons packet.

J. Serving the summons packet.

(1) After a divorce petition and summons and TDO are filed with the court, copies of all papers must be served on the respondent. This is known as service of process.

(2) The Summons Packet and any other documents the clerk instructs you to serve may be served on the respondent by hand-delivery by a person who is over the age of eighteen (18) and is not a party to the divorce proceeding. The petitioner cannot be the person who serves the respondent. Have someone deliver the Summons Packet to the respondent as required by Rule 1-004(F) NMRA. It is the sole responsibility of the petitioner to have the summons packet served on the respondent and to provide proof that the service was completed. The court is not responsible for serving documents on any party.

(a) If you and respondent are not living together and you know the respondent's current mailing address, the summons packet may also be served by certified mail, return receipt requested. If served by certified mail, the respondent must sign a receipt indicating that he or she received the Summons Packet for service to be completed. The return receipt from the certified mailing must be filed with the district court.

(b) There are other ways of serving the Summons Packet on the respondent. Read Rule 1-004 NMRA to learn more about those methods.

(c) Service of process may be done by a private process server, law enforcement, or any other person who is over eighteen (18) and not a party to the lawsuit. You may have to pay a fee to someone to do the service of process for you. Check with your local law enforcement or look in the phone book for resources for service of process.

(3) If you cannot find the respondent after reasonable attempts to find him or her to serve the Summons Packet, you may file a motion with the court asking permission to serve the summons packet by publication in a newspaper. If you need to serve the summons packet by publication in a newspaper, use Forms 4-209 and 4-209A NMRA.

(4) After successful service on the respondent, the petitioner is responsible for making sure that the original summons with the completed return is filed with the court to prove that the respondent was served.

K. Responding to the petition. In a contested divorce proceeding, the respondent must file a written response to the divorce petition. Form 4A-104 NMRA may be used to respond to the divorce petition. The response must be filed with the court and a copy mailed to the petitioner within thirty (30) days after the summons packet was served on the respondent. Failure to file a response to the divorce petition within the thirty (30) days can result in serious consequences, including the entry of a default judgment against the respondent.

L. Issues not addressed by the forms. The Domestic Relations Forms may not address all

domestic relations issues relevant to you. The forms address only the most common divorce issues. If there are issues that are not addressed in the forms, you are responsible for bringing those issues to the attention of the court or you should seek the assistance of an attorney. You may need to get other forms that are not provided in these rules to finish the transfer of property, businesses, etc. For example, the forms **do not** include the following:

(1) federal and state tax treatment of income, expenses, and deductions both before and after a divorce, or as a result of a child support order, for claiming children as dependents, or for paying or receiving alimony;

(2) how to transfer title to property or assets;

(3) how to divide a business or retirement income;

(4) how to divide or transfer other complicated assets; or

(5) how to divide or transfer debts.

M. **Keeping Records.** Any party to an action should make copies of all documents, paperwork, or forms filed with the court for his or her own records.

N. **Paying Creditors.** These forms, including the final decree of dissolution of marriage, do not change the legal responsibility of the parties to pay their creditors.

O. **Role of judge, clerk, and court.** Court clerks can only help you with filing forms with the court; they cannot help you complete them. The judge makes decisions in your case, but neither the judge nor the judge's staff can give advice to either party, including how to fill out the forms. If you need assistance or have questions about how to complete the forms, you may seek help from an attorney. The court clerks may give you information about resources for legal assistance. *See* Rule 23-113 NMRA, which provides more guidance on what information and assistance court staff may give to self-represented litigants. You may also want to use your local library to get information about the forms or legal citations in these rules, which may include internet searches of New Mexico court websites (www.nmcourts.gov) and the New Mexico compilation commission (www.nmcc.gov).

[Approved by Supreme Court Order No. 13-8300-010, effective for all pleadings and papers filed on or after May 31, 2013, in all cases pending or filed on or after May 31, 2013; as amended by Supreme Court Order No. 14-8300-011, effective for all pleadings and papers filed on or after December 31, 2014, in all cases filed or pending on or after December 31, 2014.]

4A-101. Domestic relations information sheet.

DOMESTIC RELATIONS INFORMATION SHEET¹

NOTE TO CLERK: DO NOT FILE THE INFORMATION SHEET

*Type or print responses. Required in all domestic relations cases.²
(Do not use in domestic violence cases.)*

A. Petitioner's attorney information. *(Complete only if Petitioner has an attorney.)*

Petitioner's name: _____
Attorney's name: _____
Attorney's address: _____
City: _____ State _____ Zip code: _____
Telephone: _____

B. Information regarding petitioner and respondent. *(Do not use an attorney's mailing address. Use a separate sheet if necessary.)*

PETITIONER:

RESPONDENT:

NAME: _____

NAME: _____

Other names (e.g. maiden name):

Other names (e.g. maiden name):

Address: _____

Address: _____

City: _____

City: _____

State: _____

State: _____

Zip code: _____

Zip code: _____

Date of birth: _____

Date of birth: _____

Social Security number³: _____

Social Security number³: _____

C. Parties' minor children. *(Provide the date of birth and social security number for each minor child, if any. Use a separate sheet if necessary.)*

1. NAME: _____
(Last name, first, middle)

2. NAME: _____
(Last name, first, middle)

Date of birth: _____

Date of birth: _____

Social Security number: _____

Social Security number: _____

3. NAME: _____
(Last name, first, middle)

4. NAME: _____
(Last name, first, middle)

Date of birth: _____

Date of birth: _____

Social Security number: _____

Social Security number: _____

D. Request to limit access to information. *(Optional - complete only if applicable)*

The [petitioner] [respondent] has reason to fear domestic violence or child abuse. For this reason, please limit access to information about the [petitioner] [respondent] in the Child Support & Paternity Case Registry to the extent possible.⁴ The [petitioner] [respondent] realizes that this request may make it more difficult to assist in collecting child support. The [petitioner] [respondent] understands that the other party and the public might still view information about this case under some circumstances.

