

Divorce Without Minor Children Packet

GENERAL COMMENTS

In the State of Georgia, if you want to end your marriage, you must file a *Complaint for Divorce* in Superior Court. You can hire a lawyer to assist or you can represent yourself in court. Divorce is complicated. It is strongly recommended that you speak with a lawyer before filing any case with the Court or signing any agreements.

Please note that the law may change at any time, which may cause these forms to become outdated. The forms in this packet are only samples and will not necessarily be appropriate for your exact situation. Any person or entity using these forms does so AT THEIR OWN RISK.

LEGAL RESOURCES

State law O.C.G.A. § 15-19-51 prohibits court personnel (including staff attorneys, law clerks, calendar clerks, and staff of the Clerk's Office, Sheriff's Office or Law Library) from answering legal questions or giving legal advice.

Before filing the case, you should attend the **Family Law Workshop**, a FREE presentation by an attorney that explains the court process for family law cases. The Workshop is offered monthly through the Cherokee Court Administration. For Workshop schedules and to register, visit www.cherokeegacourts.com/family-law-workshop.

ADDITIONAL COURT REQUIREMENTS

The Court requires contested cases be referred to the Alternative Dispute Resolution Office for **mediation**. Fees apply. For more information on mediation, call the ADR Office at 770-501-8905 or visit the Blue Ridge Judicial Circuit website at www.cherokeegacourts.com/alternative-dispute-resolution.

FREQUENTLY ASKED QUESTIONS

1. Which forms do I need for a divorce?

This packet contains commonly required forms for a divorce case. The forms required will vary depending on your situation. If you are filing a new case, then you are the “Plaintiff” and your spouse is the “Defendant.” A general outline of forms is included below:

Forms Needed to Start the Case

- Complaint for Divorce Without Minor Children, with Verification
- Summons
- Case Filing Information Form
- Standing Order (Issued by the Court)
- Poverty Affidavit (Only for those who cannot afford to pay the filing fees; See “Poverty Affidavit” Packet)

Options for Service (Choose One)

- Entry of Service by the Sheriff’s Office (Filed by Sheriff’s Office)
- Acknowledgment of Service (Signed/Notarized by the Defendant/Spouse)
- Service by Publication (See “Service by Publication” Packet)

Forms Needed before Court Hearing

- Settlement Agreement Without Minor Children (if applicable)
- Domestic Relations Financial Affidavit (if applicable)
- Certificate of Attendance for Family Law Workshop

2. How do I file documents?

Type your forms or write legibly in black ink. Many forms must be signed in front of a Notary Public, who verifies the signer’s photo identification. Do not sign until you are with the Notary.

The Superior Court Clerk of Cherokee County handles documents that are filed into Superior Court cases. You may file documents directly with the clerk’s office. Also, you may file some documents online at <https://efilega.tylertech.cloud>.

3. How do I contact the Superior Court Clerk’s Office?

The Superior Court Clerk of Cherokee County is located on the first floor at 90 North Street, Canton, GA 30114. The phone number is 678-493-6501, and the website is www.cherokeecourtclerk.com.

4. What is a Standing Order?

A Standing Order is usually issued by the Court when a divorce is filed. It both requires and prohibits certain actions by the spouses. It is important to read the Standing Order carefully.

5. How do I get a hearing scheduled?

Some divorces need a temporary hearing so that a Judge can issue an order addressing temporary issues, such as who gets to stay in the marital home while the divorce case is pending. A final hearing is where the Judge issues a permanent order addressing all issues in the divorce.

To get a hearing scheduled, contact the clerk's office or the office of the Judge assigned to your case. Every Judge schedules cases differently. If you and your spouse have reached a settlement agreement and have filed all necessary documents, you may be able to get scheduled on the uncontested court calendar. Bring copies of all legal documents as well as proof of current income to all hearings. Be on time and dress appropriately. Allow time for parking, getting through security, and finding the correct courtroom.

6. How do I serve the Defendant?

Before a divorce case can proceed, the Plaintiff must serve the Defendant as required by law. If the Defendant agrees, the Defendant can sign an "Acknowledgment of Service" in front of a notary and return that form to the Clerk. Alternatively, the Sheriff's Office or a private process server can personally serve the Defendant. Finally, there are some situations that allow you to serve the Defendant by publishing a notice in the newspaper. For that process, see the "Service by Publication" Packet.

