

## ANNULMENT

- 1. What is an Annulment?** An annulment is a legal order declaring that a marriage never existed. Annulments are rare and only granted in unusual circumstances.
- 2. On What grounds can I receive an annulment?** You may receive an annulment if:
  - You and your spouse are related as follows: parent/child, parent/stepchild, grandparent/grandchild, aunt/nephew, uncle/niece.
  - You did not have the mental capacity to enter into a contract.
  - You were under the age of 16 when you entered into your marriage.
  - You were forced to enter into the marriage.
  - You were fraudulently induced to enter into the marriage.
  - Your spouse was married to another living spouse at the time you entered into the marriage.
- 3. May I be granted an annulment if I have only been married a short time?** No. The fact that you and your spouse have only been married a short time is not a proper ground for an annulment. If you do not satisfy one of the conditions listed above, then you must file a petition for divorce to dissolve your marriage.
- 4. May I obtain an annulment if I have had or will have children with my current spouse?** O.C.G.A. § 19-4-1 states that “annulments may not be granted in instances where children are born or are to be born as a result of the marriage.” If you and your spouse have children together and believe that you satisfy the requirements for an annulment, you should speak with an attorney.
- 5. How long does an annulment take?** An order granting an annulment can be issued by a judge 30 days after the other person has been served with a copy of your Petition for Annulment.
- 6. May I receive alimony if my marriage is annulled?** You may request an award of *temporary* alimony. However, you cannot request an award of permanent alimony. Alimony can be awarded only in the dissolution of a valid marriage.
- 7. How long do I have to wait before I can get married again?** You can remarry anytime after the Court issues a final order granting an annulment.
- 8. Why would I ever need to file for an annulment?**
  - If you die prior to having your invalid marriage annulled, then your purported spouse may make a claim against your estate that he/she would otherwise not be eligible to make.
  - You can have a judge divide any joint property or joint debts.
  - You can have your former name restored.

*Note: The below form may be used in cases in which the parties have been "married" very briefly, and one or both of them seek annulment only, without additional relief.*

**IN THE SUPERIOR COURT OF \_\_\_\_\_ COUNTY  
STATE OF GEORGIA**

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

**COMPLAINT FOR ANNULMENT OF MARRIAGE**

COMES NOW, \_\_\_\_\_, Plaintiff herein, and files this, his/her Complaint for annulment of marriage against \_\_\_\_\_, Defendant herein, and shows this Honorable Court as follows:

1.

Plaintiff is and has been a resident of the State of Georgia for at least six months next preceding the filing of this Complaint.

2.

Defendant is a resident of \_\_\_\_\_ County, Georgia and is subject to the jurisdiction and venue of this Court. Service may be acknowledged. If service of process is not acknowledged, service of the Summons and Complaint for Annulment of Marriage may be perfected according to law.

3.

Plaintiff and Defendant entered into a purported marriage on \_\_\_\_\_ in \_\_\_\_\_, \_\_\_\_\_ County, \_\_\_\_\_.

4.

No children have been born to the parties as a result of this purported marriage, nor is Plaintiff/Defendant pregnant.

5.

Plaintiff seeks annulment of the marriage on the grounds that:

[Check one]

\_\_\_\_\_ S/he is a close relative of Defendant, namely \_\_\_\_\_ (state relationship).

\_\_\_\_\_ Plaintiff/Defendant did not have the mental capacity to enter into a contract at the time the purported marriage took place.

\_\_\_\_\_ Plaintiff/Defendant was under age 16 at the time s/he entered into the purported marriage.

\_\_\_\_\_ Plaintiff/Defendant was forced to enter into the marriage.

\_\_\_\_\_ Plaintiff was fraudulently induced to enter into the marriage.

\_\_\_\_\_ Defendant was married to another living spouse at the time he entered into the purported marriage with Plaintiff.