I affirm that this request is legitimately made and not designed to harass or intimidate the other party or mislead the court.

Signature of [Petitioner] [Respondent]

USE NOTES

1. The Domestic Relations Information Sheet is not required in domestic violence, commitment, guardianship, probate, or adoption actions; or if you are filing a pleading that does not change or add to the first pleading.

In uncontested domestic relations matters, the parties may submit one Information Sheet with the initial pleading, and the document need not be served.

In all other contested domestic relations cases each attorney representing a petitioner, or the petitioner proceeding pro se, in a contested case must submit the Information Sheet and serve a blank copy of the Information Sheet on the respondent. Respondents must submit the completed Information Sheet with their first responsive pleading.

The information submitted on these forms does not replace or supplement the filing and service of pleadings or other papers required by law. These forms, approved by the Supreme Court of New Mexico, are required to initiate domestic relations cases and are used by the courts for case management.

Forms are available from the court clerks and the NMRA. Electronic copies may be obtained from the Supreme Court's internet site (www.supremecourt.nm.org) and New Mexico Law on Disc. If re-keying the form it must appear substantially in the same format as the Supreme Court approved form. Type or print only. If using a word processing system, please print your answers in bold.

2. Unless there are more than four children, the Information Sheet is to be submitted on a single page. The clerk will key-enter the information on the Information Sheet. The Information Sheet will not be filed in the court file.

3. If the party has more than one social security number, please include it. Pursuant to Sections 27-1-10 and 27-1-11 NMSA 1978 and federal law, each party must submit the social security number of each party as well as the name, date of birth and social security number for each minor child. This information will be provided to the State Case Registry and, upon request, to child support enforcement agencies. The parties' addresses and social security numbers are also used to accurately identify and track court users, obtain feedback from court users on a periodic basis and to issue process in contempt proceedings. Addresses provided on this page will not be made a part of the public record unless that party is or becomes self-represented.

4. The Child Support & Paternity Case Registry is a required, nationwide database of child support and paternity orders. Access to registry information is strictly limited to court and child support administrative personnel. Requesting that your registry information be "nondisclosed" does not prevent authorized parties from reviewing the information. Rather, it alerts courts and child support administrative personnel to act with caution when viewing your information. However, be aware that requesting "nondisclosure" of registry information does not limit access to your official district court case file which is a public record. If you are concerned about such access, ask your lawyer, or the court clerk if you do not have a lawyer, about ways in which the court may restrict access to your court file.

[Provisionally approved as 4-211 NMRA, effective November 1, 1999 until November 1, 2000; approved, as amended, effective November 1, 2000; as amended by Supreme Court Order No. 13-8300-010, effective for all pleadings and papers filed on or after May 31, 2013, in all cases pending or filed on or after May 31, 2013; as amended by Supreme Court Order No. 14-8300-011, effective for all cases filed on or after December 31, 2014.]

4A-102. Petition for dissolution of marriage (without children).

**STATE OF NEW MEXICO
COUNTY OF SAN JUAN
ELEVENTH JUDICIAL DISTRICT COURT**

_____,
Petitioner,

v.

No. **D-1116-DM**

_____,
Respondent.

**PETITION FOR DISSOLUTION OF MARRIAGE
(WITHOUT CHILDREN)**

Petitioner, _____, asks this Court for a *Final Decree of Dissolution of Marriage*, and states:

1. The parties, or at least one party, is a resident of _____ County, State of New Mexico.
2. At least one party has resided in the state of New Mexico for at least six (6) months immediately preceding the filing of this Petition and has domicile in New Mexico as defined by Section 40-4-5 NMSA 1978.
3. The parties were married on _____ (date-mm/dd/yyyy) in _____ (city), _____ (state), and have remained spouses since that date.
4. A state of incompatibility and irreconcilable differences exists and the parties are not likely to reconcile.
5. The parties do not have any children and none are expected.
6. Any sole and separate property or debts of the parties should be confirmed by the Court.
7. Any community property of the parties should be equitably divided.
8. Any community debts of the parties should be equitably divided.
9. CIRCLE ONE: My spouse [is] [is not] a member of the military.
10. OPTIONAL (Cross out if this does not apply to you): Petitioner is in need of spousal support (alimony) to be paid to him/her by Respondent, who has the ability to pay spousal support.

11. OPTIONAL (Cross out if this does not apply to you): Petitioner wishes to be restored to his/her former name, _____.

Petitioner asks that the Court:

- A. Enter a *Final Decree of Dissolution of Marriage* on the grounds of incompatibility;
- B. Confirm any separate property and separate debts of the parties;
- C. Equitably divide any community property and community debt of the parties;
- D. Order Respondent to pay spousal support (cross out if this does not apply);
- E. Restore Petitioner to his/her former name, _____ (cross out if this does not apply); and
- F. Provide such other and further relief as the Court may deem just and proper.

