

**FIRST JUDICIAL DISTRICT COURT  
STATE OF NEW MEXICO  
COUNTY OF \_\_\_\_\_**

**Case No.:** \_\_\_\_\_

\_\_\_\_\_  
**Petitioner,**

**-vs.-**

\_\_\_\_\_  
**Respondent.**

**PETITION FOR DISSOLUTION OF MARRIAGE  
[With No Minor Children]**

PETITIONER comes before this court and requests that the marriage between Petitioner and Respondent be dissolved. Petitioner states that the following conditions are true:

**The Parties**

1. The Petitioner has resided in New Mexico for at least six months prior to the filing of this Petition and Petitioner is resident of \_\_\_\_\_ County.
2. Petitioner and Respondent were married in (place) \_\_\_\_\_ on the date of \_\_\_\_\_. They have been husband and wife since that time.

**Grounds for Divorce**

3. Due to difference in temperament and outlook the Petitioner and Respondent have been unable to live together harmoniously. There is discord and conflict of personality that have destroyed the marital relationship. A state of incompatibility exists between the parties, and there is no reasonable expectation of reconciliation.

**Community Property**

*[Note: Community property generally includes all real and personal property acquired during marriage, except by gift, inheritance or agreement of the parties]*

[ ] 4. Petitioner and Respondent have no community property or they have accumulated community property during their marriage and they have already divided it.

**OR**

[ ] 4. Petitioner and Respondent have accumulated community property during their marriage, which should be equitably divided between them.

**Community Debts** [Choose 1]

[ ] 5. Petitioner and Respondent have no community debts or they have incurred community debt during their marriage and they have already divided the debt;

**OR**

[ ] 5. Petitioner and Respondent have incurred community debts during their marriage, which should be equitably divided between them

**Separate Property** [Choose 1]

*[Note: Separate property means property acquired before marriage or acquired during marriage by gift, inheritance or agreement of the parties.]*

[ ] 6. Neither Petitioner nor Respondent have any separate property:

**OR**

[ ] 6. Petitioner or Respondent have separate property, which should be confirmed to the rightful owner of that property.

**Separate Debts** [Choose 1]

[ ] 7. Neither Petitioner nor Respondent have any separate debts;

**OR**

[ ] 7. Petitioner or Respondent have separate debts, which should be awarded to the person who incurred the separate debts.

**Spousal Support (Alimony)** [Choose 1]

[ ] 8. Each party is self-supporting or is able to be self-supporting, and neither party should receive spousal support.

**OR**

[ ] 8. \_\_\_\_\_ is unable to earn sufficient income to be self-supporting and is in need of temporary or permanent support and maintenance.  
\_\_\_\_\_ is capable of paying reasonable support to the other party.

**Name Change**

[ ] 9. \_\_\_\_\_ desires to change her name to \_\_\_\_\_  
\_\_\_\_\_.

**WHEREFORE**, Petitioner asks the Court to:

1. Dissolve the marriage of the parties on the grounds of incompatibility.
2. Enter a Final Decree of Dissolution granting relief consistent with the terms of this Petition.
3. Grant such other and further relief as the Court deems just and equitable.

**RESPECTFULLY SUBMITTED:**

\_\_\_\_\_  
Signature of Petitioner

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City/State/Zip

\_\_\_\_\_  
Telephone

STATE OF NEW MEXICO )ss.  
COUNTY OF \_\_\_\_\_ )

I, the Petitioner, being first duly sworn upon my oath, depose and state that I am the Petitioner in the above-entitled cause. I have read the attached PETITION OFR DISSOLUTION OF MARRIAGE. I state that the contents thereof are true and correct, except to the matters stated on information and belief, and those matters I believe to be true. I have read the Temporary Domestic Order and understand its content.

Signature: \_\_\_\_\_

Sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 200\_\_.

My Commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

**FIRST JUDICIAL DISTRICT COURT  
STATE OF NEW MEXICO  
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**Case No.:** \_\_\_\_\_

\_\_\_\_\_  
**Petitioner,**

**-vs.-**

\_\_\_\_\_  
**Respondent.**

**SUMMONS**

**TO THE RESPONDENT:**

\_\_\_\_\_  
Name of Respondent

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State and Zip

**GREETINGS:**

You are hereby directed to serve a pleading or motion in response to the Petition for Dissolution of Marriage within thirty (30) days after service of this summons, and file the same, all as provided by law.

You are notified that, unless you serve and file a responsive pleading or motion, the plaintiff will apply to the court for the relief demanded in the complaint.

Attorney or attorneys for plaintiff: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

WITNESS the Honorable \_\_\_\_\_, district judge of the First Judicial District Court of the State of New Mexico, and the seal of the district court of \_\_\_\_\_ County, this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

STEPHEN T. PACHECO

Clerk of the District Court

By \_\_\_\_\_.

Deputy

RETURN OF SERVICE

STATE OF NEW MEXICO )ss.

COUNTY OF \_\_\_\_\_ )

I, being duly sworn, on oath, say that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served the within Summons in said County on the \_\_\_ day of \_\_\_\_\_, 200\_\_, by delivering a copy thereof, with a copy of Petition attached, in the following manner: (check one box and fill in appropriate blanks)

[ ] to Defendant (used when Defendant receives copy of Summons or refuses to receive Summons)

[ ] to \_\_\_\_\_, a person over fifteen (15) years of age and residing at the usual place of abode of Defendant \_\_\_\_\_, who at the time of such service was absent there from.

[ ] by posting a copy of the Summons and Petition in the most public part of the premises of Defendant \_\_\_\_\_ (used if no person found at dwelling house or usual place of abode)

[ ] to \_\_\_\_\_, an agent authorized to receive service of process for Defendant \_\_\_\_\_.

[ ] to \_\_\_\_\_, (parent (guardian) of Defendant \_\_\_\_\_). ( used when Defendant is a minor or an incompetent person)

[ ] to \_\_\_\_\_ (name and title of person authorized to receive service.) (used when Defendant is corporation or association subject to a suit under a common name, land grant board of trustees, the State of New Mexico or any political subdivision)

\_\_\_\_\_  
Signature of Person Making Service Title (if any)

Sworn to before me this \_\_\_ day of \_\_\_\_\_, 200\_\_.  
My Commission expires: \_\_\_\_\_  
Notary Public

*\*If service is made by the sheriff or a deputy sheriff of a New Mexico county, the signature of the sheriff or deputy sheriff need not be notarized.*

**FIRST JUDICIAL DISTRICT COURT  
STATE OF NEW MEXICO  
COUNTY OF \_\_\_\_\_**

**Case No.:** \_\_\_\_\_

\_\_\_\_\_  
**Petitioner,**

**-vs.-**

\_\_\_\_\_  
**Respondent.**

**TEMPORARY DOMESTIC ORDER**

THIS ORDER is issued pursuant to Rule 1-121 NMRA. This is not an order of Protection under federal or state law. It is otherwise fully enforceable. It applies to both parties. This order will continue in effect until modified. The procedure for modification of this order is described below.

**THE COURT ORDERS THE PARTIES AS FOLLOWS:**

**1. DO NOT** injure or physically or mentally abuse, molest, intimidate, threaten or harass the other party or any child of any party.

**2. DO NOT** interfere with the relationship of your spouse with any child of either party. If you are living apart, you shall each continue to have frequent contact and communication with any minor child of both parties, personally and by telephone. A party shall notify the other party of any change of address or telephone number within twenty-four (24) hours of the change.

**3. DO NOT** change a child's school, religion, childcare, doctor, dentist, physical or mental treatment or recreational activities in which the child has been participating.

**4. DO NOT** remove, cause or permit the removal of any minor child of both parties from the State of New Mexico without court order or written consent of the other party.

