

PRINT in BLACK ink

Enter the name of the county in which this case is filed.

STATE OF WISCONSIN, CIRCUIT COURT,
_____ **COUNTY**

For Official Use

Enter the name of the petitioner. If joint petitioners, enter the name of the wife.

In re the marriage of:
Petitioner/Joint Petitioner-Wife:

First name Middle name Last name

and
Respondent/Joint Petitioner-Husband:

First name Middle name Last name

Proposed Marital Settlement Order

Without Minor Children

Divorce-40101

Legal Separation-40201

Case No. _____

Enter the name of the respondent. If joint petitioners, enter the name of the husband.

Check divorce or legal separation.

Enter the case number.

Check 1 or 2.

If 2, enter the reason you are asking for a legal separation and not a divorce.

I request that the court grant the following:

A. MARITAL RELATIONSHIP

- 1. **Divorce:** This marriage is irretrievably broken.
- 2. **Legal Separation:** This marriage is broken and the reason I am requesting a legal separation and not a divorce is: _____

B. MAINTENANCE (Spousal Support)

1. For the wife:

- a. The wife waives her right to receive maintenance. She understands that by waiving maintenance at this time, she may **never** request that a court award her maintenance from the husband named in this proposal.
- b. The wife is not requesting maintenance at this time, but leaves open her right to request it in the future. Her right to request maintenance is limited to:
 - 1. any appropriate circumstance.
 - 2. the following circumstance(s) only: _____
- c. The husband shall pay maintenance to the wife in the amount of \$ _____ per month beginning on the first day of the month of _____, 20____. Maintenance shall end on the last day of the month of _____, 20____, or until the wife remarries, dies, or by court order, whichever comes first.

2. For the husband:

- a. The husband waives his right to receive maintenance. He understands that by waiving maintenance at this time, he may **never** request that a court award him maintenance from the wife named in this proposal.
- b. The husband is not requesting maintenance at this time, but leaves open his right to request it in the future. His right to request maintenance is limited to:
 - 1. any appropriate circumstance.
 - 2. the following circumstance(s) only: _____
- c. The wife shall pay maintenance to the husband in the amount of \$ _____ per month beginning on the first day of the month of _____, 20____. Maintenance shall end on the last day of the month of _____, 20____, or until the husband remarries, dies, or by court order, whichever comes first.

3. Payments shall be made to the Wisconsin Support Collections Trust Fund (WI SCTF):

Check a, b, or c.

If b, choose 1 or 2.

If 2, enter the reasons.

If c, enter the maintenance amount and the month and year the payments should begin and end.

Check a, b, or c.

If b, choose 1 or 2.
If 2, enter the reasons.

If c, enter the maintenance amount and the month and year the payments should begin and end.

Check a, b, or c.

If c, enter the payer's employer information.

Parties may not make payments directly to each other. (See WI Stat. 767.75)

- a. No maintenance payments will be made.
- b. Directly from the payer to WI SCTF (**only if self-employed**).
- c. By income assignment from the payer's employer as indicated below:

Employer name: _____
 Address of payroll office: _____
 City: _____ State: _____ Zip: _____
 Phone: _____ Fax: _____

Check a, b, or c.

If c, check 1 or 2 and enter the interest rate and check A or B. If A, enter the date. If B, enter the amount of the monthly payment and the month and year the payments shall begin.

4. **Arrearages for Maintenance:** The amount of the maintenance arrears owed to a party shall be paid as follows:

- a. There are no arrearages owed by either party.
- b. If there are any arrearages for maintenance now or at the time of the final hearing, those arrearages are waived and the court financial record shall be set to zero.
- c. I propose that the amount of the arrears:
 - 1. shall be set as follows: \$ _____
 - 2. shall be determined by the court at the time of the final hearing and shall be paid and earn interest at the rate of _____% per year and payment shall be made as follows:
 - A. one-time payment to the WI SCTF made by (date) _____.
 - B. Through monthly income withholding by the WI SCTF in the amount of \$ _____ beginning on the first day of the month of _____, 20 ____ until the arrearages are paid in full.

