

MARITAL SETTLEMENT AGREEMENT
“Q U E S T I O N N A I R E”
JUSTICE FOR ALL LEGAL CENTERS

INSTRUCTIONS: Please check the boxes that apply to your situation as these are the directions JUSTICE FOR ALL uses to prepare your Agreement. The purpose of a Marital Settlement Agreement is to set forth, in writing, division of your marital property and debts, either separate or community. Only one party is needed to complete this “simple” questionnaire. Once completed, please either mail to or make an appointment with: JUSTICE FOR ALL, 480 N. Magnolia Ave., Ste. 101, El Cajon, CA 92020 (619) 593-9700. Our Agreements are legally binding and upheld by the Courts throughout California. We are not attorneys but “self-help” legal document assistants that help you through the Court process.

QUESTION ONE

NO. 1) DO YOU OWN REAL ESTATE? NO YES

IF NO, skip to Question Two;

IF YES, fill in what “type” (i.e., Single-family home, Condominium, Mobile Home, Timeshare, Commercial Property, Vacant Land, etc.)

PROPERTY ONE: _____ (type)

Address: _____

City/State/Zip: _____

Assessor’s Parcel No. (APN) _____ (on your tax bill)

Check only one “OPTION” below that best describes how you and your spouse wish to settle division of this property.

OPTION “A”: Husband Wife to transfer title of said property to their spouse as his/her sole and separate property on date this Agreement is signed OR on the _____ day of _____, 20____, and NO monies shall exchange hands between the parties.

Yes, JUSTICE FOR ALL to prepare the legal transfer Deed - \$85.00 fee

OPTION “B”: Husband Wife to “buy-out” the other spouse’s one-half (1/2) community interest in said property on or before the _____ day of _____, 20____, for the total sum of \$ _____, which shall be paid for buy-out of property.

NOTE: To determine “buy-out” amount, take present “fair” market value of the property LESS all mortgages AND then divided by two (2). If either party put “separate” monies into the property, that money shall remain as their own and is not usually part of the formula for division. Of course, you may both agree upon any amount of monies for the buy-out figure.

Yes, JUSTICE FOR ALL to prepare the legal transfer Deed - \$85.00 fee

NOTE: IF YOU OWN REAL PROPERTY, PLEASE BE SURE TO ENCLOSE OR BRING TO YOUR APPOINTMENT THE MOST RECENT GRANT DEED OR QUITCLAIM DEED TO “EACH” PROPERTY.

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OPTION "C": The property shall be placed on the market for sale "immediately" OR on the _____ day of _____, 20____, and remain on the market until sold and closes escrow. The "NET" proceeds of said sale shall be divided equally between the Husband and Wife to share and share alike. Each party shall be solely responsible for the tax consequences for the monies they each receive from the sale of said property.

Husband Wife Both to occupy and maintain said property until sold and closes escrow.

Husband Wife Both to pay the monthly mortgage(s), taxes, insurance, maintenance and repairs until said property has been sold and closes escrow.

Yes, we want JUSTICE FOR ALL to help us find a licensed Real Estate Agent to contact me regarding "listing" this property for sale.

OPTION "D": The property shall be transferred to Husband Wife by legal transfer Deed AND the other spouse shall hold a Promissory Note in the principle amount of \$ _____ to be secured by a Deed of Trust on said property.

NO interest to accrue on the Note Interest to accrue on Note at _____% per annum

PROMISSORY NOTE shall be payable to Husband Wife AS FOLLOWS:

In one lump sum in the event Wife Husband either dies, remarries, cohabitates with an unrelated person of the opposite sex, sells or refinances the property OR on the _____ of _____, 20____, whichever occurs first.

In monthly payments in the amount of \$ _____, beginning on the _____ day of _____, 20____, and continuing "every" month thereafter UNTIL:

UNTIL paid in full! UNTIL youngest child turns 18 AND has graduated from high school; THEN, balance due in "balloon" payment.

