

Form CAFC040 - Property and Debt Statement and Proposed Separation Agreement (For use in Dissolution of Marriage Cases)

In what Missouri county will this case be filed?

In the Circuit Court of

MISSOURI

What is the case number of the pending case?

Case Number

Division Number

Answer all questions on this form completely.

Petitioner's Information

The full name of the person that filed this case is:

(First Name)

(Middle Name)

(Last Name)

(Jr./Sr./III)

- Wife filed this case and is the Petitioner.
 Husband filed this case and is the Petitioner.

Respondent's Information

The full name of the person that did NOT file this case:

(First Name)

(Middle Name)

(Last Name)

(Jr./Sr./III)

What does this form cover?

There are two parts to this document. Part One is your division of property and debt and Part Two pertains to spousal support or "maintenance." This document does not have anything to do with child support or custody. Issues addressing child support and custody are contained in a parenting plan.

What is a Separation Agreement?

It is an agreement in which you and your spouse agree to a distribution of property and debt and to provisions concerning maintenance and attorney's fees. If both you and your spouse sign this document, it is called a "Separation Agreement." It does not include provisions for child custody and child support.

Even if both you and your spouse have signed the agreement, the court is not bound by it. If the court finds that your agreement is "unconscionable" or does not divide all property and marital debt, it will not be approved by the court. The court can divide the property in any manner it considers fair, and it may or may not order maintenance to be paid.

How do I complete Part One of this Form?

You must list all of your marital and nonmarital property and marital debt on one of the four tables.

Use a separate row for each item of property or debt. You should draw a line through all rows that do not contain an item of property. This is very important because someone could alter this document after you have signed it. Keep a copy of this document after you have signed it.

Part One – Division of Property and Debt

You must answer “Yes” or “No” to each of the following questions.

**Property
Owned by
Wife**
(either alone or
with anyone else)

Does Wife own a house, condominium or other real estate? <i>(You should attach a copy of the deed for each item of real estate to this form)</i>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does Wife own a car, truck or motorcycle?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does Wife own a mobile home, trailer, boat or airplane?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does Wife have any bank accounts?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does Wife have any right to receive any pension or retirement benefits other than Social Security?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does Wife have an IRA or 401(k) or other retirement account?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does Wife have any furniture, appliances or other household goods worth more than \$100?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does Wife have any jewelry, clothing or other personal items worth more than \$100?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does Wife own a business?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does Wife own any stocks or bond?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does Wife have any life insurance that could be cashed in?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does anyone owe Wife any money?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does Wife have any lawsuits against anyone?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does Wife have any farm equipment, animals or crops?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does Wife have any interest in any trusts?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does Wife have any other asset or property?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

**Property
Owned by
Husband**
(either alone or
with anyone else)

Does Husband own a house, condominium or other real estate? <i>(You should attach a copy of the deed for each item of real estate to this form)</i>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does Husband own a car, truck or motorcycle?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does Husband own a mobile home, trailer, boat or airplane?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does Husband have any bank accounts?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does Husband have any right to receive any pension or retirement benefits other than Social Security?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does Husband have an IRA or 401(k) or other retirement account?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does Husband have any furniture, appliances or other household goods worth more than \$100?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does Husband have any jewelry, clothing or other personal items worth more than \$100?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does Husband own a business?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does Husband own any stocks or bond?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does Husband have any life insurance that could be cashed in?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does anyone owe Husband any money?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does Husband have any lawsuits against anyone?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does Husband have any farm equipment, animals or crops?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does Husband have any interest in any trusts?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does Husband have any other asset or property?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

If you answered “Yes” to any of the above questions, you must list each item of property in either Table 1 or Table 2 on the following pages.

TABLE 1. PROPERTY TO BE AWARDED TO WIFE - The following property is to become the sole and separate property of WIFE.

