

|  |  |   |
|--|--|---|
| <b>Property and Financial Agreement</b><br><i>(Separation Agreement)</i>   |  | JDF 1115  |
| District Court<br>Colorado County: _____<br>Court Address: _____   |  | <b>▲ COURT USE ONLY ▲</b>   |
| <b>Parties</b><br>Petitioner <i>(Parent or person who started the legal case):</i><br>_____<br><br>Co-Petitioner/Respondent <i>(Other person in this case):</i><br>_____ |  |   |
| Lawyer (if any) or Party filing<br>Name: _____<br>Address: _____<br>Phone: _____<br>E-mail: _____<br><br>Lawyer Reg. #: _____  |  | Case Number: _____<br><br>Division: _____<br><br>Courtroom: _____ |

If you are getting divorced or legally separated, you may use this form to show the court how you and the other party plan to divide your property and debt and handle spousal support.

Be sure to include all items from your *Sworn Financial Statement*, Form JDF 1111. This form provides a space for all items from that form. If there are other items to add, please put them in *Other Terms* on page 7.

If you need more space, you may **attach extra pages** to this form. You must sign each page you attach.

**Important Debt Notice!**

Debt that you have with your spouse – including for home loans, car loans, credit cards, will be your debt together until it is fully paid or refinanced under just one of your names.

But even if your name is taken off of the title and this agreement says you no longer are responsible for the debt the lender is not *required* to release you from the debt.

**Avoid future joint debt:**

Destroy all joint credit cards. Use only individual credit cards to avoid *future* joint debt.

Please check one of the below options:

- Full Agreement:** We agree on everything in this Property and Financial Agreement. We have both signed this form.
- Partial Agreement:** We agree on some parts of this Property and Financial Agreement. We have both signed this form.
- No Agreement:** I marked my preferences on this form. (The party that fills out and signs this form mails a copy to the other party.)

**Owner's Responsibilities** Whoever takes ownership of an asset must take care of any needed changes to the title (legal papers), pay for insurance, notify change of address, and any other ownership duties.

- If you refuse to sign any document needed for this agreement, the Court Clerk may do it on your behalf. (C.R.C.P. 70) The other party may also ask the court to *fine you* for

If you do not agree on everything, also fill out Form [JDF 1129 - Pretrial Statement](#). You may have to go to court/mediation to try to come to an agreement.

Note In this form, "PT" is the Petitioner and "CPT/RSP" is the Co-Petitioner/Respondent.

**Section A: Assets**

Questions 1-8 below are for items of value such as money and property you both have stated in the Sworn Financial Statement.

**1. Real Estate**

- Check one:  The parties do not own any real estate (either together or separate).  
 The parties agree to divide their real estate in the following way.

| Real Estate (Full Address) | Who takes ownership      |                          | Who will pay mortgage, taxes, insurance |                          |
|----------------------------|--------------------------|--------------------------|---|--------------------------|
|                            | PT                       | CPT/RSP                  | PT                                      | CPT/RSP                  |
|                            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>                | <input type="checkbox"/> |
|                            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>                | <input type="checkbox"/> |

The parties agree to: (check all that apply)

- Sell the following real estate:  
 List properties: \_\_\_\_\_  
 After paying costs of the sale, the proceeds will be divided: PT: \_\_\_\_\_%; CPT/RSP: \_\_\_\_\_%.
- Prepare needed documents, such as a Quit Claim Deed by (date): \_\_\_\_\_
- Equity Pay-Out. The  PT  CPT/RSP  
 will pay \$ \_\_\_\_\_ to the  PT  CPT/RSP by (date): \_\_\_\_\_.
- Transfer Ownership. The party who will take ownership of the property must transfer title, refinance the loan and remove the other party from the debt by (date) \_\_\_\_\_.
- Ownership and title have been transferred and the lender has been notified of this agreement.
- Other: (explain) \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**2. Motor Vehicles/ Recreational Vehicles**

