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?** Generally no. 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: This 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 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 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.

_____,
Defendant.

Civil Action No. _____

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*

Note: This form may be used in cases in which the parties have been "married" for some time, and the party seeking annulment desires other specific relief as well.

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 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]

_____
_____
_____.

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]

_____
_____
_____

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]

_____
_____
_____
_____
_____

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.

_____

Plaintiff, *pro se*

Address: _____

Telephone: _____

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

_____,
Plaintiff,

v.

_____,
Defendant

Civil Action File No. _____

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 _____.

N THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

_____,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action 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]

_____
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 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

My Commission Expires:

_____

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

_____, Plaintiff,	)	
v.	)	Civil Action 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*