Submitted by:

Name

Street/mailling address

City, State, Zip

Telephone number

VERIFICATION

I, _____, affirm under penalty of perjury under the laws of the State of New Mexico that I am the Petitioner in the above-entitled cause, and I know and understand that the contents contained in the above Petition are true to the best of my knowledge and belief. I have read and understand the Temporary Domestic Order as described in Rule 1-121 NMRA. I understand that upon the filing of this Petition with the Court that I am bound by the contents of the Temporary Domestic Order.

Signature of Petitioner

Date

[Approved by Supreme Court Order No. 13-8300-010, effective for all pleadings and papers filed on or after May 31, 2013, in all cases pending or filed on or after May 31, 2013; as amended by Supreme Court Order No. 14-8300-011, effective for all pleadings and papers filed on or after December 31, 2014, in all cases filed or pending on or after December 31, 2014.]

4A-300. Domestic relations forms; INSTRUCTIONS FOR STAGE THREE (3) FORMS.

A. **Stage three (3) forms; scope.** The stage three (3) forms are the last forms that you must complete to dissolve your marriage (i.e., get a “divorce”). Once approved by the Court, the agreements and promises that you have made in these forms will settle financial matters between you and the other party, and will control your rights as a parent. When both parties sign the Marital Settlement Agreement (Form 4A-301 NMRA), the Custody Plan and Order (Form 4A-302 NMRA), and the Child Support Obligation and Order (Form 4A-303 NMRA), they may be enforced by either party as contracts. When the Court signs a Final Decree of Dissolution of Marriage (Form 4A-305 or 4A-306 NMRA), you will be divorced, and the Marital Settlement Agreement, the Custody Plan and Order, and the Child Support Obligation and Order will become legally binding on both of you. Any important changes to these agreements should be in writing and signed by both parties. These changes should be filed with the Court. You should be careful when filling out these forms, and be as complete as possible. It is highly recommended that you consult with an attorney.

B. **Marital Settlement Agreement.** A Marital Settlement Agreement (MSA) must be completed, signed by both parties, and filed with the Court in every dissolution of marriage case. (Use Form 4A-301 NMRA.) Although the MSA is called an Agreement, if the parties do not agree on its terms, the Court may use the terms of either party’s proposed MSA in its final order after a hearing. The MSA describes how you and the other party will divide your property and debts, and how you will settle any other financial matters, including whether one party will pay spousal support or make a cash payment to the other. When the parties sign the MSA or the Court signs and files a Final Decree of Dissolution of Marriage, the MSA is legally binding on both parties. See Paragraph A, above.

If you and the other party cannot agree on some or all of the terms of the MSA, you may request the assistance of a mediator, if available, by completing and filing a Motion for Referral to Mediation (child support or other financial issues) (Form 4A-205 NMRA) with the Court. If you do not believe a mediator will be helpful, you may complete and file a Request for Hearing (Form 4A-206 NMRA), and the Court will make a decision for you. For more information about how to request a hearing, see Subparagraph (1) of Paragraph E of Form 4A-200 NMRA.

The MSA includes the following sections:

(1) **Property we are dividing.** This is where you describe how you will divide your property, including personal property, real property, bank and investment accounts, retirement plans, vehicles, and any other property. Examples of each type of property are included on the form. Complete the Personal Property List (Attachment A) to identify any personal property you own that is valuable to you and to show how you will divide it. If you have real property other than the home you lived in while you were married, complete the Real Property List (Attachment B) to identify the property and to show how you will divide it;

(2) **Debts we are dividing.** This is where you describe how you will divide your debts (e.g., credit cards, loans, etc.), cancel joint credit cards, file your taxes, and handle any issues that may come up with tax returns that were filed while you were married. Complete the Debt List (Attachment C) to identify each of your debts and to show how you will divide them;

(3) **Cash payment.** This is where you show any dollar amount that you have agreed one party should pay the other to settle the division of your property and debts. This amount will be included in the Final Decree of Dissolution of Marriage as a judgment in favor of the party who is to receive the cash payment. This judgment may be enforced as provided by law;

(4) **Spousal support.** This is where you show any dollar amount that you have agreed one party should pay the other as monthly spousal support. *If* the Court approves this section, the amount and timing of spousal support can be modified only by a court order. For more information on spousal support, see Section 40-4-7 NMSA 1978;

(5) **Other statements by parties.** This is where you promise to do what is necessary to carry out your agreements in the MSA and how you will resolve any arguments you may have about the MSA in the future; and

(6) **Verification.** This is where you affirm the truth of the statements in the MSA and sign it under penalty of perjury.

C. **Custody plan and order.** A Custody Plan and Order must be completed and filed with the Court in every dissolution of marriage case when the parties are the parents of one or more children under eighteen (18) years of age or under the age of nineteen (19) and attending high school. (Use Form 4A-302 NMRA.) This document describes decisions that have been made and how decisions will be made in the future about the children. When the Court signs and files a Final Decree of Dissolution of Marriage, the Custody Plan and Order is legally binding on both parties. *See* Paragraph A, above.

