

# 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
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What is the case number of the pending case?

Case Number
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Division Number
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*Answer all questions on this form completely.*

## Petitioner's Information

The full name of the person that filed this case is:			
_____	_____	_____	_____
<i>(First Name)</i>	<i>(Middle Name)</i>	<i>(Last Name)</i>	<i>(Jr./Sr./III)</i>
<input type="checkbox"/> Wife filed this case and is the Petitioner.			
<input type="checkbox"/> Husband filed this case and is the Petitioner.			

## Respondent's Information

The full name of the person that did NOT file this case:			
_____	_____	_____	_____
<i>(First Name)</i>	<i>(Middle Name)</i>	<i>(Last Name)</i>	<i>(Jr./Sr./III)</i>

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.
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What is a Separation Agreement?

<p>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.</p> <p>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.</p>
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How do I complete Part One of this Form?

<p>You must list all of your marital and nonmarital property and marital debt on one of the four tables.</p> <p>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.</p>
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## 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?	<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?	<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
	<i>(Do not deduct amount owed from this value)</i>	<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
	<i>(Do not deduct amount owed from this value)</i>	<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
	<i>(Do not deduct amount owed from this value)</i>	<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
	<i>(Do not deduct amount owed from this value)</i>	<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
	<i>(Do not deduct amount owed from this value)</i>	<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
	<i>(Do not deduct amount owed from this value)</i>	<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
	<i>(Do not deduct amount owed from this value)</i>	<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
	<i>(Do not deduct amount owed from this value)</i>	<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
	<i>(Do not deduct amount owed from this value)</i>	<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
	<i>(Do not deduct amount owed from this value)</i>	<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
	<i>(Do not deduct amount owed from this value)</i>	<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
	<i>(Do not deduct amount owed from this value)</i>	<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
	<i>(Do not deduct amount owed from this value)</i>	<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
	<i>(Do not deduct amount owed from this value)</i>	<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
	<i>(Do not deduct amount owed from this value)</i>	<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
	<i>(Do not deduct amount owed from this value)</i>	<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
	<i>(Do not deduct amount owed from this value)</i>	<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
	<i>(Do not deduct amount owed from this value)</i>	<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? (Chapter 7 or Chapter 13)	<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? (Chapter 7 or Chapter 13)	<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?

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.  
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.

What does “security” mean?

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.

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

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.  
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.

**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 which 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.

<b>Item of Debt</b> <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
				<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 which 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.

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

## 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

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



I certify under oath that I have given the other party a copy of this Property and Debt Statement pursuant to Missouri 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).
- (To be used only by written consent of the party filed with the court) 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: