

# INSTRUCTIONS FOR FILING A PETITION FOR DIVORCE WITHOUT MINOR CHILDREN

## GENERAL COMMENTS

This is the packet for people who want to file their own divorce in Henry County, and who do not have any minor children together with their spouse. If you and your spouse have minor children together, you must not use this form packet. Instead, you must use the version called “Petition for Divorce with Minor Children.”

**Please read these instructions and each individual form very carefully.** Missing or misreading a word could cause you to make serious errors in your case, putting your rights and the direction of your divorce case in jeopardy.

## **IMPORTANT**

**IF THERE IS ANY QUESTION in your mind concerning these forms, the use of these forms, or your legal rights, it is strongly recommended that the services of an attorney be obtained. If you do not know an attorney, you should contact your local Bar Association.**

**If you are financially unable to afford the services of an attorney, you should contact the following organizations to see if you are eligible for their services:**

- **Georgia Legal Services Program, Piedmont Regional Office (833) 457-7529 or (800) 498-9469.**

**DUE TO THE CHANGING NATURE OF THE LAW, the forms and information contained in these packets may become outdated. Therefore, you should review and research statutes and rules of procedure referenced in the instructions to ensure that the forms are accurate and current.**

**IN NO EVENT will the Clerk of Court or ADR Office or anyone contributing to the production of these forms, commentary, instructions, and appendices be liable for any indirect or consequential damages resulting from the use of the booklet.**

**USE THESE FORMS AT YOUR OWN RISK. THESE FORMS MAY OR MAY NOT BE APPROPRIATE IN YOUR PARTICULAR CASE. ANY DESIRED OUTCOME FROM THE USE OF THESE FORMS CANNOT BE PREDICTED OR GUARANTEED. IT IS STRONGLY RECOMMENDED THAT YOU SEEK LEGAL ADVICE.**

## **INTRODUCTION**

In the State of Georgia, if you want to end your marriage, you must file a *Petition for Divorce* in the Superior Court. There are two options available to you for filing a divorce case: (1) you can hire a lawyer who will prepare your paperwork and represent you in court, or (2) you can use the forms included in this packet and represent yourself in court. After a court grants your divorce and issues a *Final Judgment and Decree of Divorce*, you will be legally able to remarry.

It is advisable to speak with a lawyer before filing any action with the Court; this divorce is no exception to that rule. There are often more issues involved in a divorce than you might realize if you fail to get legal advice. However, you may want to review the forms and instructions in this packet before you talk to a lawyer, so that you will be able to make the best use of your time with the lawyer.

Dissolution of a marriage can be a very complicated process. If documents are not completed, signed, notarized and filed as prescribed by law, then the divorce pleadings are not in compliance with the law, which means that a judge cannot grant your request for divorce, and may dismiss your case.

If you want a court to grant your divorce, **you must follow the law and you must complete each and every paragraph that applies to your case (but not any paragraph that does not apply to your case).**

Please read and complete the steps listed in this packet in order to finalize, file, and serve your petition for divorce. Be aware that answering questions about legal procedure (such as what the law requires you to do, how to prove your case, how to respond to requests by the opposing party or how to get that party to respond to your requests, how to comply with a law or a court order, etc.) constitutes “giving legal advice.” Georgia law strictly forbids anyone employed by the Clerk’s office, Sheriff’s office, judge’s chambers, or ADR office from answering such questions. *When you choose to represent yourself, it is your responsibility to research the law yourself and figure out what the law requires you to do and how you should proceed. The fact that you are not an attorney is not an excuse or an exception to this requirement.*

### **YOU MAY ESPECIALLY NEED AN ATTORNEY IF:**

- The case is contested OR an attorney represents your spouse.
- You or your children are victims of family violence against you by your spouse.
- You are unable to locate your spouse for purposes of having him/her served with this action.
- You and/or your spouse have a house, pension, business, or large amount of property or income to be divided.
- You think you may have difficulty getting financial information from your spouse.

**Whether your case is contested or uncontested, you should speak with a lawyer before signing a *Settlement Agreement* or filing any other documents with the Court.**

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**FORMS NEEDED TO START YOUR DIVORCE:**

If this divorce action **may be contested** (meaning that you do not have a signed *Settlement Agreement*), you must file the following documents along with the *Petition*:

- (a) *Petition for Divorce*
- (b) *Verification*
- (c) *Summons*
- (d) *Domestic Relations Financial Affidavit*
- (e) *Domestic Relations Case Filing Information Form*
- (f) *Sheriff's Entry of Service*

**OR**

*Acknowledgment of Service*

**OR**

All of the following publication paperwork:

- (1) *Affidavit of Diligent Search*
- (2) *Notice of Publication*, and
- (3) *Order of Publication, Return of Service, Order Perfecting Service*
- (g) *Notice of Lis Pendens* (if applicable) *We suggest that you consult an attorney if you think you need this form.*
- (h) *Rule Nisi* (only if you want a hearing on temporary issues)
- (i) *Affidavit of Poverty and Order on Affidavit of Poverty* (if applicable)

**Note:** Only use this form if you are indigent and cannot afford to pay the filing and service fees. See the list of fees enclosed with this packet.

**All of these forms are included in this packet or are available from the ADR Office, except for *Sheriff's Entry of Service and Domestic Relations Case Filing Information Form*, (which are available at the Superior Court Clerk's Office).**

If this action is **uncontested** (meaning you have a signed *Settlement Agreement*), you must file the following documents:

- (a) *Petition for Divorce*
- (b) *Verification*
- (c) *Summons*
- (d) *Domestic Relations Financial Affidavit*
- (e) *Domestic Relations Case Filing Information Form (Clerk's Office)*
- (f) *Acknowledgment of Service, Consent to Jurisdiction and Venue, and Consent to Present Case* (original signed by Respondent and notary public)

**OR**

*Acknowledgment of Service* (original signed Respondent and notary public)

- (g) *Notice of Lis Pendens* (only if applicable)

**Note:** It is unlikely that you will need this document if you have a signed *Settlement Agreement* (see instructions for Paragraph 9 of the *Petition*). We suggest that you consult an attorney if you think you need this form.

- (h) *Rule Nisi* (only if you want a temporary hearing on issues)
- Note:** It is unlikely that you will need this document if you have a signed *Settlement Agreement*.
- (i) *Affidavit of Poverty and Order on Affidavit of Poverty* (only if applicable)

**Note:** Only use this form if you are indigent and cannot afford to pay the filing and service fees. See the list of fees enclosed with this packet.

- (j) *Settlement Agreement* (signed before notaries by both parties)
- (k) *Motion for Judgment on the Pleadings*

**ADDITIONAL FORMS:**

If you do not have a signed *Settlement Agreement*, the Respondent will need the following forms to file a response to the Petitioner for Divorce

- (a) *Response to Divorce*
- (b) *Certificate of Service*

All of these forms are included in this packet or are available from the ADR Office.

**FORMS NEEDED AT THE FINAL HEARING TO FINISH YOUR DIVORCE:**

If you do not have a signed *Settlement Agreement*, you will need the following forms when you go to the final hearing in your divorce:

- (a) *Final Judgment and Decree of Divorce Without Minor Children (Without Settlement Agreement)*
- (b) *Domestic Relations Case Disposition Form (Clerk's Office)*

If you have a signed *Settlement Agreement*, you will need the following forms when you go to the final hearing for your divorce:

- (a) *Final Judgment and Decree of Divorce Incorporating Settlement Agreement*
- (b) *Domestic Relations Case Disposition Form (Clerk's Office)*

All of these forms are included in this packet or are available from the ADR Office or the Clerk's Office.

**NOTE: ALL contested domestic cases except domestic violence (only) cases must be submitted to the ADR Office for mediation prior to ANY court hearing. If there is no mediation, there will be no court hearing unless mediation is excused in writing by the ADR Office. You may contact the ADR Office at 770-288-8448 to initiate the mediation process.**

The following are detailed instructions on how to complete and file this *Petition for Divorce Without Minor Children*, as well as some of the related documents. (Read these instructions carefully and more than once, if necessary).

**STEP 1: PETITION FOR DIVORCE**

- **Caption (Heading):**

Fill in your full name as the Petitioner and your spouse's full name as the Respondent (do not use initials or nicknames). Leave the Civil Action Case Number blank. The clerk will assign a number to your case when you file your Petition in the Clerk's Office. After completing the heading, write your full name again in the space provided just before Paragraph 1.

- **Paragraph 1: Subject Matter Jurisdiction**

*Check only one (1) box.*

- (a) Check box (a) if you have been a resident of the State of Georgia for at least six (6) months immediately before filing your *Petition for Divorce*. (It is not good enough if you used to live in Georgia in the past, moved away, and have returned more recently than six months ago.)

- (b) Check box **(b)** if you are not a resident of the State of Georgia, but your spouse has been living in Georgia for at least the past six (6) months. (It is not good enough if your spouse used to live in Georgia in the past, moved away, and has returned more recently than six months ago.)

**Note:** If you live in Georgia, but not lived here for a full six months, but your spouse has been living here for at least the past six months, you may still use this *Petition* and file in Georgia. If this is the case, you should check box **(b)** and cross out the first eleven words (“I am not a resident of the State of Georgia, but...”), so that the sentence is accurate.

• **Paragraph 2: Venue**

The issue of venue in a divorce action is very complicated. It is also very important since the divorce may be defective if venue is not addressed properly. Read these instructions very carefully. If your situation does not seem to fit any of the choices exactly, you should talk to a lawyer. You may not be able to file your case in Henry County or you may need to make particular changes to this form.

*Check only one (1) box.*

- (a) Check box **(a)** if the Respondent currently resides in Henry County.
- (b) Check box **(b)** if all of the following are true:
- (1) The Respondent is not a resident of Henry County, but resides in Georgia;
  - (2) The two of you lived together in Henry County at the time you separated;
  - (3) You still live in Henry County; and
  - (4) The Respondent has moved out of Henry County only within the past six (6) months prior to you filing this *Petition for Divorce*.
- (c) Check box **(c)** if the Respondent does not live Henry County and did not live with you in Henry County at your time of separation, but currently resides in Georgia.
- (d) Check box **(d)** if you live in Henry County and the Respondent does not live in Georgia. Then check number (1), (2), or (3) in the same paragraph.