If you and the other party cannot agree on the terms of a Custody Plan and Order, you may request the assistance of a mediator by completing and filing a Motion for Referral to Mediation (child custody, timesharing, or visitation) (Form 4A-204 NMRA) with the Court. If you do not believe that a mediator will be helpful, you may complete and file a Request for Hearing (Form 4A-206 NMRA), and the Court will make a decision for you. For more information about how to request a hearing, *see* Form 4A-200(E)(1) NMRA. Some courts will not set a hearing on custody matters until the parties have tried mediation but failed to reach an agreement. Check with the Court before you request a hearing to find out if mediation is required.

The Custody Plan and Order includes the following sections:

(1) **Identification and contact information.** This is where you list the names and contact information of the parties and the children who are covered by the form;

(2) **Custody of the children.** This is where you describe the agreement you have reached about how you will make decisions and who will have custody of your children. If you choose sole legal custody, you must provide the specific reason why sole legal custody is in the best interests of the children. Also describe how often, when, and where the non-custodial parent will be allowed to visit the children, if at all. If you choose joint legal custody, you must complete the parenting plan in Subparagraphs one (1) through five (5) of Paragraph B to describe how you will share the custody of your children; and

(3) **Verification.** This is where you affirm the truth of the statements in the Custody Plan and Order and sign it under penalty of perjury.

D. **Child support obligation and order.** A Child Support Obligation and Order must be completed and filed with the Court in every dissolution of marriage case when the parties are the parents of one or more children under eighteen (18) years of age or under the age of nineteen (19) and attending high school. (Use Form 4A-303 NMRA.) This document describes how you will divide the expenses of raising the children, including child support and health insurance, and tax issues relating to the children. When the Court signs and files a Final Decree of Dissolution of Marriage, the Child Support Obligation and Order will become legally binding on both parties. *See* Paragraph A, above.

If you and the other party cannot agree on the terms of the Child Support Obligation and Order, you may request the assistance of a mediator by completing and filing a Motion for Referral to Mediation

(child support or other financial issues) (Form 4A-205 NMRA) with the Court. If you do not believe that a mediator will be helpful, you may complete and file a Request for Hearing (Form 4A-206 NMRA), and the Court will make a decision for you. For more information about how to request a hearing, *see* Form 4A-200(E)(1) NMRA.

The Child Support Obligation and Order includes the following sections:

(1) **Identification and contact information.** This is where you list the names and contact information of the parties and the children who are covered by the form;

(2) **Child support.** This is where you describe how you will share the expenses of raising your children. This portion of the form refers to these additional documents:

(a) **Child support worksheet.** To complete Paragraph A of this section, you must complete and attach a child support worksheet to your Child Support Obligation and Order. The worksheet will help you figure out the amount of child support required by law. The worksheet is available at Section 40-4-11.1 NMSA 1978, or you can find an interactive version at www.nmcourts.com by clicking on the “Family Law Forms” link and selecting “Child Support Worksheet.” The interactive worksheet will automatically calculate the monthly child support obligation. The amount shown on the child support worksheet will be awarded by the Court. If the parties need to deviate from the amount shown on the child support worksheet, they must request a different amount, explain why that amount is necessary, and the deviation must be approved by the Court; and

(b) **Wage withholding order.** Under Paragraph D of this section, you must tell the Court how you will begin wage withholding for child support. Payment of child support by wage withholding is mandatory unless otherwise agreed by the parties or ordered by the Court. Wage withholding will not take effect until the parties complete a Wage Withholding Order (Form 4A-304 NMRA) and submit it to the Court for filing, or until the Court signs and files the Child Support Obligation and Order and the parties open a case with the New Mexico Human Services Department, Child Support Enforcement Division (“CSED”). CSED can issue a notice of wage withholding for the parties on full service cases. You may request the Court to order wage withholding by attaching a completed Wage Withholding Order to the Child Support Obligation and Order; and

(3) **Verification.** This is where you affirm the truth of the statements in the Child Support Obligation and Order and sign it under penalty of perjury.

E. **Final decree of dissolution of marriage.** When the Court signs and files a Final Decree of Dissolution of Marriage, you and the other party will be divorced. You may request a Final Decree of Dissolution of Marriage as follows:

(1) **Uncontested.** If you and the other party agree on the terms of your MSA (and Custody Plan and Order and Child Support Obligation and Order, if you have children), you may request a Final Decree of Dissolution of Marriage by doing the following:

(a) Filing your completed MSA (and completed Custody Plan and Order and Child Support Obligation and Order, if you have children) with the Court Clerk’s Office; and

(b) Submitting a completed Final Decree of Dissolution of Marriage (Form 4A-305 NMRA (without children) or 4A-306 (with children) NMRA) to the judge for approval.

The Court may sign the Final Decree of Dissolution of Marriage without further notice, or it may order you and the other party to appear for a hearing. **WARNING:** Once the Court signs and files the Final Decree of Dissolution of Marriage, your divorce will be final, and the terms of the MSA (and the Custody Plan and Order and Child Support Obligation and Order, if you have children) will be binding as a court order on both parties. *See* Paragraph A, above;

(2) **Contested.** If you and the other party do not agree on the terms of your MSA (and Custody Plan and Order and Child Support Obligation and Order, if you have children) and you cannot submit completed forms to the Court, you should request a trial in your case by submitting a Request for Hearing (Form 4A-206 NMRA). For more information about how to request a hearing, see Form 4A-200(E)(1) NMRA.