C. MEDICAL INSURANCE

No later than the date of the final hearing, each party shall notify the other party in writing of the availability of COBRA or other continuation benefits under their current health care policy.

D. DEBTS AND LIABILITIES

Enter the date [month, day, year] on which each spouse is or was responsible for his/her own debts.

For each debt owed individually or jointly, write the name, current balance, and check who will be responsible for payment.

Note: Any and all debts disclosed on the parties' Financial Disclosure Statements should be included here and divided between the parties.

- 1. Each party is individually responsible for any debts incurred by that person after (date) _____.
- 2. The following debts and liabilities shall be paid by the party indicated:

Creditor's Name	Balance	To be paid by wife	To be paid by husband
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>

3. Take notice:

- Each party assigned a debt shall be fully responsible for that obligation and shall not make any demands upon the other party concerning that debt.
- Any debt not listed shall be the responsibility of the party who incurred it and that party shall not make any demands upon the other party concerning that debt.
- Creditors are NOT bound by this proposal and each party remains liable to creditors for all marital debts.
- Any party who suffers a loss because of a failure of the other party to pay an assigned debt may enforce that obligation by a motion for contempt of court.

E. PERSONAL PROPERTY DIVISION

1. **Division:** I propose the final personal property division as indicated below.

Complete the chart to the best of your ability.

Note: Any and all assets disclosed on the parties' Financial Disclosure Statements should be included here and divided between the parties.

List the property and check if the wife or husband will have permanent use of the property once the divorce/legal separation is final.	Who will have possession?	
	Wife = W	Husband = H
Household Items	W	H
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
Automobiles Year, Make, Model	W	H
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
Securities: Stocks, Bonds, Mutual Funds, Commodity Accounts Name of Company & # of shares	W	H
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
Cash and Deposit Accounts Name of Bank or Financial Institution	W	H
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
Other Personal Property Description of Asset	W	H
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>

Check a or b. If b, list the items and indicate when and how any exchange of property will take place.

2. **Exchange:** The following items still need to be exchanged between the parties:

- a. **None:** all property has already been exchanged.
- b. **List of items:** _____

The exchange of property shall be made by (date) _____
according to the following arrangements: _____

Any property not listed above shall be awarded to the party who has possession at the time of the final hearing.

Check 1 or 2.

If 2, and the parties own a primary residence, check a.

If a, enter the address and Parcel Identification Number, which can be found on your real estate tax bill.

Attach a copy of the legal description.

Check 1 or 2.

If 1, check A or B.

If 2, check A, B, or C and enter how the repairs, etc. will be handled while the sale is pending.

Enter the percentage each party shall receive. The total amount must equal 100 %.

If the parties own other real estate (including any timeshare interests), check B, complete the attached Schedule A found at the end of this document.

F. REAL ESTATE

- 1. Neither party owns any real estate at this time.
- 2. One or both parties own real estate at this time.
 - a. **Primary Residence:** The parties own a primary residence located at:

Address: _____
 City: _____ State _____ Zip _____
 Parcel Identification Number (Tax Key Number): _____

Attached is a legal description of this property.

- 1. The primary residence shall be awarded to the:
 - A. Wife
 - B. Husband
 and that party shall be responsible for outstanding financial obligations, and the other party shall be held harmless from any liability.
- 2. The residence shall be placed on the market for sale and the mortgage, taxes, and insurance will continue to be made by the:
 - A. Wife
 - B. Husband
 - C. Shared equally
 until the closing date. Pending sale, parties shall handle any necessary repairs, special assessments and other extraordinary circumstances shall be handled as follows: _____

The money from the sale of this residence shall be used to pay the usual costs of a sale and prorations, and any balance on the existing mortgage. Upon payment of all costs, the proceeds left from the sale shall be divided between the parties as follows:

- 1. The wife to receive _____ %.
- 2. The husband to receive _____ %.

- B. **Other Real Estate:** One or both of the parties own additional real estate, including any timeshare interests, which is disclosed and divided as set forth in the attached **Schedule A**.

Transfer of Title: This proposed marital settlement order alone will not transfer title to one party or the other, but such a transfer requires a fully executed **Quit Claim Deed** and a **Wisconsin Real Estate Transfer Return** signed by the parties. The party awarded a parcel of real estate shall be responsible for having the necessary documents prepared.

Check 1 or 2.

If 2, enter the amount.

And, check a1 or a2.

And, check b1, b2, or b3.

If b2, enter the date
[month, day, year].

If b3, enter the amount of
the monthly payment and
the month and year the
payments shall begin.

Enter the amount of
interest (if any) in c and
check c1 or c2.

G. EQUALIZATION OF MARITAL PROPERTY DIVISION

1. No payment is required to be made to equalize the marital property division.
2. A payment of \$_____ is required to equalize the marital property division.
 - a. This payment shall be made by the:
 1. Wife to the husband.
 2. Husband to the wife.
 - b. This payment:
 1. has already been made.
 2. shall be made in a lump sum payment no later than (date) _____.
 3. shall be paid in the amount of \$_____ per month beginning on the first day of the month of _____, 20_____.
 - c. The amount shall earn interest until paid in full at the rate of _____% per year:
 1. From the date of the final hearing.
 2. From the date the payment was due.

H. TAXES

1. Year of Divorce/Legal Separation:

- The parties shall file their income tax returns for the year of the divorce/legal separation consistent with the rules of the IRS, Wisconsin Department of Revenue, and Wisconsin’s Marital Property law.
- The parties marital status on the last day of the year determines their filing status for that year, whether married or single.
- It is the parties’ responsibility to seek tax advice from a tax professional with regard to issues of this divorce/legal separation.

2. Years Before Divorce/Legal Separation:

- a. Tax returns for all previous years have been filed.
- b. The parties agree to file returns for the previous tax years as follows: _____

I. LEGAL NAME RESTORATION

1. Neither party shall be awarded the use of a former legal surname.
2. The Wife shall be awarded the use of a former legal surname of: _____
3. The Husband shall be awarded the use of a former legal surname of: _____

Note: If this is an action for legal separation, the court cannot allow a spouse to resume a former legal surname unless and until the judgment is converted to a divorce.

J. OTHER PROPOSED ORDERS

1. I have no other proposals, written or oral, concerning this marriage.
2. I have additional written proposals concerning this marriage, copies of which are attached.

K. UNDERSTANDINGS

I understand that:

- I could get an attorney to review this proposed order.
- This form was provided as a convenience and may NOT cover all issues.
- These proposed orders may have tax consequences and that seeking tax advice is suggested.
- I have fully disclosed my income, debts, assets and liabilities to each other.
- Maintenance is deductible by the payer and taxable to the payee.
- Any court order regarding the division of property is final as of the date of the final hearing and can never be changed.
- There are certain legal presumptions under Wisconsin law, such as marital property should be divided 50/50.

Check a or b.

If b, indicate how the
parties propose to handle
the filing (expense and
refund, if any).

Check 1, 2, or 3.

If 2 or 3, enter the former
legal surname.

Check 1 or 2.

If 2, attach any additional
agreements.

L. VOLUNTARY EXECUTION / NATURE OF PROPOSED ORDER

I assume responsibility for the entire content of this proposed order. I have proposed these orders freely and voluntarily and not because of any undue influence. I believe the terms to be fair and reasonable under the circumstances.

I acknowledge that there may be substantial legal and tax implications with regard to this proposal. I understand that lack of knowledge of the law may not be sufficient to convince the court that relief from these provisions is required. I acknowledge that I have the right to seek the advice of my own personal attorney.

M. GENERAL RELEASE

The parties are released from any claim of any nature that may exist. Neither party may, at any time hereafter, sue the other, personal representatives, and assigns, for the purpose of enforcing any or all of the rights relinquished and/or waived under this proposal. In the event any suit shall be commenced, this release, when pleaded, shall constitute a complete defense to any such claim or suit so instituted by the other party. I understand that this general release shall not become effective until this **Proposed Marital Settlement Order** is approved by the court.