- Check one:  The parties do not own any motor or recreational vehicles, or trailers (either together or separate).  
 The parties agree to divide these items in the following way.

| Motor Vehicles and/or Recreation Vehicles |      |       |      | Person taking title      |                          | Person taking over expenses |                          |
|---|------|-------|------|--------------------------|--------------------------|-----------------------------|--------------------------|
| Year                                      | Make | Model | VIN# | PT                       | CPT/RSP                  | PT                          | CPT/RSP                  |
|   |      |       |      | <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"/> | <input type="checkbox"/>    | <input type="checkbox"/> |
|   |      |       |      | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>    | <input type="checkbox"/> |

The parties agree to: (check all that apply)

- Sign over the title of the vehicle in their name by (date) \_\_\_\_\_.
- Transfer Ownership. The party who will take ownership and title of the vehicle must transfer title, refinance the loan and remove the other party from the debt by (date) \_\_\_\_\_.
- Title has already been transferred and the lender has been notified of this agreement.
- Other: (explain) \_\_\_\_\_

**3. Bank Accounts/Cash**

- Check one:  The parties do not have any accounts (either together or separate).  
 The parties agree to divide their accounts as listed below:

| Name of Bank; Cash<br><i>(Include last 4 numbers of account)</i> | Type of Account<br><i>(checking, savings, etc.)</i> | PT<br>100%               | RSP<br>100%              | Split<br><i>(Indicate Percent)</i> |
|--|---|--------------------------|--------------------------|------------------------------------|
|  |   | <input type="checkbox"/> | <input type="checkbox"/> | PT _____ % RSP _____ %             |
|  |   | <input type="checkbox"/> | <input type="checkbox"/> | PT _____ % RSP _____ %             |
|  |   | <input type="checkbox"/> | <input type="checkbox"/> | PT _____ % RSP _____ %             |
|  |   | <input type="checkbox"/> | <input type="checkbox"/> | PT _____ % RSP _____ %             |
|  |   | <input type="checkbox"/> | <input type="checkbox"/> | PT _____ % RSP _____ %             |
|  |   | <input type="checkbox"/> | <input type="checkbox"/> | PT _____ % RSP _____ %             |

- The parties agree to divide/transfer the funds by (date) \_\_\_\_\_.
- The parties have already divided/transferred the funds per this agreement.
- Other: (explain) \_\_\_\_\_

**4. Life Insurance**

- Check one:  Neither party holds life insurance.  
 The parties agree to the following arrangement for life insurance (check one).
- Neither party is required to keep or have life insurance.
- Petitioner is required to have life insurance in the amount of: \$ \_\_\_\_\_, until: (date) \_\_\_\_\_ with the Co-Petitioner/Respondent as the beneficiary.
- Co-Petitioner/Respondent is required to have life insurance in the amount of \$ \_\_\_\_\_, until: (date) \_\_\_\_\_ with the Petitioner as the beneficiary.
- Other: (explain) \_\_\_\_\_

**5. Furniture, Household Goods, Other Personal Property**

- Check one:  Do not have any personal property to divide.  
 Have already divided their personal property.  
 Agree to divide their personal property as listed below:

| Item (list) | Who will own?            |                          | Item (list) | Who will own?            |                          |
|-------------|--------------------------|--------------------------|-------------|--------------------------|--------------------------|
|             | PT                       | CPT/RSP                  |             | PT                       | CPT/RSP                  |
|             | <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"/> |             | <input type="checkbox"/> | <input type="checkbox"/> |
|             | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> | <input type="checkbox"/> |

- Agree to divide their personal property by (date) \_\_\_\_\_  
 Have made agreement: (explain) \_\_\_\_\_

**6. Investments and Retirement Accounts**

Retirement accounts include: all IRAs, 401Ks, pension plans, military retired pay, etc.  
*(Whether funded personally or by an employer.)*

Investments include: all stock, bonds, mutual funds, or other investments which are not part of any retirement accounts.

