



STERLING LAW OFFICES, S.C.

Findings of Fact, Conclusions of Law, and Judgment Without Minor Children

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#400
Oshkosh, WI 54901
(920) 479-2058

Petitioner/Joint Petitioner A: _____
Respondent/Joint Petitioner B: _____

Enter the name of the county in which this case is filed.	STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY	
Enter the name of the petitioner/joint petitioner A.	IN RE: THE MARRIAGE OF Petitioner/Joint Petitioner A	<input type="checkbox"/> Amended Findings of Fact, Conclusions of Law, and Judgment Without Minor Children
Enter the name of the respondent/ joint petitioner B.	Name (First, Middle and Last) _____	
Check divorce or legal separation.	and Respondent/Joint Petitioner B	<input type="checkbox"/> Divorce - 40101 <input type="checkbox"/> Legal Separation - 40201
Enter the case number.	Name (First, Middle and Last) _____	Case No. _____

FINAL HEARING

In 1, enter the name of the court official who granted the judgment and the address and date [Month, Day, Year] on which it was granted.

A final hearing was conducted in this matter as follows:

1. Before _____
Circuit Court Judge/Circuit Court Commissioner
2. Location _____

3. Date _____ Time _____ ☐ a.m. ☐ p.m.

APPEARANCES

In 1, check how the party appeared.
If b, enter the name of the attorney.

In 2, check how the party appeared.
If b, enter the name of the attorney.

1. **Petitioner/Joint Petitioner A**
☐ appeared **in person** ☐ appeared **by phone** ☐ **did not appear** **AND**
a. ☐ was self-represented.
b. ☐ was represented by Attorney _____.
2. **Respondent/Joint Petitioner B**
☐ appeared **in person** ☐ appeared **by phone** ☐ **did not appear** **AND**
a. ☐ was self-represented.
b. ☐ was represented by Attorney _____.

Petitioner/Joint Petitioner A: _____
Respondent/Joint Petitioner B: _____

In 3, check a, or b. If b,
enter the name of the
individual who appeared.

3. Others appearing at the hearing:
- ☐ None.
 - ☐ Other: _____.

FINDINGS OF FACT

A. Jurisdiction

- All necessary parties were properly served and 120 days have lapsed since filing the joint petition or the date of service of the summons and petition, whichever applies.
- At the time of the final hearing, the parties requested a
 - ☐ a. **Divorce.** The court finds the marriage is irretrievably broken.
 - ☐ b. **Legal Separation.** The court finds the marital relationship is broken and acceptable reasons have been given to the court for the request.
- All jurisdictional requirements for a judgment have been met.

In 2, check a or b.

In B.1, enter the
requested information
about Petitioner/Joint
Petitioner A. If you do
not know an answer,
enter "unknown" in the
blank.

B. Parties (as of the date of the final hearing)

1. Petitioner/Joint Petitioner A in this action is:

Name _____
Address _____
Address _____
City _____ State _____ Zip _____
Date of birth _____
Gross monthly income \$ _____

2. Respondent/Joint Petitioner B in this action is:

Name _____
Address _____
Address _____
City _____ State _____ Zip _____
Date of birth _____
Gross monthly income \$ _____

In 2, enter the requested
information about
Respondent/Joint
Petitioner B. If you do
not know an answer,
enter "unknown" in the
blank.

C. Children

- ☐ a. No children were born to or adopted together by the parties before or during the marriage.
☐ b. All children born to or adopted together by the parties before or during the marriage are as set forth in the petition.
- ☐ a. Neither party is currently pregnant.
☐ b. [Name of Party] _____ is currently pregnant and
 - ☐ Petitioner/Joint Petitioner A
 - ☐ Respondent/Joint Petitioner Bis found to be the father.
- The parties' assets, their interests, values and their encumbrances and debts are found to be as stated in the Financial Disclosure Statements, which were updated as required by statute on the record at the time of trial and are on file.
- A Marital Settlement Agreement or Proposed Marital Settlement has been submitted, the party(s) have asked that it be approved by the Court. All parties present have been informed of the legal consequences if the court approves the document in whole or in part.

In C1, check a or b.

In 2, check a or b and
check which party is the
father.

Petitioner/Joint Petitioner A: _____
Respondent/Joint Petitioner B: _____

In D1, check a, b or c.
If c, enter the amount and interest rate and check 1 or 2. If 1, enter the date.
If 2, enter payment amount, the frequency of the payment, and the date payments begin.

In E, enter any other findings.

D. Past Due Maintenance.

The amount of the past due arrearages for maintenance at the time of the final hearing is

- ☐ a. none (zero).
☐ b. as agreed in the Marital Settlement Agreement or Proposed Marital Settlement.
☐ c. \$ _____ which shall earn interest at the rate of _____% per year and shall be paid as
☐ 1. a one-time payment to the WI SCTF made by [Date] _____, 20_____.
☐ 2. through monthly income withholding by the WI SCTF in the amount of \$ _____

Pursuant to §767.58(1)(c), Wis. Stats., a party receiving maintenance must notify the court and the payer within ten (10) days of remarriage.

E. Other Findings: _____

CONCLUSIONS OF LAW AND JUDGMENT

In A, check 1 or 2.
If 1, enter the effective date.
If 2, enter the effective date.