Item of Property	Present Fair Market Value	Is there an amount owed on this property?	Is this marital or nonmarital property?	Party with Possession of this Property
	(Do not deduct amount owed from this value)	<input type="checkbox"/> Yes - List debt in Tables 3 or 4. <input type="checkbox"/> No	<input type="checkbox"/> Marital <input type="checkbox"/> Nonmarital <input type="checkbox"/> Both	<input type="checkbox"/> Wife <input type="checkbox"/> Husband <input type="checkbox"/> Other
	(Do not deduct amount owed from this value)	<input type="checkbox"/> Yes - List debt in Tables 3 or 4. <input type="checkbox"/> No	<input type="checkbox"/> Marital <input type="checkbox"/> Nonmarital <input type="checkbox"/> Both	<input type="checkbox"/> Wife <input type="checkbox"/> Husband <input type="checkbox"/> Other
	(Do not deduct amount owed from this value)	<input type="checkbox"/> Yes - List debt in Tables 3 or 4. <input type="checkbox"/> No	<input type="checkbox"/> Marital <input type="checkbox"/> Nonmarital <input type="checkbox"/> Both	<input type="checkbox"/> Wife <input type="checkbox"/> Husband <input type="checkbox"/> Other
	(Do not deduct amount owed from this value)	<input type="checkbox"/> Yes - List debt in Tables 3 or 4. <input type="checkbox"/> No	<input type="checkbox"/> Marital <input type="checkbox"/> Nonmarital <input type="checkbox"/> Both	<input type="checkbox"/> Wife <input type="checkbox"/> Husband <input type="checkbox"/> Other
	(Do not deduct amount owed from this value)	<input type="checkbox"/> Yes - List debt in Tables 3 or 4. <input type="checkbox"/> No	<input type="checkbox"/> Marital <input type="checkbox"/> Nonmarital <input type="checkbox"/> Both	<input type="checkbox"/> Wife <input type="checkbox"/> Husband <input type="checkbox"/> Other
	(Do not deduct amount owed from this value)	<input type="checkbox"/> Yes - List debt in Tables 3 or 4. <input type="checkbox"/> No	<input type="checkbox"/> Marital <input type="checkbox"/> Nonmarital <input type="checkbox"/> Both	<input type="checkbox"/> Wife <input type="checkbox"/> Husband <input type="checkbox"/> Other
	(Do not deduct amount owed from this value)	<input type="checkbox"/> Yes - List debt in Tables 3 or 4. <input type="checkbox"/> No	<input type="checkbox"/> Marital <input type="checkbox"/> Nonmarital <input type="checkbox"/> Both	<input type="checkbox"/> Wife <input type="checkbox"/> Husband <input type="checkbox"/> Other
	(Do not deduct amount owed from this value)	<input type="checkbox"/> Yes - List debt in Tables 3 or 4. <input type="checkbox"/> No	<input type="checkbox"/> Marital <input type="checkbox"/> Nonmarital <input type="checkbox"/> Both	<input type="checkbox"/> Wife <input type="checkbox"/> Husband <input type="checkbox"/> Other
	(Do not deduct amount owed from this value)	<input type="checkbox"/> Yes - List debt in Tables 3 or 4. <input type="checkbox"/> No	<input type="checkbox"/> Marital <input type="checkbox"/> Nonmarital <input type="checkbox"/> Both	<input type="checkbox"/> Wife <input type="checkbox"/> Husband <input type="checkbox"/> Other
	(Do not deduct amount owed from this value)	<input type="checkbox"/> Yes - List debt in Tables 3 or 4. <input type="checkbox"/> No	<input type="checkbox"/> Marital <input type="checkbox"/> Nonmarital <input type="checkbox"/> Both	<input type="checkbox"/> Wife <input type="checkbox"/> Husband <input type="checkbox"/> Other
	(Do not deduct amount owed from this value)	<input type="checkbox"/> Yes - List debt in Tables 3 or 4. <input type="checkbox"/> No	<input type="checkbox"/> Marital <input type="checkbox"/> Nonmarital <input type="checkbox"/> Both	<input type="checkbox"/> Wife <input type="checkbox"/> Husband <input type="checkbox"/> Other
	(Do not deduct amount owed from this value)	<input type="checkbox"/> Yes - List debt in Tables 3 or 4. <input type="checkbox"/> No	<input type="checkbox"/> Marital <input type="checkbox"/> Nonmarital <input type="checkbox"/> Both	<input type="checkbox"/> Wife <input type="checkbox"/> Husband <input type="checkbox"/> Other
	(Do not deduct amount owed from this value)	<input type="checkbox"/> Yes - List debt in Tables 3 or 4. <input type="checkbox"/> No	<input type="checkbox"/> Marital <input type="checkbox"/> Nonmarital <input type="checkbox"/> Both	<input type="checkbox"/> Wife <input type="checkbox"/> Husband <input type="checkbox"/> Other
	(Do not deduct amount owed from this value)	<input type="checkbox"/> Yes - List debt in Tables 3 or 4. <input type="checkbox"/> No	<input type="checkbox"/> Marital <input type="checkbox"/> Nonmarital <input type="checkbox"/> Both	<input type="checkbox"/> Wife <input type="checkbox"/> Husband <input type="checkbox"/> Other
	(Do not deduct amount owed from this value)	<input type="checkbox"/> Yes - List debt in Tables 3 or 4. <input type="checkbox"/> No	<input type="checkbox"/> Marital <input type="checkbox"/> Nonmarital <input type="checkbox"/> Both	<input type="checkbox"/> Wife <input type="checkbox"/> Husband <input type="checkbox"/> Other
	(Do not deduct amount owed from this value)	<input type="checkbox"/> Yes - List debt in Tables 3 or 4. <input type="checkbox"/> No	<input type="checkbox"/> Marital <input type="checkbox"/> Nonmarital <input type="checkbox"/> Both	<input type="checkbox"/> Wife <input type="checkbox"/> Husband <input type="checkbox"/> Other
	(Do not deduct amount owed from this value)	<input type="checkbox"/> Yes - List debt in Tables 3 or 4. <input type="checkbox"/> No	<input type="checkbox"/> Marital <input type="checkbox"/> Nonmarital <input type="checkbox"/> Both	<input type="checkbox"/> Wife <input type="checkbox"/> Husband <input type="checkbox"/> Other
	(Do not deduct amount owed from this value)	<input type="checkbox"/> Yes - List debt in Tables 3 or 4. <input type="checkbox"/> No	<input type="checkbox"/> Marital <input type="checkbox"/> Nonmarital <input type="checkbox"/> Both	<input type="checkbox"/> Wife <input type="checkbox"/> Husband <input type="checkbox"/> Other
	(Do not deduct amount owed from this value)	<input type="checkbox"/> Yes - List debt in Tables 3 or 4. <input type="checkbox"/> No	<input type="checkbox"/> Marital <input type="checkbox"/> Nonmarital <input type="checkbox"/> Both	<input type="checkbox"/> Wife <input type="checkbox"/> Husband <input type="checkbox"/> Other