**Important!** There are strict rules for dividing retirement funds which may require a Qualified Domestic Relations Order (QDRO). Seek financial advice in preparing a QDRO.

Check all that apply:

- Do not have any retirement funds.  
 Do not have any investments.  
 A QDRO will be prepared by (name) \_\_\_\_\_ and filed separately by (date) \_\_\_\_\_.  
 Costs to prepare the QDRO: Petitioner \_\_\_\_\_% Co-Petitioner/Respondent \_\_\_\_\_%  
 Agree to divide / transfer funds by (date) \_\_\_\_\_.  
 The parties have already divided/transferred the funds per this agreement.  
 The parties agree to the following arrangement for investments and retirement accounts:

| List Stock, Bond, Mutual Fund, etc.              | Division of Funds |         |
|--|-------------------|---------|
|  | PT                | CPT/RSP |
|  | _____ %           | _____ % |
|  | _____ %           | _____ % |
|  | _____ %           | _____ % |
| List Pension, Profit Sharing or Retirement Funds | Division of Funds |         |
|  | PT                | CPT/RSP |
|  | _____ %           | _____ % |
|  | _____ %           | _____ % |
|  | _____ %           | _____ % |

- Other: (explain) \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**7. Miscellaneous Assets** (includes all property not listed above)

- Check one:  The parties do not have miscellaneous assets.  
 The parties have already divided their miscellaneous assets.  
 The parties agree to divide the assets listed below by (date) \_\_\_\_\_.

| Asset | Who will own?            |                          | Asset | Who will own?            |                          |
|-------|--------------------------|--------------------------|-------|--------------------------|--------------------------|
|       | PT                       | CPT/RSP                  |       | PT                       | CPT/RSP                  |
|       | <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"/> |       | <input type="checkbox"/> | <input type="checkbox"/> |
|       | <input type="checkbox"/> | <input type="checkbox"/> |       | <input type="checkbox"/> | <input type="checkbox"/> |

Other: (explain) \_\_\_\_\_

**8. Separate Property**

- The parties do not have separate property.  
 The parties agree to the following arrangement for separate property.  
 The parties agree to divide the property listed below by (date) \_\_\_\_\_:

| Property | Who owns?                |                          | Property | Who owns?                |                          |
|----------|--------------------------|--------------------------|----------|--------------------------|--------------------------|
|          | PT                       | CPT/RSP                  |          | PT                       | CPT/RSP                  |
|          | <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"/> |          | <input type="checkbox"/> | <input type="checkbox"/> |
|          | <input type="checkbox"/> | <input type="checkbox"/> |          | <input type="checkbox"/> | <input type="checkbox"/> |

Other: (explain) \_\_\_\_\_

**Section B. Debts**

This part is for money you **owe**. Examples: Credit cards, student loans, private loans from family/friend(s), and back IRS taxes. This section is **not** for secured debts like mortgages or car loans, which you already listed above.

**1. Unsecured Debts**

- Check one:  The parties do not have this kind of debt (either together or separate).  
 The parties agree to the following arrangement to pay their debts.

| Debt owed to<br>(Company/Person) | Amount | Date of Balance | Person Responsible<br>(If Both, indicate %) |                          |                             |
|----------------------------------|--------|-----------------|---|--------------------------|-----------------------------|
|                                  |        |                 | PT  | CPT/RSP                  | Both                        |
|                                  |        |                 | <input type="checkbox"/>                    | <input type="checkbox"/> | PT _____%<br>CPT/RSP _____% |
|                                  |        |                 | <input type="checkbox"/>                    | <input type="checkbox"/> | PT _____%<br>CPT/RSP _____% |
|                                  |        |                 | <input type="checkbox"/>                    | <input type="checkbox"/> | PT _____%<br>CPT/RSP _____% |
|                                  |        |                 | <input type="checkbox"/>                    | <input type="checkbox"/> | PT _____%<br>CPT/RSP _____% |
| Total Debt PT Agrees to Pay      |        |                 |   |                          |                             |
| Total Debt CPT/RSP Agrees to Pay |        |                 |   |                          |                             |

