

Petitioner v. Respondent

Critical Issues

1. Verification required — The packet uses a custom correction request instead of the required postjudgment procedure

Form/page: Request and Declaration for Correction to Title of Retirement on Judgment and Order, pages 1–2

Issue: The January 9, 2025 judgment has already been entered, but the draft asks a judicial officer or the clerk to change the property award through a custom request and proposed order. The packet does not contain Request for Order (FL-300), a hearing notice, or another identified authorized procedure. Changing a 401(k) award into an award of military retired pay, and adding payment terms, appears potentially substantive rather than a ministerial correction of what the court actually ordered.

Why it matters: The clerk may be unable to process the request, and the court may lack a procedurally proper basis to alter the final property order without notice and the correct motion or postjudgment proceeding.

Fix: Attorney/filer should verify the legal selection or requested relief. Determine whether the facts support correction of a true clerical mistake under Code of Civil Procedure section 473(d), adjudication of an omitted asset under Family Code section 2556, a set-aside or other postjudgment motion, or another authorized procedure. Prepare the required FL-300 and hearing/service packet unless counsel confirms that a narrower clerical-correction procedure applies.

Authority/verification: [California Rules of Court, rule 5.92](#); [Code of Civil Procedure section 473](#); [Family Code section 2556](#).

2. Verification required — The requested military-retirement relief does not match the property identified in the served petition

Form/page: Filed Petition (FL-100), page 3, item 10b; filed Judgment/FL-345, page 1, items 1c–1d; amended FL-345, page 1, items 1c–1d

Issue: The served petition requested division of “Respondent’s 401k, as pursuant to the time rule,” and the entered judgment likewise identifies a “US Marine Corp - Respondent’s 401k.” The amended FL-345 instead seeks an award from “Respondents Military Retired Pay” and adds a \$1,500 monthly payment. The packet does not establish that the military pension is the same asset that was disclosed and served as a 401(k).

Why it matters: In a true default, property relief is limited to property identified in the petition or in an FL-160 that was filed and served. Treating a military pension as the same asset as a 401(k) without a proper amendment and notice may exceed the relief supported by the default papers.

Fix: Attorney/filer should verify whether the military retired pay was adequately identified in the operative papers served before default. If it was not, determine and complete the required amendment, service, default, set-aside, or postjudgment process before seeking the revised award.

Authority/verification: [California Courts — default divorce property requirements](#).

3. Confirmed defect — The amended property award is mathematically and operationally inconsistent

Form/page: FL-345 082725, page 1, items 1c–1d; Client reference note, page 1

Issue: Item 1c gives Petitioner \$1,500 per month and an estimated 35 percent under the time rule, while item 1d gives Respondent an estimated 75 percent under the time rule. The percentages total 110 percent. The draft also mixes a fixed monthly award, a percentage award, and an unspecified time-rule formula, and it does not state Respondent's monthly balance or a defined total. The reference note instead discusses \$35,000 and \$65,000 shares and expressly says the grand total is missing.

Why it matters: The proposed judgment does not state a single ascertainable division and may be impossible to enter, enforce, or administer.

Fix: Obtain the exact client-directed or attorney-approved division and express it consistently as one complete award method. Correct the percentages, define the base against which any percentage applies, state any formula variables, and remove conflicting fixed-dollar, percentage, or valuation language.

High-Priority Issues

4. Verification required — The proposed terms are not sufficient for a DFAS-enforceable military retired-pay order

Form/page: FL-345 082725, page 1, items 1c–1e; Request for Correction, pages 1–2

Issue: The papers call the benefit “US Marine Corp” retired pay, do not identify disposable retired pay, and do not supply a complete fixed-dollar, percentage, formula, or hypothetical award. They also do not address the federal jurisdiction and service facts needed for an enforceable military-retirement division order. The draft appears to use a generic FL-345 description as the entire military pension order.

Why it matters: A state property award may still be rejected or require clarification before the Defense Finance and Accounting Service can administer direct payments. A QDRO is not required for military retired pay, but the pertinent court order must contain an enforceable USFSPA award.

Fix: Attorney/filer should verify the legal selection or requested relief. Use the exact name “United States Marine Corps,” determine whether a separate military retired-pay division order is required, and include the DFAS-required award method and applicable federal findings and data without placing protected identifiers in a public filing.

Authority/verification: [DFAS — Former Spouse Protection Act](#); [DFAS — NDAA 2017 court-order requirements](#).

5. Confirmed defect — The current correction packet is missing documents that its own preparation declaration says are included

Form/page: Third-Party Declaration—Correction, page 1, list items 2–4; uploaded packet as a whole

Issue: The correction declaration identifies an amended FL-180, amended FL-345, and amended FL-190 as prepared documents. The uploaded current set contains only the amended FL-345. The only FL-180 and FL-190 versions appear inside the 79-page retired/background file, and the FL-180 there is not labeled “AMENDED.” No current proof of service or issued hearing paper is included.

