

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

PLAINTIFF

VS.

DEFENDANT

CIVIL ACTION FILE NUMBER:

COMPLAINT FOR DIVORCE

1. [REQUIRED] My name is _____ and I am representing myself in the above-styled divorce action. My residential address is:

[Street Address] [City] [State] [County] [Zip]

[Current Telephone Number]

2. [REQUIRED check ONE of the following.]

- I have been a resident of the State of Georgia for more than six (6) consecutive months immediately prior to my filing this action.
 I have not been a resident of the State of Georgia for more than six (6) consecutive months immediately prior to my filing of this action but my spouse has been a resident of the State of Georgia for at least six (6) consecutive months immediately prior to my filing of this action.

3. [REQUIRED] My spouse, _____, is the Defendant in this action.

4. [REQUIRED check ONE of the following.]

- Defendant's residential address is:

[Street Address] [City] [State] [County] [Zip]

- I am a resident of _____ County and the Defendant's whereabouts are unknown to me. I am filing my *Affidavit of Diligent Search* with this *Complaint for Divorce* and incorporate it herein by reference.

5. [REQUIRED] Defendant's last known telephone number is () - _____.

- House(s) located at _____
- Other real estate, located at _____
- Mobile Home (model: _____, year: _____)
- Pension (Present value of my pension, IRA, 401K, etc.: \$ _____);
- Present value of defendant's pension, IRA, 401K, etc.: \$ _____)
- Motor vehicles listed here:
 1. Model/year: _____
 2. Model/year: _____
- Furniture:

- Bank accounts and/or other investments:

- Other property:

11. [REQUIRED check ONE of the following.]

- I am financially dependent on the Defendant and request the Court to order the Defendant to pay alimony for my support.
- I am not asking for alimony.

12. [REQUIRED Check and complete ONE of the following.]

- The Defendant and I do not have any outstanding joint or marital debts.
- The Defendant and I have the following outstanding joint or marital debts, and responsibility for paying them should be as listed below
[Attach list if necessary]

<u>Creditor</u>	<u>Balance</u>	<u>Who Should Pay</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

13. [Check ONLY if applicable]
 I am the wife in this action and I request that the Court restore my former name so that after the divorce decree is entered by the court, my complete legal name will be:

 FIRST MIDDLE LAST

- The Defendant in this case is my wife and she has requested that her maiden name be restored in her *Acknowledgement of Service*.

14. [REQUIRED Check at least one but ALL grounds you can prove] I request a divorce from Defendant on these ground(s):

- Our marriage is **irretrievably broken** such that the Defendant and I can no longer live together and there is no hope that we will get back together.
 Cruel treatment. My spouse committed the following acts of cruel treatment to me such that I am afraid that he/she will harm me in the future:

- Adultery.** My spouse has had sexual intercourse outside of the marriage.
 Desertion. On or about _____, my spouse, without just cause or reason, intentionally abandoned and deserted me for a period of at least one year.
 Habitual Drunkenness. My spouse is in a habitual state of intoxication.
 Other Grounds from the list in OCGA § 19-5-3, as explained here:

15. [Check ONE of the following.]

- The Defendant and I do not have any minor children.
 The Defendant and I have minor children whose information is below. Said minor children have resided with the parties since their birth. No proceeding other than this action has ever been initiated concerning the custody of said children and Plaintiff knows of no individual other than the parties to this action who has any claim of custody or visitation rights concerning said children.