*Check only one (1) box. (If both 1 and 3, or 2 and 3 apply, check only 3.)*

- (1) Check box **(1)** if the Respondent was a resident of Henry County, but currently resides in another state (enter the name of the state in the space provided), and the Respondent is subject to the personal jurisdiction of the Court under Georgia’s Long Arm Statute. (See O.C.G.A. § 9-10-91[5]).
- (2) Check box **(2)** if the Respondent has never resided in the State of Georgia and currently resides in another state. Enter the name of the state in the space provided.
- (3) Check box **(3)** if the Respondent does not live in Georgia but has acknowledged service of process and has consented to the jurisdiction of the Court. If you check this box, you must file the original signed and notarized form entitled *Acknowledgment of Service, Consent to Jurisdiction and Venue, and Consent to Present Case* (this is one form) with this *Petition*.
- (e) Check box **(e)** if you reside in Henry County, but you do not know where the Respondent lives. You must prove to the Court that you have tried to locate the Respondent and cannot find him or her. You must also file the original signed and notarized *Affidavit of Due Diligence* with this *Petition*. In that *Affidavit*, you will explain to the Court about the steps you took to try to find the Respondent.

**Note:** In this situation, you will have to serve the Respondent by publication. (See Paragraph 3-c below). That means you will not be able to get certain kinds of relief as part of the divorce, such

as alimony. However, if the Respondent later acknowledges service, is served by the Sheriff, or files an *Answer* to the divorce, then your case will not be limited by the restrictions that apply to publication cases.

- **Paragraph 3: Service of Process**

*Check only one (1) box.*

- (a) Check box **(a)** if the Respondent has acknowledged Service of Process. If you check this box, you must also file the original signed and notarized *Acknowledgment of Service*.
- (b) Check box **(b)** if you want the Sheriff’s Department to serve the Respondent with this *Petition* and the other court papers. You must fill in the address where the Respondent should be served and circle whether this is a home or work address.
  - (1) Check box **b-1** if the Respondent lives outside of Henry County and you want the Sheriff’s Department to serve him or her. If you check this box, you must inform the Clerk’s Office (when you file the case) that the other party must be served by “second original.” The clerk will stamp the service copy of your papers as a “second original.”
- (c) Check box **(c)** if you do not know where the Respondent lives and you are serving him or her by publication. Write the Respondent’s last known address on the lines provided. You must also file the original signed and notarized *Affidavit of Due Diligence* with this *Petition*. In that *Affidavit*, you will explain to the Court about the steps you took to try to find the Respondent. You will have to wait for the judge to sign an order approving of service by publication before you can have the Notice published.

To find more information about Service of Process, read **Step 7** of these instructions.

- **Paragraph 4: Date of Marriage**

*Check only one (1) box.*

- (a) Check box **(a)** if you and the Respondent were married with a license and a ceremony, such as one by a clergyman or by a judge at the courthouse. Write the date of the marriage in the space provided.
- (b) Check box **(b)** if you and the Respondent did not have a marriage license and a ceremony, but you believe you have established a common law marriage. Under Georgia law, this generally means that you and the Respondent lived together and held yourselves out as husband and wife before January 1, 1997. Write the date you began your common law marriage in the space provided.

- **Paragraph 5: Date of Separation**

In the space provided, write the date that you and the Respondent last separated and remained separated up to the present time. Provide only one date. If you and the Respondent have separated, gotten back together, and then separated again, use the date of the most recent separation.

- **Paragraph 6: Settlement Agreement**

Check this box only if you and the Respondent have signed a *Settlement Agreement* telling the Court the arrangements you have agreed upon how you will divide your joint and marital property and debts and how you will resolve any other issues between the two of you. The parties must agree voluntarily, and this document must be signed by both parties in front of a notary public.

• **Paragraph 7: Minor Children**

*Check only one (1) box.*

- (a) Check box **(a)** if you and the Respondent do not have any minor children together (by birth or adoption).
- (b) Check box **(b)** if you and the Respondent have minor children together. **STOP HERE.** If you and the Respondent have minor children together, you must use a different petition form, entitled “Petition for Divorce With Minor Children.”

• **Paragraph 8: Alimony**

**Note:** If you want alimony, but do not have proof of the Respondent’s income, you should see a lawyer. There are procedures called “discovery” that may be used to try to determine the income. The key issue in deciding alimony is the income of both parties.

*Check only one (1) box.*

- (a) Check box **(a)** if you are financially dependent on the Respondent and want the Court to order the Respondent to pay alimony for your support.
- (b) Check box **(b)** if you are not asking the Court to order alimony payments for your support.
- (c) Check box **(c)** if this issue cannot be decided by the Court in this divorce action because the Court cannot get personal jurisdiction over the Respondent. (See the instructions above for Paragraph 2-e.)

• **Paragraph 9: Marital Property**

**Notes:**

- All property that was acquired by either party during the marriage is considered marital property (no matter whose name is on the title), except for gifts and inherited property.
- If the marital home or other real estate is titled in the Respondent’s name alone (or you are not sure whose name is on the property deed), you must file a separate document called a *Notice of Lis Pendens*. If you do not file a *Lis Pendens*, and the property is sold before the divorce becomes final, you will not be able to get the home (or a share of it) as part of the divorce because it will be gone. See a lawyer if this may apply to your case.
- If the marital home belonged to one of the parties before the marriage, it still may be claimed as marital property if its value has increased (or the mortgage has decreased) during the marriage. See a lawyer if this may apply to your case.
- If you and/or your spouse owned or established a business, separately or together, either during the marriage or before the marriage and continuing into the marriage, the business in whole or in part may also be considered marital property. See a lawyer if this may apply to your case.
- If you or the Respondent has rights to a pension or retirement funds/assets/accounts that have built up during the marriage, this also may be considered marital property. Figuring out the true value (as opposed to the face value) of a pension or other retirement funds (and writing the proper QDRO order if it is distributed in the divorce) is very complicated. See a lawyer if this may apply to your case.
- If you think the Respondent may have acquired assets during the marriage that are unknown to you, the law has procedures to use (called “discovery”) to try to find out about those assets. If it is important to you to try to learn more about the Respondent’s assets, you should see a lawyer.

Check only one (1) box.

- (a) Check box (a) if you and the Respondent have already divided your marital property and you are both satisfied with the division.
- (b) Check box (b) if you and the Respondent did not acquire any property during your marriage (or if the property is already gone).
- (c) Check box (c) if you and the Respondent did acquire property during your marriage and you are asking for a fair division of that property.

**Note:** If you check this box, you must provide the Court with information about the property that you and the Respondent have acquired at any time during the marriage. Use the spaces provided under box (c) to describe the property and check each box that applies. Use additional paper if necessary, and attach the paper to this *Petition*, between pages 8 and 9. Carefully read the Notes under the “Marital Property” section at the beginning of the instructions for Paragraph 21.

- (d) Check box (d) if this issue cannot be decided by the Court in this divorce action because the Court cannot get personal jurisdiction over the Respondent. (See the instructions above for Paragraph 2-e.)

- **Paragraph 10: Joint or Marital Debts**

**Note:** Creditors are not parties in your divorce cases. Consequently, the Court cannot take away creditors’ rights in the divorce. This means that the Court cannot prevent creditors from exercising their legal right to collect from any person who is liable for a particular debt, even if you are not in possession of the thing(s) for which the debt was incurred but you are listed as a debtor, such as a car that your spouse has always driven or the former marital home that your spouse still lives in but you have not lived in for months or years. However, the Court can enter an order in the divorce case that says one party or the other must pay a particular marital debt. If the responsible party does not pay as ordered, s/he may be held in contempt.

Check only one (1) box.

- (a) Check box (a) if you and the Respondent do not have any joint or marital debts.
- (b) Check box (b) if you and the Respondent have joint or marital debts. In the spaces provided, list each creditor (for example, Visa, MasterCard, etc.), the balance owed, and who you believe should pay each debt. Use additional paper if necessary, and attach it to the *Petition* between pages 9 and 10.
- (c) Check box (c) if this issue cannot be decided by the Court in this divorce action because the Court cannot get personal jurisdiction over the Respondent. (See the instructions above for Paragraph 2-e.)

- **Paragraph 11: Restraining Order Where Violence Has Occurred**

Do not check this box if there has not been any history of violent acts against you by the Respondent.

Check this box only if there has been a history of physical violence by the Respondent toward you, and you are afraid that the Respondent will continue the violent acts or harassment against you.

The restraining order in a divorce is not enforceable by warrantless arrest. It can only be enforced by a *Motion for Contempt*.



**Note:** If there has been recent physical violence (or past physical violence plus a recent threat to renew that violence), you should consider filing a Temporary Protective Order (TPO) immediately. A TPO provides *much* stronger and faster protection than a restraining order in a divorce case. There is no charge for filing a TPO petition, and free help is available for filing one. Contact Haven House at 770-954-9229.

- **Paragraph 12: Restore Former Name**

Check this box only if you want the Court to restore your former or maiden name. On the space provided, write the full name you want to have restored. **DO NOT USE INITIALS OR NICKNAMES.**

**Note:** This is not a name change action and cannot be used for anyone except the wife or husband in this divorce action.

- **Paragraph 13: Grounds for Divorce**

*Check only the boxes that you can prove in court if your case goes to trial.*

- (a) Check box **(a)** if there is no hope that you and the Respondent can save this marriage. This is the language for grounds in most cases, and may be the only grounds you choose. It is the basis for granting a divorce when fault is not proven. It can and should be used as a “back-up” if you check other grounds based on some kind of fault but fail to prove the fault to the judge’s satisfaction at court.
- (b) Check box **(b)** if the Respondent has committed acts of cruelty against you. On the spaces provided, you must tell the Court what cruel acts the Respondent did to you.
- (c) Check box **(c)** if the Respondent had sexual relations with someone else while you have been married to each other.
- (d) Check box **(d)** if the Respondent left you intentionally and has not come back for at least a year.
- (e) Check box **(e)** if you can prove and want to state other grounds for divorce. You must research the law under O.C.G.A. § 19-5-3, and tell the Court what other grounds for divorce you are asserting. Use the space provided or attach additional paper between pages 10 and 11.

- **Final Paragraph: Request for Relief**

*Check only the boxes that apply.*

- (a) Check box **(a)** if you want the Court to grant you a total divorce from the Respondent. Make sure you have also completed Paragraph 25. You **must** check this box if you want a divorce! The Court cannot and will not grant you a divorce unless this box is checked.
- (b) Check box **(b)** if you want the *Settlement Agreement* signed by you and the Respondent to be incorporated in the *Final Judgment and Decree of Divorce*. Make sure you have also completed Paragraph 6 and that both parties have signed the *Settlement Agreement* in front of a notary public.
- (c) Check box **(c)** if you want the Court to order the Respondent to pay alimony for your support. Make sure you have completed Paragraph 8.
- (d) Check box **(d)** if you want the Court to divide the marital property as described in Paragraph 9. Make sure you have correctly and completely filled out Paragraph 9, after carefully reading the notes at the beginning of the instructions for that paragraph.