TABLE 2. PROPERTY TO BE AWARDED TO HUSBAND - The following property is to become the sole and separate property of HUSBAND.

Item of Property	Present Fair Market Value	Is there an amount owed on this property?	Is this marital or nonmarital property?	Party with Possession of this Property
	(Do not deduct amount owed from this value)	<input type="checkbox"/> Yes - List debt in Tables 3 or 4. <input type="checkbox"/> No	<input type="checkbox"/> Marital <input type="checkbox"/> Nonmarital <input type="checkbox"/> Both	<input type="checkbox"/> Wife <input type="checkbox"/> Husband <input type="checkbox"/> Other
	(Do not deduct amount owed from this value)	<input type="checkbox"/> Yes - List debt in Tables 3 or 4. <input type="checkbox"/> No	<input type="checkbox"/> Marital <input type="checkbox"/> Nonmarital <input type="checkbox"/> Both	<input type="checkbox"/> Wife <input type="checkbox"/> Husband <input type="checkbox"/> Other
	(Do not deduct amount owed from this value)	<input type="checkbox"/> Yes - List debt in Tables 3 or 4. <input type="checkbox"/> No	<input type="checkbox"/> Marital <input type="checkbox"/> Nonmarital <input type="checkbox"/> Both	<input type="checkbox"/> Wife <input type="checkbox"/> Husband <input type="checkbox"/> Other
	(Do not deduct amount owed from this value)	<input type="checkbox"/> Yes - List debt in Tables 3 or 4. <input type="checkbox"/> No	<input type="checkbox"/> Marital <input type="checkbox"/> Nonmarital <input type="checkbox"/> Both	<input type="checkbox"/> Wife <input type="checkbox"/> Husband <input type="checkbox"/> Other
	(Do not deduct amount owed from this value)	<input type="checkbox"/> Yes - List debt in Tables 3 or 4. <input type="checkbox"/> No	<input type="checkbox"/> Marital <input type="checkbox"/> Nonmarital <input type="checkbox"/> Both	<input type="checkbox"/> Wife <input type="checkbox"/> Husband <input type="checkbox"/> Other
	(Do not deduct amount owed from this value)	<input type="checkbox"/> Yes - List debt in Tables 3 or 4. <input type="checkbox"/> No	<input type="checkbox"/> Marital <input type="checkbox"/> Nonmarital <input type="checkbox"/> Both	<input type="checkbox"/> Wife <input type="checkbox"/> Husband <input type="checkbox"/> Other
	(Do not deduct amount owed from this value)	<input type="checkbox"/> Yes - List debt in Tables 3 or 4. <input type="checkbox"/> No	<input type="checkbox"/> Marital <input type="checkbox"/> Nonmarital <input type="checkbox"/> Both	<input type="checkbox"/> Wife <input type="checkbox"/> Husband <input type="checkbox"/> Other
	(Do not deduct amount owed from this value)	<input type="checkbox"/> Yes - List debt in Tables 3 or 4. <input type="checkbox"/> No	<input type="checkbox"/> Marital <input type="checkbox"/> Nonmarital <input type="checkbox"/> Both	<input type="checkbox"/> Wife <input type="checkbox"/> Husband <input type="checkbox"/> Other
	(Do not deduct amount owed from this value)	<input type="checkbox"/> Yes - List debt in Tables 3 or 4. <input type="checkbox"/> No	<input type="checkbox"/> Marital <input type="checkbox"/> Nonmarital <input type="checkbox"/> Both	<input type="checkbox"/> Wife <input type="checkbox"/> Husband <input type="checkbox"/> Other
	(Do not deduct amount owed from this value)	<input type="checkbox"/> Yes - List debt in Tables 3 or 4. <input type="checkbox"/> No	<input type="checkbox"/> Marital <input type="checkbox"/> Nonmarital <input type="checkbox"/> Both	<input type="checkbox"/> Wife <input type="checkbox"/> Husband <input type="checkbox"/> Other
	(Do not deduct amount owed from this value)	<input type="checkbox"/> Yes - List debt in Tables 3 or 4. <input type="checkbox"/> No	<input type="checkbox"/> Marital <input type="checkbox"/> Nonmarital <input type="checkbox"/> Both	<input type="checkbox"/> Wife <input type="checkbox"/> Husband <input type="checkbox"/> Other
	(Do not deduct amount owed from this value)	<input type="checkbox"/> Yes - List debt in Tables 3 or 4. <input type="checkbox"/> No	<input type="checkbox"/> Marital <input type="checkbox"/> Nonmarital <input type="checkbox"/> Both	<input type="checkbox"/> Wife <input type="checkbox"/> Husband <input type="checkbox"/> Other
	(Do not deduct amount owed from this value)	<input type="checkbox"/> Yes - List debt in Tables 3 or 4. <input type="checkbox"/> No	<input type="checkbox"/> Marital <input type="checkbox"/> Nonmarital <input type="checkbox"/> Both	<input type="checkbox"/> Wife <input type="checkbox"/> Husband <input type="checkbox"/> Other
	(Do not deduct amount owed from this value)	<input type="checkbox"/> Yes - List debt in Tables 3 or 4. <input type="checkbox"/> No	<input type="checkbox"/> Marital <input type="checkbox"/> Nonmarital <input type="checkbox"/> Both	<input type="checkbox"/> Wife <input type="checkbox"/> Husband <input type="checkbox"/> Other
	(Do not deduct amount owed from this value)	<input type="checkbox"/> Yes - List debt in Tables 3 or 4. <input type="checkbox"/> No	<input type="checkbox"/> Marital <input type="checkbox"/> Nonmarital <input type="checkbox"/> Both	<input type="checkbox"/> Wife <input type="checkbox"/> Husband <input type="checkbox"/> Other
	(Do not deduct amount owed from this value)	<input type="checkbox"/> Yes - List debt in Tables 3 or 4. <input type="checkbox"/> No	<input type="checkbox"/> Marital <input type="checkbox"/> Nonmarital <input type="checkbox"/> Both	<input type="checkbox"/> Wife <input type="checkbox"/> Husband <input type="checkbox"/> Other
	(Do not deduct amount owed from this value)	<input type="checkbox"/> Yes - List debt in Tables 3 or 4. <input type="checkbox"/> No	<input type="checkbox"/> Marital <input type="checkbox"/> Nonmarital <input type="checkbox"/> Both	<input type="checkbox"/> Wife <input type="checkbox"/> Husband <input type="checkbox"/> Other
	(Do not deduct amount owed from this value)	<input type="checkbox"/> Yes - List debt in Tables 3 or 4. <input type="checkbox"/> No	<input type="checkbox"/> Marital <input type="checkbox"/> Nonmarital <input type="checkbox"/> Both	<input type="checkbox"/> Wife <input type="checkbox"/> Husband <input type="checkbox"/> Other