UNTIL the other party either dies, remarries, cohabitates with an unrelated person of the opposite sex, sells or refinances the property OR on the _____ day of _____, 20____, whichever occurs first; THEN, balance due in "balloon" payment.

Yes, JUSTICE FOR ALL to prepare legal transfer Deed - \$85.00 fee

Yes, JUSTICE FOR ALL to prepare Promissory Note secured by Deed of Trust - \$85.00 fee.

OPTION "E": Other agreements have been made between Husband and Wife as follows:

(over if need more space to write)

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PROPERTY TWO: _____ (type)
Address: _____
City/State/Zip: _____
Assessor's Parcel No. (APN) _____ (on your tax bill)

Select from Options "A" through "E" as shown in Property One (1) set forth above.

OPTION "A" **OPTION "B"** **OPTION "C"** **OPTION "D"** **OPTION "E"**

NOTE: IF YOU HAVE MORE THAN TWO (2) PROPERTIES, GIVE SAME INFORMATION AS REQUESTED IN PROPERTY TWO ON THE BACK OF THIS PAGE.

QUESTION TWO

NO. 2) DO YOU OWN A BUSINESS? **NO** **YES**

If yes, please give the following information:

NAME OF BUSINESS: _____
Type of business: _____
Address: _____
City/State/Zip: _____

Business to be distributed between Husband and Wife as in OPTION "_____" (A-E)

QUESTION THREE

NO. 3) PROPERTY TO BE RETAINED BY HUSBAND:

- a.) Year/Make/Model/Lic.no: _____ ;
- b.) Year/Make/Model/Lic.no: _____ ;
- c.) **HOUSEHOLD CONTENTS including furniture, furnishings and appliances:**
 - ALL household contents in Husband's present possession;**
 - One-half (1/2) of ALL household contents accumulated during marriage;**
 - Household contents as mutually agreed upon between the parties;**
 - The following household contents:** _____

- d.) **ALL** **One-half (1/2)** of monies in bank and investment account(s) in Husband's name alone (either disclosed or undisclosed);
- e.) **ALL** **One-half (1/2)** of monies in bank and investment account(s) held "jointly" in Husband's and Wife's names;

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QUESTION NO. 3 – CONTINUED:

- f.) ALL One-half (1/2) None of art, antiques, and collectibles;
g.) ALL hand and power tools “except” those items agreed to give Wife;
h.) ALL One-half (1/2) interest (cash value) in life insurance policy or policies in Husband’s name alone;
i.) BOAT, JET SKI(S), CAMPER, MOTORHOME, MOTORCYCLE, TRAILER, AIRPLANE, ETC.:

 None ALL interest in the following (describe):

- j.) ALL Husband’s personal effects and belongings, including jewelry;
k.) OTHER: _____

QUESTION FOUR

NO. 4) PROPERTY TO BE RETAINED BY WIFE:

- a.) Year/Make/Model/Lic.no: _____;
b.) Year/Make/Model/Lic.no: _____;
c.) HOUSEHOLD CONTENTS including furniture, furnishings and appliances:
 ALL household contents in Wife’s present possession;
 One-half (1/2) of ALL household contents accumulated during marriage;
 Household contents as mutually agreed upon between the parties;
 The following household contents: _____

- d.) ALL One-half (1/2) of monies in bank and investment account(s) in Wife’s name alone (either disclosed or undisclosed);
e.) ALL One-half (1/2) of monies in bank and investment account(s) held “jointly” in Wife’s and Husband’s names;
f.) ALL One-half (1/2) None of art, antiques, and collectibles;
g.) Miscellaneous hand and power tools Husband agreed to give Wife;
h.) ALL One-half (1/2) interest (cash value) in life insurance policy or policies in Wife’s name alone;
i.) BOAT, JET SKI(S), CAMPER, MOTORHOME, MOTORCYCLE, TRAILER, AIRPLANE, ETC.:

 None ALL interest in the following (describe):

- j.) ALL Wife’s personal effects and belongings, including jewelry;
k.) OTHER: _____

