

UNCONTESTED 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.

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.

IN THE SUPERIOR COURT OF _____ COUNTY

STATE OF GEORGIA

| | | |
|------------|---|----------------|
| _____ , | § | |
| Plaintiff, | | |
| | § | |
| v. | | Civil Action |
| | § | File No. _____ |
| _____ , | | |
| Defendant. | § | |

COMPLAINT FOR DIVORCE

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

1.

Residence requirement (Choose only one: a, b, or c)

- 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 a resident of _____ County, Georgia, and has resided at the _____ military post for at least one year before filing this petition.
- c) 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 (Choose only one: a or b)

- 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.

3.

Date of Marriage (Choose only one: a or b)

a) Plaintiff and Defendant were lawfully married on _____ [Date].

b) Plaintiff and Defendant are common law married, having entered into a common law marriage before January 1 1997 as of _____ [Date].

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

4.

Date of Separation

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

5.

Minor Children of the Marriage

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

6.

Grounds for Divorce

Plaintiff is entitled to a divorce upon the statutory grounds that the marriage is irretrievably broken and there is no hope of reconciliation, O.C.G.A. §19-5-3(13).

7.

Settlement Agreement

□ The parties have entered into a settlement agreement that resolves all issues as to an equitable division of property and debts.

WHEREFORE, Plaintiff respectfully requests:

- a) That the parties herein be totally divorced;
- b) That the Court adopt and incorporate the parties' settlement agreement into a final judgment and decree in this matter;
- c) That the Plaintiff's name be restored to former name, which was:
 _____ [Name].
 Year of Birth _____.
- d) 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*
[Signature — No Notary Public needed]

Plaintiff's Address

Plaintiff's Telephone Number(s)

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

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

SUMMONS

To the above-named defendant:

You are hereby summoned and required to file with the Clerk of said Court and serve upon _____, the pro se plaintiff, whose address is _____ an answer to the complaint 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 complaint.

This _____ day of _____, 20_____.

Clerk of Superior Court, _____ County

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

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

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 her knowledge and belief.

_____,
Plaintiff *pro se*
[Sign in presence of Notary Public]

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. | | Civil Action |
| | § | File No. _____ |
| _____ | | |
| Defendant. | § | |

CONSENT TO TRIAL 31 DAYS AFTER SERVICE AND WAIVER OF RIGHT TO TRIAL BY JURY

Both of the above parties, as indicated by their signatures below, waive their right to trial by jury and consent to the hearing and granting of a divorce in this action any time thirty-one (31) days after the filing of the acknowledgment of service or after service having been perfected.

Plaintiff, *pro se*
[Sign in presence of Notary Public]

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

Notary Public, State of Georgia
My Commission Expires _____.

Defendant, *pro se*
[Sign in presence of Notary Public]

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

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

ACKNOWLEDGEMENT OF SERVICE AND SUMMONS

The undersigned Defendant hereby acknowledges service of the above Summons and Complaint for Divorce for 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*
[Sign in presence of Notary Public]

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

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

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

I, _____ [Name], 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____.

_____,
Defendant Affiant
[Sign in presence of Notary Public]

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

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

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

SETTLEMENT AGREEMENT

This is an agreement by and between _____ (hereinafter referred to as “Plaintiff”) and _____ (hereinafter referred to as “Defendant”).

WHEREAS, the parties are married but are currently living in a bona fide state of separation;

WHEREAS, the parties desire to settle between themselves all questions of division of property, alimony, and all other rights and obligations arising out of their marital relationship;

NOW THEREFORE, in consideration of the mutual covenants hereinafter contained, the parties agree as follows:

1.

Separation

The parties shall continue to live separate and apart and each shall be free from interference, molestation, authority and control, direct or indirect, by the other as fully as if sole and unmarried, and each may reside at such place or places as he or she may select.

2.

Alimony (Choose only one: a or b)

- a) The Plaintiff/ Defendant shall pay to the Plaintiff/ Defendant as alimony the sum of \$ _____ per week/month, to be paid beginning on _____ [Date] and to continue thereafter until the Plaintiff/ Defendant remarries or dies.
- b) The parties hereby expressly waive alimony for the past, present and future.

3.

Division of Property (Choose only one: a, b or c)

- a) The parties have no marital property subject to equitable division.
- b) The parties have previously divided their marital property to their mutual satisfaction.
- c) The parties acknowledge that they possess various items of jointly owned property, which shall be divided as follows:

1) To the Plaintiff:

2) To the Defendant:

4.

Division of Debts (Choose only one: a or b)

- a) The parties acknowledge that they have no outstanding joint debts.
- b) The parties agree to the division of debts as indicated below:

| Creditor | Amount | Responsible Party |
|----------|--------|-------------------|
| | | |
| | | |
| | | |
| | | |

The responsible party indemnifies and holds harmless the non-responsible party for any collection on these obligations.

5.

Name Restoration

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

6.

Binding 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. This Agreement constitutes the entire understanding of the parties. There are no representations, warranties, covenants, or undertakings other than those expressly set forth herein.

7.

Agreement enforceable with or without divorce

□ It is expressly understood that this Agreement does not obligate the parties to continue to live in a state of separation or to proceed with an action for divorce. However, in the event that either party shall bring or maintain an action for dissolution of the marital relationship, this Agreement shall be presented to the court and incorporated by reference into any judgment or decree concerning the matters provided herein. Notwithstanding such incorporation, this Agreement shall survive and be enforceable independently of the judgment or decree.

This Agreement is entered into this the _____ day of _____, 20____.

Plaintiff *pro se*

Plaintiff's Address

Plaintiff's Telephone Number(s)

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

Notary Public, State of Georgia
My Commission Expires _____.



Defendant *pro se*

Defendant's Address

Defendant's Telephone Number(s)

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

Notary Public, State of Georgia
My Commission Expires _____.

STATE OF GEORGIA

| | | |
|------------|---|----------------|
| _____ , | § | |
| Plaintiff, | § | |
| v. | | Civil Action |
| _____ , | § | File No. _____ |
| Defendant. | § | |

FINAL JUDGMENT AND DECREE

Upon consideration of this case, upon evidence submitted as provided by law, it is the judgment of the Court that a total divorce be granted, that is to say, a divorce *a vinculo matrimonii*, between the parties to the above stated case upon legal principles.

It is considered, ordered and decreed by the Court that the marriage contract heretofore entered into between the parties to this case, from and after this date, be and is set aside and dissolved as fully and effectually as if no such contract had ever been made or entered into.

Plaintiff and Defendant 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 restores to _____ her prior or maiden name, to wit: _____; Year of Birth: _____.

The settlement agreement entered into between the parties and filed with the court on the _____ day of _____, 20____, is hereby incorporated into and made a part of this Final Judgment and Decree of Divorce. Each party is hereby restrained and enjoined from molesting or harrassing the other party.

SO ORDERED, this _____ day of _____, 20_____.

JUDGE, Superior Courts
Southern Judicial Circuit



PLEASE PRINT OR TYPE ALL INFORMATION LEGIBLY AND CORRECTLY BELOW.

| REQUIRED INFORMATION | | | |
|--|---------------------|--|---|
| CIVIL ACTION NUMBER | | DATE DECREE GRANTED (MONTH, DAY, YEAR) | COUNTY DECREE GRANTED |
| FIRST NAME OF PARTY 1 | MIDDLE NAME | LAST NAME | LAST NAME AT BIRTH |
| DATE OF BIRTH (MONTH, DAY, YEAR) | COUNTY OF RESIDENCE | | NUMBER OF THIS MARRIAGE (FIRST, SECOND, ETC.) |
| FIRST NAME OF PARTY 2 | MIDDLE NAME | LAST NAME | LAST NAME AT BIRTH |
| DATE OF BIRTH (MONTH, DAY, YEAR) | COUNTY OF RESIDENCE | | NUMBER OF THIS MARRIAGE (FIRST, SECOND, ETC.) |
| SPECIFY GROUNDS FOR DIVORCE (19-5-3, OCGA) | | | NUMBER OF CHILDREN LESS THAN 18 AFFECTED BY THIS DECREE |

This above Report may be reproduced by use of a computer. However, the finished Report must be a close reproduction of the original, and prior review and approval must be obtained from the State Registrar before use. (31-10-7, O.C.G.A.)

31-10-22. Record of divorce, dissolutions, and annulments.

(a) A record of each divorce, dissolution of marriage, or annulment granted by any court of competent jurisdiction in this state shall be filed by the clerk of the court with the department and shall be registered if it has been completed and filed in accordance with this Code section. The record shall be prepared by the petitioner or the petitioner’s legal representative on a form prescribed and furnished by the state registrar and shall be presented to the clerk of the court with the petition. In all cases, the completed record shall be a prerequisite to the granting of the final decree.

(b) The clerk of the superior court shall complete and forward to the department on or before the tenth day of each calendar month the records of each divorce, dissolution of marriage, or annulment decree granted during the preceding calendar month.