

State of Louisiana * Parish of Ouachita/Morehouse * 4th Judicial District Court

Filed: _____

VS. NUMBER _____ (Division _____)

By Dy
Clerk: _____

**COMMUNITY PROPERTY
HEARING OFFICER CONFERENCE ORDER**

In addition to and in conjunction with the *Order(s)* signed by the Court herein on _____:

IT IS ORDERED that the parties hereto and/or their respective counsel confer with each other for the purpose of attempting amicable settlement of the partition of the community assets and obligations.

IT IS FURTHER ORDERED THAT, unless an amicable partition of the community assets and obligations has been agreed on and executed prior thereto, the parties hereto shall appear, with their respective counsel, before ? Hearing Officer Trammell or ? Hearing Officer Traylor at ? 300 St. John Street, Monroe, Louisiana or ? 100 East Madison Street, Bastrop Louisiana on the ____ day of _____, 20____, at the hour of _____ o'clock ____m.

EVERY EFFORT IS MADE TO BEGIN CONFERENCES AT THE SCHEDULED TIME. YOU SHOULD BE PRESENT TIMELY OR EXPECT TO HAVE THE CONFERENCE BEGIN WITHOUT YOU. COMMUNITY PROPERTY HEARING OFFICER CONFERENCES IN THIS PARISH ARE GENERALLY SCHEDULED TO BEGIN IN THE EARLY AFTERNOON AND TO LAST UP TO THE ENTIRE AFTERNOON, BUT MAY RUN LONGER. IF YOU BECOME AWARE OF CIRCUMSTANCES WHICH WILL PREVENT YOU FROM ARRIVING ON TIME OR FROM BEING ABLE TO REMAIN FOR THE DURATION OF THE CONFERENCE, IT IS YOUR RESPONSIBILITY TO CONTACT THE HEARING OFFICER AND/OR TO REQUEST A RE-SCHEDULING OF THE CONFERENCE.

IT IS FURTHER ORDERED that each party shall provide to the Hearing Officer a copy of the *Community Property Master List* which has been filed into the record on his or her behalf, together with any and all amending and supplemental filings, not less than **five (5) days**, exclusive of weekends and legal holidays, prior to the Hearing Officer Conference.

IT IS FURTHER ORDERED that the parties or their respective attorneys bring the following information and documentation with them to the Community Property Hearing Officer Conference:

1. A computer diskette with a copy of the *Community Property Master List saved in either Word or Word Perfect*. As an alternative to providing a diskette, you may email the Master List as an attachment to Hearing Officer Trammell using the address lisatrammell@hotmail.com. Chuck - If you want them to email you, insert your info here.
2. If a party disputes the value of any item involved in the partition, each should be prepared to provide appropriate evidence supporting his contentions as to value such as appraisal reports or copies of the relevant material from a valuation guide such as an automotive Blue Book.
3. A complete description of any and all automobiles and registered movables (mobile homes, campers, boats, trailers, etc.) which are at issue in the partition, including all of the following: year, make, model, Vehicle Identification Number, and license number. In the event a registered movable has additional descriptors (such as the dimensions in the case of a mobile home), that must also be brought. This requirement may be satisfied by bringing a valid certificate of title or registration documentation which contains all of the required information.
4. The following information with regard to any and all financial institutions in which there are funds which are either community or the subject of a claim in the partition: the name of each institution, the account number(s) of all accounts in each institution, and the current balance of all accounts in each institution. This information must be accompanied by a copy of the most recent statement or report issued from the financial institution which would provide all of the required information about each account.
5. The following information with regard to any and all retirement plans or accounts, including, but not limited to, Individual Retirement Accounts, 401(k) accounts, KEOGH plans, cafeteria plans, state retirement accounts, municipal retirement accounts, federal or military retirement accounts, etc: the name of the institution or entity

maintaining the retirement plan or account, the plan or account number(s) of all plans or accounts in that institution, and the current balance of all accounts in that institution, such documentation from the institution as may be required to identify whether the plan is a *defined benefit plan* or a *defined contribution plan*, the date the employee spouse began to participate in the plan, the date the employee spouse's participation in the plan terminated, the total contributions to the plan or account and the contributions to the plan or account during the period the community existed. Further, a party who contends that a retirement plan should not be divided in kind shall also provide suitable evidence of the present value of the retirement plan or account. This information must be accompanied by a copy of the most recent statement or report issued from the institution or entity which would provide all of the required information about each account.

6. A detailed list of any and all movable property or properties which will need to be included in any written document which specifies which party is to receive specific movable property or properties.
7. The following information with regard to any and all liabilities of the community or which are alleged to be community obligations: the name of the creditor institution or entity, the account number(s) of all accounts with that institution or entity, and the current balance of the obligation owed to that institution. This information must be accompanied by a copy of the most recent bill or statement issued by the financial institution which would provide all of the required information about each account.
8. The following information with regard to each and every reimbursement claim being pursued by either party: a description of each reimbursement claim, the basis for each claim, the total amount paid for each reimbursement claim, and the total amount sought to be recovered for each reimbursement claim (if the amount of the reimbursement claim is different from the total amount paid).
9. Information and documentation regarding any and all other claims which are sought which are in the nature of community property claim, a reimbursement claim (such as for contributions to education and training), or to revoke a donation by one party to the other party.

THUS ORDERED this ____ day of _____, 20____, at Monroe / Bastrop Louisiana.