7. What if I am the Defendant in a divorce case?

If you are the Defendant in a divorce, meaning that your spouse filed the divorce, you should file an Answer or an Answer and Counterclaim if you wish to contest the case. Please see the "Divorce Without Minor Children Answer Packet."

8. How long will the divorce case take?

It is impossible to specify how long your case will take. All situations are different. The location and cooperativeness of the parties are factors, as are complete and proper preparation of documents and court caseloads.

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

Plaintiff,
v.

Defendant.

Civil Action
File No.: _____

COMPLAINT FOR DIVORCE WITHOUT MINOR CHILDREN

My name is _____, and I am representing myself in this divorce action. In support of my case, I state as follows:

1. Subject Matter Jurisdiction: I am the Plaintiff in this action and:

[Check only one of the following, either (a) or (b).]

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

2. Venue: My spouse is the named Defendant in this action.

[Check only one of the following, either (a), (b), (c), (d) or (e).]

- (a) The Defendant is a resident of Cherokee County and is subject to the jurisdiction of this Court.
- (b) The Defendant is no longer a Cherokee County resident, but still lives in Georgia. The Defendant and I lived together in Cherokee County at the time we separated. I still reside in Cherokee County, and the Defendant has only moved away from Cherokee County within the past six months before the date of my filing this action.
- (c) The Defendant is a Georgia resident but does not live in Cherokee County. I live in Cherokee County and the Defendant has acknowledged service of process and consented to the jurisdiction and venue of this Court.
- (d) The Defendant is not a resident of the State of Georgia, but I am a resident of Cherokee County, Georgia, and:
[Check only one of the following, either (1), (2), or (3).]

(1) The Defendant lives in the state of _____ and the Defendant was formerly a resident of the State of Georgia and is subject to the personal jurisdiction of the Court under Georgia's Long Arm Statute, OCGA § 9-10-91(5).

(2) The Defendant lives in the state of _____ and the Defendant has never resided in the State of Georgia.

(3) The Defendant has acknowledged service of process and consented to the jurisdiction and venue of this Court.

(e) I am a resident of Cherokee County and the Defendant's whereabouts are unknown to me. I am filing my Affidavit of Diligent Search with this Complaint and incorporate it here by reference.

3. **Service of Process:** The Defendant shall be served as provided under OCGA § 9-11-4, in the following manner:

[Check only one of the following, either (a), (b), or (c).]

(a) The Defendant has acknowledged service of process. I am filing the Acknowledgment of Service (which has been signed by the Defendant) with this Complaint.

(b) The Defendant may be served by the Sheriff's Office at the Defendant's residence/work address, which is:

(c) The Defendant resides outside of Cherokee County, and shall therefore be served by second original, as provided under OCGA § 9-10-72. Service shall be made by the sheriff's office of the county where the Defendant resides.

(d) The Defendant's whereabouts are unknown to me. I am filing my Affidavit of Diligent Search with this Complaint. The Defendant shall be served by publication as provided under OCGA § 9-11-4(e)(1) for those who cannot be found within the State of Georgia. To the best of my knowledge, the Defendant's last known address is:

4. Date of Marriage:

[Check and complete only one of the following, either (a) or (b).]

(a) The Defendant and I were lawfully married on _____.

(b) The Defendant and I are married by common law because we lived together and held ourselves out as husband and wife before January 1, 1997, beginning on _____.

5. Date of Separation: The Defendant and I last separated on _____ and we have remained in a true state of separation since that date.

6. Settlement Agreement:

[Check only if there is a signed agreement.]

The Defendant and I have entered into a Settlement Agreement, which we both want to be incorporated into the Final Judgment and Decree for Divorce. The Settlement Agreement has been signed by each of us in front of a notary public, and I am filing the Settlement Agreement with the Court, together with this Complaint.

7. Minor Children: *[Check only one (1) box.]*

(a) The Defendant and I do not have any minor children together.

(b) The Defendant and I are the parents of minor children.

Note: STOP. If you and the Defendant have any minor children together, you must use the Divorce With Minor Children Complaint form.

8. Alimony: *[Check only one of these, either (a), (b), or (c).]*

(a) I am financially dependent on the Defendant and need the Court to order the Defendant to pay alimony for my support.

(b) I am not asking for alimony.

(c) The issue of alimony cannot be decided in this action because the Court does not have personal jurisdiction over the Defendant.

9. Marital Property: *[Check only one of these, either (a), (b), (c) or (d).]*

(a) The Defendant and I have already divided our marital property, and we are both satisfied with the division.

All of our property is listed on our Settlement Agreement.

(b) The Defendant and I have not obtained any property during our marriage.

(c) The Defendant and I have obtained the following property during our marriage, and I am asking for a fair division of this property:

All of our property is listed on a separate sheet attached to this Complaint.

All of our property is listed below: *[Check and complete all that apply.]*

House (address): _____

Other Real Estate (address): _____

Mobile Home (year, model): _____

Pension(s) Plaintiff's, worth: _____
Defendant's worth: _____

Motor Vehicles: *Year, Make, Model*

Bank Accounts: *Name of Institution, Type of Account*

Other property: _____

(d) The issue of the division of marital property cannot be decided in this case because none of the property is in Georgia and the Court does not have personal jurisdiction over the Defendant.

10. **Joint or Marital Debts:** *[Check only one of these, either (a), (b), or (c).]*

(a) The Defendant and I do not have any outstanding joint or marital debts.

(b) The Defendant and I have the following outstanding joint or marital debts, and responsibility for paying them should be as listed below:

Creditor	Balance	Who Should Pay

- Listed on separate paper attached to this Complaint
- Listed in the signed Settlement Agreement

(c) The issue of dividing joint or marital debts cannot be decided in this case because the Court does not have personal jurisdiction over the Defendant.

11. **Restraining Order Where Violence Has Occurred:** *[Check **only** if applicable.]*

There is a history of physical violence by the Defendant toward me, and I am afraid that the Defendant will engage in further acts of violence or harassment toward me unless the Court enters a temporary and permanent restraining order.

12. **Restore Former or Maiden Name:** *[Check **only** if applicable.]*

I am asking the Court to restore my former or maiden name, which is:

13. **Grounds for Divorce:** *[Check all that you can prove at trial.]*

My grounds for divorce from the Defendant are:

(a) **Our marriage is irretrievably broken.** The Defendant and I can no longer live together and there is no hope that we will get back together.

(b) **Cruel treatment:** The Defendant committed the following acts of cruel treatment toward me:

(c) **Adultery:** The Defendant had sexual intercourse with someone else during our marriage.

(d) **Desertion:** The Defendant has intentionally and continually deserted me for at least a year.

(e) **Other grounds** from list in O.C.G.A. § 19-5-3, as explained here:

FOR THESE REASONS, I REQUEST THE FOLLOWING RELIEF:

[Check **all** that apply.]

- (a) That process and summons issue as provided by law;
- (b) That Defendant be served with a copy of this Complaint;
- (c) That I be granted a total divorce from the Defendant;
- (d) That the Settlement Agreement signed by the parties be incorporated into the Final Judgment and Decree of Divorce;
- (e) That the Defendant be ordered to pay me alimony for my support;
- (f) That our marital property be divided according to Paragraph 9;
- (g) That our joint or marital debts be divided according to Paragraph 10;
- (h) That the Defendant be temporarily and permanently restrained from harassing me or committing any acts of violence toward me;
- (i) That my former or maiden name be restored according to Paragraph 12;
- (j) That a Rule Nisi be scheduled by the Court, to decide on the temporary relief I have requested;
- (k) That the Court issue its Standing Order;
- (l) That the Court order any and all other relief that the Court finds appropriate.

Dated: _____

Signature of Plaintiff, *Self-Represented*

Name [*print or type*]: _____

Address: _____

Telephone: _____

Email: _____

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

<hr style="border: 0; border-top: 1px solid black; margin-bottom: 10px;"/> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <hr style="border: 0; border-top: 1px solid black; margin-top: 10px;"/> <p style="text-align: center;">Defendant.</p>	<p>Civil Action File No.: _____</p>
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VERIFICATION

I am the Plaintiff filing this action. I swear or affirm that I have read the *Complaint for Divorce Without Minor Children* and that the facts contained within my *Complaint* are true and correct.

[Sign in front of notary] Plaintiff, Self-Represented

Name [print or type]: _____

Address: _____

Telephone: _____

Email: _____

SWORN AND AFFIRMED before me this
_____ day of _____, 20____.

NOTARY PUBLIC

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

Plaintiff: _____

and

Defendant: _____

Civil Action File No.: _____

SUMMONS

TO THE ABOVE NAMED DEFENDANT:

You are hereby summoned and required to file with the Clerk of said Court and serve upon the Plaintiff, whose name and 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*.

If a hearing has already been scheduled in this case, you must appear at that scheduled hearing, regardless of whether the 30 days for filing an answer has elapsed.

This _____ day of _____, 20_____.

Patty Baker,
Clerk of Superior Court

By _____
Clerk

To Defendant upon whom this *Complaint* is served:

This copy of *Complaint and Summons* was served upon you, _____, 20_____.

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

<hr/> <p style="text-align: center;">Plaintiff,</p> <p>v.</p> <hr/> <p style="text-align: center;">Defendant.</p>	<p>Civil Action File No.: _____</p>
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ACKNOWLEDGMENT OF SERVICE

I am the Defendant in this case. I hereby acknowledge that I have received a copy of the *Complaint for Divorce Without Minor Children*, and the following other documents:

I waive formal process, but I do not waive further notice, or my right to raise any defenses I may have in this action. Should further notice be required for any reason, the notice should be mailed to me at the address below.

SWORN AND AFFIRMED before
me this _____ day of
_____, 20____.

NOTARY PUBLIC

[Sign in front of notary] Defendant, Self-Represented

Name [print or type]: _____

Address: _____

Telephone: _____

Email: _____

IN THE SUPERIOR COURT OF CHEROKEE COUNTY
STATE OF GEORGIA

_____,
Plaintiff,
vs.
_____,
Defendant.

Civil Action

Case Number _____

DOMESTIC RELATIONS FINANCIAL AFFIDAVIT

(1) Your Name:		Your Age:
Spouse's Name:		Spouse's Age:
Date of Marriage:	Date of Separation:	
Names and year of birth of children for whom support is to be determined in this action:		
Name	Age	Resides with
Names and year of birth of your other children:		
Name	Age	Resides with
(2) SUMMARY OF YOUR INCOME AND NEEDS: (fill out this part after you complete pages 2-6)		
(A) Gross Monthly Income (from Item 3A below)		\$
(B) Net Monthly Income (from Item 3B below)		\$
(C) Average Monthly Expenses (Item 5A below)		\$
Monthly Payments to Creditors (Item 5B below)		\$
Total Monthly Expenses & Payments to Creditors (Item 5C below)		\$

(3) (A) YOUR GROSS MONTHLY INCOME: <i>(Complete this section <u>or</u> attach Child Support Schedule A. All income must be entered based on monthly average regardless of date of receipt. Where applicable, income should be annualized.)</i>	
Salary or Wages — ATTACH COPIES OF 2 MOST RECENT WAGE STATEMENTS	\$
Commissions, Fees & Tips	\$
Income from self-employment, partnership, close corporations and independent contracts <i>(gross receipts minus ordinary and necessary expenses required to produce income)</i> ATTACH SHEET ITEMIZING YOUR CALCULATIONS	\$
Rental income <i>(gross receipts minus ordinary and necessary expenses required to produce income)</i> ATTACH SHEET ITEMIZING YOUR CALCULATIONS	\$
Bonuses	\$
Overtime Payments	\$
Severance Pay	\$
Recurring Income from Pensions or Retirement Plans	\$
Interest and Dividends	\$
Trust income	\$
Income from Annuities	\$
Capital Gains	\$
Social Security Disability or Retirement Benefits	\$
Worker's Compensation Benefits	\$
Unemployment Benefits	\$
Judgments from Personal Injury or Other Civil Cases	\$
Gifts (cash or other gifts that can be converted to cash)	\$
Prizes & Lottery Winnings	\$
Alimony and maintenance from persons not in this case	\$
Assets which are used for support of family	\$
Fringe Benefits (if significantly reduce living expenses)	\$
Any Other Income <i>(Do not include means-tested public assistance, such as TANF or food stamps.)</i>	\$
TOTAL Gross Monthly Income <i>(also write in 2A on page one)</i>	\$
(3)(B) Net Monthly Income From Employment <i>(deducting only state and federal taxes and FICA) (also write in 2B on page one)</i>	\$

Your Pay Period (<i>i.e.</i> , monthly, weekly, <i>etc.</i>):	Number of Exemptions Claimed by You for Tax Purposes:
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(4) ASSETS

(List all assets here, including both non-marital and marital property. If you claim or agree that all or part of an asset is non-marital, indicate the non-marital portion under the appropriate spouse's column and state the amount and the basis: pre-marital, gift, inheritance, source of funds, etc. The total value of each asset must be listed in the "value" column. "Value" means what you feel the item of property would be worth if it were offered for sale.)

