



**26th Judicial District
SelfServe Center**

ABSOLUTE DIVORCE

NOTE:

THIS PACKET CONTAINS INFORMATION REGARDING A SIMPLE DIVORCE. THERE ARE NO FORMS OR INSTRUCTIONS IN THIS PACKET FOR SPOUSAL SUPPORT OR DIVISION OF MARITAL PROPERTY. IF YOU OBTAIN A DIVORCE WITHOUT FIRST PROPERLY FILING FOR OR OBTAINING THE APPROPRIATE SPOUSAL SUPPORT OR PROPERTY DIVISION, YOU WILL LOSE YOUR RIGHTS. IF YOU ARE SEEKING THESE RIGHTS, PLEASE CONSULT WITH A LAWYER.

DUE TO THE CHANGING NATURE OF THE LAW, the forms and instructions contained in this packet may become outdated. You should review and research statutes and rules of procedure referenced in the instructions to ensure that the forms are accurate and current.

IN NO EVENT will the SelfServe Center Staff, Clerk of Court or anyone contributing to the production of these forms, instructions or guidelines be liable for any indirect or consequential damages resulting from use of the forms or information provided to you by the SelfServe Center.

IF THERE ARE ANY QUESTIONS in your mind concerning these forms, or your legal rights, it is strongly recommended that you consult with an attorney.

USE THESE FORMS AT YOUR OWN RISK. THESE FORMS MAY OR MAY NOT BE APPROPRIATE IN YOUR PARTICULAR CASE. ANY DESIRED OUTCOME FROM THE USE OF THESE FORMS CANNOT BE PREDICTED OR GUARANTEED. IT IS STRONGLY RECOMMENDED THAT YOU SEEK LEGAL ADVICE!

Filing Fees are regulated by the North Carolina General Assembly, and are subject to change. Please consult with the Staff of the Civil Filing Department or the SelfServe Center for the most up to date fees.

**THE FILING FEE IS: _____ TO RESUME A MAIDEN NAME: _____
THE MOTION FOR SUMMARY JUDGMENT FEE: _____
SHERIFF'S FEE: _____**

INTRODUCTION

What is this?

This packet of information is provided for individuals who wish to pursue a case without the assistance of an attorney. This is called a *pro se* or self represented case. If you are not sure that you want or need to go to court, please ask the Self Serve Center staff to direct you to a lawyer referral service or list of local attorneys willing to provide “unbundled services” (*representation for a limited portion of a case at an hourly rate*).

How will it help me?

If you do not plan to use an attorney, this packet will start the process for you by providing certain forms you will need. Since you are representing yourself, it is YOUR responsibility to ensure that these are the correct forms for the nature of your case. Therefore, you should review and research *applicable laws* and *rules of procedure* that apply to your type of case. If you are not able to do this, you should talk with an attorney. If at any point during the process you become confused or wish to proceed with the help of an attorney, contact the Mecklenburg County Bar Lawyer Referral Service at (704) 375-0120 or the North Carolina Bar Lawyer Referral Service at (800) 662-7660.

What does this mean?

Certain legal terms will be used throughout your case. A complete legal glossary is available for your convenience in the SelfServe Center. If you still do not understand the term, consult a legal dictionary or the SelfServe Center staff. You may also want to consult the North Carolina Rules of Court or the website www.nccourts.org to review the local rules for Mecklenburg County. Staff CANNOT provide legal advice, but can provide procedural information and definitions of legal terms.

What is an Absolute Divorce?

An Absolute Divorce is a **complete divorce that allows the parties to marry again after their divorce has become final**. State law **REQUIRES** that the parties be separated for one year prior to filing for divorce. An Absolute Divorce begins when a document called a *Complaint* is filed. The laws (or *statutes*) that control divorce proceedings in North Carolina are found in Chapter 50 of the North Carolina General Statutes. Please review this section. It can be found in the SelfServe Center, at www.ncga.state.nc.us and the local library [310 North Tryon Street, (704) 416-0100].

Can or should I file for an Absolute Divorce?