- (e) Check box (e) if you want the Court to assign responsibility for payments of joint or marital debts as described in Paragraph 10. Make sure you have correctly and completely filled out Paragraph 10, after carefully reading the notes at the beginning of the instructions for that paragraph.
  - (f) Check box (f) if you want the Court to temporarily and permanently restrain the Respondent from harassing you or committing any further acts of violence toward you. Make sure you have completed Paragraph 11.
  - (g) Check box (g) if you want the Court to restore your former or maiden name according to Paragraph 12. Make sure you have completed that paragraph and have not used any initials or nicknames.
  - (h) Check box (h) if you want the Court to schedule a Rule Nisi (hearing on temporary issues). Complete a *Rule Nisi* form for the Court to complete and sign. See additional information about this in Step 8 below.
  - (i) Check box (i) as a “back-up” to allow for any other relief the Court finds appropriate in your case.
- **Signature and Date**

To finish the *Petition* form, add the date on which you are signing it, sign your name in the space provided on the last page, and write your address, a daytime telephone number, and email address where the Court staff could reach you if necessary. However, if you are living in a shelter for victims of family violence, do not list the address of the shelter. Instead, you should write another address and email address where you can be sure that you will receive any information that is mailed or emailed to you by the Court or the Respondent.

#### **STEP 2: VERIFICATION FORM**

The *Verification* form must be filled out with the *Petition for Divorce*. In the caption, insert your name as the Petitioner and your spouse’s name as the Respondent. Do not fill in the Civil Action Case Number. The clerk will assign a number to your case when you file your case in the Clerk’s office. Insert your name in the space underneath the word “Verification,” which is the title of this document. In the next space, insert the title of the document you are verifying as true, which is “*Petition for Divorce Without Minor Children*.”

Before you sign this *Verification*, remember that you will be swearing under oath that the information you have provided in the *Petition for Divorce* is true. You should re-read the *Petition* one more time, from start to finish, to make sure it is all true. Then take the *Petition* and this *Verification* to a notary public. (See pages 2 and 3 above to find out the other forms you will need to have notarized.) Sign your name in front of the notary public in the space provided and check the box to indicate that you are the Petitioner. The notary must complete the rest of the *Verification* form after you sign it under oath.

#### **STEP 3: OTHER DOCUMENTS & COPIES**

To start your divorce case, you must complete and file several other forms in addition to the *Petition* and *Verification*. Some of these forms need to be signed in front of a notary public. (The forms you will need are listed on pages 2 and 3 of these instructions.)

After you have finished filling out all of the required papers to start your case, and all have been signed (in front of a notary public where required), make two (2) complete sets of copies of all papers that you are going to file. Then, separate the copies into three packets: (1) all of the originals to be filed with the Clerk of Court, (2) one set of copies for your spouse (called the “service copy”), and (3) one set of copies for you to keep for your own records.

#### **STEP 4: FEES**

## Henry County Superior Court

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The court filing fee for a divorce action may be obtained from the Superior Court Clerk's Office. You should contact someone in that office to determine what forms of payment are acceptable. The phone number to the Henry County Superior Court Clerk's Office is 770-288-8022

In addition, there is a service fee of \$50.00, if the Henry County Sheriff's Department is going to serve this action. Please note that this fee is subject to change.

**Note:** If you have a low income and feel that you cannot afford to pay these fees, you can ask the Court to waive the court filing fee and service fee. To do this, you should file the *Poverty Affidavit* and *Order on Poverty Affidavit* forms along with your other forms that you have taken to the Clerk's Office. You should submit pay stubs for the last three months or unemployment check statements for the last three months. A judge must sign the *Order* approving the *Poverty Affidavit*, before the filing of your case can be completed by the Clerk's Office staff. If the judge signs the order of approval, both the filing fee and the service fee are waived. If the judge does not approve your *Poverty Affidavit*, you must pay all fees before your case will proceed.

If you are serving the Respondent by publication (because you do not know where she or he can be found for service), there is a publication fee charged by the newspaper that publishes the notice. This fee will have to be paid separately from the Clerk's Office fees. Even if the judge approves your *Poverty Affidavit*, you will have to pay this fee of \$80.00 (subject to change) to the *Daily Herald*.

### STEP 5: FILING

After you have completed, signed (in front of a notary, where applicable), copied, and sorted all of your paper work, you are ready to file your case. Take all three (3) sets of forms (with the Court's set on top), along with your cash or money orders to pay the fees, to the Henry County Superior Court Clerk's Office. Give all three sets of documents to the clerk.

Tell the clerk if there have ever been cases about you in this court so that the case can be assigned to the proper judge. If your paperwork is complete, the clerk will keep the originals for the Court's file. Once your fees have been paid or a *Poverty Affidavit* has been approved by the judge, the clerk will write the case number on the top of the set of your copies, stamp them, and return them to you. Keep these copies for your records. Your divorce case has now been filed, but you still need to arrange for service (unless you have filed an *Acknowledgment of Service*). You should use the third set of copies for service. In Henry County, you may arrange for Sheriff's service while you are in the Clerk of Court's office instead of having to make a separate trip to the Sheriff's office.

### STEP 6: SERVICE

Service is the required formal process of notifying the Respondent that the divorce action has been filed. There are three ways for service to be completed: (1) the Respondent signs an *Acknowledgment of Service*, (2) service by the Sheriff's Department or other approved process server, or (3) by publication.

- **Service by Acknowledgement of Service**

This is the easiest and least expensive method, but only if the Respondent is cooperative and willing to sign an *Acknowledgment of Service* form in front of a notary public. You cannot sign for the Respondent, and you cannot sign as the notary witnessing the Respondent's signature, nor is it good enough for the Respondent to sign without the signature being witnessed by a notary public.

There are two different *Acknowledgment of Service* forms available from the ADR Office.

- (1) The *Acknowledgment of Service, Consent to Jurisdiction and Venue, and Consent to Present Case* is appropriate if you and the Respondent have reached an agreement and will be signing a *Settlement*

*Agreement.* This form is best because it includes the consent to the present case in the same form with the acknowledgement, so you are saved a step later.

- (2) The plain *Acknowledgment of Service* form is appropriate if you and the Respondent have not reached a complete agreement yet, but the Respondent is willing to acknowledge service. This saves the Respondent the possible embarrassment or inconvenience of being served by the deputy sheriff, but does not give up the Respondent's right to file an *Answer* and have a trial if an agreement is not reached.

To use this method of service, you need to complete the appropriate form and have the Respondent sign it in front of a notary public. You should then file it with your other papers, as explained in Steps 3, 4, and 5 above.

- **Service by Sheriff's Department**

This is the usual way for service to be completed. It is sometimes called "Personal Service," which means that the deputy sheriff or other court-approved process server hands the papers to the Respondent in person. The forms provided by the Superior Court Clerk's Office do not include the special motion and order required to have a special process server appointed. Therefore, if the Respondent will not sign an acknowledgement, and you know an address where the Respondent can be served, you should make arrangements for the Sheriff's Department to serve the papers.

If the Respondent can be served in Henry County, then the Henry County Sheriff's Department can serve the papers. You may pay the service fee at the Clerk's Office when you file the case, and leave the service copy of the papers with the clerk. The clerk will forward your payment and legal documents to the Sheriff's Department for service.

If the Respondent must be served in another county or state, the Henry County Sheriff's Department cannot serve the papers. You will need to arrange for service directly with the Sheriff's Department of the proper county. You should find out the amount of the fee, and take or send it to the proper Sheriff's Department, along with the service copy of the papers.

Whether you have service completed by the Henry County Sheriff's Department or some other Sheriff's Department, you should make sure the service copy includes the *Sheriff's Entry of Service* form. After the Sheriff's Department completes service, they will send the white and yellow copies to the Clerk's Office, which will then send the yellow copy to you (if you have properly filled out the form).

- **Service by Publication**

This is a method of last resort. If you can find the Respondent, you must use one of the other two previously described methods of service. If you do not know where the Respondent lives or works, and you cannot find that information out, this is your only choice of service method. You must prove to the Court that you have tried to locate the Respondent and cannot find him/her or that the Respondent is avoiding service.

Using service by publication places special limitations on your divorce case, because the Court will not have "personal jurisdiction" over the Respondent. You will not be able to get certain kinds of relief, such as alimony, as part of the divorce. However, if the Respondent later acknowledges service, gets served by the sheriff, or files an *Answer* to the divorce, then your case will no longer be limited by the restrictions that apply to publication cases.

To serve by publication, you will need to prepare and file the following three (3) forms:

- Affidavit of Diligent Search*
- Notice of Publication, and*
- Order of Publication, Return of Service, and Order Perfecting Service*

In the *Affidavit of Due Diligence*, you will explain to the Court the steps you took to try to find the Respondent. You must make reasonable effort to find the Respondent before you fill out this form, which is available through the ADR Office and has its own set of instructions. The other two forms are available through the Clerk's Office.

If you know you must use service by publication when you prepare your *Petition for Divorce*, then you should prepare all three above listed forms at that time. However, if you have already filed your divorce case, and have tried to complete service by a different method, you can still request the Court's permission to serve by publication.

After you file the forms and if the Court grants permission, the judge will then sign an *Order of Publication*. You will need to pay the cost of publication (\$80.00, subject to change) at the Clerk's Office. The *Notice of Publication* will then be published in the county's official legal newspaper, the *Daily Herald*, four times (usually four weeks in a row). The Respondent will then have 60 days from the first date of publication to file an *Answer* if s/he wants to contest the case.

To be on the safe side, you should also mail a set of all the papers, called the "service copy," to the Respondent's last known address. Be sure to put enough postage on it, and be sure to list a return address so that the post office can return it to you if they are unable to deliver it.

After the *Notice of Publication* has been published all four times, you should receive an *Affidavit of Publication* from the *Daily Herald*, the county's official legal newspaper, stating that publication is complete. You must either file this Affidavit of Publication with the Clerk of Court's office or else bring it with you to your hearing in order to prove that service by publication has been completed. Usually the judge will then sign the *Order Perfecting Service* (part of the three-part form listed above) at the hearing, showing that the Court has reviewed the service and finds that it was done properly.

**If you later find out where the Respondent lives or works** (before the case is over), you should arrange for the Sheriff's Department to serve the Respondent or for the Respondent to acknowledge service.