Description	Value			Basis of the Claim (<i>pre-marital, gift, inheritance, etc.</i>)
Cash	\$	\$	\$	
Stocks, Bonds	\$	\$	\$	
CD's / Money Market Accounts	\$	\$	\$	
Bank Accounts (<i>bank name and/or last four digits of the account number</i>):				
(1)	\$	\$	\$	
(2)	\$	\$	\$	
(3)	\$	\$	\$	
Retirement Pensions, 401(k), IRA or Profit-Sharing	\$	\$	\$	
Money Owed to You (or Spouse)	\$	\$	\$	
Tax Refund Owed to You	\$	\$	\$	
Real Estate (list properties & mortgages):				
Home	\$	\$	\$	
Debt owed on Home	\$			
Other Real Estate	\$	\$	\$	
Debt owed on Other Real Estate	\$			
Automobiles / Vehicles (list vehicles & amounts owed on each one):				
(1)	\$	\$	\$	
Debt owed on Vehicle (1)	\$			
(2)	\$	\$	\$	
Debt owed on Vehicle (2)	\$			

(4) ASSETS (continued)				Basis of the Claim <i>(pre-marital, gift, inheritance, etc.)</i>
Description	Value			
Life Insurance (net cash value)	\$	\$	\$	
Furniture / Furnishings	\$	\$	\$	
Jewelry	\$	\$	\$	
Collectibles	\$	\$	\$	
Other Assets <i>(specify)</i> :	\$	\$	\$	
	\$	\$	\$	
	\$	\$	\$	
TOTAL ASSETS	\$	\$	\$	

(5)(A) AVERAGE MONTHLY EXPENSES FOR YOU AND YOUR HOUSEHOLD

HOUSEHOLD EXPENSES

Mortgage or Rent Payments	\$	Gas	\$
Property taxes	\$	Repairs & Maintenance	\$
Homeowner's / Renter's Insurance	\$	Lawn Care	\$
Electricity	\$	Pest Control	\$
Water	\$	Cable TV / Internet Access	\$
Garbage & Sewer	\$	Misc. Household & Grocery Items	\$
Telephones		Meals Outside Home	\$
Residential Lines	\$	Other <i>(specify)</i>	\$
Cellular Telephones	\$		\$

AUTOMOTIVE

Gasoline & Oil	\$	Auto Tags / Registration / License	\$
Repairs & Maintenance	\$	Insurance	\$

OTHER VEHICLES (boats, trailers, RVs, etc.)

Gasoline & Oil	\$	Tags / Registration / License	\$
Repairs & Maintenance	\$	Insurance	\$

CHILDREN'S EXPENSES			
Child Care (total monthly cost)	\$	Allowance	\$
School Tuition	\$	Children's Clothing	\$
Tutoring	\$	Diapers	\$
Private lessons (<i>e.g., music, dance</i>)	\$	Medical, Dental, Prescriptions <i>(out-of-pocket uncovered expenses)</i>	\$
School Supplies / Expenses	\$	Grooming / Hygiene	\$
Lunch Money	\$	Gifts from children to others	\$
Other Educational Expenses (list type & amount):		Entertainment	\$
_____	\$	Activities (<i>including extra-curricular, school, religious, cultural, etc.</i>)	\$
_____	\$	Summer Camps	\$
OTHER INSURANCE			
Health Insurance	\$	Life Insurance	\$
Children's portion:	\$	Relationship of Beneficiary:	
Dental Insurance	\$	Disability Insurance	\$
Children's portion:	\$	Other Insurance (<i>specify</i>)	\$
Vision Insurance	\$		\$
Children's portion:	\$		\$
YOUR OTHER EXPENSES			
Dry Cleaning & Laundry	\$	Publications	\$
Clothing	\$	Dues, Clubs	\$
Medical / Dental / Prescription <i>(out-of-pocket uncovered expenses)</i>	\$	Religious & Charities	\$
Your Gifts (special holidays)	\$	Pet expenses	\$
Entertainment	\$	Alimony Paid to Former Spouse	\$
Recreational Expenses (<i>e.g., fitness</i>)	\$	Child Support Paid for other children	\$
Vacations	\$	Date of initial CS order:	
Travel Expenses for Visitation	\$	Other (<i>attach sheet to list</i>)	\$
TOTAL ABOVE MONTHLY EXPENSES (<i>also write on first line of 2C on page one</i>)			\$

