

CONTESTED DIVORCE—NO CHILDREN

The forms presented in this packet are designed to guide you in the preparation of your divorce papers. You must fill in the required information as it applies to your situation. Your papers should remain in the same order as they appear in this packet. If you do not have access to a typewriter, you may fill the papers out by hand in neat print using BLACK ink.

You should fill in every blank line EXCEPT for the civil action file number blanks and the lines provided for signatures by the Notary Public and the Judge.

In the Complaint and the Settlement Agreement, some sections have two possible answers, separated by an [OR]. In these sections, you must choose which of the two choices fits best in your situation, and then include only that choice in your documents. The other choice should be ignored, and should not be included in your documents.

Make sure that everything is signed. All signatures that require notarization must be notarized before your documents will be approved for filing.

Neither the Clerk of the Superior Court, nor any Deputy Clerk, , nor the Judges, or any other Court personnel, is allowed to answer any questions for you concerning the preparation of these forms. State Law O.C.G.A. §15-19-51 forbids court personnel to give legal advice. Different situations may require special procedures and courthouse personnel cannot advise you on how to proceed or what forms may be necessary in specific situations. Divorce can be very complicated. The only person allowed to help you in the preparation of these forms is a licensed attorney hired to represent you. Please consult an attorney if you have questions about the procedure or what action is best for you to take.

YOU MAY NEED AN ATTORNEY IF:

- The case is contested and your spouse has a lawyer.
- You cannot locate your spouse to serve him or her with your papers.
- You or your spouse has a house, pension, or large amount of property or income.
- You might lose custody of your children.
- You think you will have difficulty getting documents from your spouse about retirement funds, income, etc.
- Even if it is a friendly divorce, you should talk to a lawyer before you sign any settlement papers or file anything in court.

Remember, you must fully complete the forms before the Judge will be able to grant you a decree of divorce. Incomplete forms, as well as forms that are improperly filled out, may delay the grant of your divorce. Make sure that you take time to read over all the forms, and understand what is being asked of you in each situation. An accompanying instruction packet is available to help you as you complete these forms.

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

_____,
Plaintiff,
v.
_____,
Defendant
)
)
)
)
) Civil Action File No. _____
)
)
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COMPLAINT FOR DIVORCE

Plaintiff, _____, comes before this Court and shows this Court as follows:

1.

Subject Matter Jurisdiction (Check a or b)

- a) Plaintiff is a resident of _____ County, Georgia, and has been a resident of Georgia for at least six months prior to the filing of this action.
- b) Plaintiff is not a resident of the State of Georgia, but Plaintiff's spouse has been a resident of the state of Georgia and the county of _____ for at least six (6) months prior to my filing this action.

2.

Venue (Check a, b, c, d, e, or f)

- a) Defendant is a resident of _____ County, Georgia, and has acknowledged service of the Complaint and Summons and has waived further service of process.

b) Defendant is a resident of _____ County, _____ (state) and has signed an ACKNOWLEDGEMENT OF SERVICE AFFIDAVIT OF WAIVER OF VENUE AND PERSONAL JURISDICTION.

c) Defendant is a resident of _____ County, Georgia and may be served at his/her residence/work address of:

_____.

d) The Defendant is a resident of _____ County, Georgia but Defendant and I lived together in _____ County at the time we separated, Defendant has only moved from _____ County within the past six months from the date of this filing, and I am a resident of _____ County. Defendant shall be served by second original at his/her home/work address of

_____.

e) The Defendant is a resident of Georgia, but his/her whereabouts are unknown to me as shown by my Affidavit of Due Diligence attached hereto and incorporated by reference, marked Exhibit A. The Defendant shall be served by publication as is provided by law in the case of those who cannot be found within the State pursuant to O.C.G.A. § 9-11-4(f)(1). The clerk shall mail a copy of the Notice, Order for Service by Publication, and Petition for Divorce to the last known address of Defendant, which is

_____.

within 15 days of the filing of the Order for Service by Publication.

f) Defendant is not a resident of the State of Georgia, but I am a resident of _____ County Georgia and (Check 1 or 2)

1. The Defendant was formerly a resident of the State of Georgia and presently is a resident of the State of _____.

Defendant may be served by a second original pursuant to the Long Arm Statute, O.C.G.A. § 9-10-91(5). Defendant may be served at the following address: _____.

2. The Defendant's whereabouts are unknown to me as shown by my Affidavit of Due Diligence, attached hereto and incorporated by reference, marked Exhibit A. The Respondent shall be served by publication as is provided by law in the case of those who cannot be found within the State pursuant to O.C.G.A. § 9-10-91(5). The clerk shall mail a copy of the Notice, Order for Service

3.

