

Completing Form CAO 8-3: Decree of Divorce [No Minor Children]

Use This Form for a Case With No Minor Children – 5/20/2005

In an uncontested or default divorce, the Decree of Divorce must have exactly the same information as the Complaint. You cannot change anything without the agreement of the other party. If you do need or want to make changes that both of you agree upon, you can file a "Stipulation for Entry of a Decree of Divorce." Obtain Court Assistance Office Form No. CAO 6-8 and CAO Instruction 5A.

Exactly like you did in the Complaint, at the top left-hand corner of page 1, fill in your name, address and telephone number. Fill in the county and judicial district in the heading (for example, "In the District Court of the Third Judicial District in and for the County of Canyon"). Fill in your full legal name in the caption above "Plaintiff". Fill in your spouse's full legal name above "Defendant". Fill in the Case Number.

Leave the date blank in the introductory sentence. Check either the first box if this is a default divorce, or the second box if you and your spouse filed a written stipulation (Form CAO 6-8) for the entry of this decree.

2. Separate Property.

- Check the first box if you do not want a court order confirming ownership of separate property.
- If you want a court order confirming that specific separate property belongs to the Husband, or an order that separate property be returned to the Husband, check the second box and describe the property in the first section of "Exhibit C". Initial and date the Exhibit.
- If you want a court order confirming that specific separate property belongs to the Wife, or an order that separate property be returned to the Wife, check the third box and describe the property in the first section of "Exhibit D". Initial and date the Exhibit.

3. Community Real Property.

- If you have acquired community real property during the marriage, check the box **and**
 - Fill in the residential address of the property (house number and street name),
 - The name of the city and county **and**
 - The legal description for the property.
- Check one of the first three boxes to indicate what the disposition of the community real property and any equity in the property will be, and fill in the blanks **or**
- Check the fourth box and write in your own words how the property and any equity in the property will be distributed.

4. Community Personal Property.

- If you have not acquired any community personal property, check the first box. **or**
- If you have already divided your community personal property and each of you have the property in your possession, check the second box. **and/or**

- If there is specific property awarded to the Husband and the property is already in Husband's possession, check the third box and list the property in the second section on "Exhibit A" (Husband's property). Initial and date the Exhibit.
- If there is specific property awarded to the Wife and the property is already in Wife's possession, check the fourth box and list the property in the second section on "Exhibit B" (Wife's property). Initial and date the Exhibit.
- If there is property awarded to the Husband that is still in the possession of the Wife, check the third box and list the property in the third section on "Exhibit A" (Husband's property). Initial and date the Exhibit.
- If there is property awarded to the Wife that is still in the possession of the Husband, check the fourth box and list the property in the third section on "Exhibit B" (Wife's property). Initial and date the Exhibit.

Note: The Decree of Divorce can be used to transfer titles or deeds; but only if the description of the property is first listed in the Complaint or there is a Stipulation for Entry of Decree and the property description is complete and accurate (example: for vehicles, all identifying information on the title; for real property, a legal description of the property and not just the residential address of the property).

If you have listed any property on "Exhibit A" or "Exhibit B", the Exhibits must be attached to every copy of the Decree of Divorce. Initial and date each Exhibit.

5. Debts.

- List each creditor Husband should pay; **and/or**
- List each creditor Wife should pay.

Note: If both of you are going to pay a part of the same debt, also put in the amount each of you should pay.

6. Debts Incurred Since Separation.

- If the Decree should order that each party will assume any debt incurred by them after the separation date, check the box and write in the date you stopped living together.

7. Name Change.

If either party wants to stop using the last name of the spouse and go back to using their former last name (any name legally used), fill in the name of the person wanting the name change and fill in the former last name only. (Accurate spelling is very important.)

Leave the date blank. The judge will fill in the date when s/he signs the Decree of Divorce.

Clerk's certificate of service: Fill in name, mailing address, city, state and zip code for Husband and Wife. Leave the date blank. The clerk will fill it in when s/he signs the certificate.

Exhibits: If you have listed property on "Exhibits A" and/or "B", they must also be attached to the Decree.

Make two more copies of the Decree (total of 3) with all the Exhibits attached.

CONTINUE TO FOLLOW INSTRUCTION NO. 5 TO FINALIZE YOUR DIVORCE .

REMEMBER TO REMOVE THESE INSTRUCTIONS BEFORE SUBMITTING THE DECREE TO THE COURT!

