

# The Family Court of the State of Delaware

In and For ☐ New Castle County ☐ Kent County ☐ Sussex County

## ANCILLARY PRETRIAL STIPULATION

*Petitioner*

*v. Respondent*

<b>Name</b>	<b>Name</b>	<u>Case Name</u>
<b>Street Address (including Apt)</b>	<b>Street Address (including Apt)</b>	
<b>P.O. Box Number</b>	<b>P.O. Box Number</b>	<u>File Number</u>
<b>City/State/Zip Code</b>	<b>City/State/Zip Code</b>	
<b>Phone</b> <b>D.O.B.</b>	<b>Phone</b> <b>D.O.B.</b>	<u>Petition Number</u>
<b>Attorney Name</b>	<b>Attorney Name</b>	
<b>E-Mail Address</b>	<b>E-Mail Address</b>	<u>Date of Marriage</u>
<b>FAX Number</b>	<b>FAX Number</b>	
		<u>Date of Separation</u>
		<u>Date of Divorce</u>

*Petitioner*

*v. Respondent*

<b>Employer Name</b> <b>Years Employed</b>	<b>Employer Name</b> <b>Years Employed</b>
<b>Employer Address</b>	<b>Employer Address</b>
<b>Position or Occupation</b>	<b>Position or Occupation</b>
<b>Current Annual Income</b>	<b>Current Annual Income</b>
<b>If you have remarried, indicate date of marriage</b>	<b>If you have remarried, indicate date of marriage</b>

Names and dates of birth of minor children of the parties. Indicate with whom the child(ren) reside: Mother (M), Father (F), Shared (S).				
Name	D.O.B.	Resides with		
		M <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>
		M <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>
		M <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>
		M <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>
		M <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>
		M <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>

Names and dates of birth of adult children of the parties. Indicate with whom the child(ren) reside: Mother (M), Father (F), Shared (S).			
Name	D.O.B.	Enrolled in School	
		Y <input type="checkbox"/>	N <input type="checkbox"/>
		Y <input type="checkbox"/>	N <input type="checkbox"/>
		Y <input type="checkbox"/>	N <input type="checkbox"/>
		Y <input type="checkbox"/>	N <input type="checkbox"/>
		Y <input type="checkbox"/>	N <input type="checkbox"/>
		Y <input type="checkbox"/>	N <input type="checkbox"/>

Date of settlement meeting*:		Jurisdiction has been retained for the following:	
Date of pretrial conference:		<input type="checkbox"/> Property Division	<input type="checkbox"/> Alimony
Date and time of ancillary hearing:		<input type="checkbox"/> Counsel Fees	<input type="checkbox"/> Court Costs
*or reason why not held:			

Percentage Distribution Requested by:	Petitioner	Respondent
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**A. ESTIMATED TRIAL TIME**

PETITIONER'S Estimated Trial Time: \_\_\_\_\_ RESPONDENT'S Estimated Trial Time: \_\_\_\_\_

**B. HOUSEHOLD BELONGINGS**

Have household belongings been divided?

Petitioner:	<input type="checkbox"/> Yes <input type="checkbox"/> No	Respondent:	<input type="checkbox"/> Yes <input type="checkbox"/> No
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**C. PENSIONS**

Have qualified domestic relations orders (QDROs) or pension allocation orders been prepared for all marital pension plans?

Petitioner:	<input type="checkbox"/> Yes <input type="checkbox"/> No	Respondent:	<input type="checkbox"/> Yes <input type="checkbox"/> No
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**D. ISSUES IN AGREEMENT**

1. List marital assets and their specific values:

ASSETS	AMOUNT	COMMENTS

ASSETS	AMOUNT	COMMENTS

2. List marital debts to be shared and their specific balances:

DEBTS	AMOUNT	COMMENTS

3. State the annual incomes which the parties agree should be attributed to each party:

Petitioner: \$	Respondent: \$
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4. State other issues in agreement:

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#### E. ISSUES IN DISPUTE

1. List the marital assets in dispute and state each party's position:

ASSETS / AMOUNT	PETITIONER'S POSITION	RESPONDENT'S POSITION
/		
/		
/		
/		
/		
/		
/		
/		
/		
/		
/		

2. List the debts in dispute and state each party's position:

DEBTS / AMOUNT	PETITIONER'S POSITION	RESPONDENT'S POSITION
/		
/		
/		
/		
/		
/		
/		
/		
/		
/		

3. If either party's income is in dispute, state the basis of each party's position:

PETITIONER'S POSITION	RESPONDENT'S POSITION

4. State other issues in dispute and each party's position:

ISSUE	PETITIONER'S POSITION	RESPONDENT'S POSITION

#### F. WITNESSES

List the witness(es) you expect to call and the reason for their testimony. Other witnesses will be permitted to testify only with Court approval:

PETITIONER'S WITNESS(ES)		RESPONDENT'S WITNESSES(ES)	
Name of Witness	Reason for Testimony	Name of Witness	Reason for Testimony

## G. OTHER RELEVANT CIRCUMSTANCES

List any other relevant considerations (including factors listed in Title 13, Section 1513 of the *Delaware Code*, such as extraordinary or dissipation by a party, exceptional gifts, or non-marital assets):

PETITIONER	RESPONDENT

## H. ALIMONY

If alimony is requested, the party seeking alimony is to complete the following:

- Have you cohabitated with another adult since separation? ☐ Yes ☐ No
- Amount of monthly child support received from either party: \_\_\_\_\_
- Amount of monthly alimony: \$\_\_\_\_\_ Date of Order: \_\_\_\_\_
- Reasons party is dependent. If health is at issue, identify the supporting evidence to be presented at trial:
 

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- Use the **Form 465 Ancillary Financial Disclosure Report** to list your CURRENT and PROPOSED expenses, and attach to this form.

## I. PROPOSED REASONS

Pursuant to Title 13, Section 15413 of the *Delaware Code*, the Court, in dividing the marital property and allocating the marital debts, must consider the following factors:

- The length of the marriage;

PETITIONER	RESPONDENT

- Any prior marriage of the party;

PETITIONER'S POSITION	RESPONDENT'S POSITION

- The age, health, station, amount and sources of income, vocational skills, employability, estate, liabilities and needs of each of the parties;

PETITIONER'S POSITION	RESPONDENT'S POSITION

- Whether the property award is in lieu of or in addition to alimony;

PETITIONER'S POSITION	RESPONDENT'S POSITION

- The opportunity of each for future acquisitions of capital assets and income;

PETITIONER'S POSITION	RESPONDENT'S POSITION

- The contribution or dissipation of each party in the acquisition, preservation, depreciation or appreciation of the marital property, including the contribution of a party as homemaker or spouse;

PETITIONER'S POSITION	RESPONDENT'S POSITION

- The value of the property set apart to each party;

PETITIONER'S POSITION	RESPONDENT'S POSITION

8. The economic circumstances of each party at the time of the division of property is to become effective, including the desirability of awarding the family home or the right to live therein for reasonable periods to the party with whom any children of the marriage will live;

PETITIONER'S POSITION	RESPONDENT'S POSITION

9. Whether the property was acquired by gift, except those gifts excluded by Title 13, Section 1513(b)(1) of the *Delaware Code*;

PETITIONER'S POSITION	RESPONDENT'S POSITION

10. The debts of the parties;

PETITIONER'S POSITION	RESPONDENT'S POSITION

11. Tax consequences;

PETITIONER'S POSITION	RESPONDENT'S POSITION

**J. OTHER**

Attach a "Wright Chart" and a proposed form of Order. State any other stipulations below:

<ul style="list-style-type: none"> <li></li> </ul>
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The litigants are hereby bound in the ancillary proceedings by the stipulations made above, absent a showing of good cause and amended Court Order and have an affirmative duty to provide the Court with any material change in information.

At the Court's discretion, the parties may be required to amend, resubmit or supplement the Ancillary Pretrial Stipulation. Failure to comply may result in the imposition of sanctions that may include, but are not limited to, dismissal of the ancillary matters with prejudice, fines, counsel fees and/or forfeiting the Ancillary Hearing date.

At least seven days prior to the ancillary hearing, the parties shall exchange and premark all exhibits, with the exception of any exhibits which either party seeks to introduce solely for the purpose of impeaching the other party. Petitioner's exhibits shall be premarked "P-\_" and Respondent's exhibits shall be premarked "R-\_" At the commencement of the Ancillary Hearing, the parties shall submit a stipulation of the matters about which they agree and the matters that remain at issue, and Qualified Domestic Relations Orders ("QDROs") dividing any assets which either party proposes be divided by QDRO.

\_\_\_\_\_  
PETITIONER

\_\_\_\_\_  
RESPONDENT

\_\_\_\_\_  
PETITIONER'S ATTORNEY

\_\_\_\_\_  
RESPONDENT'S ATTORNEY

\_\_\_\_\_  
DATE

\_\_\_\_\_  
DATE

**IT IS SO ORDERED.**

\_\_\_\_\_  
JUDGE

\_\_\_\_\_  
DATE

Date emailed/mailed: \_\_\_\_\_

**WRIGHT v. WRIGHT CHART**

**\* Both Petitioner and Respondent must complete this Chart. \***

**Completed by:** ☐ **Petitioner:** \_\_\_\_\_ (Enter Name Here) ☐ **Respondent:** \_\_\_\_\_ (Enter Name Here)

**Date:** \_\_\_\_\_ **Attorney Name:** \_\_\_\_\_

[illegible]

**owes           \$           on Assets.**



**WRIGHT v. WRIGHT CHART**

**Completed by:** ☐ **Petitioner:** \_\_\_\_\_ (Enter Name Here) ☐ **Respondent:** \_\_\_\_\_ (Enter Name Here)

**Date:** \_\_\_\_\_ **Attorney Name:** \_\_\_\_\_

[illegible]

**owes           \$           on Debts.**

**Total Payment by**                      **to**                      **of \$**                      **.**

**WRIGHT v. WRIGHT CHART**

Completed by: ☐ **Petitioner:** \_\_\_\_\_ ☐ **Respondent:** \_\_\_\_\_  
(Enter Name Here) (Enter Name Here)

Date: \_\_\_\_\_ Attorney Name: \_\_\_\_\_

<b>TAX DEFERRED ASSETS</b>
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