Date of Marriage (Check a or b)

a) Plaintiff and Defendant were lawfully married on _____ in _____ County, _____ (State).

b) Plaintiff and Defendant are common law married, having entered into a common law marriage before January 1 1997 as of _____ in _____ County, _____ (State).

Note: Common law marriage was abolished in Georgia on January 1, 1997.

4.

Date of Separation

The Defendant and I separated on _____ and have remained in a bona fide state of separation since that date.

5.

Grounds for Divorce (Check one or more grounds that you can prove)

Plaintiff is entitled to a divorce from the Defendant upon the statutory grounds that:

The marriage is **irretrievably broken** and there is no hope of reconciliation, under O.C.G.A. § 19-5-3(13). [*This is the no-fault divorce provision.*]

Cruel Treatment. My spouse committed the following acts of cruel treatment to me such that I am afraid he/she will hurt me in the future:

Adultery. My spouse has had sexual intercourse outside the marriage.

Desertion. On or about _____ (date), my spouse, without just cause or reason, intentionally abandoned and deserted me for a period of at least one year as follows:

Intermarriage. My spouse and I are related as follows:

Mental incapacity. I did not have the mental capacity to enter into a marriage when we married because

Impotency. My spouse was impotent at the time of our marriage, and I was not aware of this.

Force, menace, duress, fraud in obtaining the marriage. I entered this marriage against my will as a result of

Pregnancy of the wife at the time of the marriage unknown to the husband. I did not know that my spouse was pregnant by another man when we got married.

Conviction of party for an offense involving moral turpitude. On or about _____, my spouse was sentenced to serve at least two years in the penitentiary for the following:

Habitual intoxication. My spouse is repeatedly intoxicated.

My spouse has been adjudged mentally ill by a court of competent jurisdiction. My spouse has been confined in an institution for the mentally ill for a period of at least two years immediately preceding this action. My spouse's mental illness has been determined to be incurable by competent examiners, and I have attached

a certified statement that it is this person's opinion that my spouse is hopelessly and incurably mentally ill.

- Habitual Drug Addiction.** My spouse is addicted to drugs as follows:

6.

Alimony (Check a, b or c)

- a) I am seeking temporary alimony which will last until the date of the final decree of divorce. I did not engage in adultery, desertion, cruel treatment, or other fault grounds for divorce.
- b) I am seeking temporary and permanent alimony which will last until I remarry or until my former spouse or I should die. I did not engage in adultery, desertion, cruel treatment, or other fault grounds for divorce.
- c) I hereby expressly waive alimony for the past, present, and future.

7.

Marital Property (Check a, b or c)

- a) Defendant and I have no marital property.
- b) Defendant and I have already divided our marital property to our mutual satisfaction.
- c) Defendant and I have the following marital property that I have checked, and I am seeking an equitable division of this property.
 - A house located at

A notice of Lis Pendens is attached hereto as Exhibit “ ____.”

Pension(s): Mine _____ My spouse's _____.

Motor vehicles (list make, model & year):

Furniture (list or attach list):

Bank accounts and investments (list or attach list)

Other:

8.

Joint Debts (Check a or b)

a) Defendant and I have no joint outstanding debts.

b) Defendant and I have the following debts. I have indicated which party should be responsible for each debt. The responsible party will indemnify and hold harmless the non-responsible party for any collection on these obligations.

Creditor	Amount	Responsible Party

9.

Name Restoration

My former name is _____, and I request that it be restored to me.

10.

Minor Children

There are no minor children born of the marriage and the wife is not now pregnant.

WHEREFORE, Plaintiff respectfully requests:

- a) That the parties herein be totally divorced;
- b) That the Court grant Plaintiff ownership of the above-requested items of property;
- c) That the Plaintiff have such other and further relief as this Court deems equitable and just.

Respectfully submitted, this _____ day of _____, 20__.

Plaintiff *pro se*

Address & telephone number

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

_____,
Plaintiff,
v.
_____,
Defendant
)
)
)
)
) Civil Action File No. _____
)
)
)
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)

VERIFICATION

Personally appeared before me the undersigned who on oath states that the facts set forth in this Complaint are true and correct to the best of his or her knowledge and belief.

_____,
Plaintiff *pro se*

Sworn and subscribed before me
This _____ day of _____, 20____.

Notary Public, State of Georgia

My Commission Expires _____.

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

_____,
Plaintiff,
v.
_____,
Defendant
)
)
)
)
) Civil Action File No. _____
)
)
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)

ACKNOWLEDGEMENT OF SERVICE AND SUMMONS

The undersigned Defendant hereby acknowledges service of the above Summons and Complaint for Divorce and states that (s)he has received a copy of said Complaint, and Defendant hereby waives any further service of process.

