

## **Instructions for Judgment and Decree of Divorce (Default – Without Children) & Form**

- **This form is used only if both parties have not completed a Stipulation and Settlement Agreement!**

You must wait at least sixty (60) days **after** serving the Defendant before requesting that the Judge sign the Judgment and Decree of Divorce (Default).

1. Complete this form in black or blue ink only!
2. This is a 3-page form. Complete “the Caption.” **NOTE:** The caption is the top portion of each form. You will need to know the name of your county, judicial circuit (ask your Clerk of Court if you don’t know), name of Plaintiff, name of Defendant and case filing number (ask your Clerk of Court if you don’t know). The caption is the same on every form.

**YOU DO NOT COMPLETE THE REMAINDER OF THIS FORM NOR DO YOU SIGN THIS FORM – THE JUDGE WILL COMPLETE THE REMAINDER OF THE DOCUMENT AND SIGN THE JUDGMENT AND DECREE OF DIVORCE.**

- At the time of your trial on the Application for Judgment and Decree of Divorce (Default), submit the Judgment and Decree of Divorce (Default) to the court.
- If the judge signs the Judgment and Decree of Divorce (Default), the Clerk of Courts will complete the Notice of Entry (Form UJS-327) and send a certified copy to each party.

STATE OF SOUTH DAKOTA )  
 )  
:SS  
COUNTY OF \_\_\_\_\_ )

IN CIRCUIT COURT  
\_\_\_\_\_  
JUDICIAL CIRCUIT

\_\_\_\_\_,  
Plaintiff,  
  
vs.  
  
\_\_\_\_\_,  
Defendant

DIV \_\_\_\_\_  
**JUDGMENT AND  
DECREE OF DIVORCE  
(DEFAULT)  
(WITHOUT MINOR CHILDREN)**

The above-entitled matter came before this Court on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ on Plaintiff's Application for Judgment and Decree of Divorce (Default). It satisfactorily appearing to the Court from the records and files herein that the Defendant was duly served with the Summons and Complaint on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_. The parties were married on \_\_\_\_\_ (date) and at \_\_\_\_\_ (city and state). It further appearing to the Court by virtue of the Affidavit 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 of the vehicles, personal clothing and effects, all household goods, appliances and such other items and personal property as are currently in their respective possessions.

In addition the Plaintiff shall be awarded the following property: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_;  
and

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 Plaintiff: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_;

and

The following debts shall be assumed by 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 spousal support; or

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

6. Plaintiff / Defendant (*circle one*), currently known as \_\_\_\_\_,  
born \_\_\_\_\_ shall be restored to their former name of  
\_\_\_\_\_; therefore, they shall be known  
hereafter as \_\_\_\_\_.

7. Each party shall, at the request of the other, execute and deliver any such instruments as may be required in order to carry out the intentions and provisions of this 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 of Divorce, 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):

\_\_\_\_\_

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Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

BY THE COURT:

ATTEST:

\_\_\_\_\_  
CIRCUIT COURT JUDGE

Clerk of Courts

By \_\_\_\_\_

(SEAL)