**Section C. Taxes Returns & Tax Refunds**

- The parties will file: *(check one)*  joint  separate  married filing separately tax returns for the following tax years: \_\_\_\_\_
- The parties will share any state and federal tax refunds or taxes owed in the following way:  
Petitioner: \_\_\_\_\_%; Co-Petitioner/Respondent: \_\_\_\_\_%.
- Other: *(explain)* \_\_\_\_\_

**Section D. Spousal Support (Maintenance or Partner Support)**

*Check all that apply:*

**Important!** Each party must read the spousal support/maintenance guidelines at §14-10-114, C.R.S. Signing this form means you have read those guidelines.

- Both parties acknowledge that they have reviewed the spousal support/ maintenance guidelines contained in §14-10-114, C.R.S.
- Both parties forever waive their right to spousal support/maintenance.
- Both parties agree to the following spousal support/maintenance agreement.
  1. The  Petitioner  Co-Petitioner/Respondent must pay support as follows:  
 Monthly amount: \$ \_\_\_\_\_  
 Starting *(date)* \_\_\_\_\_  
 Ending: *(date)* \_\_\_\_\_  
 How often: *(check one)*  monthly  twice a month  every 2 weeks  every week  
 To be paid on the: \_\_\_\_\_ day of the *(check one)*  week  month  
 Other: *(explain)* \_\_\_\_\_

2. Pay To: *(check one)*
  - Family Support Registry (FSR), P.O. Box 2171, Denver, CO 80201-2171
  - Petitioner  Co-Petitioner/Respondent
  - Other: *(explain)* \_\_\_\_\_

3. The parties agree: *(check one)*
  - Option A - This spousal support agreement is contractual and **cannot** be changed in the future.

**OR**

- Option B - The court **can** change these parts of the agreement according to § 14-10-122, C.R.S.

*(check all that apply)*

- The monthly payment amount.
- The date support ends.

**Section E. Other Terms**

Add other agreements that were not listed above in **Sections A – D**:

The parties have made other agreements not listed above, including: *(specify)*

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

Before you sign, read this document carefully to make sure it correctly shows everything you agreed to. The court may not be able to enforce items that are not in this agreement.

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**Verification**

I declare under penalty of perjury under the law of Colorado that the foregoing is true and correct.

Executed on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_  
(date) (month) (year) (city or other location, and state OR country)

\_\_\_\_\_  
Print Petitioner's Name

\_\_\_\_\_  
Petitioner's Signature

\_\_\_\_\_  
Lawyer Name (if any)

\_\_\_\_\_  
Signature of Lawyer (if any)

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**Verification**

I declare under penalty of perjury under the law of Colorado that the foregoing is true and correct.

Executed on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_  
(date) (month) (year) (city or other location, and state OR country)

\_\_\_\_\_  
Print Respondent's Name

\_\_\_\_\_  
Respondent's Signature

\_\_\_\_\_  
Lawyer Name (if any)

\_\_\_\_\_  
Signature of Lawyer (if any)

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If only **one** party has signed the Verification above, complete the *Certificate of Service* below.

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### Certificate of Service

I certify that on *(enter date)* \_\_\_\_\_, I gave a copy of this document to the other parties by: *(select at least one)*

- Colorado Courts E-Filing. [www.jbits.courts.state.co.us/efiling](http://www.jbits.courts.state.co.us/efiling)
- Email or Fax to: \_\_\_\_\_.
- Regular Mail, addressed to: *(name, full address)*       Hand Delivery, to: *(name, place)*
  - 1) \_\_\_\_\_.
  - 2) \_\_\_\_\_.
  - 3) \_\_\_\_\_.

\_\_\_\_\_  
Signature