

**PRINT in BLACK ink**

Enter the name of the county in which this case is filed.	<b>STATE OF WISCONSIN, CIRCUIT COURT,</b>  _____ <b>COUNTY</b>	<i>For Official Use</i>
Enter the name of the petitioner. If joint petitioners, enter the name of the wife.	In RE: The marriage of:  <b>Petitioner/Joint Petitioner-Wife:</b>  _____ First name                      Middle name                      Last name	<b>Proposed Marital Settlement Order</b> Without Minor Children  <input type="checkbox"/> <b>Divorce-40101</b> <input type="checkbox"/> <b>Legal Separation-40201</b>
Enter the name of the respondent. If joint petitioners, enter the name of the husband.	<b>Respondent/Joint Petitioner-Husband:</b>  _____ First name                      Middle name                      Last name	
Check divorce or legal separation.	Case No. _____	
Enter the case number.		

**I REQUEST THAT THE COURT GRANT THE FOLLOWING:**

Check 1 or 2.  If 2, enter the reason you are asking for a legal separation and not a divorce.	<p><b>A. MARITAL RELATIONSHIP</b></p> <p>1. <input type="checkbox"/> <b>Divorce:</b> This marriage is irretrievably broken.</p> <p>2. <input type="checkbox"/> <b>Legal Separation:</b> This marriage is broken and the reason I am requesting a legal separation and not a divorce is: _____</p>
Check a, b, or c.  If b, enter a date and choose 1 or 2.  If 1, enter the reasons.  If c, enter the maintenance amount and the month and year the payments should begin and end.	<p><b>B. MAINTENANCE (Spousal Support)</b></p> <p><b>1. For the Wife:</b></p> <p>a. <input type="checkbox"/> The wife gives up her right to receive maintenance. She understands that by giving up maintenance at this time, she may never ask for maintenance.</p> <p>b. <input type="checkbox"/> The wife is not requesting maintenance at this time, but leaves open her right to request it until _____. Her right to request maintenance is limited to:</p> <p>1. <input type="checkbox"/> the following circumstance(s) only: _____</p> <p>2. <input type="checkbox"/> any appropriate substantial change in circumstance.</p> <p>c. <input type="checkbox"/> 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.</p>
Check a, b, or c.  If b, enter a date and choose 1 or 2.  If 1, enter the reasons.  If c, enter the maintenance amount and the month and year the payments should begin and end.	<p><b>2. For the Husband:</b></p> <p>a. <input type="checkbox"/> The husband gives up his right to receive maintenance. He understands that by giving up maintenance at this time, he may never ask for maintenance.</p> <p>b. <input type="checkbox"/> The husband is not requesting maintenance at this time, but leaves open his right to request it until _____. His right to request maintenance is limited to:</p> <p>1. <input type="checkbox"/> the following circumstance(s) only: _____</p> <p>2. <input type="checkbox"/> any appropriate substantial change in circumstance.</p> <p>c. <input type="checkbox"/> 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.</p>



- 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.

Complete this section with as much detail as possible.

**Note:** There are two types of property. "Real estate" includes such things as homes and land. "Personal property" includes all other things such as vehicles, clothing and other personal items, furniture, bank accounts, and retirement or investment accounts.

**Note:** If you have already divided the property, you must still disclose how you divided it below.

**Note:** Any and all assets disclosed on the parties' Financial Disclosure Statements should be included here and divided between the parties. If the parties have disposed of an asset from the time the Financial Disclosure was done, to the final hearing, please indicate what was disposed and what happened to it.

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

**E. PERSONAL PROPERTY DIVISION**

1. **Division:** The parties agree to the final personal property division as indicated below:

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
<b>Household Items</b>	<b>W</b>	<b>H</b>
	<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"/>
<b>Automobiles</b>	<b>W</b>	<b>H</b>
Year, Make, Model		
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
<b>Life Insurance</b>	<b>W</b>	<b>H</b>
Name of Company & Policy #		
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
<b>Business Interests</b>	<b>W</b>	<b>H</b>
Name of Business & Address		
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
<b>Securities: Stocks, Bonds, Mutual Funds, Commodity Accounts</b>	<b>W</b>	<b>H</b>
Name of Company & # of shares		
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
<b>Pension, Retirement Accounts, Deferred Compensation, 401K Plans, IRAs, Profit Sharing, etc.</b>	<b>W</b>	<b>H</b>
Name of Company & Type of Plan		
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
<b>Cash and Deposit (Savings &amp; Checking) Accounts</b>	<b>W</b>	<b>H</b>
Name of Bank or Financial Institution		
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
<b>Other Personal Property</b>	<b>W</b>	<b>H</b>
Description of Asset		
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>

See attached

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

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

- a.  **None:** All personal property has already been exchanged to the satisfaction of both parties.
- b.  **List of items:** \_\_\_\_\_  
 The exchange of personal property shall be made by: (date) \_\_\_\_\_  
 according to the following arrangements: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Any item of personal property not listed in #2(b) 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 1, 2, 3, or 4 in A or 1, 2, 3, or 4. in B for the responsibility for other expenditures that occur while the property is being sold.

Enter the percentage each party shall receive in a and b. The total amount must equal 100 %.

If the parties own other real estate (including any timeshare interests), check b, complete the attached Schedule A.

**F. DIVISION OF 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.
  - A. Pending sale, the mortgage, taxes, and insurance shall be paid by:
    - 1.  Wife
    - 2.  Husband
    - 3.  Shared equally
    - 4.  Shared as follows: \_\_\_\_\_

B. Pending sale, any necessary repairs, special assessments and other sale-related expenses shall be paid by:

- 1.  Wife
- 2.  Husband
- 3.  Shared equally
- 4.  Shared 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:

- a. The wife to receive \_\_\_\_\_ %.
- b. 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.

**G. EQUALIZATION OF MARITAL PROPERTY DIVISION**

If 1, check a or b.  
 If 2, enter the amount.  
 In a, check 1 or 2.  
 In b, check 1, 2 or 3.  
 If 2, enter the date [month, day, year].  
 If 3, enter the amount and date.  
 In c, enter the percentage and check 1 or 2.

1.  No payment is required to be made to equalize the marital property division because:
  - a.  he property and debt division are equalized to the satisfaction of the parties.
  - b.  equalization has been accomplished through a division of real estate sale proceeds.
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 agree to 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 understand that their marital status on the last day of the year determines their filing status for that year, whether married or single.
- The parties acknowledge that each is responsible for seeking 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:
  1.  share preparation expenses, tax liability and/or refund equally.
  2.  Other: \_\_\_\_\_

In 2, check a or b.  
 If b, check 1 or 2.  
 If 2, indicate how the parties agree to handle the filing (expense and refund, if any).

**I. LEGAL NAME RESTORATION**

1.  Neither party requests the right to use a former legal surname.
2.  The wife requests the right to use a former legal surname of: \_\_\_\_\_
3.  The husband requests the right to use 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 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 § 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.  Husbandand 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.
  - a. Pending sale, the mortgage, taxes, and insurance shall be paid by:
    1.  Wife
    2.  Husband
    3.  Shared equally
    4.  Shared as follows: \_\_\_\_\_
  - b. Pending sale, any necessary repairs, special assessments and other sale-related expenses shall be paid by:
    1.  Wife
    2.  Husband
    3.  Shared equally
    4.  Shared 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:

- a. The wife to receive \_\_\_\_\_%.
- b. 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.  Husbandand 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.
  - a. Pending sale, the mortgage, taxes, and insurance shall be paid by:
    1.  Wife
    2.  Husband
    3.  Shared equally
    4.  Shared as follows: \_\_\_\_\_
  - b. Pending sale, any necessary repairs, special assessments and other sale-related expenses shall be paid by:
    1.  Wife
    2.  Husband
    3.  Shared equally
    4.  Shared 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:

- a. The wife to receive \_\_\_\_\_%.
- b. The husband to receive \_\_\_\_\_%.