**STEP 7:            MEDIATION (contested cases only)**

After you have filed your case, and the Respondent has been properly served, if you and your spouse cannot agree on all the issues in your divorce, you are ready for the next step, which is mediation

- For all contested domestic relations cases, complete and submit the Domestic Relations Initiation Form and Domestic Relations Screening Form to the ADR Office. These forms are available by calling the ADR Office 770-288-8448 or online at [www.adr6th.org](http://www.adr6th.org).
- Once the paperwork has been received by the ADR Office, the case will be screened to determine if it is appropriate for mediation. If for some reason the case is not appropriate, it will be released from the mediation requirement. Otherwise, it will be scheduled for a mediation session.
- Mediation is mandatory for all contested cases. Failure to appear at a scheduled mediation session may result in fines and other court sanctions.
- Once the mediation requirement has been met, a Release for Hearing will be forwarded to the Court and a copy mailed or emailed to all attorneys or parties if unrepresented. Now you may conclude your case in one of two ways: requesting that judgment be granted without a hearing by filing a Motion for Judgment on the Pleadings (meaning that if all your paperwork is correct and complete, the judge will sign the final divorce order without you having to come to court), or by requesting a final hearing date where you will come to court and appear before the judge.

**STEP 8-A:            HEARINGS – IF NECESSARY**

After you received your Release for Hearing, or if your case is uncontested and you have filed your case and the Respondent has been properly served, you are ready for the next step, which is either a temporary hearing (called a Rule Nisi) or the final hearing.

- **Temporary Hearing (Rule Nisi)**

A temporary hearing is not required. However, if your case will not be ready for a final hearing (because you do not have a signed agreement and do not expect to have one soon), there may be issues that need to be decided on a temporary basis before the final hearing. In that situation, you may ask the Court to schedule a *Rule Nisi* temporary hearing. In a divorce without minor children, temporary issues may include alimony, living arrangements, use of an automobile, or who is responsible for certain payments while the divorce is pending.

To schedule a *Rule Nisi* temporary hearing, you should complete a *Rule Nisi* form which has its own separate instructions. If you know you want a temporary hearing when you are getting ready to file your divorce case, you can copy, sort, and file the *Rule Nisi* form with your other paperwork. (See steps 3, 4, and 5 above). After your case is filed with the Clerk's Office, you should take the original copy of the *Rule Nisi* and at least one copy to the office of the judge assigned to your case. The judge's staff will schedule a date for the *Rule Nisi* and fill out that part of the *Rule Nisi* form

- **Final Hearing**

- With a Signed and Notarized *Settlement Agreement*

If you have a signed *Settlement Agreement*, you may arrange to have the final hearing take place any time at least 31 days after the Respondent was personally served (or the *Acknowledgment of Service* was filed with the Clerk). Most of the judges and other court personnel call this type of hearing an "uncontested" divorce hearing. The judges schedule them in different ways. You should check with the staff for the judge assigned to your case to find out how that particular judge schedules these hearings.

If the Respondent signed the form called *Acknowledgement of Service, Consent to Jurisdiction and Venue, and Consent to Present Case*, then you are not required to give the Respondent notice of the date and time of the final hearing.

If the Respondent signed the other *Acknowledgement of Service* form (which does not waive the right to notice of the hearing), then you should mail a notice to the Respondent, telling the date, time, and place of the final hearing. Then, you should file a *Certificate of Service* with the Superior Court Clerk's Office (showing that you mailed or delivered proper notice to the Respondent).

- Without a Signed *Settlement Agreement*

If you do not have a signed *Settlement Agreement*, then your final hearing may take place any time at least 46 days after the Respondent was personally served (or the *Acknowledgment of Service* was filed with the Clerk). If the service was by publication, the hearing may take place any time after 61 days from the date of the first publication. The judges schedule these final hearings in different ways. You should check with the staff for the judge assigned to your case, and make sure you make it clear to them that there is not a signed settlement agreement.

Sometimes the Clerk's office or judge's staff will mail notice of the hearing date to both parties. However, to be on the safe side, you should also mail a copy of the hearing notice to the Respondent. Then, you should file a *Certificate of Service* with the Superior Court Clerk's Office (showing that you mailed or delivered proper notice to the Respondent).

- Before the Hearing Date

Whether for a temporary or final hearing, you must prepare your case to be presented to the Court before your hearing dates. You are your main witness. You must also gather other evidence (such as documents and photographs), bring it all with you to the courtroom (do not leave it at home or in the car), and you must arrange for any other witnesses that you want to have testify at the hearing. You must also prepare the proper documents to be provided to the judge at the hearing.

For a temporary hearing, you may use *Affidavits* from witnesses, so that they do not have to testify in person. However, there are special procedures for this. See *Uniform Superior Court Rule 24.5*.

At the final hearing, *Affidavits* are not proper evidence. Your witnesses (if any) must testify in person at the hearing.

It would be very beneficial to talk to a lawyer about the hearing to learn more about how to present your case.

**STEP 8-B: POSSIBLE ALTERNATIVE TO A FINAL HEARING: JUDGMENT ON THE PLEADINGS**

Some judges will finalize a divorce action without requiring you to come to court for a final hearing. A final divorce judgment obtained in this way is done by filing a document called a Motion for Judgment on the Pleadings. Judgment on the pleadings will be granted if you have filed the motion for it AND 1) the Respondent is not contesting the case, 2) you have fully and correctly prepared all the required documents, 3) all the originals of every document have been properly signed, notarized (if required), and filed with the Clerk of Superior Court, and 4) proper service has been made on the Respondent. However, a hearing *will* be required *if* 1) the case is contested, 2) any one of the documents has not been properly filled out, signed, notarized (if required), or filed, or 3) the judge needs further information before s/he can decide your case. **Therefore, include the Motion for Judgment on the Pleadings just in case the judge can grant judgment without hearing the case.** It could save you a lot of time and hassle.

**IN THE SUPERIOR COURT OF HENRY COUNTY**  
**STATE OF GEORGIA**

<b>Petitioner:</b> _____  <b>and</b>  <b>Respondent:</b> _____	<b>Civil Action File No.:</b> _____
--	-------------------------------------

**PETITION FOR DIVORCE WITHOUT MINOR CHILDREN**

My name is \_\_\_\_\_, and I am representing myself in this divorce action. In support of my case, I state as follows:

1. **Subject Matter Jurisdiction:** I am the Petitioner in this action, and:  
*[Check only one (1) box.]*
- (a) I have been a resident of the State of Georgia for more than six (6) months immediately prior to filing this action.
  - (b) I am not a resident of the State of Georgia, but my spouse has been a resident of the State of Georgia for at least six (6) months immediately prior to my filing of this action.

2. **Venue:** My spouse's name is \_\_\_\_\_, and s/he is the Respondent in this action.  
*[Check only one (1) box.]*
- (a) The Respondent is a resident of Henry County, Georgia, and is subject to the jurisdiction of this Court.
  - (b) The Respondent is a resident of Georgia in \_\_\_\_\_ County, but the Respondent and I lived together in Henry County, and the Respondent has only moved away from Henry County within the past six months before the date of my filing this action.
  - (c) The Respondent is a resident of Georgia in \_\_\_\_\_ County, and I live in Henry County. The Respondent has acknowledged service of process and consented to the jurisdiction and venue of this Court.
  - (d) The Respondent is not a resident of the State of Georgia, but I am a resident of Henry County, Georgia, and:

- [Check only one (1) box.]*
- (1) The Respondent was formerly a resident of the State of Georgia and currently resides in the State of \_\_\_\_\_. The Respondent is subject to the personal jurisdiction of the Court under Georgia's Long Arm Statute, O.C.G.A. § 9-10-91(5).
  - (2) The Respondent has never resided in the State of Georgia and currently resides in the State of \_\_\_\_\_.
  - (3) The Respondent has acknowledged service of process and consented to the jurisdiction and venue of this Court.

- (e) I am a resident of Henry County and the Respondent's whereabouts are unknown to me. I am filing my *Affidavit of Due Diligence* with this *Petition*, and incorporate it herein by reference.

3. **Service of Process:** The Respondent shall be sued as provided under O.C.G.A. § 9-11-4, in the following manner:



[Check only one (1) box.]

- (a) The Respondent has acknowledged service of process. I am filing the *Acknowledgment of Service* (which has been signed by the Respondent) with this Petition.
- (b) The Respondent may be served by the Sheriff's Department at the Respondent's residence/work address, which is as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- (c) The Respondent resides outside of Henry County, and shall therefore be served by second original, as provided under O.C.G.A. § 9-10-72. Service shall be made by the sheriff's department of the county where the Respondent resides.
- (d) The Respondent's whereabouts are unknown to me. I am filing my *Affidavit of Due Diligence* with this *Petition*. The Respondent shall be served by publication as provided under O.C.G.A. § 9-11-4(e)(1) for those who cannot be found within the State of Georgia. To the best of my knowledge, the Respondent's last known address is as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**4. Date of Marriage:**

[Check and complete only one (1) box.]

- (a) The Respondent and I were lawfully married on \_\_\_\_\_.
- (b) The Respondent and I are married by common law because we lived together and held ourselves out as husband and wife as of \_\_\_\_\_ which was a date prior to January 1, 1997.

**5. Date of Separation:** The Respondent and I last separated on or about \_\_\_\_\_, and we have remained in a true state of separation since that date.

**6. Settlement Agreement:**

*[Check only if there is a signed agreement.]*

- The Respondent and I have entered into a *Settlement Agreement*, which we both want to incorporate into the *Final Judgment and Decree of Divorce*. The *Settlement Agreement* has been signed by each of us in front of a notary public, and I am filing the *Settlement Agreement* with the Court, together with this *Petition*.

**7. Minor Children:**

*[Check only one (1) box.]*

- (a) The Respondent and I do not have any minor children together.
- (b) The Respondent and I are the parents of minor children.

**Note:** STOP. If you and the Respondent have any minor children together, you must use a different Divorce Petition form. See instructions.

**8. Alimony:**

*[Check only one (1) box.]*

- (a) I am financially dependent on the Respondent and need the Court to order the Respondent to pay alimony for my support.
- (b) I am not asking for alimony.
- (c) The issue of alimony cannot be decided in this action because the Court does not have personal jurisdiction over the Respondent.

**9. Marital Property:**

*[Check only one (1) box.]*

- (a) The Respondent and I have already divided our marital property, and we are both satisfied with the division.
- (b) The Respondent and I do not have any property acquired during our marriage.
- (c) The Respondent and I have acquired the following property during our marriage, and I am asking for a fair division of this property:

*[Check and complete all that apply.]*

- House located at \_\_\_\_\_.
- Other real estate, located at \_\_\_\_\_.
- Mobile home (model: \_\_\_\_\_, year: \_\_\_\_\_).
- Pension (mine, worth \$ \_\_\_\_\_; Respondent’s, worth \$ \_\_\_\_\_).
- Motor vehicles listed here:
  - o Model/year: \_\_\_\_\_
  - o Model/year: \_\_\_\_\_
  - o Model/year: \_\_\_\_\_
- Furniture:
  - o Listed here: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- Bank account and/or other investments:
  - Listed on a separate paper attached to this *Petition*.
  - Listed here: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  - Listed on a separate paper attached to this *Petition*.
- Other property:
  - Listed here: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  - Listed on a separate paper attached to this *Petition*.
- (d) The issue of the division of marital property cannot be decided in this case because none of the property is in Georgia and the Court does not have personal jurisdiction over the Respondent.

**10. Joint or Martial Debts:**

*[Check and complete only one (1) box.]*

- (a) The Respondent and I do not have any outstanding joint or marital debts.
- (b) The Respondent and I have the following outstanding joint or marital debt, and responsibility for paying them should be as listed below:

<b>Creditor</b>	<b>Balance</b>	<b>Who Should Pay</b>

- Listed on a separate paper attached to this *Petition*.
- (c) The issue of dividing joint or martial debts cannot be decided in this case because the Court does not have personal jurisdiction over the Respondent.

**11. Restraining Order Where Violence Has Occurred:**

*[Read instructions carefully, and check only if applicable.]*

- There is a history of physical violence by the Respondent toward me, and I am afraid that the Respondent will engage in further acts of violence or harassment toward me unless the Court enters a temporary and permanent restraining order.

**12. Restore Former Name:**

*[Check only if applicable.]*

- My former name is \_\_\_\_\_ (DO NOT USE INITIALS OR NICKNAMES; FULL NAME), and I am asking the Court to restore that name to me.

**13. Grounds for Divorce:** My grounds for divorce from the Respondent are:

*[Check the ones that you can prove at trial.]*

- (a) **Our marriage is irretrievably broken.** The Respondent and I can no longer live together and there is no hope that we will get back together.
- (b) **Cruel Treatment.** The Respondent committed the following acts of cruel treatment toward me:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- (c) **Adultery.** The Respondent has had sexual intercourse with someone else during our marriage.
- (d) **Desertion.** The Respondent has intentionally and continually deserted me for at least a year.
- (3) **Other grounds** from the list in O.C.G.A. § 19-5-3, as explained here:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**FOR THESE REASONS, I REQUEST THE FOLLOWING RELIEF:**

*[Check all that apply.]*

- (a) That I be granted a total divorce from the Respondent (MUST BE CHECKED IF YOU WANT A DIVORCE);
- (b) That the *Settlement Agreement* signed by the parties be incorporated into the *Final Judgment and Decree of Divorce*;
- (c) That the Respondent be ordered to pay me alimony for my support;
- (d) That our marital property be divided according to Paragraph 9;
- (e) That our joint and marital debts be divided according to Paragraph 10;
- (f) That the Respondent be temporarily and permanently restrained from harassing me or committing any acts of violence toward me;
- (g) That my former name be restored according to Paragraph 12;



**IN THE SUPERIOR COURT OF HENRY COUNTY  
STATE OF GEORGIA**

**Petitioner:** \_\_\_\_\_

**and**

**Respondent:** \_\_\_\_\_

**Civil Action File No.:** \_\_\_\_\_

**VERIFICATION**

I, \_\_\_\_\_, personally appeared before the undersigned Notary Public, and declare under oath that I am a party in the above-styled action and that the facts stated in the foregoing *Petition for Divorce Without Minor Children* are true and correct to the best of my knowledge.

Signed this \_\_\_\_\_ day of \_\_\_\_\_.  
                                  [day]                                  [month]                                  [year]

\_\_\_\_\_  
(Sign your name before Notary)  Petitioner  Respondent, *Pro se*

Name (print or type): \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Daytime Telephone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

Sworn to and affirmed before me, this \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
**NOTARY PUBLIC**  
My commission expires: \_\_\_\_\_  
(Notary Seal)

**IN THE SUPERIOR COURT OF HENRY COUNTY  
STATE OF GEORGIA**

Petitioner: \_\_\_\_\_

Vs.

Respondent: \_\_\_\_\_

Civil Action File No.: \_\_\_\_\_

**DOMESTIC RELATIONS FINANCIAL AFFIDAVIT**

<b>(1) Your Name:</b>		Your Age:
Spouse's Name:		Spouse's Age:
Date of Marriage:	Date of Separation:	
Names and birth dates of child(ren) for whom support is to be determined in this action:		
Name:	Year of Birth:	Resides With:
Names and birth dates of your other child(ren):		
Name:	Year of Birth:	Resides With:

**(2) SUMMARY OF YOUR INCOME AND NEEDS:** (fill out this part after you complete pages 2-5 of this form)

(a) Gross Monthly Income (from Item 3A below) (before taxes)	\$
(b) Net Monthly Income (from Item 3B below) (after taxes)	\$
(c) Average Monthly Expenses (Item 5A below)	\$
Monthly Payments to Creditors (Item 5B below)	\$
Total Monthly Expenses & Payments to Creditors (Item 5C below)	\$

<b>(3) (a) YOUR GROSS MONTHLY INCOME:</b> (Complete this section or attach Child Support Schedule A). (All income must be entered based on monthly average regardless of date of receipt. Where applicable, income should be annualized.)	
Salary or Wages – ATTACH COPIES OF 2 MOST RECENT WAGE STATEMENTS	\$
Commissions, Fees & Tips	\$
Income from self-employment, partnership, close corporations and independent contracts (gross receipts minus ordinary and necessary expenses required to produce income) ATTACH SHEET ITEMIZING YOUR CALCULATIONS	\$
Rental income (gross receipts minus ordinary and necessary expenses required to produce income) ATTACH SHEET ITEMIZING YOUR CLACULATIONS	\$
Bonuses	\$
Overtime Payments	\$
Severance Pay	\$
Recurring Income from Pensions or Retirement Plans	\$
Interest and Dividends	\$
Trust Income	\$
Income from Annuities	\$
Capital Gains	\$
Social Security Disability or Retirement Benefits	\$
Worker’s Compensations Benefits	\$
Unemployment Benefits	\$
Judgments from Personal Injury or Other Civil Cases	\$
Gifts (cash or other gifts that can be converted to cash)	\$
Prizes & Lottery Winnings	\$
Alimony and maintenance from persons not in this case	\$
Assets which are used for support of family	\$
Fringe Benefits (if significantly reduce living expenses)	\$
Any Other Income (Do not include means-tested public assistance, such as TANF or food stamps.)	\$
<b>TOTAL Gross Monthly Income</b> (also write in 2A on page one of this form)	\$
<b>(3) (b) Net Monthly Income From Employment</b> (deducting only state and federal taxes and FICA) (also write in 2B on page one of this form)	\$
Your Pay Period (i.e. monthly, weekly, etc.):	Number of Exemption Claimed by You for Tax Purposes:



**(4) ASSETS**

(List all assets here, including both non-marital and marital property. If you claim or agree that all or part of an asset is non-marital, indicate the non-marital portion under the appropriate spouse's column and state the amount and the basis: pre-marital, gift, inheritance, source of funds, etc. The total value of each asset must be listed in the "value" column. "Value" means what you feel the item of property would be worth if it were offered for sale.)

Description	Value	Separate Asset of Husband	Separate Asset of Wife	Basis of the Claim (pre-marital, gift, inheritance, etc.)
Cash	\$	\$	\$	
Stocks, Bonds	\$	\$	\$	
CD's/Money Market Accounts	\$	\$	\$	
Bank Accounts (list each account below, any account numbers should only include last four digits):				
(1)	\$	\$	\$	
(2)	\$	\$	\$	
(3)	\$	\$	\$	
Retirement Pensions, 401(k), IRA or Profit-Sharing	\$	\$	\$	
Money Owed to You (or Spouse)	\$	\$	\$	
Tax Refund Owed to You	\$	\$	\$	
Real Estate (list properties & mortgages):				
Home	\$	\$	\$	
Debt owed on Home	\$			
Other Real Estate	\$	\$	\$	
Debt owed on Other Real Estate	\$			
Automobiles/Vehicles (list vehicles & amounts owed on each one):				
(1)	\$	\$	\$	
Debt owed on Vehicle (1)	\$			
(2)	\$	\$	\$	
Debt owed on Vehicle (2)	\$			
Life Insurance (net cash value)	\$	\$	\$	
Furniture/Furnishings	\$	\$	\$	
Jewelry	\$	\$	\$	
Collectibles	\$	\$	\$	

Other Assets (specify):	\$	\$	\$	
	\$	\$	\$	
	\$	\$	\$	
<b>TOTAL ASSETS</b>	\$	\$	\$	

**(5) (a) AVERAGE MONTHLY EXPENSES FOR YOU AND YOUR HOUSEHOLD**

**HOUSEHOLD EXPENSES**

Mortgage or Rent Payments	\$	Gas	\$
Property taxes	\$	Repairs & Maintenance	\$
Homeowner's/Renter's Insurance	\$	Lawn Care	\$
Electricity	\$	Pest Control	\$
Water	\$	Cable TV/Internet Access	\$
Garbage & Sewer	\$	Misc. Household & Grocery Items	\$
Telephones	\$	Meals Outside Home	\$
Residential Lines	\$	Other (specify)	\$
Cellular Telephones	\$		\$

**AUTOMOTIVE**

Gasoline & Oil	\$	Auto Tags/Registration/License	\$
Repairs & Maintenance	\$	Insurance	\$

**OTHER VEHICLES (boats, trailers, RVs, etc.)**

Gasoline & Oil	\$	Tags/Registration/License	\$
Repairs & Maintenance		Insurance	

**CHILDREN'S EXPENSES**

Child Care (total monthly cost)	\$	Allowance	\$
School Tuition	\$	Child(ren)'s Clothing	\$
Tutoring	\$	Diapers	\$
Private lessons (e.g. music, dance)	\$	Medical, Dental, Prescriptions (out-of-pocket uncovered expenses)	\$
School Supplies/Expenses	\$	Grooming/Hygiene	\$
Lunch Money	\$	Gifts from child(ren) to others	\$

Other Educational Expenses (list type & amount)		Entertainment	\$
	\$	Activities (including extra-curricular, school, religious, cultural, etc.)	\$
	\$	Summer Camps	\$

**OTHER INSURANCE**

Health Insurance	\$	Life Insurance	\$
Child(ren)'s portion:	\$	Relationship of Beneficiary:	
Dental Insurance	\$	Disability Insurance	\$
Child(ren)'s portion:	\$	Other Insurance (specify)	\$
Vision Insurance	\$		\$
Child(ren)'s portion:	\$		\$

**YOUR OTHER EXPENSES**

Dry Cleaning & Laundry	\$	Publications	\$
Clothing	\$	Dues, Clubs	\$
Medical/Dental/Prescription (out-of-pocket uncovered expenses)	\$	Religious & Charities	\$
Your gifts (special holidays)	\$	Pet expenses	\$
Entertainment	\$	Alimony Paid to Former Spouse	
Recreational Expenses (e.g. fitness)	\$	Child Support Paid for other child(ren)	\$
Vacations	\$	Date of initial CS order:	
Travel Expenses for Visitation	\$	Other (attach sheet to list)	\$
<b>TOTAL ABOVE MONTHLY EXPENSES</b> <i>(also write on first line of 2C on page one of this form)</i>			\$

**5 (b) YOUR PAYMENTS & DEBTS TO CREDITORS**

To Whom:	Balance Due	Monthly Payments	(Please check one)		
			Joint	Husband	Wife
	\$	\$			
	\$	\$			
	\$	\$			
	\$	\$			
	\$	\$			



**IN THE SUPERIOR COURT OF HENRY COUNTY  
STATE OF GEORGIA**

<b>Petitioner:</b> _____		<b>Civil Action File No.:</b> _____
<b>and</b>		
<b>Respondent:</b> _____		

---

**ACKNOWLEDGMENT OF SERVICE, CONSENT TO JURISDICTION AND VENUE,  
AND CONSENT TO PRESENT CASE**

I am the Respondent in this case. I hereby acknowledge that I have received a copy of the *Petition for Divorce*, and I hereby waive formal process, and consent to both jurisdiction and venue in the State of Georgia, Superior Court of Henry County.

So long as any judgment in this action incorporates the *Settlement Agreement* I have signed, then I waive further notice, my right to trial, and if I am on active duty in the Armed Forces, I also waive my rights under the Service Members Civil Relief Act, 50 U.S.C. App. § 501, et seq. I give my consent for the Court to hear this matter as soon as possible after thirty-one days.

Should further notice be required for any reason, then notice should be mailed to me at the address below.

---

(Sign your name before Notary) Respondent, *Pro se*

Name (print or type): \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Daytime Telephone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

Sworn to and affirmed before me, this \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
**NOTARY PUBLIC**  
My commission expires: \_\_\_\_\_  
(Notary Seal)

**IN THE SUPERIOR COURT OF HENRY COUNTY  
STATE OF GEORGIA**

**Petitioner:** \_\_\_\_\_

**and**

**Respondent:** \_\_\_\_\_

**Civil Action File No.:** \_\_\_\_\_

**ACKNOWLEDGMENT OF SERVICE**

I am the Respondent in this case. I hereby acknowledge that I have received a copy of the *Petition for Divorce*, and the following other documents: \_\_\_\_\_  
\_\_\_\_\_

I waive formal process, but I do not waive further notice, or my right to raise any defenses I may have in this action. Should further notice be required for any reason, the notice should be mailed to me at the address below.

\_\_\_\_\_  
(Sign your name before Notary) Respondent, *Pro se*

Name (print or type): \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Daytime Telephone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

Sworn to and affirmed before me, this  
\_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
**NOTARY PUBLIC**

My commission expires: \_\_\_\_\_

(Notary Seal)

**IN THE SUPERIOR COURT OF HENRY COUNTY  
STATE OF GEORGIA**

**Petitioner:** \_\_\_\_\_

**and**

**Respondent:** \_\_\_\_\_

**Civil Action File No.:** \_\_\_\_\_

**AFFIDAVIT OF DILIGENT SEARCH**

I am the Petitioner in this case. I am filing this *Affidavit of Diligent Search* under O.C.G.A. § 9-11-4(f)(1)(A). I hereby swear or affirm, before a notary public, that the following information is true and correct:

1

A diligent search has been made, and the Respondent cannot be found within the State of Georgia. I do not know where the Respondent lives or where the Respondent can be found.

2

The last known address and telephone number I have for the Respondent is as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

To the best of my knowledge, the Respondent still lived at that address, as of \_\_\_\_\_, but no longer lives there.

3

I have made the following efforts to find the Respondent:

(a) I checked with the Respondent's friends, relatives, employers, landlords, or other parties I have listed below:

(4) Name of Person Contacted: \_\_\_\_\_

Contact's Relationship with Respondent: \_\_\_\_\_

Contact's Address and Phone Number: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Date I contacted this person: \_\_\_\_\_

Results of Contact/ What They Told Me: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(5) Name of Person Contacted: \_\_\_\_\_  
Contact's Relationship with Respondent: \_\_\_\_\_  
Contact's Address and Phone Number: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Date I contacted this person: \_\_\_\_\_  
Results of Contact/ What They Told Me: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(6) Name of Person Contacted: \_\_\_\_\_  
Contact's Relationship with Respondent: \_\_\_\_\_  
Contact's Address and Phone Number: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Date I contacted this person: \_\_\_\_\_  
Results of Contact/ What They Told Me: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(7) Name of Person Contacted: \_\_\_\_\_  
Contact's Relationship with Respondent: \_\_\_\_\_  
Contact's Address and Phone Number: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Date I contacted this person: \_\_\_\_\_  
Results of Contact/ What They Told Me: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(b) I checked telephone information and directories, and the following were the results: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_





**IN THE SUPERIOR COURT OF HENRY COUNTY  
STATE OF GEORGIA**

**Petitioner:** \_\_\_\_\_

**and**

**Respondent:** \_\_\_\_\_

**Civil Action File No.:** \_\_\_\_\_

**NOTICE OF FILING PETITION FOR DIVORCE**

To \_\_\_\_\_ [Write in Respondent's name.]:

Pursuant to an *Order for Publication* signed by the Honorable \_\_\_\_\_ [Enter name of judge signing the *Order for Service by Publication.*] on \_\_\_\_\_ [Enter date judge signed *Order for Publication.*], you are hereby notified that a *Petition for Divorce* has been filed in the Superior Court of Henry County, Georgia, Case No. \_\_\_\_\_, on \_\_\_\_\_ [Enter date *Petition* was filed].

Generally, the *Petition* alleges that the Petitioner is seeking a divorce from you.

You may obtain a copy of this *Petition* from the Clerk of Superior Court of Henry County, located at One Courthouse Square, McDonough, Georgia 30253, 770-288-8022.

After you review the *Petition*, you must file your written answer and objections to the *Petition* with the Clerk of Superior Court. You must also serve a copy of your answer upon the Petitioner, whose address is as follows: \_\_\_\_\_

Your answer must be made within sixty (60) days of the date of the *Order for Service by Publication*.

Signed this \_\_\_\_\_ day of \_\_\_\_\_  
[day] [month] [year]

\_\_\_\_\_  
JUDGE, Superior Court of Henry County

Prepared and Presented by:

\_\_\_\_\_  
[Sign.] Petitioner, *Pro se*

Petitioner's Name (print or type): \_\_\_\_\_

Petitioner's Address: \_\_\_\_\_

Petitioner's Telephone Number: \_\_\_\_\_

Petitioner's Email Address: \_\_\_\_\_

**IN THE SUPERIOR COURT OF HENRY COUNTY  
STATE OF GEORGIA**

**Petitioner:** \_\_\_\_\_

**and**

**Respondent:** \_\_\_\_\_

**Civil Action File No.:** \_\_\_\_\_

---

**ORDER FOR SERVICE BY PUBLICATION**

The above-styled *Petition for Divorce*, having been read and considered; and it appeared that the Respondent cannot be found in the State of Georgia; and that his/her actual, physical address cannot be determined after due diligence;

IT IS THEREFORE ORDERED that the Respondent shall be served by publication of summons as provided by law.

SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_.

[day] [month] [year]

---

**JUDGE, Henry Superior Court  
Flint Judicial Circuit**

Prepared and Presented by:

\_\_\_\_\_  
*[Sign.]* Petitioner, *Pro se*

Petitioner's Name (print or type): \_\_\_\_\_

Petitioner's Address: \_\_\_\_\_

Petitioner's Telephone Number: \_\_\_\_\_

Petitioner's Email Address: \_\_\_\_\_

**IN THE SUPERIOR COURT OF HENRY COUNTY  
STATE OF GEORGIA**

**Petitioner:** \_\_\_\_\_

**and**

**Respondent:** \_\_\_\_\_

**Civil Action File No.:** \_\_\_\_\_

---

**SETTLEMENT AGREEMENT WITHOUT MINOR CHILDREN**

This is an agreement between \_\_\_\_\_ (referred to herein as "Wife") and \_\_\_\_\_ (referred to herein as "Husband"). The parties are married but are currently separated; and they have no minor children together.

The parties want to settle between themselves all questions of alimony, division of property, debts and all other rights and obligations arising out of their marital relationship;

THEREFORE, in consideration of the mutual promises and declarations in this *Agreement*, the parties agree as follows:

**1. Separation**

The parties shall continue to live apart and each one shall be free from all interference and control by the other, as fully as if unmarried, and each may reside at such places as lie or s/he may choose.

**2. Alimony**

*[Check and complete only one (1) of the following choices.]*

- (a) The \_\_\_\_\_ shall pay to the \_\_\_\_\_ as alimony, the sum of \_\_\_\_\_ Dollars (\$ \_\_\_\_\_)  monthly/  semi-monthly/  bi-weekly/  weekly, beginning on \_\_\_\_\_, and continuing  monthly/  semi-monthly/  bi-weekly/  weekly thereafter,
- (1) until the recipient remarries or dies.
- (2) for a period of \_\_\_\_\_.
- (b) Each party expressly waives the right to receive alimony from the other party.

**3. Property Division**

*[Check and complete only one (1) of the following choices.]*

- (a) The parties acknowledge that they have already made a division of their marital property, including any real estate, vehicles, household furniture, furnishings, household goods, equipment, bank accounts, pensions and other personal property. Neither party shall claim any of the property in the possession of the other party as of the date of signing this agreement.

(b) The parties acknowledge that they possess various items of marital property, which shall be divided as provided in this *Settlement Agreement*. The parties agree to transfer possession and title to their property as follows:

(1) Martial Home – The martial home of the parties, located at the following address: \_\_\_\_\_

\_\_\_\_\_, shall be conveyed to the \_\_\_\_\_ in fee simple. The legal description of the property appears on the deed, a copy of which is attached to this *Settlement Agreement*. The \_\_\_\_\_ shall be responsible for all taxes, assessments, and mortgage loan payments on the home after the date or \_\_\_\_\_.

(A) The \_\_\_\_\_ shall have a protected interest in the home in the amount of \_\_\_\_\_ Dollars (\$\_\_\_\_\_). Upon the sale or transfer of the home, the protected interest shall be paid.

(B) The \_\_\_\_\_ shall immediately begin making reasonable efforts to refinance the outstanding mortgage(s) on the marital home, so that the \_\_\_\_\_ shall no longer be liable on the mortgage loan(s). If the \_\_\_\_\_ is not able to refinance by \_\_\_\_\_, 20\_\_\_\_, the home shall then be listed for sale at a reasonable price, and all reasonable offers to purchase the home shall be accepted.

(2) Vehicles – The vehicles owned by the parties shall be transferred or retained as follows:

Year/Make/Model of Vehicle	Vehicle ID # (VIN)	Goes To

The party listed above for each vehicle shall be responsible for all car loan payments, ad velorem taxes, registration fees, and insurance on that vehicle accruing after the following date:

\_\_\_\_\_, 20\_\_\_\_\_.

(3) Other Personal Property – The parties acknowledge that they own various other items of personal property, which shall be transferred to the party listed below, on or before \_\_\_\_\_, 20\_\_\_\_\_.

To the wife, as follows:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

To the husband, as follows:

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---



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Except as otherwise specifically provided in this *Agreement*, the transfers listed above shall be completed no later than \_\_\_\_\_, 20\_\_\_\_, and each party shall execute all documents necessary to promptly complete the transfer. Upon the failure of either party to this *Agreement*, this *Agreement* shall constitute and operate as the properly executed document. The county auditor, county recorder, Department of Motor Vehicles, and all other public and private officials are authorized and directed to accept this *Agreement* or a properly certified copy of it in lieu of the document regularly required for the conveyance or transfer.

Except as provided in this *Agreement*, the parties have divided their marital property, including any real estate, vehicles, household furniture, furnishings, household goods, equipment, bank accounts, pensions, and other personal property. Neither party shall claim any of the property in the possession of the other party as of the date of signing this *Agreement*, excepted as provided in this *Agreement*.

**4. Debts**

*[Check and complete only one (1) of the following choices.]*

- (a) The parties acknowledge that they have no outstanding joint or marital debts.
- (b) The responsibility for payment of the parties' joint and marital debts shall be as follows:

Creditor	Amount	Responsible Party

The responsible party listed above for each debt shall hold the other party harmless for any collections on that debt. If legal action is brought against the other party to recover that debt, the responsible party agrees to indemnify or hold the other party harmless and, in addition, to pay all attorney's fees and costs of collection which the other party may incur as a result of the legal action.

**5. Tax and Bankruptcy Construction of this Agreement**

The parties acknowledge that the equitable division of marital property and they payment of marital and joint debts, if provided in this *Agreement*, shall not be deductible nor taxable for income tax purposes. Each party also acknowledges that, but for the payments provided here, the other party’s financial independence would be impaired. Therefore, it is the parties’ intention that if either party ever seeks bankruptcy protection, the amounts payable under this *Agreement* shall not be dischargeable in bankruptcy under 11 U.S.C. § 523(a)(5), as the payments are in the nature of spousal or child support and maintenance. Alternatively, the payments shall be non-dischargeable in bankruptcy under 11 U.S.C. § 523(a)(15).

**6. Mutual Restraining Order**

*[This paragraph is optional. Check the box if the paragraph is applicable to your situation.]*

The parties shall be permanently restrained and enjoined from assaulting, beating, wounding, threatening, harassing, and stalking each other. By consenting to this, the parties in no way admit that such acts were ever done in the past, but agree not to engage in such acts in the future. This provision shall be enforceable by the Court’s contempt power.

**7. Voluntariness of Agreement**

The parties acknowledge that they have entered into this *Agreement* freely and voluntarily, and that it is not the result of any duress or any undue influence. We have agreed to enter into this *Agreement* based on our knowledge of the income and assets of the other and his/her written statement in this *Agreement*. After considering all of this, we have deiced to enter into this *Agreement* freely and voluntarily.

**8. Completeness of Agreement**

This *Agreement* constitutes the entire understanding of the parties. There are no representations or promises other than those expressly included in this *Agreement*. Each party hereby states under oath that the financial representations in this *Agreement* are accurate and complete, to the best of that party’s information, knowledge, and belief.

**9. Effect of Divorce**

Both parties understand that this *Agreement* does not require them to continue to live separately or to proceed with an action for divorce. However, if either party brings or maintains an action for divorce, this *Agreement* shall be presented to the Court and incorporated by reference into any judgment concerning the matters covered by the *Agreement*. Even if it does not become part of a divorce judgment, this *Agreement* shall survive and can be enforced independently from the judgment of divorce.

\_\_\_\_\_  
Wife Date

\_\_\_\_\_  
Husband Date

Sworn to and affirmed before me, this  
\_\_\_\_\_ day of \_\_\_\_\_.

Sworn to and affirmed before me, this  
\_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
**NOTARY PUBLIC**  
My commission expires: \_\_\_\_\_  
(Notary Seal)

\_\_\_\_\_  
**NOTARY PUBLIC**  
My commission expires: \_\_\_\_\_  
(Notary Seal)

**IN THE SUPERIOR COURT OF HENRY COUNTY  
STATE OF GEORGIA**

**Petitioner:** \_\_\_\_\_

**and**

**Respondent:** \_\_\_\_\_

**Civil Action File No.:** \_\_\_\_\_

---

**FINAL JUDGMENT AND DECREE OF DIVORCE WITHOUT MINOR CHILDREN  
(INCORPORATING SETTLEMENT AGREEMENT)**

Upon consideration of this case, upon evidence submitted as provided by law, it is the judgment of this Court that a total divorce, that is to say a divorce *a vinculo matrimonii*, be granted between the parties to this case. It is hereby ordered that the marriage contract entered into between the parties is hereby set aside from this date, and fully dissolved. Petitioner and Respondent in the future shall be held and considered as separate and distinct persons, altogether unconnected by any nuptial union or civil contract whatsoever, and both shall have the right to remarry.

THE COURT FURTHER ORDERS THAT:

**1. Settlement Agreement**

The *Settlement Agreement* made between the parties dated \_\_\_\_\_ is hereby approved and made a part of this *Final Judgment* as if fully set forth here. Both parties are ordered to strictly obey all of its terms.

**2. Restoration of Name**

The Wife's former name, which is \_\_\_\_\_  
(FULL NAME, DO NOT USE INITIALS OR NICKNAMES) is hereby restored.

**3. Continuing Garnishment**

Whenever, in violation of the terms of this Judgment, there shall have been a failure to make the support payments, so that the amount unpaid is equal to or greater than the amount payable for one month, the payments required to be made may also be collected by the process of continuing garnishment for support.

The Court has reviewed the foregoing *Final Judgment and Decree*, and it is hereby made the order of this Court.

This Order entered on \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

---

Judge, Henry Superior Court  
Flint Judicial Circuit



**IN THE SUPERIOR COURT OF HENRY COUNTY  
STATE OF GEORGIA**

**Petitioner:** \_\_\_\_\_

**and**

**Respondent:** \_\_\_\_\_

**Civil Action File No.:** \_\_\_\_\_

**FINAL JUDGMENT AND DECREE OF DIVORCE WITHOUT MINOR CHILDREN  
(WITHOUT SETTLEMENT AGREEMENT)**

This action came before the Court for trial on \_\_\_\_\_, 20\_\_\_\_. The Petitioner appeared *pro se*. The Respondent also  appeared/  did not appear. The Court heard the evidence considered in the matter.

Upon consideration of this case, upon evidence submitted as provided by law, it is the judgment of this Court that a total divorce, that is a divorce *a vinculo matrimonii*, be granted between the parties to this case. It is hereby ordered that the marriage contract entered into between the parties is hereby set aside from this date, and fully dissolved. Petitioner and Respondent in the future shall be held and considered as separate and distinct persons, altogether unconnected by any nuptial union or civil contract whatsoever, and both shall have the right to remarry.

THE COURT FINDS THAT the parties have no minor children together.

THE COURT HEREBY ORDERS THE FOLLOWING:

**1. Alimony**

*[Check and complete only one (1) of the following choices.]*

- (a) The issue is not addressed in this *Final Judgment*, either because the Court lacks personal jurisdiction over the Respondent, or because neither party has asked the Court to address the issue of alimony in this action.
- (b) The \_\_\_\_\_ shall pay to the \_\_\_\_\_ as alimony, the sum of \_\_\_\_\_ dollars (\$ \_\_\_\_\_) per month, beginning on \_\_\_\_\_, 20\_\_\_\_, and continuing monthly thereafter:
  - (1) until the recipient remarries or dies.
  - (2) for a period of \_\_\_\_\_.
- (c) Neither party is entitled to receive alimony from the other party.

**2. Income Withholding Order**

- (a) No *Income Withholding Order* shall be entered because the Court does not have personal jurisdiction over the Respondent, or because no alimony was ordered.
- (b) The parties shall provide the Court with an *Income Withholding Order* which shall be entered by the Court, under O.C.G.A. § 19-6-32, for payment of the alimony provided in this *Judgment*. The *Income Withholding Order* shall take effect:

- (1) immediately.
- (2) upon accrual of a delinquency equal to one month's support. The *Income Withholding Order* may be enforced by serving a "Notice of Delinquency," as provided in O.C.G.A. § 19-6-32(f).
- (c) The parties have agreed in writing that an *Income Deduction Order* is not immediately necessary.

### 3. Property Division

*[Check and complete only one (1) of the following choices.]*

- (a) This issue is not addressed because the Court does not have personal jurisdiction over the Respondent.
- (b) The parties have already made a division of their marital property, including any real estate, vehicles, household furniture, furnishings, household goods, equipment, bank accounts, pensions, and other personal property. Neither party shall claim any of the property in the possession of the other property as of the date of this *Final Judgment*.
- (c) The parties possess various items of marital property, which shall be divided as provided in this *Final Judgment*.

The parties shall transfer possession and title to their property as follows:

- (1) Marital Home – The marital home of the parties, located at the following address:

\_\_\_\_\_, which has the following legal description on the deed to the property:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_ shall be conveyed to the \_\_\_\_\_ in fee simple. The \_\_\_\_\_ shall be responsible for all taxes, assessments, and mortgage loan payments on the home after the date of \_\_\_\_\_, 20\_\_\_\_\_.

- (A) The \_\_\_\_\_ shall have a lien against the home in the amount of \_\_\_\_\_ dollars (\$ \_\_\_\_\_). Upon the sale or transfer of the home, the lien shall be paid.

- (B) The \_\_\_\_\_ shall immediately begin making reasonable efforts to refinance the outstanding mortgage(s) on the marital home, so that the \_\_\_\_\_ shall no longer be liable on the mortgage loan(s). If the \_\_\_\_\_ is not able to refinance by \_\_\_\_\_, 20\_\_\_\_\_, the home shall then be listed for sale at a reasonable price, and all reasonable offers to purchase the home shall be accepted until sold.

- (2) Mobile Home – The parties' mobile home, which is described as a \_\_\_\_\_, with Vehicle Identification Number (VIN) of \_\_\_\_\_ shall be transferred to the \_\_\_\_\_. The \_\_\_\_\_ shall be responsible for all loan payments on the mobile home after the date of \_\_\_\_\_, 20\_\_\_\_\_.

- (3) Vehicles – The vehicles owned by the parties shall be transferred or retained as follows:

Year/Make/Model of Vehicle	Vehicle ID # (VIN)	Goes To

- (4) Other Personal Property – The parties own various other items of personal property, which shall be transferred to the party listed below, on or before \_\_\_\_\_, 20\_\_\_\_\_.

To the wife, as follows:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

To the husband, as follows:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Except as otherwise specifically provided in this *Final Judgment and Decree*, the transfers listed above shall be completed no later than \_\_\_\_\_, 20\_\_\_\_, and each party shall execute all documents necessary to promptly complete the transfer. Upon the failure of either party to execute and deliver any deed or other document necessary to complete the transfers required by this Agreement, this *Final Judgment and Decree* shall constitute and operate as the properly executed document. The county auditor, county recorder, Department of Motor Vehicles, and all other public and private officials are authorized and directed to accept this *Final Judgment and Decree* or a properly certified copy of it in lieu of the document regularly required for the conveyance or transfer.

Except as provided in this *Final Judgment and Decree*, the parties have divided their marital property, including any real estate, vehicles, household furniture, furnishings, household goods, equipment, bank accounts, pensions, and other personal property. Neither party shall claim any of the property in the possession of the other party as of the date of signing this *Agreement*, excepted as provided in this *Agreement*.

**4. Debts**

*[Check and complete only one (1) of the following choices.]*

- (a) This issue is not addressed in this *Final Judgment* because the Court does not have personal jurisdiction over the Respondent.
- (b) The parties have no outstanding joint or marital debts.
- (c) The responsibility for payment of the parties' joint and marital debts shall be as follows:

Creditor	Amount	Responsible Party

The responsible party listed above for each debt shall hold the other party harmless for any collections on that debt. If legal action is brought against the other party to recover that debt, the responsible party agrees to indemnify or hold the other party harmless and, in addition, to pay all attorney's fees and costs of collection which the other party may incur as a result of the legal action.

**5. Bankruptcy Construction of this Judgment**

The Court finds that, but for the payments and transfers provided in this *Final Judgment*, the receiving party's financial independence would be impaired. Therefore, it is the Court's intention that if either party ever seeks bankruptcy protection, the amounts payable under this *Final Judgment and Decree* should not be dischargeable in a bankruptcy under 11 U.S.C. § 523(a)(5), as the payments are in the nature of spousal support and maintenance. Alternatively, the payments should be non-dischargeable in bankruptcy under 11 U.S.C. § 523(a)(15).

**6. Restraining Order**

*[Check and complete only one (1) of the following choices.]*

- (a) No permanent restraining order is entered in this action.
- (b) The \_\_\_\_\_ shall be permanently restrained and enjoined from assaulting, beating, wounding, threatening, harassing, and stalking the \_\_\_\_\_. This provision shall be enforceable by the Court's contempt power.

**7. Restoration of Name**

The Wife's former name of \_\_\_\_\_

(FULL NAME, DO NOT USE INITIALS OR NICKNAMES) shall be restored.

**8. Other Special Provision**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The Court has reviewed the foregoing *Final Judgment and Decree*, and it is hereby made the order of this Court.

This Order entered on \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Judge, Henry Superior Court  
Flint Judicial Circuit

**IN THE SUPERIOR COURT OF HENRY COUNTY  
STATE OF GEORGIA**

<b>Petitioner:</b> _____		<b>Civil Action File No.:</b> _____
<b>and</b>		
<b>Respondent:</b> _____		

---

**RULE NISI**

This action has been filed. Therefore, let the parties appear before the Honorable Judge \_\_\_\_\_ of the Superior Court of Henry County, Flint Judicial Circuit, in Courtroom \_\_\_\_\_, in the Henry County Courthouse, One Courthouse Square, McDonough, Georgia on \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_m. to show cause why the relief sought should not be granted.

Issued on \_\_\_\_\_, 20\_\_\_\_.

---

JUDGE  
Superior Court of Henry County  
Flint Judicial Circuit

Presented by:

\_\_\_\_\_  
(Sign your name before Notary)  Petitioner  Respondent, *Pro se*  
Name (print or type): \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Daytime Telephone Number: \_\_\_\_\_  
Email Address: \_\_\_\_\_



**IN THE SUPERIOR COURT OF HENRY COUNTY  
STATE OF GEORGIA**

**Petitioner:** \_\_\_\_\_

**and**

**Respondent:** \_\_\_\_\_

**Civil Action File No.:** \_\_\_\_\_

---

**SUMMONS**

TO THE ABOVE NAMED RESPONDENT:

You are hereby summoned and required to file with the Clerk of said court and serve upon the Petitioner, whose name and address is:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

an answer to the *Petition for Divorce* which is herewith served upon you, within 30 days after service of this *Summons* upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the *Petition*.

If a hearing has already been scheduled in this case, you must appear at that scheduled hearing, regardless of whether the 30 days for filing an answer has elapsed.

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Sabriya Hill,  
Clerk of Superior Court

By \_\_\_\_\_  
Clerk



**IN THE SUPERIOR COURT OF HENRY COUNTY  
STATE OF GEORGIA**

<b>Petitioner:</b> _____		<b>Civil Action File No.:</b> _____
<b>and</b>		
<b>Respondent:</b> _____		

---

**RESPONDENT’S ANSWER TO PETITIONER’S  
PETITION FOR DIVORCE (WITHOUT MINOR CHILDREN)**

My name is \_\_\_\_\_, and I am representing myself in this divorce action. In support of my case, I state the following:

1.

Respondent (CIRCLE ONE: ADMITS OR DENIES) the allegations contained in Paragraph 1 of Petitioner’s Petition for Divorce.

2.

Respondent (CIRCLE ONE: ADMITS OR DENIES) the allegations contained in Paragraph 2 of Petitioner’s Petition for Divorce.

3.

Respondent (CIRCLE ONE: ADMITS OR DENIES) the allegations contained in Paragraph 3 of Petitioner’s Petition for Divorce.

4.

Respondent (CIRCLE ONE: ADMITS OR DENIES) the allegations contained in Paragraph 4 of Petitioner’s Petition for Divorce.

5.

Respondent (CIRCLE ONE: ADMITS OR DENIES) the allegations contained in Paragraph 5 of Petitioner's Petition for Divorce.

6.

Respondent (CIRCLE ONE: ADMITS OR DENIES) the allegations contained in Paragraph 6 of Petitioner's Petition for Divorce.

7.

Respondent (CIRCLE ONE: ADMITS OR DENIES) the allegations contained in Paragraph 7 of Petitioner's Petition for Divorce.

8.

Respondent (CIRCLE ONE: ADMITS OR DENIES) the allegations contained in Paragraph 8 of Petitioner's Petition for Divorce.

9.

Respondent (CIRCLE ONE: ADMITS OR DENIES) the allegations contained in Paragraph 9 of Petitioner's Petition for Divorce.

10.

Respondent (CIRCLE ONE: ADMITS OR DENIES) the allegations contained in Paragraph 10 of Petitioner's Petition for Divorce.

11.

Respondent (CIRCLE ONE: ADMITS OR DENIES) the allegations contained in Paragraph 11 of Petitioner's Petition for Divorce.

12.

Respondent (CIRCLE ONE: ADMITS OR DENIES) the allegations contained in Paragraph 12 of Petitioner's Petition for Divorce.

13.

Respondent (CIRCLE ONE: ADMITS OR DENIES) the allegations contained in Paragraph 13 of Petitioner's Petition for Divorce.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(Sign your name here before notary) Respondent, *Pro Se*

RESPONDENT's Name (Print or Type): \_\_\_\_\_

Respondent's Address: \_\_\_\_\_

Respondent's Telephone Number: \_\_\_\_\_

Respondent's Email Address: \_\_\_\_\_

Sworn to and affirmed before me  
this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
**NOTARY PUBLIC**

My Commission Expires: \_\_\_\_\_

(Notary Seal)

**IN THE SUPERIOR COURT OF HENRY COUNTY  
STATE OF GEORGIA**

<b>Petitioner:</b> _____		<b>Civil Action File No.:</b> _____
<b>and</b>		
<b>Respondent:</b> _____		

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**CERTIFICATE OF SERVICE**

This document certifies that on \_\_\_\_\_, 20\_\_\_\_, I sent copies of the following documents:

**ANSWER TO PETITION FOR DIVORCE  
(WITHOUT MINOR CHILDREN)**

to the opposing party by: (CHOOSE ONE: first class mail OR certified mail and return receipt was requested).

The documents were addressed as follows:

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Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(Sign your name here before notary)      Respondent, *Pro Se*  
RESPONDENT's Name (Print or Type): \_\_\_\_\_  
Respondent's Address: \_\_\_\_\_  
Respondent's Telephone Number: \_\_\_\_\_  
Respondent's Email Address: \_\_\_\_\_

Sworn to and affirmed before me  
this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
**NOTARY PUBLIC**  
My Commission Expires: \_\_\_\_\_  
(Notary Seal)

**IN THE SUPERIOR COURT OF HENRY COUNTY**  
**STATE OF GEORGIA**

<b>Petitioner:</b> _____  <b>and</b>  <b>Respondent:</b> _____	<b>Civil Action File No.:</b> _____
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**MOTION FOR JUDGMENT ON THE PLEADINGS**

Comes now \_\_\_\_\_, Petitioner in the above-styled action, and files this Motion for Judgment on the Pleadings in the above-styled case as follows:

1. The Complaint in the above-styled case was filed on \_\_\_\_\_.
2. The Respondent was served as required by law.
3. A Settlement Agreement was entered into between the parties and filed on \_\_\_\_\_.

**WHEREFORE**, there being no contested issues of law or fact, Petitioner moves this Court for a Judgment on the Pleadings in the above-styled case.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(sign your name here) Petitioner, *Pro Se*

Petitioner Name (Print or Type): \_\_\_\_\_

Petitioner's Address: \_\_\_\_\_

Petitioner's Telephone Number: \_\_\_\_\_

Petitioner's Email Address: \_\_\_\_\_