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QUESTION FIVE

NO. 5) DEBTS TO BE PAID BY HUSBAND:

None The following debts:

- a.) Creditor's Name: _____
Debt is for: _____ Monthly Pymt: \$ _____
Approximate balance due: \$ _____
- b.) Creditor's Name: _____
Debt is for: _____ Monthly Pymt: \$ _____
Approximate balance due: \$ _____
- c.) Creditor's Name: _____
Debt is for: _____ Monthly Pymt. \$ _____
Approximate balance due: \$ _____
- d.) Creditor's Name: _____
Debt is for: _____ Monthly Pymt. \$ _____
Approximate balance due: \$ _____
- e.) Creditor's Name: _____
Debt is for: _____ Monthly Pymt. \$ _____
Approximate balance due: \$ _____

(OVER IF ADDITIONAL DEBTS FOR HUSBAND)

QUESTION SIX

NO. 6) DEBTS TO BE PAID BY WIFE:

None The following debts:

- a.) Creditor's Name: _____
Debt is for: _____ Monthly Pymt: \$ _____
Approximate balance due: \$ _____
- b.) Creditor's Name: _____
Debt is for: _____ Monthly Pymt: \$ _____
Approximate balance due: \$ _____
- c.) Creditor's Name: _____
Debt is for: _____ Monthly Pymt: \$ _____
Approximate balance due: \$ _____
- d.) Creditor's Name: _____
Debt is for: _____ Monthly Pymt: \$ _____
Approximate balance due: \$ _____
- e.) Creditor's Name: _____
Debt is for: _____ Monthly Pymt: \$ _____
Approximate balance due: \$ _____
- f.) Creditor's Name: _____
Debt is for: _____ Monthly Pymt: \$ _____
Approximate balance due: \$ _____

(OVER IF ADDITIONAL DEBTS FOR WIFE)

QUESTION SEVEN

NO. 7) SPOUSAL SUPPORT:

- "TERMINATE" FOREVER BY: Husband Wife
 "RESERVE" RIGHT BY: Husband Wife
 TO BE "AWARDED" TO: Husband Wife

Monthly Amount: \$ _____ to begin: _____ (date)
continuing UNTIL either party dies, OR Wife Husband REMARRIES, OR
cohabitates with an unrelated person of the opposite sex, OR the _____ day of
_____, 20____, whichever occurs first.

- SERVE HOLD "Wage Assignment" to collect support from spouse's Employer.

QUESTION EIGHT

NO. 8) RETIREMENT BENEFITS

- There are NO retirement benefits or other benefits accumulated for the benefit of the Husband through any past and/or present employer.
- There are NO retirement benefits or other benefits accumulated for the benefit of the Wife through any past and/or present employer.
- All interest in retirement benefits and other benefits accumulated through Husband's past and/or present employer during the marriage of the parties to be:
- retained by Husband as his sole and separate property.
 - divided equally between Husband and Wife, to share and share alike, as to the community interest. Community interest accumulates from the date of marriage through the date of separation. Husband to retain ALL interest in said benefits acquired either before the marriage or after the date of separation.
- All interest in retirement benefits and other benefits accumulated through Wife's past and/or present employer during the marriage of the parties to be:
- retained by Wife as her sole and separate property as to the community interest.
 - divided equally between Husband and Wife, to share and share alike, as to the community interest. Community interest accumulates from the date of marriage through the date of separation. Wife to retain all interest in said benefits acquired either before the marriage or after the date of separation.

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QUESTION NINE

NO. 9) IRA ACCOUNTS

- There are NO IRA accounts accumulated for the benefit of the HUSBAND.
- There are NO IRA accounts accumulated for the benefit of the WIFE.
- ALL interest in Individual Retirement Account(s) (IRA) in HUSBAND'S name alone to be:
- retained by Husband as his sole and separate property as to the community interest.
 - divided equally between Husband and Wife, to share and share alike, as to the community interest.