The Court will set one or more hearings to resolve the remaining disagreements over the terms of the MSA (and the Custody Plan and Order and Child Support Obligation and Order, if you have children). *You must complete your own proposed MSA (and Custody Plan and Order and Child Support Obligation and Order, if you have children) and Final Decree of Dissolution of Marriage (Form 4A-305 (without children) or Form 4A-306 (with children) NMRA) and bring them with you to the hearing.* Once the Court has decided the terms of the MSA (and the Custody Plan and Order and Child Support Obligation and Order, if you have children), it will sign and file a Final Decree of Dissolution of Marriage, and you will be divorced from the other party; or

(3) **Default.** If more than thirty (30) days have passed since you filed and served the Petition for Dissolution of Marriage and the other party has not filed an answer or otherwise responded to your petition, you may be able to request a Final Decree of Dissolution of Marriage without the other party's participation. This is called a default judgment. See Form 4A-310 NMRA for instructions on how to request a default judgment and Final Decree of Dissolution of Marriage.

[Approved by Supreme Court Order No. 13-8300-010, effective for all pleadings and papers filed on or after May 31, 2013, in all cases pending or filed on or after May 31, 2013; as amended by Supreme Court Order No. 14-8300-011, effective for all pleadings and papers filed on or after December 31, 2014, in all cases filed or pending on or after December 31, 2014.]

4A-301. Marital settlement agreement.

**STATE OF NEW MEXICO
COUNTY OF SAN JUAN
ELEVENTH JUDICIAL DISTRICT COURT**

_____,
Petitioner,

v.

No. D-1116-DM

_____,
Respondent.

MARITAL SETTLEMENT AGREEMENT¹

_____ (*Petitioner's name*) and _____
(*Respondent's name*) are married and agree to follow this agreement beginning on the day we both sign it. We understand that the judge may make changes to this agreement and that we must comply with any changes made.

I. PROPERTY WE ARE DIVIDING²

A. Personal property (*such as clothing, furniture, jewelry, or artwork*). We have agreed how we will divide our property. We have attached a Personal Property List (Attachment A) showing all our property and which of us will receive that property. **(Choose 1 or 2)**

1. Each of us already has possession of all the personal property we each expect to receive.

2. We will make sure we each have our own property by _____ (*date*).

B. Real Property (*such as a home, mobile home, condominium, lot, or commercial building*).³
(Choose all that apply)

1. Neither of us owns real property.

2. We own a marital home, which is located at _____ (*address*), and we agree to do the following: **(Complete the correct section: a. Keep the home; b. Sell the home; or c. Other plan.)**

a. **Keep the home.** We agree that **(Choose i or ii)**

i. Petitioner shall keep the home and be responsible for all debts related to the home.

ii. Respondent shall keep the home and be responsible for all debts related to the home.

The person who keeps the home is called the "homeowner." The other person is called the "moving spouse."

We further agree to the following: (Choose all that apply)

iii. The amount owed to the moving spouse to buy out that person's interest is \$_____, which is included in the calculation of the Cash Payment, Section III, below.

iv. The homeowner will apply to refinance the debt owed on the home no later than _____ (date).

v. This is our plan for the homeowner to buy out the moving spouse's interest in the home or to get the moving spouse off of the loan papers:⁴

b. **Sell the home.** We are going to sell the home and divide the money from the sale as follows: _____
_____.

While the home is being sold, Petitioner (or) Respondent (choose one) will stay in the home.

Until the home sells, we will pay expenses, including mortgage, taxes and insurance, utility bills, and repairs for the home as follows (describe who is to pay and how much each person will pay): _____
_____.

We both will cooperate with the showing of the home and the sale of the home, including signing all paperwork needed in order to sell it and transfer title. Both of us will preserve the home in a reasonable way including the following things:

_____.

c. **Other plan.** We have attached a separate sheet with our plan regarding the home.

3. One or both of us has other real property as set forth in the attached Real Property List (Attachment B), and we have agreed to divide that property as set forth in the attachment. If one party owes the other money for the division of the other real property, that amount should be included in the calculation of the Cash Payment, Section III, below.

C. Bank and investment accounts (such as checking accounts, savings accounts, stocks, bonds, certificates of deposit, mutual funds, or life insurance policies with cash value). (Choose 1 or 2)

1. We do not have any bank or investment accounts.

2. We have the following bank or investment accounts and will divide them as follows:

Petitioner will have the following bank or investment accounts:

Name of institution	Last four (4) digits of account #
_____	_____
_____	_____
_____	_____

Respondent will have the following bank or investment accounts:

Name of institution	Last four (4) digits of account #
_____	_____
_____	_____
_____	_____

D. Retirement Plans (such as IRAs, retirement accounts, pension plans, or 401(k) plans).⁵ **(Choose 1 or 2)**

- 1. Neither of us has a retirement plan.
- 2. We will be dividing our retirement plan(s) as follows:

Petitioner has the following retirement plan(s):	<i>(Circle one to show whether Petitioner will KEEP the entire plan, DIVIDE the plan with Respondent, or TRANSFER the entire plan to Respondent)</i>	If plan will be DIVIDED, the amount or % to be given to Respondent:
	[KEEP] [DIVIDE] [TRANSFER]	
	[KEEP] [DIVIDE] [TRANSFER]	
	[KEEP] [DIVIDE] [TRANSFER]	