Why it matters: FL-345 is an attachment to a judgment and does not independently amend the entered judgment. An incomplete postjudgment packet may be rejected or may fail to produce an effective amended order and notice of entry.

Fix: Assemble the complete current filing and service set after the correct procedure is chosen. Include the properly labeled proposed amended FL-180 or other operative order, the amended FL-345, the appropriate FL-190 or notice document, all motion/hearing papers, and the proof of service prepared for completion after service.

Authority/verification: [California Courts — FL-180 form information](#); [California Courts — FL-345 form listing](#).

6. Confirmed defect — The acquisition and marriage-duration facts conflict and may affect the retirement formula

Form/page: Client reference note, page 1; FL-345 082725, page 1, items 1c–1d; filed FL-100 within the background file, page 76, item 3a

Issue: The reference wording states an acquisition/service date of March 1, 1990, but the amended FL-345 says the benefit was acquired during the marriage. The filed petition states a marriage date of April 17, 1993 and separation in November 2003, yet reports only 9 years 7 months; those dates indicate approximately 10 years 7 months, depending on the exact separation date. The exact military-service overlap is not established.

Why it matters: The dates may change the community-property time rule and whether DFAS’s 10/10 direct-payment requirement is satisfied. The 10/10 rule affects direct DFAS payment, not the state court’s power to divide the asset.

Fix: Verify the exact date of separation, the member’s creditable military-service dates, retirement status, and the intended valuation date. Correct the marriage-duration arithmetic and use consistent dates and characterization in every proposed order and supporting declaration.

Authority/verification: [DFAS — 10/10 rule and state jurisdiction](#).

7. Confirmed defect — The proposed order does not state the exact amendment the court would enter

Form/page: Request for Correction, page 2, ORDER section

Issue: The proposed order merely states that the court “will make the necessary corrections in accordance with request,” ends with a comma, and does not identify the January 9, 2025 judgment, the exact page and item being replaced, the exact replacement text, or whether all other provisions remain unchanged. It also treats a clerk and judicial officer as interchangeable decision makers.

Why it matters: The court cannot enter a clear, enforceable amended property order from language that leaves the operative correction unstated.

Fix: After the legal procedure and relief are verified, draft an order that identifies the prior judgment and precise provision, quotes the exact replacement language, states the effective date, preserves unaffected provisions, and provides the correct judicial signature block.

8. Confirmed defect — The request describes the case as awaiting default judgment even though judgment was entered

Form/page: Request for Correction, pages 1–2; filed FL-180 and FL-190, pages 1 and 1 respectively

Issue: The request says the correction is needed on a judgment “submitted for default on December 10, 2024” and refers to documents submitted for default judgment. The filed FL-180 shows judgment entered January 9, 2025, and the FL-190 was filed January 13, 2025. The request names Judicial Officer Raymonda B. Marquez, while the entered judgment identifies Lisa M. Pacione.

Why it matters: The inaccurate procedural posture and unexplained judicial-officer mismatch may route the filing incorrectly and obscure whether the request seeks to change an entered order or a pending proposed judgment.

Fix: Revise the declaration to state the actual entry and notice dates, identify the entered judgment accurately, and verify the currently assigned judicial officer or omit a named officer unless required by the court’s assignment process.

9. Confirmed defect — The LDA registration disclosure is expired on its face and conflicts with the packet

Form/page: Third-Party Declaration—Correction, page 1; Third-Party Declaration—Default, page 1; filed judgment preparer blocks

Issue: The two current Word declarations state an expiration date that had passed by the review date. They also contain business address and telephone information that conflicts with the information shown in the filed judgment and the filed initial third-party declaration. The designation also omits the county abbreviation used to identify the registration.

Why it matters: The filing may contain inaccurate mandatory preparer-identification information and may imply that an unexpired registration was used.

Fix: Verify the registration record effective on the preparation and filing dates. Replace the disclosure with the exact current registrant name, Kern County registration number (for example, KC #122 if accurate), current expiration date, business address, and telephone number consistently throughout the current packet.

Authority/verification: [California Business and Professions Code section 6408](#).

Medium-Priority Issues

10. Confirmed defect — The blanket separate-property provision does not identify the property being confirmed

Form/page: FL-345 082725, page 2, item 4a

Issue: Item 4a purports to confirm “All property acquired prior to date of marriage, or by gift or inheritance or acquired after the date of separation” to Petitioner and assigns an estimated value of \$50,000, without identifying any asset, debt, account, or property description that makes up that amount.

Why it matters: The provision is too broad and ambiguous to identify what the court is confirming and may conflict with the specific-property limitations of a default judgment.

Fix: Identify each separate-property asset or debt with a sufficient description and value, or remove the blanket \$50,000 provision if no specific confirmation is requested. Attorney/filer should verify that every item was included in the operative served papers.

11. Confirmed defect — The correction declaration’s signature and date area is malformed

Form/page: Third-Party Declaration—Correction, page 1, execution block

Issue: The signature line ends with a stray hyphen, the underline is split across lines in extracted and rendered output, and the “Dated:” field has only a short detached line. The declaration is not yet dated or signed.

Why it matters: Although blank execution fields are acceptable before client signature, the malformed layout may produce an unclear or unprofessional executed declaration.

Fix: Rebuild the execution block with one continuous signature line, a usable date line, the signer’s printed name directly below, and no stray characters. Obtain the required signature and date only after the final declaration is approved for execution.

12. Confirmed defect — The default third-party declaration creates an unnecessary nearly blank second page

Form/page: Third-Party Declaration—Default, pages 1–2

Issue: The declaration’s signature name and date were pushed onto a second page that is otherwise blank. Page 1 also clips the leading characters of FL-150 and FL-160 in the rendered list, and the signature line carries a stray hyphen.

Why it matters: The document is not filing-ready as laid out and may create an incomplete-looking or confusing execution page if it is included in any submission.

Fix: If this historical default declaration is not part of the correction filing, exclude it from the filing and service set. If it must be used, repair the clipped form numbers and signature line and reflow the complete declaration onto one page.

Low-Priority Issues

13. Confirmed defect — The custom correction pleading contains visible border, caption, and footer artifacts

Form/page: Request for Correction, pages 1–2

Issue: Page 1 contains stray double vertical marks at the upper and lower left, an unexplained full-height right border, a caption rule that extends beyond the page boundary, and unmatched caption parentheses. The footer changes from “1 | Page” on page 1 to a bare “2” on page 2.

Why it matters: The artifacts make the document look damaged and can interfere with clean electronic filing and judicial review.

Fix: Remove the stray borders and marks, rebuild the caption within the page margins, align the caption brackets, and use consistent “Page X of X” numbering on both pages.

14. Confirmed defect — Multiple terminology, grammar, and punctuation errors remain

Form/page: Request for Correction, pages 1–2; Third-Party Declaration—Correction and Third-Party Declaration—Default, page 1

Issue: Examples include “US Marine Corp” instead of “United States Marine Corps”; “Defense Finance Accounting Service” instead of “Defense Finance and Accounting Service”; “under penalty and perjury” instead of “under penalty of perjury”; “summons and petition ... reflects” instead of “reflect”; “clerical error but need” instead of “clerical error but needs”; “INPROPRIA PERSONA” instead of “IN PROPRIA PERSONA”; “amount ... were” instead of “amount ... was”; a sentence fragment beginning “Fees for legal document preparation”; and a proposed order ending with a comma.

Why it matters: The errors create ambiguity in a filing that depends on exact identification of the benefit and the requested correction.

Fix: Proofread the final packet line by line, correct the listed errors, use the benefit administrator’s and military branch’s exact names, and standardize capitalization, possessives, telephone formatting, spacing, and punctuation.

Correction Checklist

- ☐ 1. Confirm and use the legally correct postjudgment procedure, including FL-300, hearing, and service documents if required.
- ☐ 2. Verify that the military retired pay was properly identified and served before default, or complete the required amendment and notice procedure.
- ☐ 3. Replace the 110-percent, mixed-method allocation with one complete and internally consistent retirement award.
- ☐ 4. Prepare a complete USFSPA/DFAS-compliant military retired-pay order using the correct service name and award method.
- ☐ 5. Add every current judgment, notice, motion, hearing, attachment, and proof document required for the correction packet.
- ☐ 6. Verify and reconcile marriage, separation, military-service, acquisition, and retirement dates and correct the duration calculation.
- ☐ 7. Rewrite the proposed order to state the exact provision replaced, exact replacement language, effective date, and preserved terms.
- ☐ 8. Correct the judgment history and verify the assigned judicial officer.
- ☐ 9. Update and standardize the LDA county, registration number, expiration date, address, and telephone number.
- ☐ 10. Replace the blanket \$50,000 separate-property clause with specific identified property or remove it if unsupported.
- ☐ 11. Repair and then complete the correction declaration's signature and date block.
- ☐ 12. Exclude the obsolete default declaration or reformat it into one complete, unclipped page.
- ☐ 13. Remove the pleading artifacts and apply consistent Page X of X footers.
- ☐ 14. Correct all listed terminology, grammar, possessive, capitalization, spacing, and punctuation errors.