



**GUIDE SHEET:  
DECLARATION OF DISCLOSURE (FL-140)**

**Documentation.** Enclosed with this Guide Sheet is a PDF-fillable *Declaration of Disclosure* (“DOD”), *Statement of Material Facts* and *Stipulation and Waiver of Final Declaration of Disclosure*.

**Caption.** The information at the top of the form is called the “caption.” In the caption, provide your name, address, phone number and email address where indicated. Where it says “Attorney For,” assuming you have not retained an attorney, write “IN PRO PER.” Provide the name of the county where your legal proceeding is pending, followed by the full name of the Petitioner and the full name of the Respondent in the designated areas. If there is a claimant or other party in your case, provide the name(s) in the designated area. Typically, this section does not apply unless another person or entity has been “joined” to the case. Provide the case number, which is given to you by the Court once the Petition has been filed.

Check the “Petitioner’s” box if you are the Petitioner, or the “Respondent’s” box if you are the Respondent. If these are your Preliminary Disclosures, check the “Preliminary” box; if these are your Final Disclosures, check the “Final” box. If these are revised or updated disclosures, I suggest indicating the revision or update number, such “First Revised” in the box labeled “Declaration of Disclosure.”

Read the instructions in the area under “Do Not File Declarations of Disclosure or Financial Attachments with the Court.”

**INSTRUCTIONS**

There are six (6) items under the area labeled “Attached are the following.” If you are completing your Preliminary Disclosures, you only need to address items one (1) through three (3). If you are completing your Final Disclosures, you need to address all six (6).

**Item 1:** Property can be disclosed on a Schedule of Assets and Debts (“SAD”) or Property Declarations. Since these Guide Sheets utilize the SAD, check off the box for that and leave the box unchecked for Property Declarations. Then, assuming you have disclosed both community property and separate property, check off the both of those boxes too.

**Item 2:** Check this box to indicate that you have completed an Income and Expense Declaration.

**Item 3:** Check this box to indicate that you are providing your most recently filed two (2) tax returns. Attach those tax returns to the DOD.

**Items 4 through 6:** If you are completing your Final Disclosures, check boxes for Items 4, 5 and 6. Read through the sample language in the *Attachment to Final Declaration of Disclosure*, which is attached to this Guide Sheet as **Exhibit A**. If this language factually represents your situation, attach it to the DOD. If not, revise it as necessary and then attach it to the DOD.

**Waiver of Final Declaration of Disclosure**. Both parties can agree to waive the Final Disclosures. If this has occurred in your case, both you and the other party will need to sign and date a *Stipulation and Waiver of Final Declaration of Disclosure* (FL-144). A PDF-fillable FL-144 is attached hereto as **Exhibit B**. The information at the top of the form is called the “caption.” In the caption, provide your name, address, phone number, email address and, if applicable, fax number where indicated. Where it says “Attorney For,” assuming you have not retained an attorney, write “IN PRO PER.” Provide the name of the county where your legal proceeding is pending as well as the court address and information. Provide the full name of the Petitioner and the full name of the Respondent in the designated areas. If there is a claimant or other party in your case, provide the name(s) in the designated area. Typically, this section does not apply unless another person or entity has been “joined” to the case. Provide the case number, which is given to you by the Court once the Petition has been filed.

## **DISCLAIMERS**

The forms stated herein are for use in California only. Each Judicial Council Form has a form number and a revision date located in its footer. The form number for the DOD is FL-140. You can view the revision dates for enclosed forms by looking at their footers. You should check to see what the most current revision is by going to your Court's website and searching for local forms to ensure no substantive changes have taken place.

Each county courthouse has its own local rules. You should check the local rules applicable to the county where your proceeding is pending to see whether there are local rules of court applicable to Disclosures to ensure that you are complying with those rules.

There may be other local practices and procedures that apply to Disclosures. Additionally, it is possible that your situation is not completely addressed by these Guide Sheets. You are strongly advised to consult with an attorney to ensure that you are following local practices and procedures and that documentation is completed correctly for your situation. If you would like to schedule a consultation with California family law attorney and mediator, Bryan Ginter, call us at **(916) 419-1160** or submit an online request for a consultation by clicking [here](#).

There may be other instances where the IE is utilized. This Guide Sheet is solely focused on using the stated documentation with the disclosure process in California.

Information in the Guide Sheets are current as of the dates shown in the footers.

If you feel that any of the Guide Sheets are inaccurate or could be improved, please let us know. We want to ensure that you are completely satisfied and that we are effectively helping the public. We would also like to hear your suggestions for other products or services that you feel would help you or others. Positive comments are appreciated, too. Your feedback is invaluable and we invite you to share your thoughts.

# EXHIBIT A

## **ATTACHMENT TO FINAL DECLARATION OF DISCLOSURE**

4. Declarant does not know of any additional material facts or information regarding valuation of all assets that are community property or in which the community has an interest.

5. Declarant does not know of any additional material facts or information regarding obligations for which the community is liable.

6. Declarant does not know of any investment opportunity, business opportunity or other income-producing opportunity presented since the date of separation that resulted from any investment, significant business or other income-producing opportunity from the date of marriage to the date of separation that has not already been disclosed.

The information contained herein is based solely on information that is presently available to and specifically known by the declarant. It is possible that further discovery, independent investigation, legal research and/or case analysis may supply additional facts and information, which may lead to substantial additions and/or modifications from that which has been set forth herein.

In the event further discovery, independent investigation, legal research and/or case analysis supplies additional facts or information, modifies a change in the characterization of assets debts, or identifies additional assets and obligations that may be community property, this Declaration of Disclosure may be amended as necessary. The information contained herein is set forth in good faith to supply as much information and documentation as presently known and does not prejudice the declarant in any way as to the characterization or valuation of any asset or debt, whether separate, community or quasi-community property.

SIGNATURE AFFIXED TO JUDICIAL COUNCIL FORM

# EXHIBIT B

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):    TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	<b>FOR COURT USE ONLY</b>           CASE NUMBER: _____
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF/ PETITIONER: DEFENDANT/ RESPONDENT: OTHER:	
<b>STIPULATION AND WAIVER OF FINAL DECLARATION OF DISCLOSURE</b>	

1. Under Family Code section 2105(d), the parties agree to waive the requirements of Family Code section 2105(a) concerning the final declaration of disclosure.
2. The parties agree as follows:
  - a. We have complied with Family Code section 2104, and the preliminary declarations of disclosure have been completed and exchanged.
  - b. We have completed and exchanged a current *Income and Expense Declaration* (form FL-150) that includes all material facts and information on each party's earnings, accumulations, and expenses.
  - c. We have fully complied with Family Law section 2102 and have fully augmented the preliminary declarations of disclosure, including disclosure of all material facts and information on
    - (1) the characterization of all assets and liabilities,
    - (2) the valuation of all assets that are community property or in which the community has an interest, and
    - (3) the amounts of all community debts and obligations.
  - d. Each of the parties enters into this waiver knowingly, intelligently, and voluntarily.
  - e. Each party understands that this waiver does not limit the legal disclosure obligations of the parties but rather is a statement under penalty of perjury that those obligations have been fulfilled.
  - f. The parties also understand that if they do not comply with these obligations, the court will set aside the judgment.

The petitioner and respondent declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: \_\_\_\_\_

_____ (TYPE OR PRINT NAME)	_____ (SIGNATURE OF PETITIONER)
_____ (TYPE OR PRINT NAME)	_____ (SIGNATURE OF RESPONDENT)