[Further explain your circumstances]

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

WHEREFORE, Plaintiff prays:

(a) that process issue and Defendant be served with a copy of Plaintiff's Summons and Complaint For Annulment of Marriage;

(b) that his/her marriage to Defendant be annulled; and

(c) that s/he be awarded such other and further relief as the Court deems appropriate under the circumstances.

\_\_\_\_\_  
Plaintiff pro se

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

\_\_\_\_\_

Telephone: \_\_\_\_\_

IN THE SUPERIOR COURT OF \_\_\_\_\_ COUNTY  
STATE OF GEORGIA

\_\_\_\_\_, )  
Plaintiff )  
 )  
 )  
v. ) Civil Action No. \_\_\_\_\_  
 )  
 )  
\_\_\_\_\_, )  
Defendant. )

**ACKNOWLEDGEMENT OF SERVICE AND SUMMONS**

The undersigned Defendant hereby acknowledges service of the above Summons and Complaint for Annulment 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 the presence of a 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 No. \_\_\_\_\_  
 )  
 )  
 )  
\_\_\_\_\_, )  
Defendant. )

**VERIFICATION**

Personally appeared before the undersigned notary public duly authorized in the State of Georgia to administer oath \_\_\_\_\_, who, after being duly sworn, deposes and states that s/he is the Plaintiff in the foregoing annulment action and that the facts contained in her attached Complaint for Annulment of Marriage are true and correct to the best of his/her knowledge, information and belief.

\_\_\_\_\_  
Plaintiff, *pro se*

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

\_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_



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 "Wife") and \_\_\_\_\_ (hereinafter referred to as "Husband").

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  Husband/  Wife shall pay to the  Husband/  Wife as alimony the sum of \$ \_\_\_\_\_ per week/month, to be paid beginning on \_\_\_\_\_ [Date] and to continue thereafter until the  Husband/  Wife 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 Wife:

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2) To the Husband:

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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**

The parties request that the wife's name be restored to \_\_\_\_\_ [former name].

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*

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

\_\_\_\_\_  
Notary Public, State of Georgia  
My Commission Expires \_\_\_\_\_.

\_\_\_\_\_  
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

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

**FINAL JUDGMENT AND DECREE**

Upon consideration of this case upon evidence submitted as provided by law, the Court makes the following findings of fact and states the following conclusions of law:

Findings of fact:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

Conclusions of law:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

**JUDGMENT**

It is the judgment of the court that the purported marriage between the parties be, and it is hereby, annulled and declared to be void *ab initio* and of no effect. The status of the parties is decreed to be as if said purported marriage had never been contracted and entered into by them.

Costs of this action are to be paid by \_\_\_\_\_.

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

\_\_\_\_\_  
JUDGE, Superior Court  
Southern Judicial Circuit

Presented by:

\_\_\_\_\_  
Plaintiff, *pro se*

IN THE SUPERIOR COURT OF \_\_\_\_\_ COUNTY  
STATE OF GEORGIA

\_\_\_\_\_, §  
Plaintiff, §  
v. § Civil Action  
§ File No. \_\_\_\_\_  
\_\_\_\_\_, §  
Defendant. §

**COMPLAINT FOR ANNULMENT OF MARRIAGE**

COMES NOW \_\_\_\_\_, Plaintiff herein, and files this, his/her  
Complaint for Annulment of Marriage against \_\_\_\_\_, Defendant  
herein, and shows this Honorable Court the following:

1.

Plaintiff is and has been a resident of the State of Georgia for at least six months prior to  
the filing of this Complaint.

2.

Defendant is a resident of \_\_\_\_\_ County, Georgia and is subject to the  
jurisdiction and venue of this Court. Service may be acknowledged. If service of process  
is not acknowledged, service of the Summons and Complaint for Annulment of Marriage  
may be perfected according to law.

3.

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, Plaintiff and Defendant entered into a  
purported marriage in \_\_\_\_\_ (location of marriage ceremony).

4.