[REQUIRED if you have children with the Defendant]

<u>Full Name</u>	<u>Date of Birth</u>	<u>Lives with</u>
_____	_____	_____
_____	_____	_____

16. **NOTE:** If you have children with the Defendant, in order for your divorce to be final, you must complete and file the following documents along with this petition:

- A parenting plan (found at <http://www.augustabar.org/common/content.asp?PAGE=366>)
- A child support addendum (found at <http://www.augustabar.org/common/content.asp?PAGE=366>)
- A child support worksheet (found at www.georgiacourts.org/csc)
- If you live in the Augusta area, a certificate of your completion of the Divorcing Parents Seminar

17. **[REQUIRED if you have children with the Defendant. Check all boxes that apply.]:**

I am seeking **custody** of the following children (*supply their full names*):

I am seeking **visitation** as the noncustodial parent with the following children (*supply their full names*):

I am not seeking custody or visitation for any of the children of this marriage at this time.

FOR THESE REASONS, I REQUEST THE FOLLOWING RELIEF:

[Check ALL that apply]

- That I be granted a total divorce from the Defendant;
- That the *Settlement Agreement* signed by the parties be incorporated into the *Final Judgment and Decree of Divorce*.
- That I be granted legal and physical custody of the minor children born of the marriage according to Paragraph 17.
- That I be granted visitation rights with the minor children born of the marriage according to Paragraph 17.

- That the Court order the non-custodial parent to pay child support and other expenses for the minor children born of the marriage.
- That the Defendant be ordered to pay me alimony for my support;
- That our marital property be divided according to Paragraph 9;
- That our joint or marital debts be divided according to Paragraph 12;
- That my former name be restored according to Paragraph 13;
- That a hearing be scheduled by the Court, to decide on the relief I have requested;
- That the Court order any and all other relief that the Court finds appropriate.

DATE

PLAINTIFF *{Signature}*

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

_____,)
PLAINTIFF) CIVIL ACTION FILE NUMBER:
VS.) _____
_____,)
DEFENDANT)

VERIFICATION OF DIVORCE COMPLAINT

I, _____, personally, appeared before the undersigned Notary Public, and say under oath that I am the Plaintiff in the above-styled action and that the facts stated in the corresponding *Complaint for Divorce* are true and correct.

DATE

PLAINTIFF [*Sign in front of notary*]

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

NOTARY PUBLIC
My commission expires: _____

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

PLAINTIFF

VS.

DEFENDANT

CIVIL ACTION FILE NUMBER:

ACKNOWLEDGMENT OF SERVICE

The undersigned Defendant hereby acknowledges due and legal service of the *Complaint for Divorce* in the above-styled case, acknowledges receipt of a copy thereof, and hereby waives any and all further notice, service, and issuance of summons.

[Check and/or complete **ONLY** if applicable]

- The undersigned Defendant consents to the above-styled case being tried by the Court without a jury and without notice anytime after the last day on which the filing of defensive pleadings would have been required.

[used when the parties desire the Divorce to be final as soon as possible]

- The undersigned Defendant is the wife. She requests that the Court restore her former name so that after the divorce decree is entered by the court, her complete legal name will be:

FIRST

MIDDLE

LAST

DATE

DEFENDANT [Sign in front of notary]

Address _____

Telephone Number _____

Sworn and subscribed before me

This _____ day of _____, _____.

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:

2) To the Husband:

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
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FINAL JUDGMENT AND DECREE OF DIVORCE

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 the wife's prior or maiden name, to wit:

FIRST

MIDDLE

LAST

The parties shall comply with all provisions of this judgment, and shall perform all acts and execute all documents necessary to effectuate each provision hereof.

SO ORDERED this _____ day of _____, _____.

SUPERIOR COURT JUDGE
Augusta Judicial Circuit



**REPORT OF DIVORCE, ANNULMENT OR DISSOLUTION OF MARRIAGE • FORM 3907
(REVISED 12/2016)**

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, OCSA)		NUMBER OF CHILDREN LESS THAN 18 AFFECTED BY THIS DECREE	

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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.

PLEASE ADDRESS ALL CORRESPONDENCE TO THE ADDRESS BELOW.
STATE OFFICE OF VITAL RECORDS | 1680 PHOENIX BLVD. SUITE 100, ATLANTA, GA 30349 | PHONE 404.679.4702