A. The Court grants a judgment of

- ☐ 1. **Divorce.** The marriage between the parties is dissolved and the parties are divorced effective on ☐ date of hearing. ☐ other date: _____

The parties are informed by the court that under §765.03(2), Wis. Stats.:

It is unlawful for any person who is or has been a party to an action of divorce in any court in this state, or elsewhere, to marry again until six months after judgment of divorce is granted, and the marriage of any such person solemnized before the expiration of six months from the date of the granting of judgment of divorce shall be void.

- ☐ 2. **Legal Separation.** The marital relationship is broken and the parties are granted a judgment of legal separation effective on ☐ date of hearing. ☐ other date: _____

The parties are informed by the court that under §767.35, Wis. Stats.:

- In case of reconciliation, at any time, the parties may apply for a revocation of the judgment of legal separation.
- The court shall convert the decree to a decree of divorce:
 - by stipulation of both parties at any time, OR
 - upon motion of either party not earlier than one year after entry of a decree of legal separation.

B. Final Orders

1. The ☐ **Marital Settlement Agreement** dated _____ or
☐ **Proposed Marital Settlement** dated _____ of the
☐ Petitioner/Joint Petitioner A
☐ Respondent/Joint Petitioner B

is approved, attached and made the judgment of the court except as changed below:

- ☐ 2. No **Marital Settlement Agreement** or **Proposed Marital Settlement** was approved by the court. A **Divorce Judgment Addendum** has been prepared to reflect the Judges' order and is made the judgment of the court.

C. Lis Pendens

Any Lis Pendens filed in this action is released.

D. Legal Name Restoration

- ☐ 1. Neither party is awarded the right to use a former legal surname.
☐ 2. Petitioner/Joint Petitioner A is awarded the right to use a former legal surname of _____.
☐ 3. Respondent/Joint Petitioner B is awarded the right to use a former legal surname of _____.

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

In B.1, check the appropriate boxes and enter the date [month, day, year] that the party(s) signed the checked document and attach the document.
If the court made changes, write them in the space provided. If 1 does not apply, check 2.

In D, check 1, 2, or 3.
If 2 or 3, enter the former legal surname.

E. Maintenance

1. Pursuant to §767.75, Wis. Stats., this judgment constitutes an immediate assignment of all commissions, earnings, salaries, wages, pension benefits, benefits under Chapter 102 or 108, and other money due or to be due in the future, to the WI SCTF. The assignment shall be for an amount sufficient to ensure payment under this judgment, so long as the addition of the amount toward arrears does not leave the party at an income below the poverty line established under 42 USC 9902(2).
2. Pursuant to §767.57(1)(a), Wis. Stats., all payments for child support and/or maintenance ordered shall note the case number and the names of the parties on the face of the check, should be made payable to WI SCTF, and sent to:

Wisconsin Support Collections Trust Fund
Box 74200
Milwaukee, WI 53274-0200.

The WI SCTF will transmit the payments to the proper persons entitled to them.

Failure of an employer to pay the proper amount shall not be a defense for failure to pay the proper amount. If an employer fails to take out the correct amount for child support and/or maintenance, the party paying is responsible for paying the full and correct amount directly to WI SCTF.

Pursuant to §767.57(1e), Wis. Stats., the party making payment for child support and/or maintenance is responsible for payment of the annual receiving and disbursing fee to WI SCTF.

3. If maintenance is not denied, both parties shall notify, in writing, the other party and the Clerk of Court and the Child Support Agency of the county in which this action is filed, within 10 business days, of any change of employer and employer's address.
4. Pursuant to §767.75, Wis. Stats., a withholding assignment or order under this section has priority over any other assignment, garnishment, or similar legal process under Wisconsin law. The employer shall not withhold more of the employee's disposable income than allowed pursuant to the Federal Consumer Credit Protection Act unless the employee agrees to have the full amount withheld. No employer may use an assignment under this section to deny employment, or to discharge or take disciplinary action against an employee.

F. Property Division

Notice is given of the provisions of §767.61 (5) (a) and (b) and §767.61(6), Wis. Stats. The parties shall transfer title to property of the parties as necessary, in accordance with the division of property set forth in the judgment.

The parties are notified that

1. it may be necessary for the parties to take additional actions in order to transfer interests in their property in accordance with the division of property set forth in the judgment, including such interests as interests in real property, interests in retirement benefits, and contractual interests.
2. the judgment does not necessarily affect the ability of a creditor to proceed against a party or against that party's property even though the party is not responsible for the debt under the terms of the judgment.
3. an instrument executed by a party before the judgment naming the other party as a beneficiary is not necessarily affected by the judgment and it may be necessary to revise the instrument if a change in beneficiary is desired.
4. a deed consistent with the judgment or a certified copy of the portion of the judgment affecting title to real property shall be recorded in the office of the register of deeds of the county in which the real property is located.

G. Court Ordered Fees

All payments of attorney fees shall be paid directly to the attorney or to the agency providing services which may enforce the order in its name.

All payment of Guardian ad Litem (GAL) fees or fees for family court services shall be paid directly to the GAL or the agency which may enforce the order.

H. **Restraining Order**

Both parties are restrained from interfering with the personal liberty of the other.

I. **Non-Compliance**

Disobedience of the court orders is punishable under ch. 785 Wis. Stats. by commitment to the county jail until the judgment is complied with and the costs and expense of the proceedings are paid or until the party committed is otherwise discharged, according to law.

J. **Entry of Judgment**

The Clerk of Court's office, per §806.06(1)(2), Wis. Stats., shall enter this judgment by affixing a file stamp that is dated.

THIS IS A FINAL ORDER FOR THE PURPOSE OF APPEAL IF SIGNED BY A CIRCUIT COURT JUDGE.