**5. DO NOT** make the other party leave the family home, whether it be community or separate property, without court order. You should attempt to resolve the question of who leaves the home in a fair manner. If you cannot agree, you must ask the Court to decide.

(a) Whoever moves from the family home may return to pick up personal belongings at a reasonable time as you may agree. Personal belongings do not include furniture unless you agree or the Court permits. If an order prohibiting domestic violence has been entered, you must arrange to have a law enforcement officer present to monitor

the removal of personal belongings. The party moving out of the residence is not prejudiced by reason of the move in any way with respect to custody of the minor child(ren), with respect to a claim of any interest in the family residence or the personal property in or on the premises.

(b) WHOEVER leaves the family residence shall notify the other party, within twenty-four (24) hours of an address where the vacating party can receive mail.

(c) At a reasonable time you are entitled to examine the contents of the marital residence and to have access to all properties owned by either of you, for inspection, valuation or appraisal. If you ask, the other party must provide access to the home within fifteen (15) days after the date of the request.

**6. DO NOT** incur unreasonable or unnecessary debts. Any debt, which does not contribute to the benefit of both spouses or the minor child(ren) of the parties, which is incurred after you have separated, may be separate debt of the person who incurs the debt.

**7. DO NOT** sell, remove, transfer, dispose of, hide, encumber, or damage any property, real or personal, community or separate, except in the usual course of business or for the necessities of life. Keep an accounting of any transactions to show to the court.

**8. DO NOT** drop or cancel any insurance policy, including automobile or other vehicle insurance, household insurance, medical or dental insurance or life insurance.

**9. DO NOT** terminate or change the beneficiaries of any existing life insurance policy.

**10. DO NOT** close any financial institution account or cancel any credit cards nor remove the other party from any credit card account during pendency of this case, unless the parties otherwise agree in writing.

### **MODIFICATION BY COURT**

This order may be modified by the court upon request of either party. To request the court to modify this order a motion must be filed with the clerk of the court. The motion must include reference to each paragraph number the party is requesting to be modified or terminated. The party making the request must provide the other party with a copy of the motion requesting the change. If the other party agrees with the request, an order approving the request which has been initialed by both parties as "approved" shall be filed with the motion.

## **WAIVER BY THE PARTIES**

The parties may modify a specific provision of this order by entering into a written agreement and filing it with the court. The parties may also waive a provision of this order on a specific occasion if both parties sign an agreement to waive the provision. A waiver must include the paragraph number of each paragraph waived by the parties.

## **OTHER ORDERS**

If an order of protection from a domestic violence case has been served on either party or if there is any other order in effect governing the relationship of the parties, and there is a conflict between this order and the other order, the other order controls unless the court specifically orders otherwise.

## **VIOLATIONS**

Violation of the court order may result in the imposition of a fine or imprisonment. This order is binding on the petitioner at the time the petition is filed. This order is effective on the respondent two (2) days after it is served on the respondent. The parties are cautioned that actions taken by either party that are contrary to the terms of this order are subject to redress by the court including costs and attorney fees.

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Date

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**DISTRICT JUDGE**

**FIRST JUDICIAL DISTRICT COURT  
STATE OF NEW MEXICO  
COUNTY OF \_\_\_\_\_**

**Case No.:** \_\_\_\_\_

\_\_\_\_\_  
**Petitioner,**

**-vs.-**

\_\_\_\_\_  
**Respondent.**

**NOTICE OF HEARING FOR INTERIM ORDER DIVIDING INCOME AND  
EXPENSES AND ORDER FOR PRODUCTION**

1. A hearing to allocate income and expenses or set interim child support shall be held on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_ a.m./p.m. at the Steve Herrera Judicial Complex Suite 250, before Domestic Relations Hearing Officer \_\_\_\_\_.

2. At leave five (5) days prior to the hearing, the parties shall exchange the following:
- a. The parties' completed Interim Monthly Income and Expenses Statement;
  - b. The parties' most recent state and federal income tax returns, including all schedules;
  - c. Each party's three (3) most recent pay stubs, unless self-employed, in which case the parties shall be required to produce the most recent profit and loss statement and a copy of CRS-1 forms for the last six (6) months and income and expense statements for the last six (6) months.
  - d. All financial institution accounts, including checking and saving account statements, for the past six (6) months;
  - e. Documentation of all monthly fixed expenses;
  - f. Credit card statements for the six (6) month period preceding the date the petition was filed.
  - g. All exhibits intended to be introduced.

The parties shall also bring to the hearing a copy of the information required to be Exchanged and a proposed interim monthly income and expense statement. Failure to disclose and produce information pursuant to this paragraph may result in the information being excluded and may result in the requested relief being granted or denied.

\_\_\_\_\_  
**DISTRICT JUDGE**

**THIS NOTICE OF HEARING MUST BE SERVED WITH THE SUMMONS AND  
PETITION IN THIS MATTER.**

**FIRST JUDICIAL DISTRICT COURT  
STATE OF NEW MEXICO  
COUNTY OF \_\_\_\_\_**

**Case No.:** \_\_\_\_\_

\_\_\_\_\_  
**Petitioner,**

**-vs.-**

\_\_\_\_\_  
**Respondent.**

**FINAL DECREE**  
[With no minor children]

**THIS COURT** having read the pleadings, heard the evidence, and being otherwise advised, finds:

**FINDINGS OF FACT**

1. The Petitioner has resided in New Mexico for at least six months prior to the filing of this Petition and Petitioner is a resident of Santa Fe, Rio Arriba or Los Alamos County.
2. Petitioner and Respondent were married on this date \_\_\_\_\_ in this location \_\_\_\_\_. They have been husband and wife since that time.
3. There are no minor child(ren) of this marriage.
4. Due to the differences in temperament and outlook the Petitioner and Respondent have been unable to live together harmoniously. There is discord and conflict of personalities that have destroyed the marital relationship. A state of incompatibility exists between the parties, and there is no reasonable expectation of reconciliation.

**WHEREFORE, THIS COURT ORDERS:**

**Marriage**

1. The marriage of the parties is dissolved on the grounds of incompatibility;

**Community Property** [Choose 1]

*[Note: Community property generally includes all real and personal property acquired during marriage, except by gift, inheritance or agreement of the parties.]*

2. Petitioner and Respondent have no community property.

**OR**

2. Petitioner and Respondent have accumulated community property during their marriage and they have already divided it.

**OR**

2. Petitioner and Respondent have accumulated the following community property during their marriage, which is divided between them as follows:

To Petitioner:

To Respondent:

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**Community Debts** [Choose 1]

3. Petitioner and Respondent have no community debts.

**OR**

3. Petitioner and Respondent have incurred community debt during their marriage and they have already divided the debt.

**OR**

3. Petitioner and Respondent have incurred the following community debt during their marriage, which is divided between them as follows:

To Petitioner:

To Respondent:

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**Separate Property** [Choose 1]

4. Petitioner has no separate property and the Respondent has no separate property.

**OR**

4. The following separate property or properties are confirmed:

Petitioner:

Respondent:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Separate Debts** [Choose 1]

5. Petitioner has no separate debt and the Respondent has no separate debt.

**OR**

5. The following separate debts are confirmed:

Petitioner:

Respondent:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Spousal Support**

6. \_\_\_\_\_ is ordered to pay \$\_\_\_\_\_ for temporary/permanent support to the other party.

**Name Change**

7. The name of \_\_\_\_\_ is hereby changed to

\_\_\_\_\_.

\_\_\_\_\_  
**DISTRICT JUDGE**

\_\_\_\_\_  
Petitioner

\_\_\_\_\_  
Respondent