

# INSTRUCTIONS FOR COMPLETING THE AFFIDAVIT AND MOTION FOR BENCH WARRANT AND COMMITMENT TO ISSUE (Property Settlement or Alimony)

If you are printing the Application and handwriting the answers, you will check the first box. If you are typing in your answers, you will check the second box.

- Printing the form and handwriting the answers.
- Completing the form electronically.

## HEADING

The heading on this pleading should be the same as the heading in the original case. The case number will also be the same.

- a. Enter the name of the county where the original case was filed.
- b. Enter the name of the plaintiff exactly as listed in the original case.
- c. Enter the name of the defendant exactly as listed in the original case.
- d. The clerk of the district court assigned a number when the original case was filed. You must include that case number on any papers you file, including this Motion for Bench Warrant.

IN THE  DISTRICT COURT OF \_\_\_\_\_ COUNTY, NEBRASKA  
Choose the county [v] county where original action filed

\_\_\_\_\_  
(name of person listed as plaintiff in original action) Plaintiff,

vs.

\_\_\_\_\_  
(name of person listed as defendant in original action)

Case No. CI  \_\_\_\_\_  
(case number assigned by clerk of court)

## BODY OF AFFIDAVIT AND MOTION FOR BENCH WARRANT

- a. Enter your name.
- b. Enter the name of the document you are asking the court to review.
- c. Enter the date the document.
- d. Enter the name of the person who was ordered to pay alimony or comply with the terms of the previously ordered property settlement.

This paragraph does not have a number.

COMES NOW  \_\_\_\_\_, without assistance of an  
(your name)  
attorney, and moves the court to take judicial notice of the  \_\_\_\_\_  
(name of document)  
 \_\_\_\_\_ dated \_\_\_\_\_, a copy of  
(date of the document)  
which is attached to this Affidavit and Motion, and to issue a Warrant and Commitment for  
 \_\_\_\_\_, for the following reason:  
(name of person ordered to pay alimony or comply with a property settlement)

The numbers below give instructions for completing the paragraphs with the same numbers in the Affidavit and Application for Order to Show Cause:

- Paragraph 1.
- a. Enter the name of the county where the original case was filed.
  - b. Enter the date the judge signed the order finding the other party in contempt.
  - c. Enter the name of the other party.
  - d. Check the box for “pay alimony” or “comply with the terms of the property settlement to show what type of Order of Contempt was issued.
  - e. Enter the name of the other party.
  - f. Enter the number of days the person was sentenced in the contempt order.

1. That the District Court of \_\_\_\_\_ a. \_\_\_\_\_ County entered an order on  
(county where original case was filed)

b. \_\_\_\_\_ finding c. \_\_\_\_\_,  
(date of order finding contempt) (name of person ordered to pay alimony or comply with a property settlement)

in contempt of court for failing to (check d.  apply)  pay alimony  comply with the terms

e. \_\_\_\_\_ of the property settlement as previously ordered by the court. The court sentenced  
\_\_\_\_\_ to f. \_\_\_\_\_ days in jail.  
(name of person ordered to pay alimony or comply with a property settlement) (number of days of sentence)

- Paragraph 2.
- a. Enter the name of the person ordered to pay alimony or comply with the terms of the property settlement.

That the district court allowed \_\_\_\_\_ a. \_\_\_\_\_ the  
(name of person ordered to pay alimony or comply with a property settlement)

- b. check the box that corresponds to the purge plan in the Order of Contempt. This is the order that the judge filled out after the contempt hearing, ordering a sentence with purge plan.

- i. For alimony contempt,
  - a) Enter the amount of the payments.
  - b) Enter how many months the payments were to continue.
  - c) Enter the name of the person ordered to pay the alimony.

Paying the sum of \_\_\_\_\_ a. \_\_\_\_\_ per month \_\_\_\_\_ b. \_\_\_\_\_ months, until which  
time the alimony is due. \_\_\_\_\_ c. \_\_\_\_\_ has failed to make  
(name of person ordered to pay alimony)

- ii. For property settlement contempt,
  - a) enter the terms of the purge plan the judge listed in the Order of Contempt on the lines provided.

Complying with the property settlement by:

\_\_\_\_\_ a. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- Paragraph 3. a. Enter the name of the person ordered to comply with these terms

a. 3. \_\_\_\_\_ has  
(name of person ordered to pay alimony or comply with a prop)

**CLOSING PARAGRAPH** (Beginning with "WHEREFORE")

- a. In the blank, enter the name of the other party.

WHEREFORE, affiant respectfully requests the court issue a warrant for the arrest of

\_\_\_\_\_  
(name of person ordered to pay alimony or comply with a property settlement)

**FINAL SIGNATURE**

- a. **DO NOT SIGN THE AFFIDAVIT AND APPLICATION UNTIL YOU ARE BEFORE A NOTARY PUBLIC.**
- b. Enter the date.
- c. Print your name.
- d. Enter your full street address.
- e. Enter your city, state, and ZIP code.
- f. Enter your telephone number, including the area code.
- g. Enter your email address, if any.

<input type="text" value="a."/>	_____	<input type="text" value="b."/>	Date: _____
<input type="text" value="c."/>	Signature _____	<input type="text" value="d."/>	_____
<input type="text" value="f."/>	Printed Name _____	<input type="text" value="e."/>	Street Address/P.O. Box _____
<input type="text" value="g."/>	Phone _____		City/State/ZIP Code _____
	Email Address _____		

**Notary Section will be completed by a Notary Public.**