Debts that
Wife Owes
(either alone or
with anyone else)

Does Wife owe a mortgage on a house or condominium or land?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does Wife owe money on a car?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does Wife owe money on any credit cards?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does Wife owe any money to any family or friends?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Is Wife currently in a bankruptcy proceeding? (<i>Chapter 7 or Chapter 13</i>)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does Wife owe any medical or dental bills?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does Wife owe any other debts?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Debts that
Husband
Owes (either
alone or with
anyone else)

Does Husband owe a mortgage on a house or condominium or land?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does Husband owe money on a car?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does Husband owe money on any credit cards?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does Husband owe any money to any family or friends?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Is Husband currently in a bankruptcy proceeding? (<i>Chapter 7 or Chapter 13</i>)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does Husband owe any medical or dental bills?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does Husband owe any other debts?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

If you answered “Yes” to any of the above questions, you must list each item of debt in either Table 3 or Table 4 on the following pages.

What debts
should I list on
this form?

<p>You should list all loans from any individual, bank, credit card company, credit union, savings and loan association or other lending institution. Include all debts owed by either you or your spouse. Make sure to list all credit cards and any amounts owed pursuant to any bankruptcy or other repayment plans.</p> <p>Debts that the Wife should pay are to be listed in Table 3 and Debts that the Husband should pay are to be listed in Table 4.</p>
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What does
“security” mean?

<p>The mortgage on a home is traditionally secured by the home. When you finance the purchase of an automobile, the company that loans you the money is listed on the title to the automobile. They too have a security interest in your car. Usually, a debt is secured by an item of property if the person to whom you owe the money can take the item of property if you fail to pay the debt. The schedules of debt ask you to list any security for that debt. You must also list the property that secures the debt under the property listings.</p>

How do you get
the other party's
name off of this
debt?

<p>This agreement does not affect the rights of the person to whom you or your spouse owe the money. They can still collect the money from both or your spouse.</p> <p>Each party is to attempt to refinance or obtain the release of any liability of the other party as soon as reasonably practicable after the dissolution of marriage.</p>

TABLE 3. DEBTS TO BE PAID BY WIFE - List all loans from any individual, bank, credit card company, credit union, savings and loan association or other lending institution that are to be paid by WIFE. Wife is to indemnify and hold Husband harmless for all debts listed on Table 3.

