



Rule 17.100—Form 128: Settlement Agreement for a Dissolution of Marriage with no Minor or Dependent Adult Children

Caution: This form may require you to provide protected or confidential information.

Use this form only if you and your spouse both agree to the terms of a settlement agreement.

If you include protected information on this form, fill out or update the Protected Information Disclosure (form 111) if you have not already done so.

Do not use this form if:

- You and your spouse have children under the age of 18, or
- You and your spouse have children 18 years of age or older who still need support.

If you do not understand how to use this form, or if you should use this form, talk to an attorney.

In the Iowa District Court for _____ County
County where your case is filed

<p>Upon the Petition of</p> <p>_____</p> <p>Petitioner <i>Full name: first, middle, last</i></p> <p>and concerning</p> <p>_____</p> <p>Respondent <i>Full name: first, middle, last</i></p>	<p>Case no. _____</p> <p style="text-align: center;">Settlement Agreement for a Dissolution of Marriage with no Minor or Dependent Adult Children</p>
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1. Personal information *Fill in all information that you know. If you have been assaulted by your spouse and you fear for your safety, you may leave your address, phone number, and email blank.*

A. Petitioner's birth year and present residence: _____
Birth year

Petitioner's present street address _____
City _____
State _____
ZIP code

County _____
Phone number _____
Email address

B. Respondent's birth year and present residence: _____
Birth year

Respondent's present street address _____
City _____
State _____
ZIP code

County _____
Phone number _____
Email address

2. Agreements

We agree to the following:

A. Children *Check all that are true*

- (1) There are no children under the age of 18 who are children of both Petitioner and Respondent.
- (2) There are no children under the age of 18 who were adopted or born during this marriage.
- (3) There are no children 18 years of age or older who still need support.
- (4) Neither Petitioner nor Respondent is pregnant.

B. Breakdown of marriage

The marriage is broken down and cannot be saved.

C. Counseling

Counseling will not save the marriage.

D. Waiting period before decree *Check one*

- (1) More than 90 days have passed since Respondent was served with an Original Notice.
- (2) Fewer than 90 days have passed since Respondent was served with an Original Notice, but we want the court to take action right away without a separate hearing. We have no children affected by this action. Neither Petitioner nor Respondent is pregnant. This paper explains how we would like to settle all issues in our divorce.

E. Financial affidavits *Check one*

- (1) Petitioner or Respondent has filed a Financial Affidavit (124).
If you check (1), check a or b or both.
 - a. Petitioner has filed a Financial Affidavit. Petitioner certifies that Petitioner has fully disclosed all income and the identity and value of all assets and debts.
 - b. Respondent has filed a Financial Affidavit. Respondent certifies that Respondent has fully disclosed all income and the identity and value of all assets and debts.
- (2) We are asking that the court not require us to file Financial Affidavits because: *Explain*

F. Division of personal property

Check one

- (1) We have divided our personal property. Petitioner will keep the personal property in Petitioner's possession. Respondent will keep the personal property in Respondent's possession.

If you check (1), skip to G.

- (2) Our personal property will be divided as follows:

Attach additional pages if necessary.

- a. Petitioner will get the following as Petitioner's separate personal property:

b. Respondent will get the following as Respondent's separate personal property:

G. Vehicles

Includes cars, trucks, motorcycles, and other motorized vehicles.

**Owner (Whose name is on the car or vehicle title?): P = Petitioner R = Respondent J = Joint (Both)*

Vehicles <i>Make (e.g. Ford), model, year</i>	Current owner* <i>P,R,J</i>	Which party will own vehicle as part of Settlement Agreement? <i>Petitioner or Respondent</i>
(1)		
(2)		
(3)		

Check this box if you have attached a page with additional information on other vehicles.

H. Securities, stocks, & bonds

**Owner (Whose name is on the securities, stocks, or bonds?):*

P = Petitioner R = Respondent J = Joint (Both)

Securities, stocks, & bonds <i>Company name</i>	Current owner* <i>P,R,J</i>	Which party will own account as part of Settlement Agreement? <i>Petitioner or Respondent</i>	Percent of account to Petitioner	Percent of account to Respondent
(1)			%	%
(2)			%	%
(3)			%	%

Check this box if you have attached a page with additional information on other securities, stocks, and bonds.

Continued on next page

I. Life insurance

*Owner (Whose name is on the policy?): P = Petitioner R = Respondent J = Joint (Both)

Life insurance <i>Company or policy name</i>	Owner* <i>P,R,J</i>	What is the parties' agreement for this policy? <i>For example: what will happen to the policy, who is it assigned to, will it be maintained, who will be identified as beneficiaries?</i>
(1)		
(2)		
(3)		

Check this box if you have attached a page with additional information on life insurance.

J. Division of bank accounts *Check one*

- (1) Each party should keep the party's own bank accounts.
- (2) The parties' bank accounts should be divided as follows:

Checking & savings accounts <i>Bank or Credit Union name</i>	Account number <i>Last 4 digits only</i>	Value of account	Percentage of account to Petitioner	Percentage of account to Respondent
(1)		\$	%	%
(2)		\$	%	%
(3)		\$	%	%

Check this box if you are attaching separate pages for additional accounts.

K. Division of retirement assets *Check one*

- (1) The parties do not have retirement assets or each party should keep his or her own retirement assets.
- (2) Defined contribution assets, such as 401ks and IRAs, should be divided fairly based on contributions made during the marriage and other factors.
- (3) Defined benefit retirement assets, such as traditional pensions, should be divided fairly under the formula set forth in *In re Benson*, 545 N.W.2d 252 (Iowa 1996). This fair division should include the award of survivor benefits when appropriate under *In re Duggan*, 659 N.W.2d (Iowa 2003).

Warning: If the divorce Decree gives you or your spouse part of the other person's retirement assets, including for example, a 401(k), IRA, or pension benefit, a separate order called a Qualified Domestic Relations Order (QDRO) must be entered or you will not receive the benefit. QDROs are complicated, and you should ask an attorney for help with a QDRO. If the divorce Decree does not give you or your spouse a part of the other person's retirement assets, the divorce may automatically cancel spousal rights to retirement assets.

L. Division of real estate

For each parcel of real estate you own, provide the following information. Attach a separate page for each additional parcel.

(1) Ownership of real estate

Check one

- a. We do not own any real estate. *If you check a, skip to H.*
- b. We own real estate located at: _____
Street address

in the city of _____, County of _____, and
State of _____. This land is described in the deed as follows:

(2) The real estate will be:

Check one

- a. Sold and the profit or debt divided _____% to Petitioner and _____% to Respondent.
- b. Awarded to Petitioner, subject to all liens and mortgages.
- c. Awarded to Respondent, subject to all liens and mortgages.
- d. Other *Explain*

(3) Additional real estate

- Check this box if you are attaching separate pages for additional parcels of real estate.*

M. Division of debts

Check one

- (1) There are no debts.
- (2) We have listed all the debts that we know about and ask that they be divided as follows:
Attach additional sheets if necessary.

a. Petitioner will pay the following debts:

i. Business or person to whom a debt is owed	ii. Account number, if any <i>Last 4 numbers only</i>	iii. Total amount still owed
(a)		\$
(b)		\$

(c)		\$
(d)		\$
(e)		\$

Check this box if you are attaching a separate page listing additional information about Petitioner's debts.

b. Respondent will pay the following debts:

i. Business or person to whom a debt is owed	ii. Account number, if any <i>Last 4 numbers only</i>	iii. Total amount still owed
(a)		\$
(b)		\$
(c)		\$
(d)		\$
(e)		\$

Check this box if you are attaching a separate page listing additional information about Respondent's debts.

If checked, for any debt the parties do not know about, the party who made the debt will pay that debt.

N. Cash payment

We ask that

Check one

(1) Neither Petitioner nor Respondent pay any money to the other.

(2) Petitioner pay Respondent \$ _____ to equalize the division of property and debts by

_____, 20____.
Month Day Year

(3) Respondent pay Petitioner \$ _____ to equalize the division of property and debts by

_____, 20____.
Month Day Year

O. Spousal support (alimony)

We ask that: *Check (1), (2), or (3)*

(1) Neither Petitioner nor Respondent pay spousal support (alimony) to the other.

(2) Petitioner pay spousal support (alimony) to Respondent as follows:

(3) Respondent pay spousal support (alimony) to Petitioner as follows:

P. Name change

Check one

We ask that

(1) Petitioner's name

a. Not be changed.

b. Be changed to:

Name can only be changed to name on birth certificate or name used immediately prior to the marriage.

Print Petitioner's former or birth name

(2) Respondent's name

a. Not be changed.

b. Be changed to:

Name can only be changed to name on birth certificate or name used immediately prior to the marriage.

Print Respondent's former or birth name

Q. Court fees

Check one

We ask that

(1) Petitioner will pay all court fees.

(2) Respondent will pay all court fees.

(3) Petitioner and Respondent shall each pay one-half of the remaining court fees.

(4) Petitioner and Respondent shall each pay one-half of the total court fees.

R. Attorney's fees

(1) Petitioner's attorney's fees *Check one*

a. Petitioner has no attorney's fees.

b. Petitioner will pay Petitioner's attorney's fees.

c. Respondent will pay \$ _____ for Petitioner's attorney's fees.

(2) Respondent's attorney's fees *Check one*

a. Respondent has no attorney's fees.

b. Respondent will pay Respondent's attorney's fees.

c. Petitioner will pay \$ _____ for Respondent's attorney's fees.

S. Necessary documents

We will sign and promptly deliver to each other any papers that may be needed to carry out this Settlement Agreement.

T. Other agreements

Attach additional pages if necessary.

3. Attorney help

Check one

A. Petitioner

- (1) An attorney did not help me prepare or fill in this form.
(2) An attorney helped me prepare or fill in this form.

If you check (2), you must fill in the following information:

_____ <i>Name of attorney or organization, if any</i>		_____ <i>Attorney's P.I.N. # – Ask the attorney</i>	
_____ <i>Business address of attorney or organization</i>	_____ <i>City</i>	_____ <i>State</i>	_____ <i>ZIP code</i>
(_____) _____ <i>Attorney's phone number</i>	(_____) _____ <i>Attorney's fax number – optional</i>	_____ <i>Attorney's email address</i>	

B. Respondent

- (1) An attorney did not help me prepare or fill in this form.
(2) An attorney helped me prepare or fill in this form.

If you check (2), you must fill in the following information:

_____ <i>Name of attorney or organization, if any</i>		_____ <i>Attorney's P.I.N. # – Ask the attorney</i>	
_____ <i>Business address of attorney or organization</i>	_____ <i>City</i>	_____ <i>State</i>	_____ <i>ZIP code</i>
(_____) _____ <i>Attorney's phone number</i>	(_____) _____ <i>Attorney's fax number – optional</i>	_____ <i>Attorney's email address</i>	

Important: Both parties must complete an oath and signature on next page

Continued on next page

4. Oaths and signatures

This Settlement Agreement addresses all issues in our divorce. We have made a full disclosure of our property and debts to each other. We want the court to approve this agreement and make it a part of the final Decree.

A. Petitioner's oath and signature

I, _____, certify under penalty of perjury and pursuant to the
Print your name

laws of the State of Iowa that I have read this Settlement Agreement and it accurately states how I would like the court to address the issues in my divorce. I know I have the right to talk to an attorney about this Agreement. I am voluntarily signing this Agreement. I am asking that this Settlement Agreement be presented to a judge for approval and filing with the court.

_____, 20_____
*Month Day Year Petitioner's signature**

Mailing address City State ZIP code

(_____) _____
Phone number Email address Additional email address – if available

B. Respondent's oath and signature

I, _____, certify under penalty of perjury and pursuant to the
Print your name

laws of the State of Iowa that I have read this Settlement Agreement and it accurately states how I would like the court to address the issues in my divorce. I know I have the right to talk to an attorney about this Agreement. I am voluntarily signing this Agreement. I am asking that this Settlement Agreement be presented to a judge for approval and filing with the court.

_____, 20_____
*Month Day Year Respondent's signature**

Mailing address City State ZIP code

(_____) _____
Phone number Email address Additional email address – if available

** This form may be signed either by using a digitized signature, see instructions at www.iowacourts.gov/for-the-public/court-forms/, or by printing and hand signing.*