DISTRICT COURT

FAILURE TO COMPLY WITH THIS *COMMUNITY PROPERTY HEARING OFFICER CONFERENCE ORDER* MAY RESULT IN A CONTINUANCE OF THE SCHEDULED TRIAL OR SUCH OTHER ACTION AS THE COURT MAY DEEM APPROPRIATE PENDING COMPLIANCE WITH THIS ORDER.

IF YOU NEED TO REQUEST A RE-SCHEDULING OF THE HEARING OFFICER CONFERENCE, YOU MUST DO SO THROUGH THE HEARING OFFICER, (318)361-2282. IF YOU NEED TO REQUEST A RE-SCHEDULING OF THE COURT HEARING, BUT NOT THE HEARING OFFICER CONFERENCE, YOU NEED TO DO SO THROUGH THE CLERK-S OFFICE AND THE OFFICE OF THE ASSIGNED JUDGE. IF YOU NEED TO RE-SCHEDULE BOTH THE HEARING OFFICER CONFERENCE AND THE COURT HEARING, YOU NEED TO DO SO THROUGH THE HEARING OFFICER, THE CLERK-S OFFICE, AND THE OFFICE OF THE ASSIGNED JUDGE.

IN THE EVENT OF A SETTLEMENT OR DISMISSAL OF THE ABOVE REFERENCED MATTER, YOU MUST NOTIFY THE OFFICE OF THE HEARING OFFICER IMMEDIATELY AT (318) 361-2282. THE OFFICE OF THE JUDGE ASSIGNED TO THE CASE, AND THE OFFICE OF THE CLERK OF COURT AT (318) 327-1444.

CLERK: PLEASE SERVE A CERTIFIED COPY OF THIS ORDER ON ALL PARTIES WITH THE ATTACHED PLEADING(S).

**IMPORTANT INFORMATION REGARDING
COMMUNITY PROPERTY HEARING OFFICER CONFERENCES
IN THE FOURTH JUDICIAL DISTRICT COURT**

- ?? Generally speaking, Hearing Officer Conferences for community property matters are scheduled for the entire morning or the entire afternoon (usually the afternoon), because these Conferences tend to require substantially more time. Thus, you should be prepared to remain for the entire morning or the entire afternoon, or as long as the matter takes to be completed.
- ?? The 4th Judicial District Court currently has two Hearing Officers serving the Family Court Program, and *either* one of them may be conducting your Hearing Officer Conference, depending on caseloads, conflict-of-interest issues, or the unavailability of one of the Hearing Officers for the date and time scheduled.
- ?? Punctuality is very important. We try to start every Hearing Officer Conference on time; however, sometimes the Hearing Officer Conference immediately preceding yours may run long. Regardless, you should be present and prepared to begin when it is scheduled to begin.
- ?? If one of the parties and/or his or her legal counsel is not present at the time the Hearing Officer Conference is scheduled to begin, the Hearing Officer may choose to start and proceed with the Hearing Officer Conference, even though a party or attorney is not present. This could result in the rendition of a *Community Property Hearing Officer Conference Report* which is based upon a one-sided presentation of information to the Hearing Officer.
- ?? If none of the parties are present at the time the Hearing Officer Conference is scheduled to begin, the Hearing Officer may issue a recommendation that the requested relief be continued without date or dismissed without prejudice. In the event an objection is filed to this recommendation, a new Hearing Officer Conference would have to be scheduled before the matter could be presented in Court to the presiding judge.
- ?? Both parties (and their attorneys, if represented) need to be physically present for the duration of the Hearing Officer Conference. Because one of the purposes of the Hearing Officer Conference is to explore the extent to which some or all of the issues can be resolved amicably, it is vitally important that the person who is in a position to agree or not agree (that is, the party himself or herself) must be present. If that is not possible at the time originally scheduled, then it
- ?? is the responsibility of that party or his or her attorney to request a re-scheduling of the Hearing Officer Conference, or special accommodations for a party.
- ?? If you are aware that a matter may be complicated and/or time-consuming, this should be brought to the attention of the Hearing Office so that adequate provisions can be made to schedule the Hearing Officer Conference accordingly.
- ?? You should make sure that you strictly comply with the requirements of the *Community Property Hearing Officer Conference Order*, including, but not limited to, providing thorough submissions in a timely manner, both to the Hearing Officer and the opposing party/attorney. Failure to appropriately comply with the *Community Property Hearing Officer Conference Order* may result in the Hearing Officer either setting aside the Hearing Officer Conference, or rendering AFindings of Fact@ or ARecommendations@ which are based, in whole or in part, on your failure to provide the appropriate information and documentation, at the discretion of the Hearing Officer.
- ?? If you are seeking relief from the Court and you fail to provide complete submissions to the Hearing Office in a timely manner, the Hearing Officer may simply set aside and continue the Hearing Officer Conference without date. If that happens, you or your counsel of record would have the responsibility of filing a motion and order to re-schedule the Hearing Officer Conference and court date. If the failure to provide timely and complete submissions is by the prospective obligor (the person from whom support or payment of some sort is sought), we will obviously handle it differently.
- ?? We would ask that all participants in the Hearing Officer Conference resist the urge to conduct a lengthy, full-scale trial during the Hearing Officer Conference. While we do not wish to limit anyone's ability to pursue any and all relevant information, we do want to be sure that reasonableness is maintained.
- ?? Everyone is requested to turn off portable phones and pagers during Hearing Officer Conferences. Requests for exemptions should be presented to the Hearing Officer prior to the beginning of the Hearing Officer Conference.