(5)(B) YOUR PAYMENTS & DEBTS TO CREDITORS					
To Whom	Balance Due	Monthly Payments	(Please check one)		
			Joint	Plaintiff	Defendant
	\$	\$			
	\$	\$			
	\$	\$			
	\$	\$			
	\$	\$			
	\$	\$			
Total Monthly Payments to Creditors (also write this total on line 2 of 2C on page one)				\$	
(5)(C) TOTAL MONTHLY EXPENSES (<i>Total Expenses plus Total Monthly Payments to Creditors above</i>) (also write this total on last line of 2C on page one)				\$	

Personally appeared before me, an officer authorized to administer oaths, the undersigned affiant, who upon being sworn, swears that he/she is legally competent to make this affidavit, that the affidavit is based upon personal knowledge, and that the contents of the affidavit are true.

 (Sign in front of Notary) Plaintiff, *Self-Represented* Defendant, *Self-Represented*

Name (print or type): _____

Address: _____

Telephone Number: _____

E-mail Address: _____

Sworn to and affirmed before me, this _____ day of _____.

NOTARY PUBLIC
 My commission expires: _____
 (Notary Seal)

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

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

SETTLEMENT AGREEMENT WITHOUT MINOR CHILDREN

This is an agreement between _____ (referred to herein as "Plaintiff") and _____ (referred to herein as "Defendant"). The parties are married but currently separated. They have no minor children together.

The parties want to settle between themselves all questions of alimony, division of property, debts, and all other rights and obligations arising out of their marital relationship.

THEREFORE, in consideration of the mutual promises and declaration in this Agreement, the parties agree as follows:

1. Separation

The parties shall continue to live apart and each one shall be free from all interference and control by the other, as fully as if unmarried, and each may reside at such places as s/he may choose.

2. Alimony

*[Check and complete **only one** of the following choices.]*

- (a) The _____ shall pay to the _____ as alimony, the sum of _____ Dollars (\$_____) monthly/ semi-monthly/ bi-weekly/ weekly, beginning on _____, and continuing monthly/ semi-monthly/ bi-weekly/ weekly thereafter,
 - (1) until the recipient remarries or dies.
 - (2) for a period of _____.
- (b) Each party expressly waives the right to receive alimony from the other party.

3. Property Division

*[Check and complete **only one** of the following choices.]*

- (a) The parties acknowledge that they have already made a division of their marital property, including any real estate, vehicles, household furniture, furnishings, household goods, equipment, bank accounts, pensions and

other personal property. Neither party shall claim any property in the possession of the other party as of the date of signing this agreement.

(b) The parties acknowledge that they possess various items of marital property, which shall be divided as provided in this Agreement. The parties agree to transfer possession and title to the property as follows:

(1) Marital Home – The marital home of the parties, located at the following address: _____

_____,
 Shall be conveyed to the _____ in fee simple. The legal description of the property appears on the deed, a copy of which is attached to this *Settlement Agreement*. The _____ shall be responsible for all taxes, assessments, and mortgage loan payments on the home after the date of _____.

(A) The _____ shall have a protected interest in the home in the amount of _____ Dollars (\$_____). Upon the sale or transfer of the home, the protected interest shall be paid.

(B) The _____ shall immediately begin making reasonable efforts to refinance the outstanding mortgage(s) on the marital home, so that the _____ shall no longer be liable on the mortgage loan(s). If the _____ is not able to refinance by _____, 20____, the home shall then be listed for sale at a reasonable price, and all reasonable offers to purchase the home shall be accepted.

(2) Vehicles – The vehicles owned by the parties shall be transferred or retained as follows:

Year/Make/Model of Vehicle	Vehicle ID # (VIN)	Goes To

The party listed above for each vehicle shall be responsible for all car loan payments, ad valorem taxes, registration fees, and insurance on that vehicle accruing after the following date:
 _____, 20____.

(3) Other Personal Property – The parties acknowledge that they own various other items of personal property, which shall be transferred to the party listed below, on or before _____, 20____. To Plaintiff, as follows:

To Defendant, as follows:

Except as otherwise specifically provided in this *Agreement*, the transfers listed above shall be completed no later than _____, 20__, and each party shall execute all documents necessary to promptly complete the transfer. Upon the failure of either party to this *Agreement*, this *Agreement* shall constitute and operate as the properly executed document. The county auditor, county recorder, Department of Motor Vehicles, and all other public and private officials are authorized and directed to accept this *Agreement*, or a properly certified copy of it, in lieu of the document regularly required for the conveyance or transfer.