The creditor's rights to collect these debts from Husband are NOT affected without the consent of the creditor. Wife is to refinance or obtain the release of any liability of Husband on all debts listed in Table 3 as soon as reasonably practicable.

Item of Debt <i>(Who is the money owed to?)</i>	Current Balance	Monthly Payment	What is the security for this debt, if any? <i>(This property should be listed in Table 1 or Table 2)</i>	Marital or Separate Debt
				<input type="checkbox"/> Marital <input type="checkbox"/> Nonmarital <input type="checkbox"/> Both
				<input type="checkbox"/> Marital <input type="checkbox"/> Nonmarital <input type="checkbox"/> Both
				<input type="checkbox"/> Marital <input type="checkbox"/> Nonmarital <input type="checkbox"/> Both
				<input type="checkbox"/> Marital <input type="checkbox"/> Nonmarital <input type="checkbox"/> Both
				<input type="checkbox"/> Marital <input type="checkbox"/> Nonmarital <input type="checkbox"/> Both
				<input type="checkbox"/> Marital <input type="checkbox"/> Nonmarital <input type="checkbox"/> Both
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				<input type="checkbox"/> Marital <input type="checkbox"/> Nonmarital <input type="checkbox"/> Both
				<input type="checkbox"/> Marital <input type="checkbox"/> Nonmarital <input type="checkbox"/> Both
				<input type="checkbox"/> Marital <input type="checkbox"/> Nonmarital <input type="checkbox"/> Both

TABLE 4. DEBTS TO BE PAID BY HUSBAND - List all loans from any individual, bank, credit card company, credit union, savings and loan association or other lending institution that are to be paid by HUSBAND. Husband is to indemnify and hold Wife harmless for all debts listed on Table 4.

The creditor's rights to collect these debts from Wife are NOT affected without the consent of the creditor. Husband is to refinance or obtain the release of any liability of Wife on all debts listed in Table 4 as soon as reasonably practicable.

Item of Debt <i>(Who is the money owed to?)</i>	Current Balance	Monthly Payment	What is the security for this debt, if any? <i>(This property should be listed in Table 1 or Table 2)</i>	Marital or Separate Debt
				<input type="checkbox"/> Marital <input type="checkbox"/> Nonmarital <input type="checkbox"/> Both
				<input type="checkbox"/> Marital <input type="checkbox"/> Nonmarital <input type="checkbox"/> Both
				<input type="checkbox"/> Marital <input type="checkbox"/> Nonmarital <input type="checkbox"/> Both
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				<input type="checkbox"/> Marital <input type="checkbox"/> Nonmarital <input type="checkbox"/> Both
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				<input type="checkbox"/> Marital <input type="checkbox"/> Nonmarital <input type="checkbox"/> Both
				<input type="checkbox"/> Marital <input type="checkbox"/> Nonmarital <input type="checkbox"/> Both
				<input type="checkbox"/> Marital <input type="checkbox"/> Nonmarital <input type="checkbox"/> Both

Part Two – Maintenance and Other Provisions

What is maintenance?

Maintenance is money paid on a regular schedule by one spouse to the other for support after the dissolution of marriage. It may be for a set period of time or it may be for an indefinite period of time. It usually terminates upon the death of either party or the remarriage of the party receiving maintenance unless the parties agree otherwise. It may or may not be subject to future modification upon a showing of changed circumstances. Maintenance used to be referred to as "alimony."

Maintenance to Wife

The court lacks jurisdiction to enter any orders with respect to maintenance of Wife.

No maintenance is to be paid to Wife by Husband. This agreement is not subject to modification.

Husband shall pay to Wife the sum of _____ per month as and for maintenance. Said maintenance is _____ subject to modification. Said maintenance shall terminate upon the death of either party, the remarriage of Wife, or at such earlier time as set forth herein.

