

IN THE FAMILY COURT OF ST. LOUIS COUNTY, MISSOURI

| | | |
|------------------------|---|-----------------|
| In Re: The Marriage of |) | |
| |) | |
| _____ |) | Cause No. _____ |
| Petitioner |) | |
| |) | Division No. 43 |
| and |) | |
| |) | |
| _____ |) | |
| Respondent |) | |

Form 9/12/08

SCHEDULING ORDER: TRIAL

Status conference called. Petitioner appears (in person) (and) (by attorney). Respondent appears (in person) (and) (by attorney). [The minor child(ren) appear(s) by (her) (his) (their) guardian ad litem.]

Cause having been set for trial number ___ for ___(hours) (day) on _____, 200___ at _____a.m./p.m. in Division No. 43. Parties acknowledge that no continuances will be granted for failure of any party to complete discovery.

_____ Because it is necessary for the Court to determine the identity, existence, nature, and value of the marital and non-marital property and marital debts of the parties in any judgment entered herein, it is therefore ordered as follows:

Petitioner is to prepare a complete listing of all property and debt on a form substantially similar to the attached form entitled "Property and Debt Worksheet". All marital property and non-marital property AND marital debt is to be included. The completed form is to be forwarded to Respondent so that Respondent will receive the "Property and Debt Worksheet" completed by Petitioner at least fifteen (15) working days prior to trial. A copy of the "Property and Debt Worksheet" completed by Petitioner shall also be filed with the court. If additional sheets are required, Petitioner may make copies of the blank "Property and Debt Worksheet".

Respondent shall respond to Petitioner's "Property and Debt Worksheet" by adding information directly to the "Property and Debt Worksheet" sent to Respondent by Petitioner. If Respondent believes there is additional property or debt, these items of property or debt are to be added to Petitioner's worksheet. After Respondent has added his or her information to the "Property and Debt Worksheet", a copy shall be forwarded to Petitioner so the Petitioner will receive Respondent's "Property and Debt Worksheet" at least seven (7) working days prior to trial. A copy of the "Property and Debt Worksheet" completed by both parties shall also be filed with the Court. If for any reason the Petitioner has not filed their "Property and Debt Worksheet" on the date required by this Order, this shall not relieve the Respondent's requirement to prepare and deliver their "Property and Debt Worksheet" to the Petitioner at least 7 working days prior to trial. **If all household goods are divided and not at issue, the parties need not include the same on the Property and Debt worksheet as to personal goods only if a memorandum is filed with the Court 10 working days before trial indicating personal goods are not at issue.**

A party may not be allowed to present any evidence of any other or additional marital or non-marital property or marital debt if it is not disclosed on the "Property and Debt Worksheet".

_____ Parties shall exchange Form 14's at least five (5) working days prior to trial and file a copy with the Court.

_____ Parties to exchange and file 5 working prior to trial, a List of Exhibits (Petitioner-Arabic numerals; Respondent-capital letters). Except for good cause shown, all exhibits will be marked by counsel, with copies delivered to opposing counsel, prior to trial. Petitioner shall deliver to Respondent their exhibits by 5 pm on the 5th working day prior to trial. Respondent shall deliver their exhibits to Petitioner by 5 pm on the 3rd working day prior to trial. The intent of the Court

is that to the extent possible the parties need not duplicate exhibits and can work off the same exhibits. Exhibits such as the parties' income and property statements and tax returns as an example need only be introduced one time. If exhibits have more than three (3) pages, they are to be **numbered**.

Except for good cause shown, all exhibits which have been delivered to opposing counsel no later than ten (10) days prior to trial shall be admitted in evidence without foundation, identification or authentication unless written objections thereto are filed no later than five (5) days prior to trial.

_____ If real property is included as marital or separate property, a legal description shall be provided to the Court as an exhibit.

_____ Parties to file Proposed Findings, Conclusions of Law and Judgment, 10 days after the last day of trial. In preparation of the Proposed findings, the order of decision is as follows:

Jurisdiction
Custody
Property Division
Maintenance
Child Support
Attorney's Fees and Costs

If **CUSTODY** is at issue and the parties have not agreed to a parenting plan, your Proposed Findings, as it relates to custody, shall include the factors of Sec. 452.375, which are:

1) The wishes of the child's parents as to custody and the proposed parenting plan submitted by both parties;

2) The needs of the child for a frequent, continuing and meaningful relationship with both parents and the ability and willingness of parents to actively perform their functions as mother and father for the needs of the child;

3) The interaction and interrelationship of the child with parents, siblings, and any other person who may significantly affect the child's best interests;

4) Which parent is more likely to allow the child frequent, continuing and meaningful contact with the other parent;

5) The child's adjustment to the child's home, school, and community;

6) The mental and physical health of all individuals involved, including any history of abuse of any individuals involved;

7) The intention of either parent to relocate the principal residence of the child;

8) The wishes of the child as to the child's custodian;

Other relevant factors.

If MAINTENANCE is at issue, your findings must:

First: Determine the "reasonable needs" of the party seeking maintenance.

Second: Determine if the party has the ability to meet his or her "reasonable needs" from his or her earnings and investment income.

If your position is that the party cannot meet his or her "reasonable" needs from earnings or investment, you shall discuss the "non-exclusion" list of factors found in Sec. 452.335.2. If there has been a request for Findings on maintenance, to list each and every expense considered, please follow the guidelines set forth in Neu v. Neu, 130 S.W.3d 783 (ED 2004) or subsequent rulings.

Failure to comply with the pre-trial order may result in sanctions which may result in dismissal of any affirmation pleading or other sanctions. Said sanctions may be on the Court's own motion or upon motion of a party.

Filing pursuant to Local Rule 68.63(3) is required.

____ Each side to provided a proposed division of property to the other side 5 days before trial and to the Court on the day of trial.

____ Other Orders:

SO ORDERED:

Douglas R. Beach
Judge, Division No. 43

Entered this ____ day of _____, 200__.