Except as provided in this *Agreement*, the parties have divided their marital property, including any real estate, vehicles, household furniture, furnishings, household goods, equipment, bank accounts, pensions, and other personal property. Neither party shall claim any of the property in the possession of the other party as of the date of signing this *Agreement*, except as provided in this *Agreement*.

4. Debts

[Check and complete only one of the following choices.]

- (a) The parties acknowledge that they have no outstanding joint or marital debts.
- (b) The responsibility for payment of the parties' joint and marital debts shall be as follows:

Creditor	Amount	Responsible Party

The responsible party listed above for each debt shall hold the other party harmless for any collections on that debt. If legal action is brought against the other party to recover that debt, the responsible party agrees to indemnify or hold the other party harmless and, in addition, to pay all attorney's fees and costs of collection which the other party may incur as a result of the legal action.

5. Tax and Bankruptcy Construction of this Agreement

The parties acknowledge that the equitable division of marital property and the payment of marital and joint debts, if provided in this *Agreement*, shall not be deductible nor taxable for income tax purposes. Each party also acknowledges that,

but for the payments provided here, the other party's financial independence would be impaired. Therefore, it is the parties' intention that if either party ever seeks bankruptcy protection, the amounts payable under this *Agreement* shall not be dischargeable in bankruptcy under 11 U.S.C. § 523(a)(5), as the payments are in the nature of spousal or child support and maintenance. Alternatively, the payments shall be non-dischargeable in bankruptcy under 11 U.S.C. § 523(a)(15).

6. Consent Mutual Restraining Order

[This paragraph is optional. Check the box if the paragraph is applicable to your situation.]

The parties shall be permanently restrained and enjoined from assaulting, beating, wounding, threatening, harassing, and stalking each other. By consenting to this, the parties in no way admit that such acts were ever done in the past, but agree not to engage in such acts in the future. This provision shall be enforceable by the Court's contempt power.

7. Voluntariness of 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. They have agreed to enter into this *Agreement* based on their knowledge of the income and assets of the parties and their written statement in this *Agreement*. After considering all of this, they have decided to enter into this *Agreement* freely and voluntarily.

8. Completeness of Agreement

This *Agreement* constitutes the entire understanding of the parties. There are no representations or promises other than those expressly included in this *Agreement*. Each party hereby states under oath that the financial representations in this *Agreement* are accurate and complete, to the best of that party's information, knowledge, and belief.

9. Effect of Divorce

Both parties understand that this *Agreement* does not require them to continue to live separately or to proceed with an action for divorce. However, if either party brings or maintains an action for divorce, this *Agreement* shall be presented to the Court and incorporated by reference into any judgment concerning the matters covered by the *Agreement*. Even if it becomes part of a divorce judgment, this *Agreement* shall survive and can be enforced independently from the judgment of divorce.

Plaintiff

Defendant

Sworn to and affirmed before me, this
_____ day of _____.

Sworn to and affirmed before me, this
_____ day of _____.

NOTARY PUBLIC
My commission expires: _____
(Notary Seal)

NOTARY PUBLIC
My commission expires: _____
(Notary Seal)

General Civil and Domestic Relations Case Filing Instructions

1. Provide the class of court and county in which the case is being filed.
2. Provide the plaintiff's and defendant's names.
3. Provide the plaintiff's attorney's name and State Bar number. If you are representing yourself, provide your own name and check the self-represented box.
4. Provide the primary type of case by checking only *one* appropriate box. Cases can be either general civil or domestic relations and only *one* type of primary case within those categories. Check the case type that most accurately describes the primary case. If applicable, check one sub-type under the primary case type. If you are making more than one type of claim, check the case type that involves the largest amount of damages or the one you consider most important. See below for definitions of each case type.
5. Provide an answer to the four questions by checking the appropriate boxes and/or filling in the appropriate lines.

Case Type Definitions

General Civil Cases

Automobile Tort: Any tort case involving personal injury, property damage, or wrongful death resulting from alleged negligent operation of a motor vehicle.

Civil Appeal: Any case disputing the finding of a limited jurisdiction trial court, department, or administrative agency.