Maintenance to Husband

The court lacks jurisdiction to enter any orders with respect to maintenance of Husband.

No maintenance is to be paid to Husband by Wife. This agreement is not subject to modification.

Wife shall pay to Husband the sum of _____ per month as and for maintenance. Said maintenance is _____ subject to modification. Said maintenance shall terminate upon the death of either party, the remarriage of Husband, or at such earlier time as set forth herein.

Wage Withholding for Maintenance

(Answer only if maintenance is to be paid by either party.)

Income withholding shall be prepared by the person receiving maintenance and issued by the Circuit Clerk upon the effective date of this order.

Income withholding shall not issue for the following reason(s):

Additional Provisions

I certify under oath that I have given the other party a copy of this Property and Debt Statement pursuant to Supreme Court Rule 43.01(d) by: (You MUST check at least ONE of the following five boxes)

- Serving a copy with the original pleadings herein.
- Mailing a copy to the other party or his or her attorney on _____ (Date) at the following address:

(Street)

(City) (State) (Zip)

- Handing a copy to the other party or his or her attorney on _____ (Date).
- Sending a copy to the other party or his or her attorney by fax to _____ (fax number) on _____ (Date) at _____ (Time).
- Sending a copy via electronic mail to the other party or his or her attorney at _____ (Email Address) on _____ (Date).

Instructions: The following information MUST be filled in before a notary public. Your Statement of Property and Debt is required to be verified before a notary public.

COUNTY OF _____)
STATE OF _____) ss.

Wife, of lawful age, being duly sworn on her oath, states that she is the Wife named herein and that the facts stated in this Statement of Property and Debt are true according her best knowledge and belief, and that she agrees with the terms and conditions set forth herein.
Further, Wife states that she executed this Statement of Property and Debt as her free act and deed.

► _____ WIFE – SIGN HERE _____ WIFE – PRINT YOUR NAME HERE

Subscribed and sworn to this _____ day of _____, 20____.

Notary Public

My Commission Expires:

COUNTY OF _____)
STATE OF _____) ss.

Husband, of lawful age, being duly sworn on his oath, states that he is the Husband named herein and that the facts stated in this Statement of Property and Debt are true according his best knowledge and belief, and that he agrees with the terms and conditions set forth herein.
Further, Husband states that he executed this Statement of Property and Debt as his free act and deed.

► _____ HUSBAND – SIGN HERE _____ HUSBAND – PRINT YOUR NAME HERE

Subscribed and sworn to this _____ day of _____, 20____.

Notary Public

My Commission Expires:

Form CAFC040 - Directions and Information

Do I have to file this form?

Yes. You must file Form CAFC040 with either your "Petition for Dissolution of Marriage" or your "Answer," even if it is not signed by both parties. You should not file these directions with the court.

What is marital property?

§452.330, RSMo. defines "marital property." Usually marital property is property acquired by either spouse during the marriage of the parties other than property acquired by gift, inheritance, or in exchange for nonmarital property. This means that all wages earned during the marriage are marital property. All property owned by the parties is presumed to be marital property.

Nonmarital property can be converted to marital property by placing a spouse's name on an account or title. Also, a marital interest can be acquired in nonmarital property by the contribution of marital assets to the increase in value of the nonmarital property. Finally, income from nonmarital property during the marriage of the parties is marital property.

What is nonmarital property?

"Nonmarital property" is property that was acquired prior to the marriage or property that was acquired during the marriage by gift, inheritance, or in exchange for nonmarital property. Nonmarital property is sometimes also called "separate property." Additionally, some state teacher retirement benefits are considered nonmarital. §169.572, RSMo.

Can property be marital and nonmarital?

Yes. If an item of property is partly marital and partly nonmarital, then it should be listed under both the marital and nonmarital sections. For example, if one party had earned pension benefits for five years prior to the marriage and continued to earn the same pension benefits for five years during the marriage, one-half or 50% of the pension and retirement benefits are marital and one-half or 50% are nonmarital. In that situation, the pension and retirement benefits would be listed both under marital and nonmarital property.