Please note that the SelfServe Center staff CANNOT provide legal advice. Therefore, we cannot tell you if you should file or what you should file, but we can tell you that you must meet certain criteria to be eligible. The *Plaintiff* is the person beginning the divorce proceedings against the *Defendant*, who is the spouse (husband/wife) of the Plaintiff. The Plaintiff may file a Complaint for divorce in North Carolina **IF** the Plaintiff or his/her spouse has been a resident of North Carolina for at least 6 months prior to the filing. **The couple also must have lived continuously separate and apart for at least one year before the divorce can be filed.**

Step One Review Your Documents

Review your forms to make sure that you have the necessary documents to complete this divorce process.

Set One:

- I. Domestic Civil Action Cover Sheet
- II. Civil Summons*
- III. Complaint for Divorce
- IV. Complaint for Divorce Verification
- V. Servicemembers Civil Relief Act Declaration 50 U.S.C App §§ 501 - 597b

Set Two:

- I. Defendant's Answer to Divorce Complaint and Waiver
- II. Defendant's Acceptance of Service of Process and General Appearance
- III. Affidavit of Service by Certified Mail

Set Three:

- I. Motion Cover Sheet
- II. Motion for Summary Judgment and Notice of Hearing
- III. Certificate of Absolute Divorce and Annulment **
- IV. Judgment of Divorce

*NOTE: If you need another copy of the Summons, it may be obtained at www.nccourts.org. Click on the word "forms" at the top center of the page and then type in the form number "CV-100" (Summons).

Step Two: Complete "Set One" Forms

- I. Domestic Civil Action Cover Sheet: Fill this out and set it aside.
- II. Civil Summons: Fill this out and set it aside.
- III. Complaint for Divorce: Fill this out and set it aside.
- IV. Complaint for Divorce Verification: This must be completed in the presence of a Notary Public.
- V. Affidavit Servicemembers Civil Relief Act Declaration 50 U.S.C App §§ 501 - 597b

Step Three: Photocopying "Set One" Documents

Make two (2) copies of each document contained in "Set One" of your forms. Copies can be made for a fee in the Civil Files Office, Room 3342.

Step Six:

Setting a Date for Your Case to Proceed:

1. In order to receive a court date, you must have already completed Steps 1-5 in this packet. This means you filed your Set 1 Documents with the Clerk and served them on the Defendant. You must have proof they were served:
 - I. **Proof of Service of Process: This could be either:**
 - a) Affidavit of Service of Process by Certified Mail "Found in Set Two" (if you served the original documents by certified mail)
OR
 - b) Defendant's Acceptance of Service of Process and General Appearance and Defendant's Answer to Divorce Complaint and Waiver "Found in Set Two" (if they were notarized and filed by the Defendant)
OR
 - c) Return by Sheriff of successful service of process on your spouse
2. **33 days** after the Defendant has been served, you will need to file your Set 3 Documents with the Clerk of Court, Rm. 3725, as well as two self-addressed and stamped envelopes with one addressed to the Plaintiff and the other to the Defendant. Your Set 3 Documents include:
 - I. **Motion Cover Sheet and Motion for Summary Judgment and Notice of Hearing "Found in Set Three"**
 - a) **You may take this form to the clerk to get a hearing date after:**
 - i. Your spouse has filed a responsive pleading agreeing to the terms of the Complaint (Waiver and Acceptance of Service forms found in "Set Two");
 - ii. Your spouse has failed to file a responsive pleading and has not requested an extension; **or**
 - iii. Your spouse has requested an extension and failed to respond within the extra time granted by the extension

ATTENTION: After you receive a court date from the Clerk of Court, you must mail a copy of this document to the other party by 1st Class US Mail.

****Please note that the date set for the case at the clerk's office MUST BE AT LEAST 13 DAYS from the date the Motion for Summary Judgment and Notice of Hearing Form is received by your spouse.**

- II. **Certificate of Absolute Divorce (Must be completed in Black Ink) "Found in Set Three"**
 - i. This form is required by the State of North Carolina and is in this packet.
 - ii. The original and one copy of this form must be completed and given to the clerk at the time you file for the divorce or when you set your hearing date.

ATTENTION: If the Certificate of Absolute Divorce is not filled out or is not filled out accurately and completely in black ink, the judges WILL NOT sign your divorce.

*****REMEMBER:** After Service of Process by one of the previous three processes has been successfully completed, you must wait 33 days from the date of service in order to give your spouse an opportunity to file an "Answer" (response) to the Complaint.

- Service of Process **MUST** be completed within 60 days of the original filing of your documents. If Service of Process is **NOT** completed within this time, your Complaint will be dismissed and you will have to start the process over, possibly paying the filing fees again.
- If you are using service by Sheriff, you must contact the Sheriff after 45 days to make sure service has been completed. You can contact the Mecklenburg County Sheriff's Office at (704) 336-2543.
- If service of process cannot be completed within 60 days of the original filing, you will need to ask for an endorsement. This is found at the bottom left of the Civil Summons. You must go back to the Clerk's Office to receive the endorsement. This will give you an additional 60 days to serve the Defendant(s) with your documents. You can receive an unlimited number of endorsements, but you must continue to request them within the proper time frame until service is complete.

V. Please read the instructions in this packet on setting your court date, the Certificate of Absolute Divorce, Motion for Summary Judgment and Notice of Hearing, Judgment of Divorce and Certification of Forms. You may proceed with this last portion 33 days after the date the Defendant signed his/her documents (Acceptance of Service and Waiver) before a Notary Public.

2. SERVICE OF PROCESS BY SHERIFF:

I. If the Defendant lives in North Carolina and will not accept service of process, you may pay a \$30.00 to the Sheriff in the county where the spouse resides to serve the papers.

a. **If Spouse (Defendant) lives in Mecklenburg County:**

- i. Take the your original set 1 documents and 2 copies (Found in "Set One") to the Clerk's Office, Room 3725, when you file for divorce. The summons should include the most recent address of your spouse and any other information that will help the Sheriff's office locate him/her. These will be stamped and filed by the clerk. The Clerk's office *may* deliver the documents to the Sheriff for you. *Sometimes*, you must take the stamped documents (Summons and Complaint) and the \$30 dollar payment to the Sheriff (700 East Fourth St. Charlotte, NC 28202). In either case, be sure to keep a copy of these documents.
- ii. After delivering these documents to the Sheriff, he/she will keep a copy of the summons detailing how the Complaint and Summons were delivered to the Defendant. The Sheriff's deputy will then file this information with the clerk of court.
- iii. In order to determine if the Sheriff was successful or unsuccessful in serving your spouse, you must check **in person** with the Clerk of Court (Room 3725). Your case cannot be heard in court if your spouse has not been notified of the divorce action. You may also call the Mecklenburg Sheriff's Office at 704-336-2543 to determine if service was successful.

b. **If Spouse (Defendant) DOES NOT live in Mecklenburg County:**

- i. If the Defendant does not live in Mecklenburg County, you must mail or deliver the Summons and Complaint to the Sheriff in the county where your spouse is located. The Summons should include the most recent address of your spouse and any other information that will help the Sheriff's office locate him/her. You should include a certified check or money order for the fee for service made payable to the Sheriff of that county. *Contact the Sheriff's office in the county where your spouse is located to determine the fees and procedures associated with service of process.*
- ii. If you wish to send your paperwork to the Sheriff's office to be served, you should send it by certified mail return receipt requested to provide proof that your service request was received.

III. Judgment of Divorce "Found in Set Three"

- a) This form is for the judge to use to make his/her final ruling.
 - i. You should insert the names of the parties and the case number and complete numbers three, six and complete number seven only if you are resuming a maiden name.

ATTENTION: If you would like to resume your maiden name or the name of a former spouse with whom you have living children, you may do so. If you would like to request resumption of a previous name, please insert the name you would like to resume on the line in item 7 on the Judgment of Divorce.

