

EXAMPLE 1

PLAINTIFF

15th JUDICIAL DISTRICT COURT

VERSUS

DOCKET NO.

DEFENDANT

_____ PARISH, LOUISIANA

JUDGMENT OF PARTITION

NOW INTO COURT come HUSBAND and WIFE, who upon suggesting to this Honorable Court that an action to partition the community of acquets and gains formerly existing between them and to adjudicate any and all other claims arising from the former community or the former matrimonial regime has been filed in the above captioned and numbered proceeding pursuant to La. R.S. 9:2801, et seq., that pursuant to La. R.S. 9:2802 the matrimonial regime was terminated by this proceeding by judgment dated _____ (or, by judgment rendered in conjunction herewith), and upon further suggesting that the parties have reached a *transaction or compromise* pursuant to La. C.C. Art. 3071, as more fully stipulated in this Consent Judgment of Partition;

Accordingly, after considering the stipulations of the parties as set forth in this Consent Judgment, the law and stipulations being in favor thereof,

IT IS ORDERED, ADJUDGED AND DECREED that the assets and liabilities of the community of acquets and gains formerly existing between HUSBAND and WIFE, and any and all other claims arising from the former community or the former matrimonial regime, including but not limited to claims for reimbursements, accountings, contributions to education or training pursuant to La. C.C. Art. 121, et seq., be and they are hereby partitioned, allocated and assigned, as follows:

IT IS ORDERED, ADJUDGED AND DECREED that HUSBAND, is hereby allocated, assigned and awarded the exclusive ownership of, and all right, title and interest, being a one hundred (100%) percent interest, in and to the following described immovable property:

[PROPERTY DESCRIPTION – mailing address is insufficient]

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that HUSBAND, is hereby allocated, assigned and awarded the exclusive ownership of, and all right, title and interest, being a hundred (100%) percent interest, in and to the following described corporeal movable property which is currently in his possession:

[DESCRIPTION OF CORPOREAL MOVABLES]

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that HUSBAND shall take delivery of the above referenced items from the possession of WIFE (specify location) at a mutually convenient time and at his cost, together with his separate property which is in the possession of HUSBAND, more fully described as follows:

[DESCRIPTION OF SEPARATE PROPERTY]

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that HUSBAND, is hereby allocated, assigned and awarded the exclusive ownership of, and all right, title and interest, being a hundred (100%) percent interest, in and to the following described incorporeal movable property which is currently in his possession:

[DESCRIPTION OF INCORPOREAL MOVABLES]

IT IS ORDERED, ADJUDGED AND DECREED that WIFE, is hereby allocated, assigned and awarded the exclusive ownership of, and all right, title and interest, being a one hundred (100%) percent interest, in and to the following described immovable property:

[PROPERTY DESCRIPTION – mailing address is insufficient]

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that WIFE, is hereby allocated, assigned and awarded the exclusive ownership of, and all right, title and interest, being a hundred (100%) percent interest, in and to the following described corporeal movable property which is currently in her possession:

[DESCRIPTION OF CORPOREAL MOVABLES]

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that WIFE shall take delivery of the above referenced items from the possession of HUSBAND (specify location) at a mutually convenient time and at her cost, together with her separate property which is in the possession of HUSBAND, more fully described as follows:

[DESCRIPTION OF SEPARATE PROPERTY]

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that WIFE, is hereby allocated, assigned and awarded the exclusive ownership of, and all right, title and interest, being a hundred (100%) percent interest, in and to the following described incorporeal movable property which is currently in her possession:

[DESCRIPTION OF INCORPOREAL MOVABLES]

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that HUSBAND is allocated the following indebtedness, and HUSBAND, shall defend, indemnify and hold WIFE, harmless for the payment thereof:

[DESCRIPTION OF DEBT ASSUMED BY HUSBAND]

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that WIFE is allocated the following indebtedness, and WIFE, shall indemnify and hold HUSBAND, harmless for the payment thereof:

[DESCRIPTION OF DEBT ASSUMED BY WIFE]

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that there be judgment herein in favor of WIFE/HUSBAND and against HUSBAND/WIFE, in the amount of \$_____, after taking into account all claims for reimbursements, accountings, contributions to education or training pursuant to La. C.C. Art. 121, et seq., and any and all other claims arising from the community of acquets and gains formerly existing between them. This equalizing sum shall be paid as follows:

[DESCRIPTION OF PAYMENT, i.e. PROMISSORY NOTE, CASH, ETC.]

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the parties shall, at the other's request and expense, at any time, and from time to time hereafter, take any and all steps, and execute any and all further documents, instruments and assurances that the other may reasonably require for the purpose of giving full force and effect to the provisions of this Judgment of Partition. Without in any way limiting the generality of the foregoing, the parties shall execute any and all documentation that may be necessary and/or requisite to transfer the property partitioned and/or conveyed herein in accordance with the terms and provisions contained herein, for any and all purposes, including but not limited to the purposes of affecting recordation in the conveyance and/or mortgage records of the parish in which the properties are located, if and when called upon to do so, by each other.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that no vendor's liens, resolatory conditions or rights to rescind this Judgment are created in favor of the parties and, if for any reason any vendor's liens, resolatory conditions or rights to rescind should inadvertently be created by this Judgment, then and in that event, the parties do hereby waive any vendor's liens, resolatory conditions or rights to rescind.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the temporary restraining order issued against HUSBAND recorded under Act No. _____ and the temporary restraining order issued against WIFE, recorded under Act No. _____, are hereby lifted, canceled and erased from the mortgage records of the Clerk of Court of _____ Parish, Louisiana.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that reciprocal preliminary injunction issued against both parties, restraining, enjoining and prohibiting each of them, or any other persons, entities, firms, corporations or partnerships acting or claiming to act in their behalf in any matter from alienating, encumbering or disposing of any or all of the assets of the community of acquets and gains formerly existing between them contained in that certain Judgment on Rules dated _____ and recorded under Act No. _____ be and it is hereby lifted, canceled and erased from the records of the Clerk of Court of _____ Parish, Louisiana, and that the said Judgment on Rules shall remain in full force and effect in all other respects.

IT IS FURTHER ORDERED ADJUDGED AND DECREED that HUSBAND shall pay _____% of the court costs and WIFE shall pay _____% of the court costs of this proceeding.

JUDGMENT SIGNED in Chambers at _____, Louisiana, this _____ day of _____, 200__.

DISTRICT JUDGE

STIPULATED TO AND APPROVED
AS TO FORM AND CONTENT:

Attorney for HUSBAND
Bar Roll No., Address & Phone No.

HUSBAND

Attorney for WIFE
Bar Roll No., Address & Phone No.

WIFE