

1 HOUSE BILL NO. 26

2 INTRODUCED BY M. MACDONALD

3 BY REQUEST OF THE LAW AND JUSTICE INTERIM COMMITTEE

4

5 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING THE AMOUNT OF UNPAID, UNSECURED
6 OBLIGATIONS AND THE AMOUNT OF ASSETS THAT THE PARTIES TO A SUMMARY DISSOLUTION
7 PROCEEDING MAY HAVE; AND AMENDING SECTION 40-4-130, MCA."

8

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10

11 **Section 1.** Section 40-4-130, MCA, is amended to read:12 **"40-4-130. Summary dissolution -- conditions necessary at commencement of proceedings.** A

13 marriage may be dissolved by the summary dissolution procedure specified in 40-4-130 through 40-4-136 if all
14 of the following conditions exist on the date the proceeding is commenced:

15 (1) Each party has met the requirements of 40-4-104 with regard to dissolution of marriage.

16 (2) Irreconcilable differences have caused the irretrievable breakdown of the marriage, and both parties
17 agree that the marriage should be dissolved.

18 (3) The wife is not pregnant and:

19 (a) there are no children from the relationship born before or during the marriage or adopted by the
20 parties during the marriage; or

21 (b) the parties have executed an agreed-upon parenting plan and the child support and medical support
22 have been determined by judicial or administrative order for all children from the relationship born before or during
23 the marriage or adopted by the parties during the marriage.

24 (4) (a) Except as provided in subsection (4)(b), neither party has any interest in real property.

25 (b) The limitation of subsection (4)(a) does not apply to the lease of a residence occupied by either party
26 if the lease does not include an option to purchase and if it terminates within 1 year from the date of the filing of
27 the petition.

28 (5) There are no unpaid, unsecured obligations in excess of ~~\$8,000~~ \$20,000 incurred by either or both
29 of the parties after the date of their marriage.

30 (6) The total fair market value of assets, excluding secured obligations, is less than ~~\$25,000~~ \$50,000.