This the _____ day of _____, 20____.

_____,
Defendant *pro se*

Sworn to and subscribed before me
This _____ day of _____, 20____.

_____,
Notary Public, State of Georgia
My Commission Expires _____.

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

(1) _____)
Plaintiff,)
v.) Civil Action No. _____
(2) _____)
Defendant.)

**DEFENDANT’S ACKNOWLEDGEMENT OF SERVICE
AFFIDAVIT OF WAIVER OF VENUE AND PERSONAL JURISDICTION**

I, _____, the named Defendant in the above-styled case, after being duly sworn do hereby depose and say that I am a resident of _____ County, _____ (state), and that the Plaintiff in the above-styled case is a resident of _____ County, Georgia. I affirm that I have received a copy of said Petition/Complaint, and I hereby waive any and all further notice, service, and issuance of process.

After being duly informed that I have a constitutional right to a trial by judge or jury on the above matter in the county of my residence, and with that knowledge, I hereby expressly waive my right to venue in the county of my residence, and consent to venue and personal jurisdiction in the county of this superior court.

This _____ day of _____, 20____.

_____,
Affiant

Notary Public

Sworn to and subscribed before me this _____ day of _____, 20____.

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

(1) _____)
Plaintiff,)
v.) Civil Action No. _____
(2) _____)
Defendant.)

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing COMPLAINT FOR DIVORCE upon the following counsel for _____ [party] OR _____ [party if no counsel of record] by delivering [or causing to be delivered] by hand a copy of same as follows:

[Name and address of counsel of record, or of parties if no counsel of record.]

This _____ day of _____, 20____.

Plaintiff *pro se*
Address: _____
Telephone Number(s): _____

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

_____,
Plaintiff,

v.

_____,
Defendant

)
)
)
)
) Civil Action File No. _____
)
)
)
)

RULE NISI WITH TEMPORARY RESTRAINING ORDER

The within and foregoing Complaint having been read and considered, the same is Allowed, Ordered and Filed; and let a copy thereof be served upon the Defendant as required by law.

Plaintiff is hereby awarded temporary use and possession of the former marital residence located at _____ . Defendant is ordered to vacate the residence upon service. Defendant shall be allowed to take with him his clothing and other purely personal items. Defendant is ordered to surrender all keys to the marital residence to the serving Deputy.

Defendant is hereby restrained and enjoined from coming about, calling or otherwise contacting the Plaintiff in any fashion at any location.

Plaintiff is hereby awarded temporary use and possession of the _____ vehicle. Defendant is ordered to surrender all keys to the _____ vehicle to the serving Deputy.

Let the Defendant show cause before me on the ____ day of _____, 20____, at my office in the Courthouse in _____ County, Georgia at ____ o'clock __.m., why the prayers of Plaintiff for temporary relief should not be granted as requested.

In the meantime and until further order of this Court, the Defendant is restrained and enjoined from: molesting, harassing, or harming the Plaintiff; from following the Plaintiff; from interfering with the personal property held by the Plaintiff; or from entering the Plaintiff's dwelling house.

This _____ day of _____, 20 ____.

Judge, Superior Court of _____ County
Presented by:

Plaintiff *pro se*

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

_____,
Plaintiff,
v.
_____,
Defendant
)
)
)
)
) Civil Action File No. _____
)
)
)
)

MOTION FOR SERVICE BY PUBLICATION

Comes plaintiff, pursuant to O.C.G.A. § 9-10-71, and moves the court for an order directing that service on the defendant be made by publication upon the grounds that he/she cannot, after due diligence, be found within the state, as more fully appears from the affidavit filed herewith and attached hereto.

Plaintiff *pro se*

Address

Telephone Number

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

_____,
Plaintiff,

v.

_____,
Defendant

)
)
)
)
) Civil Action File No. _____
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AFFIDAVIT OF DUE DILIGENCE--SERVICE BY PUBLICATION
O.C.G.A. §9-11-4(e)

Personally appeared _____, who, after being duly sworn, states:
That the Defendant resides outside the State of Georgia, and his/her last known
address is _____.

--or--

That the Defendant has departed from the State of Georgia or cannot after due
diligence be found within the state. The Defendant's last known address is
_____.

--or--

The last known residence of the Defendant was outside the State of Georgia at
_____ on _____, 20___. The Defendant no longer
resides at the foregoing address, nor within the State of Georgia, to the best of Affiant's
knowledge, and the present address or whereabouts of the Defendant is unknown to the
Affiant.

--or--

The affiant has made a diligent effort to locate defendant by:

And cannot find defendant within this state for the reason that defendant has
concealed himself by:

