
Full Name of Party Filing Document

Mailing Address (Street or Post Office Box)

City, State and Zip Code

Telephone

IN THE DISTRICT COURT FOR THE _____ JUDICIAL DISTRICT
FOR THE STATE OF IDAHO, IN AND FOR THE COUNTY OF _____

Petitioner,
vs.

Respondent.

Case No. _____

FAMILY CASE RESPONSE AND
COUNTERCLAIM (NO CHILDREN)

Fee Categories: I. _____

Filing Fee: \$ _____

RESPONSE

(Your name) _____, for his/her Response to the _____
_____, states:

1. I completely agree with and admit the following paragraphs (list each paragraph number):

2. I admit the portion of paragraph _____, that states: _____

_____ and I deny everything else in that paragraph.

3. I admit the portion of paragraph _____, that states: _____

_____ and I deny everything else in that paragraph.

- 4. I deny the following paragraphs because I do not have enough information to admit or deny them (list each paragraph number): _____
- 5. I completely disagree with and deny everything I do not admit.
- 6. I want the Petition dismissed.

AFFIRMATIVE DEFENSE(S)

(State each affirmative defense that applies in a separate paragraph – see I.R.F.L.P. 208(C))

_____.

COUNTERCLAIM

The Respondent/Counterclaimant says:

- 1. **Residence of the Parties.** I am a resident of the State of _____. I have been a resident of the state of Idaho for at least six (6) full weeks prior to the filing of this Counterclaim. Petitioner is currently a resident of the State of _____.
- 2. **Marriage of the Parties.** The parties were married at (city) _____, (state) _____ on (month, day, year) _____, and are still husband and wife.
- 3. **Grounds for Divorce.** Irreconcilable differences exist between the parties.
- 4. **Minor Child/ren of the Parties.** The parties have no minor children.
- 5. **Wife's Child/ren, Born or Conceived During this Marriage.**
 - None.
 - Wife is now pregnant with a child expected to be born (include due date) _____; however, Husband is not the father of the Wife's child.

The following child/ren was/were born to Wife during the marriage; however, Husband is not the father: (name(s) and date(s) of birth)

Name of Children

Date of Birth

_____	_____
_____	_____
_____	_____
_____	_____

6. Separate Property. (Land and/or Personal Property)

None.

Prior to or during the marriage, the Husband acquired the separate property listed on the attached **Exhibit A**. That property should be confirmed as the Husband's separate property. Wife should be ordered to return to Husband any such property in Wife's possession.

Prior to or during the marriage, the Wife acquired the separate property listed on the attached **Exhibit B**. That property should be confirmed as the Wife's separate property. Husband should be ordered to return to Wife any such property in Husband's possession.

7. Community Real Property. (Land) During the marriage, the Wife and Husband acquired:

no community real property.

community real property located at (address) _____ in the City of _____, County of _____, State of Idaho. This real property is described in the deed as follows:

This real property should be:

ordered sold and the net proceeds divided _____% to the Wife and _____% to the Husband. **or**

awarded to the Wife, subject to any liens, and the Husband should be ordered to convey his interest in the property to the Wife when she pays him \$_____ for his equity in the property. **or**

awarded to the Husband, subject to any liens, and the Wife should be ordered to convey her interest in the property to the Husband when he pays her \$_____ for her equity in the property. **or**

8. Community Personal Property. During the marriage, the wife and husband acquired:

no community personal property. **or**

community personal property they have already divided. The property should be awarded to the party who presently has possession.

community personal property listed on **Exhibit A** and/or **B**. It would be just and equitable for the court to award to the Husband, as his sole and separate property, the community property described in **Exhibit A**.

community personal property listed on **Exhibit A** and/or **B**. It would be just and equitable for the court to award to the Wife, as her sole and separate property, the community property described in **Exhibit B**.

The court should order each party to deliver to the other any of the community property currently in his/her possession that is awarded to the other party. The court should also order each party to sign and deliver any documents necessary to transfer ownership.

9. Debts.

The Respondent has no knowledge of any unpaid debts. **or**

It would be fair and equitable for the court to order the Husband to pay the following debts as or before they become due and to order the Husband to hold the Wife harmless for any further liability concerning these debts: (list each creditor)

It would be fair and equitable for the court to order the Wife to pay the following debts as or before they become due and to order the Wife to hold the Husband harmless for any further liability concerning these debts: (list each creditor)

10. **Debts Incurred Since Separation.** The parties have been separated since (date) _____ . It would be fair and equitable for the court to order that each party will assume any debt incurred by that party since the date of separation. The court should order each party to pay those debts as or before they become due and to hold the other party harmless from any obligation concerning those debts.

11. **Name Change.** _____ should be restored to the former last name of _____ .

VERIFICATION: I swear I have read this Response and Counterclaim and state that all facts included are true.

WHEREFORE, Counterclaimant asks for judgment as requested above.

Date: _____

Signature of Respondent

SUBSCRIBED AND SWORN before me on this ____ day of _____

Notary Public for Idaho
Residing at _____
Commission expires _____

CERTIFICATE OF SERVICE

I certify that on (date) _____ I served a copy to: (name all parties in the case other than yourself)

(Name)

(Street or Post Office Address)

(City, State, and Zip Code)

- By mail
- By fax (number) _____
- By personal delivery

(Name)

(Street or Post Office Address)

(City, State, and Zip Code)

- By mail
- By fax (number) _____
- By personal delivery

Typed/printed name

Signature

HUSBAND'S SEPARATE PROPERTY
(Describe each item, including a legal description for real property)

**PERSONAL COMMUNITY PROPERTY IN HUSBAND'S POSSESSION TO BE AWARDED
TO HUSBAND**
(Describe each item)

**PERSONAL COMMUNITY PROPERTY IN WIFE'S POSSESSION TO BE AWARDED TO
HUSBAND**
(Describe each item)

Initials Date

EXHIBIT A

WIFE'S SEPARATE PROPERTY
(Describe each item, including a legal description for real property)

PERSONAL COMMUNITY PROPERTY IN WIFE'S POSSESSION TO BE AWARDED TO
WIFE
(Describe each item)

PERSONAL COMMUNITY PROPERTY IN HUSBAND'S POSSESSION TO BE AWARDED
TO WIFE
(Describe each item)

Initials Date

EXHIBIT B