Community interest accumulates from the date of marriage through the date of separation. Husband to retain ALL interest in said benefits acquired either before the marriage or after the date of separation.

- ALL interest in Individual Retirement Account(s) (IRA) in WIFE'S name alone to be:
- retained by WIFE as her sole and separate property as to the community interest.
 - divided equally between Husband and Wife, to share and share alike, as to the community interest.

Community interest accumulates from the date of marriage through the date of separation. Wife to retain ALL interest in said benefits acquired either before the marriage or after the date of separation.

QUESTION TEN

NO. 10) TAX RETURNS:

- To be filed "jointly" by Husband and Wife for "current" year (if eligible); and all refunds/deficits to be shared equally between Husband and Wife.
- To be filed "separately" by Husband and Wife for "current" year.
- Child tax exemptions to be given as follows:
- Father given exemptions for [] child(ren).
 - Mother to be given exemptions for [] child(ren).
 - Father and Mother to alternate years for tax exemptions.
 - Other _____

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QUESTION ELEVEN

NO. 11) AUTOMOBILE INSURANCE COVERAGE:

- Husband and Wife to “each” provide their own automobile insurance coverage upon “date” the marital status ends between the parties.
- Husband and Wife to “each” provide their own automobile insurance coverage:
 - As of date this Agreement is signed by both parties;
 - As of the ____ day of _____, 20__.

QUESTION TWELVE

NO. 12) HEALTH INSURANCE COVERAGE:

- Husband Wife to provide health insurance coverage for their spouse until date the marital status ends.
- During the term of the child support obligation, Father Mother to provide medical, hospital and dental insurance coverage, as may be available through his/her employer OR a private insurance company, for the benefit of the minor child(ren) of the parties.
- During the term of the child support obligation, Father Mother to provide medical, hospital and dental insurance coverage, as may be available through the HEALTHY FAMILIES PROGRAM, for the benefit of the minor child(ren) of the parties.
- During the term of the child support obligation, Father and Mother to be equally responsible for all health related expenses “uncovered” by an insurance policy, including but not limited to medical, hospital, dental, optical, orthodontia, psychiatric, chiropractic, prescriptions, co-pays and deductibles, incurred by or for the minor child(ren) of the parties.
- Parties will NOT be required to provide health insurance for their spouse.

QUESTION THIRTEEN

NO. 13) LIFE INSURANCE

During the term of the child support obligation Father to provide a policy of insurance upon his life in the face value amount of \$ _____, and shall name all minor child(ren) of the parties as sole, irrevocable beneficiaries to share and share alike. The Trustee on said policy shall be Mother Other: _____.

During the term of the child support obligation Mother to provide a policy of insurance upon her life in the face value amount of \$ _____, and shall name all minor child(ren) of the parties as sole, irrevocable beneficiaries to share and share alike. The Trustee on said policy shall be Father Other: _____.

Until the youngest minor child of the parties attains the age of majority (18), Father to provide a policy of insurance upon his life in the face value amount of \$ _____, and shall name the Mother as the sole, irrevocable beneficiary.

Until the youngest minor child of the parties attains the age of majority (18), Mother to provide a policy of insurance upon her life in the face value amount of \$ _____, and shall name the Father as the sole, irrevocable beneficiary.

DATE: _____ SIGNATURE: _____

PLEASE MAKE AN APPOINTMENT TO BRING IN THIS QUESTIONNAIRE. PAYMENT MAY BE MADE BY CHECK, CREDIT CARD, MONEY ORDER OR CASH. CHECKS MADE PAYABLE TO "JUSTICE FOR ALL".

STATISTICAL INFORMATION

(Place "X" by person completing this Questionnaire)

HUSBAND'S NAME: _____
Address: _____
City/State/Zip: _____
Phone: _____ [home] _____ [work/cell]

WIFE'S NAME: _____
Address: _____
City/State/Zip: _____
Phone: _____ [home] _____ [work/cell]

Date of Marriage: _____ [exact date]
Date of Separation: _____ [approximate]