\_\_\_\_\_ children have been born as a result of this purported marriage:  
[list names and birthdays]

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5.

Plaintiff has now learned, for the first time, that Defendant was not legally divorced from his/her prior husband/wife, \_\_\_\_\_, and that therefore Defendant remains legally married to \_\_\_\_\_, and her marriage to Plaintiff is void *ab initio*.

[OR]

[State other grounds upon which annulment is sought]

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6.

Plaintiff and Defendant separated on \_\_\_\_\_, and have lived in a bona fide state of separation since said date.

7.

Defendant and said minor children are residing in the home which was acquired by the parties during their purported marriage, is titled in \_\_\_\_\_ name(s), has been used as the principal residence of the parties and their children, and is their family home.

8.

Other personal and real property acquired during the purported marriage was purchased and paid for by Plaintiff and should be declared to be his/her separate property.

[List property]

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9.

It is in the best interest of the minor children of the parties that they be placed in the custody of Plaintiff.

10.

Plaintiff is entitled to have the jointly titled property partitioned in accordance with the financial contribution made by each party.

WHEREFORE, Plaintiff requests:

- (a) that process issue and Defendant be served with a copy of Plaintiff's Summons and Complaint For Annulment of Marriage;
- (b) that his/her marriage to Defendant be annulled;
- (c) that s/he be awarded custody of the minor children of the parties;
- (d) that the property purchased by Plaintiff during the marriage be declared to be his/her separate property free and clear of any claim of Defendant;
- (e) that any jointly held property acquired during the marriage be partitioned in accordance with the financial contribution of each party;
- (f) that Plaintiff have such other and further relief as the Court deems appropriate under the circumstances.

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Plaintiff, *pro se*

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

Telephone: \_\_\_\_\_

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 Annulment 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 the presence of a 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, \_\_\_\_\_, 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 the presence of a 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.	§	

**VERIFICATION**

Personally appeared before the undersigned notary public duly authorized in the State of Georgia to administer oaths, \_\_\_\_\_, who, after being duly sworn, deposes and states that s/he is the Plaintiff in the foregoing annulment action and that the facts contained in his attached Complaint for Annulment of Marriage are true and correct to the best of his/her knowledge, information and belief.

\_\_\_\_\_  
Plaintiff, *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

\_\_\_\_\_, §  
Plaintiff, §  
v. § Civil Action  
§ File No. \_\_\_\_\_  
\_\_\_\_\_, §  
Defendant. §

**SETTLEMENT AGREEMENT**

This is an agreement by and between \_\_\_\_\_ (hereinafter referred to as "Wife") and \_\_\_\_\_ (hereinafter referred to as "Husband").

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  Husband/  Wife shall pay to the  Husband/  Wife as alimony the sum of \$ \_\_\_\_\_ per week/month, to be paid beginning on \_\_\_\_\_ [Date] and to continue thereafter until the  Husband/  Wife 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 Wife:

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2) To the Husband:

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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**

The parties request that the wife's name be restored to \_\_\_\_\_ [former name].

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*

Sworn to and subscribed before me

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

\_\_\_\_\_  
Notary Public, State of Georgia  
My Commission Expires \_\_\_\_\_.

\_\_\_\_\_  
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

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

**FINAL JUDGMENT AND DECREE**

Upon consideration of this case upon evidence submitted as provided by law, the Court makes the following findings of fact and states the following conclusions of law:

Findings of fact:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

Conclusions of law:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

**JUDGMENT**

It is the judgment of the court that the purported marriage between the parties be, and it is hereby, annulled and declared to be void *ab initio* and of no effect. The status of the parties is decreed to be as if said purported marriage had never been contracted and entered into by them.

Costs of this action are to be paid by \_\_\_\_\_.

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

\_\_\_\_\_  
**JUDGE**, Superior Court  
Southern Judicial Circuit

Presented by:

\_\_\_\_\_  
Plaintiff, *pro se*