



AN ACT AMENDING THE AMOUNT OF UNPAID, UNSECURED OBLIGATIONS AND THE AMOUNT OF ASSETS THAT THE PARTIES TO A SUMMARY DISSOLUTION PROCEEDING MAY HAVE; AND AMENDING SECTION 40-4-130, MCA.

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

**Section 1.** Section 40-4-130, MCA, is amended to read:

**"40-4-130. Summary dissolution -- conditions necessary at commencement of proceedings.** A marriage may be dissolved by the summary dissolution procedure specified in 40-4-130 through 40-4-136 if all of the following conditions exist on the date the proceeding is commenced:

- (1) Each party has met the requirements of 40-4-104 with regard to dissolution of marriage.
- (2) Irreconcilable differences have caused the irretrievable breakdown of the marriage, and both parties agree that the marriage should be dissolved.
- (3) The wife is not pregnant and:
  - (a) there are no children from the relationship born before or during the marriage or adopted by the parties during the marriage; or
  - (b) the parties have executed an agreed-upon parenting plan and the child support and medical support have been determined by judicial or administrative order for all children from the relationship born before or during the marriage or adopted by the parties during the marriage.
- (4)
  - (a) Except as provided in subsection (4)(b), neither party has any interest in real property.
  - (b) The limitation of subsection (4)(a) does not apply to the lease of a residence occupied by either party if the lease does not include an option to purchase and if it terminates within 1 year from the date of the filing of the petition.
- (5) There are no unpaid, unsecured obligations in excess of ~~\$8,000~~ \$20,000 incurred by either or both of the parties after the date of their marriage.
- (6) The total fair market value of assets, excluding secured obligations, is less than ~~\$25,000~~ \$50,000.

(7) The parties have executed an agreement setting forth the division of assets and the assumption of liabilities and have executed any documents, title certificates, bills of sale, or other evidence of transfer necessary to effectuate the agreement.

(8) The parties waive any right to maintenance.

(9) The parties, upon entry of final judgment of dissolution of marriage, irrevocably waive their respective rights to appeal the terms of the dissolution and their rights to move for a new trial on the dissolution.

(10) The parties have read and state that they understand the contents of the summary dissolution brochure provided for in 40-4-136.

(11) The parties desire that the court dissolve the marriage."

- END -

I hereby certify that the within bill,  
HB 0026, originated in the House.

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Chief Clerk of the House

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Speaker of the House

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2015.

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President of the Senate

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2015.

HOUSE BILL NO. 26  
INTRODUCED BY M. MACDONALD  
BY REQUEST OF THE LAW AND JUSTICE INTERIM COMMITTEE

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