N. FULL DISCLOSURE AND RELIANCE

I warrant that I have provided an accurate, complete, and current disclosure of all income, assets, debts, and liabilities. I understand that deliberate failure to provide complete disclosure constitutes perjury under sec. 767.127 Wis. Stats. and a fraud upon the court. The property referred to in this proposed order represents all the property in which either party has any interest. This proposed order is based on my financial disclosure statement.

O. RESTRAINING ORDER

Neither party may interfere with the personal liberty of the other, or to go on the premises occupied by the other as a residence except with permission of that party.

P. EXECUTION OF DOCUMENTS

Now, or in the future, on demand, the parties shall execute and deliver any and all documents that may be necessary to carry out the terms and conditions of this proposed order.

Q. DIVESTING OF PROPERTY RIGHTS

Except as otherwise provided for in this proposed order, the parties give up all rights to the property awarded to the other.

All property awarded to a party shall be the separate property of that party.

The parties shall have the right to manage our separate property as if we had never been married.

R. SURVIVAL OF PROPOSED ORDER AFTER JUDGMENT

The provisions of this proposed order shall survive any subsequent judgment of divorce and shall have independent legal significance. This proposed order is a legally binding contract, entered into for good and valuable consideration. It is contemplated that in the future either party may enforce this proposed order in this or any other court of competent jurisdiction.

S. JURISDICTION

This county shall have jurisdiction for all disputes unless otherwise agreed to in writing or as provided under Wisconsin Statutes.

T. APPROVAL OF COURT REQUIRED

I submit this proposed order to the court for approval and request the court to incorporate its terms in the final judgment. Once approved by the court, I understand that either of us may enforce this proposed order in this or any other court of competent jurisdiction.

U. WAIVER OF APPEARANCE

The court may proceed with the final hearing without further notice, and consent to judgment being entered on the petition, pursuant to the terms of this **Proposed Marital Settlement Order** even if the respondent or one of the joint petitioners does not appear.

The party who is proposing the above orders must sign

Enter the date on which he/she signed.

Note: This signature does not need to be notarized.

Signature

Print or Type Name

Date

If the other party does later agree with your proposal you may have him/her sign and print his/her name.

Note: This signature does not need to be notarized.

Signature

Print or Type Name

Date

SCHEDULE A – DIVISION OF OTHER REAL ESTATE

A. Parcel 2: The parties own other real estate located at:

Address: _____

City: _____ State _____ Zip _____

Parcel Identification Number (tax key Number): _____

Attached is a legal description of this property.

1. The real estate shall be awarded to the:

a. Wife

b. Husband

and that party shall be responsible for outstanding financial obligations, and the other party shall be held harmless from any liability.

2. The real estate shall be placed on the market for sale and the mortgage, taxes, and insurance will continue to be made by the:

a. Wife

b. Husband

c. Shared equally

until the closing date. Pending sale, parties shall handle any necessary repairs, special assessments and other extraordinary circumstances as follows: _____

The money from the sale of this real estate shall be used to pay the usual costs of a sale and prorations, and any balance on the existing mortgage. Upon payment of all costs, the proceeds left from the sale shall be divided between the parties as follow:

1. The wife to receive _____ %.

2. The husband to receive _____ %.

B. Parcel 3: The parties own other real estate located at:

Address: _____

City: _____ State _____ Zip _____

Parcel Identification Number (tax key Number): _____

Attached is a legal description of this property.

1. The real estate shall be awarded to the:

a. Wife

b. Husband

and that party shall be responsible for outstanding financial obligations, and the other party shall be held harmless from any liability.

2. The real estate shall be placed on the market for sale and the mortgage, taxes, and insurance will continue to be made by the:

a. Wife

b. Husband

c. Shared equally

until the closing date. Pending sale, parties shall handle any necessary repairs, special assessments and other extraordinary circumstances as follows: _____

The money from the sale of this real estate shall be used to pay the usual costs of a sale and prorations, and any balance on the existing mortgage. Upon payment of all costs, the proceeds left from the sale shall be divided between the parties as follow:

1. The wife to receive _____ %.

2. The husband to receive _____ %.