Respondent has the following retirement plan(s):	<i>(Circle one to show whether Respondent will KEEP the entire plan, DIVIDE the plan with Petitioner, or TRANSFER the entire plan to Petitioner)</i>	If plan will be DIVIDED, the amount or % to be given to Petitioner:
	[KEEP] [DIVIDE] [TRANSFER]	
	[KEEP] [DIVIDE] [TRANSFER]	
	[KEEP] [DIVIDE] [TRANSFER]	

(Check and complete if retirement plan(s) will be divided)

For the following retirement plans that will be divided, Petitioner shall prepare a Qualified Domestic Relations Order (“QDRO”), obtain the signature of the other party, and submit the QDRO to the Court by _____ (date).⁶

(List the plans): _____

For the following retirement plans that will be divided, Respondent shall prepare a Qualified Domestic Relations Order (“QDRO”), obtain the signature of the other party, and submit the QDRO to the Court by _____ (date).⁶
(List the plans): _____

E. Vehicles (such as cars, trucks, motorcycles, recreational vehicles, boats, tractors, or trailers).⁷
(Choose 1 or 2)

1. We do not have any vehicles.

2. We have vehicles and are dividing them as follows:

Petitioner will keep the following vehicles and assume any debt relating to each vehicle (provide the make, model, and year of each vehicle and list the vehicle identification number):

Vehicle description	Vehicle Identification No. (last six digits)
_____	_____
_____	_____
_____	_____

Respondent will keep the following vehicles and assume any debt relating to each vehicle (provide the make, model, and year of each vehicle and list the vehicle identification number):

Vehicle description	Vehicle Identification No. (last six digits)
_____	_____
_____	_____
_____	_____

Each person listed above as keeping the vehicles will pay for the costs of the vehicles, including insurance.

The parties will transfer title (choose one):

by the following date _____ (date).

when the vehicle is paid off.

the party who is keeping the vehicle already has the title in his/her name.

F. Other property (such as business interests, patents, trademarks, copyrights, royalties, manuscripts, or any other property). **(Choose 1 or 2)**

1. Neither party has any other property.

2. One or both parties has the other property listed below, and we have agreed to divide it as follows:

II. DEBTS WE ARE DIVIDING⁸

A. **Debt.** We attach a Debt List (Attachment C) which lists all of our debts, including mortgages, vehicle payments, taxes, credit cards, student loans, medical debts, judgments, and any other debts we may have. Any debt not listed is the responsibility of the person who created it. Each of us will pay debts we created prior to our marriage, unless we state differently here. Unless we state differently here, a person who takes property (such as a house or car) with a debt associated with it, will take the debt. (Choose all that apply)

We have no debt from our marriage.

We will pay our debts as listed on Attachment C.

The amount owed from _____ to _____ for the division of the debts is \$ _____, which is included in the calculation of the Cash Payment, Section III, below.

B. **Credit cards and charge cards.** Each of us will turn in and cancel all joint credit cards, or we will have the credit card company take the other person's name off of the account.

C. **Taxes.** We will share information necessary to correctly file our income tax returns. We will get the help we need to file our taxes.

D. **Problem with tax returns.** If any of our returns that we filed together are audited or contested, we will meet to decide what to do. If we cannot decide who pays the taxes owed or who gets any refund, we will ask a judge to decide at the time the problem comes up.

E. **Legal promise.** We understand that if either of us fails to pay the debts we have promised to pay, the other party may end up making that payment. If that happens, the party who should have paid promises to repay the other party, including any other extra costs caused by the failure to pay, such as attorney fees, late fees, and interest charged by the creditor.

III. CASH PAYMENT

(If the parties have agreed that one party should pay money to the other in any of the preceding sections, those amounts should be included in this section.)

In order to settle the division of property and debts, we agree that _____ (name) shall pay _____ (name) the amount of \$ _____ no later than _____ (date). We agree that judgment shall enter in this amount for _____ (name of person owed money). The statutory interest rate shall apply as provided in Section 56-8-4(A) NMSA 1978.

IV. SPOUSAL SUPPORT⁹

A. We agree to spousal support as follows: (Choose 1 or 2)

1. **No spousal support.** Each of us can support ourselves and neither will pay spousal support to the other.

2. **Spousal support.** Petitioner (or) Respondent (*choose one*) will pay spousal support to the other spouse.

Spousal support will be paid as follows: (Choose i, ii, or iii)

i. \$_____per month on the_____(*date*) of each month for _____(*period of time*), which is not modifiable.

ii. \$_____per month on the_____(*date*) of each month until modified by the court.

iii. This is our other plan:

V. OTHER STATEMENTS BY PARTIES

A. Documents. We will each sign the documents we need to divide the property and debts, and each will deliver to the other party all documents related to property and debt awarded to the other.

B. Future issues.¹⁰

1. Either of us may ask the judge for help if
 - a. one of us does not do what we said in this agreement; or
 - b. we cannot agree on what this agreement says.

We understand that the judge may make one party pay costs such as attorney fees.

2. If we forgot or failed to list any property or debt, we will seek the help we need to divide that property or debt.¹¹

C. Final agreement. This is the final and entire agreement of the parties. Neither party is relying on other promises or statements that are not specifically included in this document.