Contempt/Modification/Other Post-Judgment: Any case alleging failure to comply with a previously existing court order, seeking to change the terms of a previously existing court order, or any other post-judgment activity in a general civil case.

Contract: Any case involving a dispute over an agreement between two or more parties.

Garnishment: Any case where, after a monetary judgment, a third party who has money or other property belonging to the defendant is required to turn over such money or property to the court.

General Tort: Any tort case that is not defined or is not attributable to one of the other types of torts listed.

Habeas Corpus: Any case designed to review the legality of the detention or imprisonment of an individual, but not the question of his or her guilt or innocence.

Injunction/Mandamus/Other Writ: Cases involving a written court order directing a specific person to perform or refrain from performing a specific act.

Landlord/Tenant: Any case involving a landlord/tenant dispute if the landlord removed a tenant and his or her property from the premises or placed a lien on the tenant's property to repay a debt.

Medical Malpractice Tort: Any tort case that alleges misconduct or negligence by a person in the medical profession acting in a professional capacity, such as doctors, nurses, physician's assistants, dentists, etc.

Product Liability Tort: Any tort case that alleges an injury to a person was caused by the manufacturer or seller of an article due to a defect in, or the condition of, the article sold or an alleged breach of duty to provide suitable instructions to prevent injury.

Real Property: Any case involving disputes over the ownership, use, boundaries, or value of land.

Restraining Petition: Any petition for a restraining order that does not result from a domestic altercation or is not between parties in a domestic relationship.

Other General Civil: Any case that does not fit into one of the other defined case categories in which a plaintiff is requesting the enforcement or protection of a right or the redress or prevention of a wrong.

Domestic Relations Cases

Adoption: Cases involving a request for the establishment of a new and permanent parent-child relationship between persons not biologically parent and child.

Contempt: Any case alleging failure to comply with a previously existing court order. If the contempt action deals with the non-payment of child support, medical support, or alimony, also check the corresponding sub-type box.

Dissolution/Divorce/Separate Maintenance/Alimony: Any case involving the dissolution of a marriage or the establishment of alimony or separate maintenance.

Family Violence Petition: Any case in which a protective order from a family member or domestic partner is requested.

Modification: Any case seeking to change the terms of a previously existing court order. If the modification deals with custody, parenting time, or visitation, also check the corresponding sub-type box.

Paternity/Legitimation: Cases involving establishment of the identity and/or responsibilities of the father of a minor child or a determination of biological offspring.

Support – IV-D: Cases filed by the Georgia Department of Human Services to request maintenance of a minor child by a person who is required under Title IV-D of the Social Security Act of 1973 (42 USC §§ 651-669b) to provide such maintenance.

Support – Private (non-IV-D): Cases filed to request maintenance of a parent/guardian or a minor child by a person who is required by a law other than Title IV-D of the Social Security Act of 1973 (42 USC §§ 651-669b) to provide such maintenance.

Other Domestic Relations: Domestic relations cases that do not adequately fit into any of the other case types, including name changes.

Please note: This form is for statistical purposes only. It shall have no legal effect in a case. The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or court rules. Information on this form will not be entered into evidence.

General Civil and Domestic Relations Case Disposition Form Instructions

1. Provide the class of court and county in which the case is being disposed.
2. Provide the plaintiff's and defendant's names.
3. Provide the reporting party (the individual completing the form).
4. Provide the attorneys' names and State Bar numbers. If parties represented themselves, provide their names and check the self-represented box.
5. Provide the manner of disposition by checking the appropriate box. See below for definitions.
6. Provide an answer to the three questions by checking the appropriate boxes.

Manner of Disposition Definitions

Jury Trial: Cases in which a jury is impaneled to determine the issues of fact in the case. A jury trial should be counted when the jury has been sworn, regardless of whether a verdict is reached.

Bench/Non-Jury Trial: Cases in which a judge or judicial officer is assigned to determine both the issues of fact and law in the case. A bench/non-jury trial should be counted when the first evidence is introduced, regardless of whether a judgment is reached.

Non-Trial Disposition: Cases in which the disposition does not involve either a jury trial or a bench trial.

Alternative Dispute Resolution: If a case was disposed of via a non-trial disposition and the method of disposition was alternative dispute resolution. If this box is checked, then the Non-Trial Disposition box must also be checked. Only check if the whole case was resolved via alternative dispute resolution.

