# INSTRUCTIONS AND FORM FOR JUDGMENT AND DECREE OF DIVORCE (DEFAULT – WITHOUT MINOR CHILDREN)

These forms are related to specific South Dakota Codified Laws (SDCL) concerning divorce matters. You can find these laws on the South Dakota Legislature website. If you have any legal questions, it is highly recommended that you consult with an attorney. Court staff are unable to provide legal advice or assist with form completion. For specific questions related to the forms, you can also contact the Legal Form Help Line at 1-855-784-0004 or email UJS staff at ujssrlhelp@ujs.state.sd.us.

## IMPORTANT NOTICE

A default judgment for divorce can only be granted if it has been at least sixty days since the Defendant was served with the Summons and Complaint and an Answer has not been filed by the Defendant.

## To complete this form, you will need to:

1. Fill in the caption.
2. In the first paragraph fill in the blanks regarding the day the Defendant was served with the Summons and Complaint, and the day and location of the marriage.
3. Attend the hearing (*if a hearing was required*) that was scheduled on your request for a divorce by default. You will submit this form to the Court at the hearing where the Judge will make their final determination.

4. If the Judge signs the Judgment and Decree of Divorce Default without Minor Children (UJS-322A) the Court will provide you with signed copies and you will need to:

    a) Complete and file the Notice of Entry and Statement of Mailing
        1. This form may be obtained from the Clerk of Court. Depending on the county, either the Clerk will complete the form for you or provide you with the form for completion. Check with the Clerk of Court in your county.

5. Mail a copy of the Notice of Entry, Statement of Mailing and signed Judgment and Decree of Divorce (UJS-322B) to the Defendant.

STATE OF SOUTH DAKOTA IN CIRCUIT COURT

COUNTY OF_____ _____JUDICIAL CIRCUIT

| | |
|---|---|
| _____<br>Plaintiff<br><br>v.<br><br>_____<br>Defendant | Case No.: _____<br><br>**JUDGMENT AND DECREE OF DIVORCE – DEFAULT (WITHOUT MINOR CHILDREN)** |

The above-entitled matter came before this Court on the_____day of_____, 20____ on the Plaintiff's Application for Judgment and Decree of Divorce (Default). It is satisfactory appearing to the Court from the records and files herein that the Defendant was duly served with Summons and Complaint on the _____day of _____, 20_____. The parties were married on the _____day in the month of _____, in the year of _____and in the city and state of _____. It further appearing to the Court by virtue of the Statement of Default signed by Plaintiff and filed herein that said Defendant has failed to plead, to otherwise defend, or make any appearance in this action and that said Defendant is in default; Findings of Fact and Conclusions of Law having been waived by virtue of Defendant's failure to appear in this action; the Court having jurisdiction over the parties and the subject matter herein, Now Therefore;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

1. Plaintiff is granted a Judgment and Decree of Divorce on the grounds of irreconcilable differences and the parties hereto are restored to the status of single persons:

2. The parties shall retain as their separate property all the vehicles, personal clothing and effect, all household goods, appliances and such other items and personal property as are currently in their respective possessions, free and clear of any claim from the other. In addition, the Plaintiff shall be awarded the following property: _____

_____

_____

The Defendant shall be awarded the following property:

_____

_____

3. Retirement/Investment accounts shall be divided as follows:

_____

_____

4. Any encumbrances or debts relating to or accompanying an item of personal property shall be the sole responsibility of the party retaining such property.

The following debts shall be assumed by the Plaintiff:

_____

_____

The following debts shall be assumed by the Defendant:

_____

_____

All other debts shall be paid by the party incurring such debt.

5. Regarding alimony, the Court orders:

☐ Neither party shall be awarded alimony;

OR

☐ _____

_____

6. Plaintiff ☐ / Defendant ☐ ***(check one)***, currently known as _____ shall be restored to their former or maiden name known hereafter as _____;
7. Each party shall, at the request of the other, execute and deliver any such instruments as may be required to carry out the intentions and provisions of the Judgment and Decree of Divorce. In the event either party shall fail to execute deeds, titles, or other documents of transfer as required by this Judgment and Decree shall operate as an effective transfer of that party's interest in said property as set forth herein.
8. Additional order(s): _____

_____

_____

Dated this_____day of _____, 20_____.

_____
Circuit Court Judge

Attest:

_____
Clerk of Court

_____
Deputy Clerk
(Seal)