VERIFICATION

When I sign here, I am telling the judge under oath and penalty of perjury:

I have read this agreement and agree with everything in it; I have read the warnings and cautions listed in this agreement;

I have disclosed all assets and debts known to me, and I understand that my spouse is relying on my disclosures;

I have gotten the help I needed before signing this agreement; and this document and the statements in it are true and correct to the best of my knowledge and belief.

I understand that I can be punished both civilly and criminally if any information in this agreement is false.

Petitioner's signature

Respondent's signature

Date: _____

Date: _____

Mailing address: _____

Mailing address: _____

Telephone: _____

Telephone: _____

STATE OF NEW MEXICO }
COUNTY OF _____ } ss.

Acknowledged, signed and sworn before me on _____ (mm/dd/yyyy) by
_____ (name of person making statement), the **PETITIONER**.

Signature of Judge, Notary or other officer
Authorized to administer oaths

Title or date commission expires

STATE OF NEW MEXICO }
COUNTY OF _____ } ss.

Acknowledged, signed and sworn before me on _____ (mm/dd/yyyy) by
_____ (name of person making statement), the **RESPONDENT**.

Signature of Judge, Notary or other officer
Authorized to administer oaths

Title or date commission expires

ATTACHMENT A: PERSONAL PROPERTY LIST

(Attach additional pages if needed)

List all items of value to you, such as furniture, household items, electronics, art, jewelry, and tools.

Item	Dollar Value	Will belong to (check box for each item): Petitioner Respondent	

ATTACHMENT B: REAL PROPERTY LIST

(Attach additional pages if needed)

List all homes (other than the marital home), land, or other real property owned by Petitioner or Respondent.

Other Real Property

1. Address/Description of property: _____

We agree to do the following with the property after the divorce:

(Choose all that apply)

_____ Petitioner will keep the property;

_____ Respondent will keep the property;

_____ [] Petitioner [] Respondent shall pay the other party \$_____.

_____ The property will be sold and the proceeds divided as follows:

_____ Other plan:

2. Address/Description of property: _____

We agree to do the following with the property after the divorce:

(Choose all that apply)

_____ Petitioner will keep the property;

_____ Respondent will keep the property;

_____ [] Petitioner [] Respondent shall pay the other party \$_____.

_____ The property will be sold and the proceeds divided as follows:

_____ Other plan:

ATTACHMENT C: DEBT LIST

(Attach additional pages if needed)

(NOTE: This document is a public document. DO NOT list the full account number for any credit card or other loan information that you would not want to make public.)

We understand that this agreement may not bind creditors.

Creditor	Last four (4) numbers on account	Amount owed	Will be paid by (checkbox):	
			Petitioner	Respondent

USE NOTES

1. A marital settlement agreement must be filed in every dissolution of marriage cause. See Forms 4A-100, -200, and -300 NMRA for additional information about completing and filing this form.
2. It is highly recommended that you consult with an attorney. Whether property is separate or community is a complicated issue. There can be serious consequences, including tax consequences, for the division of property and for not properly transferring property, including retirement accounts. You may need separate documents to transfer divided property.
3. To transfer land, a building or a home other than a mobile home, the parties must prepare, sign and record a deed in the real property records where the property is located. To transfer a mobile home, contact the Motor Vehicle Division.
4. If both parties are listed on the mortgage, you must seek lender approval to remove the moving spouse from the mortgage and from responsibility for payment.
5. If the parties are going to divide a retirement plan, contact the retirement plan before completing and filing this form. Depending on the plan, a QDRO may be necessary. If the parties cannot agree on the terms of the QDRO, they should request a hearing.
6. CAUTION: You may want to consult an attorney about your retirement, pension, deferred compensation, 401k plans, and/or benefits. If you do not see any attorney regarding these assets, you risk losing any interest you have in these plans and/or benefits. There are certain documents the plan administrator must have. An attorney can help you prepare these documents.
7. To transfer vehicles or a mobile home, contact the Motor Vehicle Division.
8. This agreement may not affect the rights of creditors even when approved by the Court as part of the final decree. The creditor may expect payment from you no matter who agrees to pay the debt in this agreement. See an attorney if you have questions about separate and community debts and separate and community property.
9. There can be serious consequences resulting from spousal support awards. If your agreement includes spousal support, you should consult with an attorney.
10. Consult with an attorney if problems arise later.
11. To divide property or debts left out of this agreement, see Section 40-4-20(A) NMSA 1978.

[Approved by Supreme Court Order No. 13-8300-010, effective for all pleadings and papers filed on or after May 31, 2013, in all cases pending or filed on or after May 31, 2013; as amended by Supreme Court Order No. 14-8300-011, effective for all pleadings and papers filed on or after December 31, 2014, in all cases filed or pending on or after December 31, 2014; as amended by Supreme Court Order No. 15-8300-024, effective for all pleadings and papers filed after November 18, 2015; as amended by Supreme Court Order On. 19-8300-006, effective for all pleadings and papers filed on or after July 1, 2019.]

4A-305. Final decree of dissolution of marriage (without children).

**STATE OF NEW MEXICO
COUNTY OF SAN JUAN
ELEVENTH JUDICIAL DISTRICT COURT**

Petitioner,

v.