Full Name of Party Submitting This Document

Mailing Address (Street or Post Office Box)

City, State and Zip Code

Telephone Number

IN THE DISTRICT COURT OF THE _____ JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF _____

_____,
Plaintiff,
vs.
_____,
Defendant.

Case No.: _____
DECREE OF DIVORCE

This matter came before the court on the _____ day of _____,
_____. It appears from the records and files of this action that a Complaint was filed and
served upon the Defendant.

Twenty (20) days have passed; the Defendant is not in the armed services of the
United States of America and is not a minor nor an incompetent. A Default has been entered.

or

Defendant and Plaintiff have agreed and signed a written stipulation to the entry of
this Decree.

It appears that the allegations of the Plaintiff's Complaint are sustained and the Plaintiff
is and was a bona fide resident of the State of Idaho and has been a resident for more than six
(6) weeks preceding the commencement of this action. The parties do not have any minor
children.

IT IS HEREBY ORDERED AND DECREED:

1. The bonds of matrimony now existing between the Plaintiff and the Defendant are
dissolved on the grounds of irreconcilable differences, and the Plaintiff is awarded an absolute
decree of divorce from the Defendant.

2. Separate Property. (Land and/or Personal Property)

None.

The separate property listed on the attached "Exhibit A" is confirmed as the Husband's separate property. Wife is ordered to return to Husband any such property in Wife's possession.

The separate property listed on the attached "Exhibit B" is confirmed as the Wife's separate property. Husband is ordered to return to Wife any such property in Husband's possession.

3. Community Real Property.

None.

The Husband and Wife have a community interest in real property, located at

_____ in the City of _____, County of _____, State of Idaho, and described in the deed as follows:

_____.

The real property described above:

shall be sold and the net proceeds divided _____% to the Wife and _____% to the Husband. **or**

is awarded to the Wife, subject to any liens, and the Husband is ordered to convey his interest in the property to the Wife when she pays him \$_____ for his share of the equity in the property. **or**

is awarded to the Husband, subject to any liens, and the Wife is ordered to convey her interest in the property to the Husband when he pays her \$_____ for her share of the equity in the property. **or**

4. The Community Personal Property of the parties is divided and awarded as

follows:

No community personal property. **or**

Each party is awarded the community personal property now in his or her possession.

The property listed in the attached "Exhibit A" is awarded to the Husband as his sole and separate property.

The property described in the attached "Exhibit B" is awarded to the Wife as her sole and separate property.

Each party is ordered to deliver to the other any of the community personal property currently in his/her possession that is awarded to the other party, and the parties shall execute and deliver any documents necessary to effectuate the property division.

5. Debts.

The Husband is ordered to pay the following debts as or before they become due and hold the Wife harmless for any further liability concerning these debts: (list each creditor)

The Wife is ordered to pay the following debts as or before they become due and hold the Husband harmless for any further liability concerning these debts: (List each creditor)

6. Debts Incurred Since Separation. Each party shall assume any debt incurred by that party since _____, the date of the parties' separation. Each party is ordered to pay those debts as or before they become due and to hold the other party

harmless for any liability concerning those debts.

7. Name Change. _____ is restored to the former last name of _____.

Date: _____
Magistrate Judge _____

CLERK'S CERTIFICATE OF SERVICE

I certify that a copy of the Decree of Divorce was served:

Name: _____ By Hand-delivery
Address: _____ By US Mail
City, State, Zip: _____ By Fax to (number) _____

Name: _____ By Hand-delivery
Address: _____ By Mail
City, State, Zip: _____ By Fax to (number) _____

Date: _____
Deputy Clerk of the District Court _____

REMOVE THIS PAGE AND

Attach “EXHIBIT A”:

HUSBAND’S PROPERTY – if you are using it

Attach “EXHIBIT B”:

WIFE’S PROPERTY – if you are using it

HUSBAND'S SEPARATE PROPERTY

(Describe each item, including a legal description for real property)

PERSONAL COMMUNITY PROPERTY IN HUSBAND'S POSSESSION AWARDED TO HUSBAND

(Describe each item)

PERSONAL COMMUNITY PROPERTY IN WIFE'S POSSESSION AWARDED TO HUSBAND

(Describe each item)

initials date

WIFE'S SEPARATE PROPERTY

(Describe each item, including a legal description for real property)

PERSONAL COMMUNITY PROPERTY IN WIFE'S POSSESSION AWARDED TO WIFE

(Describe each item)

PERSONAL COMMUNITY PROPERTY IN HUSBAND'S POSSESSION AWARDED TO WIFE

(Describe each item)

initials date