What is "fair market value"?

This is the amount someone would pay for this item of property today. It is not what the property cost when you purchased it. A ten year old automobile has a value far less than the amount you paid for the automobile.

What if I don't agree with this proposed separation agreement?

You must take appropriate actions to protect your interests. **CONSULT A LAWYER.** Do not fail to respond if you have been served with these papers as the court may proceed without any further notice to you.

Do we have to list our property even if we've already divided it?

Yes, all property and all debt must still be included on one of the tables.

What property should I list on this form?

ALL PROPERTY AND MARITAL DEBT must be divided in a dissolution of marriage proceeding. Your dissolution of marriage may not be final unless this is done. This includes the following types of property and debt:

Real estate, motor vehicles, bank accounts, pension and retirement plans and profit sharing plans, stocks, bonds or other securities, life insurance, cash on hand, household goods, personal goods, trust interests, businesses or partnerships, debts owed to you or your spouse by others, any interests in pending litigation or suits to be filed, farm equipment, animals or crops, interests in contracts made and not performed, and any other assets.

Do I have to list property even if my spouse's name is not on it?

Yes, you must list all property owned by you alone, by your spouse alone, and by you and your spouse together. You must list property even if it is not in joint names. Any property in which either you or your spouse claim ANY interest whatsoever MUST be listed.

In many instances, you will not be able to sell your property or receive your retirement unless you prove that these items were listed in your dissolution of marriage judgment.

Do I have to list property that either of us is buying at the present time?

YES. You must list all property that either you or your spouse is purchasing by making monthly payments. So, even if you owe money on your car or home, it still must be listed. Actually, it must be listed twice: once as an item of property and once as a debt secured by the property.

Do I have to list property I owned before the marriage?

Yes. This is normally nonmarital property, but under some circumstances it may be considered marital property.

Do I have to list property my spouse owned before the marriage?

Yes. Just as you had to list property you owned before the marriage, you should also list property your spouse owned before the marriage. Once again, this is normally nonmarital property, but under some circumstances it may be considered marital property.

I don't know what my spouse owns so how can I list it?

You should hire a lawyer to assist you. A lawyer has the ability to assist you in locating the assets of your spouse.

Do I have to list property I acquired after we separated?

Yes. You are still married, so any property or debt that you have acquired since your separation has to be included.

What happens if I don't list all the property and marital debt?

It would be a VERY BIG mistake not to list all your property and marital debt. Your dissolution of marriage may not be final, and your spouse will be able to come back in the future and try and get this item of property. In some cases, you may not be able to receive your pension or sell your property without proof that your dissolution of marriage judgment listed the property.

Should I list my pension even though I can't receive any benefits now?

Yes. It is very important that you list all pension plans in which you or your spouse participate. They should be listed even if you can't receive any benefits for a long time. If you don't list a pension plan, you may not be able to receive any benefits in the future without further legal proceedings.

Do I have to list every last dish and towel?

No. You do not need to list property if it is of minimal value. If the item of property is worth less than \$100.00, you may omit it from your list.

What if I acquire some property or debt after I file my case?

If you acquire any additional property or debt during the time this case is pending, you must notify the court of that fact at the time of your hearing. If you dispose of any property or pay off any debt during the time this case is pending, you must notify the court of that fact at the time of your hearing.

What if I need more space on the tables?

You may make copies of any of the four tables if you need additional room for more property or debt. When you have listed all the property and debt, you should number the pages. Make sure you write "Not Applicable" or "N/A" in each box under "Item of Property" or "Item of Debt" that you do not fill. (Someone could fill this in later with some other information)

IMPORTANT

This document is placed in a court file, which is an open document available to the public. In listing your bank or other accounts, or your credit card or other debt, do not include the entire account number. You should include only enough information to distinguish your account from other accounts owned by you and your spouse. For example, in listing a credit card number, you should include only the last four digits of the account, such as xxx-xxx-xxx-1234.