No. D-1116-DM

Respondent.

FINAL DECREE OF DISSOLUTION OF MARRIAGE
(without children)¹

This matter was brought before the Court to enter a Final Decree of Dissolution of Marriage by Petitioner and Respondent (“the parties”).

This decree references a Marital Settlement Agreement that has been signed and filed by the parties, and that settles the claims related to their marital relationship.

The Court, having considered the evidence **FINDS AND CONCLUDES:**

1. The Court has jurisdiction over the subject matter of this action and over the parties.
2. The parties were married on _____ (*date of marriage*).
3. The parties are incompatible.
4. The Marital Settlement Agreement is fair and reasonable and should be adopted by the Court.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED:

1. The marriage of Petitioner and Respondent is dissolved on the grounds of incompatibility.
2. The parties are ordered to comply with the terms of the Marital Settlement Agreement, which has been filed with the Court and is incorporated here by reference.

(Select and complete the following paragraphs if applicable)

3. The Court retains jurisdiction to enter QDROs or other orders dividing the retirement plans referenced in the Marital Settlement Agreement.

4. Judgment in favor of Petitioner (*or*) Respondent is awarded in the amount of \$_____, as set forth in Section III of the Marital Settlement Agreement (Cash Payment). The statutory interest rate shall apply as provided in Section 56-8-4(A) NMSA 1978.

5. Petitioner's name is restored to the former name of:

(write full legal name): _____

6. Respondent's name is restored to the former name of:

(write full legal name): _____

SO ORDERED:

District Court Judge

By signing below I affirm under penalty of perjury under the laws of the State of New Mexico that everything in this document is true and correct to the best of my knowledge, information and belief, including the following:

1. **Right to trial is waived.** I understand that by signing the Final Decree, I am waiving my right to a trial before a Judge.

2. **No duress or coercion; complete agreement.** I am not under force, threats, duress, coercion or undue influence from anyone, including the other party, to sign this Final Decree. This Decree and any attachments that I have signed is our full agreement. I have not agreed to something different from what is stated in writing in this Decree.

3. **Legal advice.** I understand that even if I am representing myself without an attorney, I have the right to be represented by an attorney. I have the right to call an attorney and get legal advice before I sign this Final Decree.

Petitioner's signature

Respondent's signature

Date: _____

Date: _____

Mailing address: _____

Mailing address: _____

Telephone: _____

Telephone: _____

USE NOTES

1. This form may be used anywhere in this state by the court to enter a final decree of dissolution of marriage when the parties do not have minor children or a child under nineteen years of age who is attending high school.

[Approved by Supreme Court Order No. 13-8300-010, effective for all pleadings and papers filed on or after May 31, 2013, in all cases pending or filed on or after May 31, 2013; as amended by Supreme Court Order No. 14-8300-011, effective for all pleadings or papers filed on or after December 31, 2014, in all cases filed or pending on or after December 31, 2014; as amended by Supreme Court Order No. 16-8300-020, effective for all pleadings and papers filed on or after December 31, 2016; as amended by Supreme Court Order No. 19-8300-006, effective for all pleadings and papers filed on or after July 1, 2019.]

STOP!!!

LOOK AT YOUR DOCUMENTS BEFORE YOU SUBMIT TO THE CLERK'S OFFICE TO MAKE SURE

Once you have reviewed for the following, please check below

- DID BOTH PEOPLE SIGN ALL DOCUMENTS?
- DID BOTH PEOPLE GET SIGNATURES NOTARIZED WHERE NEEDED?
- DID BOTH PEOPLE DATE THEIR SIGNATURES?
- IF YOU ARE FILING A DIVORCE, DID YOU SUBMIT A SETTLEMENT AGREEMENT WITH NOTARIZED SIGNATURES OF BOTH PEOPLE?

IF YOU HAVE MINOR CHILDREN WITH OTHER PARTY, DID YOU SUBMIT A

- CHILD SUPPORT OBLIGATION AND ORDER, WITH AN ATTACHED CHILD SUPPORT WORKSHEET? (EVEN IF YOU AGREE TO A LESSER AMOUNT OR \$0.00) IF YOU BOTH AGREE TO A DIFFERENT AMOUNT THAN WHAT IS IN THE CHILD SUPPORT WORKSHEET, DID YOU GIVE THE JUDGE A REASON WHY YOU AGREED TO DIFFERENT AMOUNT?
- CUSTODY PLAN AND ORDER?

IF YOU ANSWERED NO TO ANY OF THESE QUESTIONS, YOU DO NOT HAVE AN AGREEMENT. YOU MUST HAVE AN APPROPRIATE PERSON SERVE THE OTHER PARTY WITH A SUMMONS AND A COPY OF THE PETITION AND FILE A CERTIFICATE OF SERVICE PURSUANT TO NMRA 1-004. IF YOU FAIL TO FILE A CERTIFICATE OF SERVICE, YOUR CASE WILL NOT PROCEED AND YOUR CASE MAY BE DISMISSED.

A SAMPLE CERTIFICATE OF SERVICE AND MOST FORMS CAN BE FOUND AT <https://www.nmcourts.gov/self-help/forms/>.

**ONCE YOU HAVE DOUBLE CHECKED THE ABOVE PLEASE
FEEL FREE TO FILE WITH THE CLERKS**