★ One Self-addressed, stamped envelope (so your divorce can be mailed to you) ★

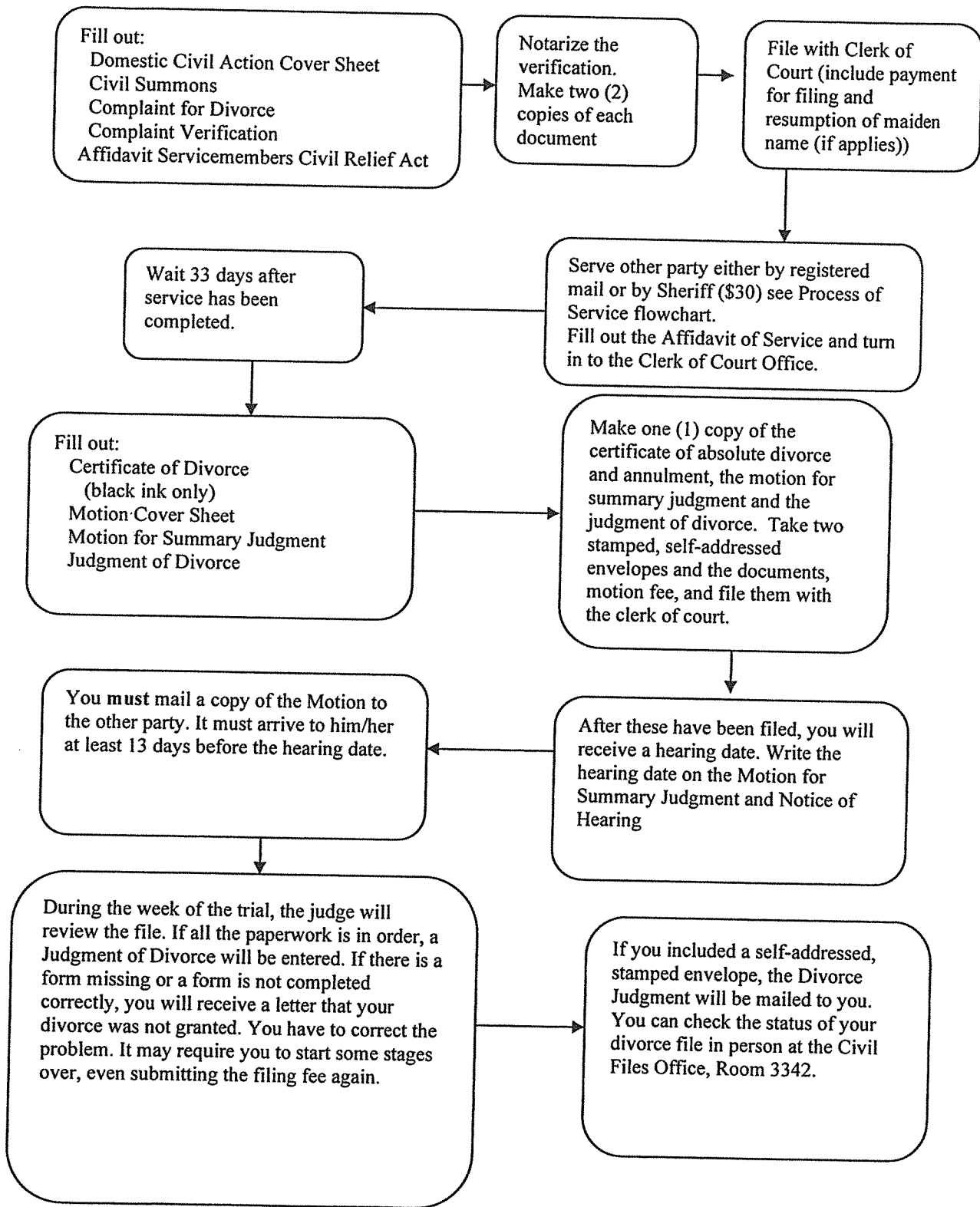
★ One stamped envelope addressed to your spouse (so your spouse receives notice of your divorce). YOU are responsible for mailing your spouse a copy of the divorce. ★

3. Once all of the above documents are included in your file and you have paid the Motion fee, the Clerk of Court will assign you a hearing date and time on the Motion for Summary Judgment and Notice of Hearing Form. There is no formal session of court on the date of your hearing; a judge will simply review your file and determine if a divorce is proper.
 - I. Remember, you must mail your spouse a copy of the Motion for Summary Judgment and Notice of Hearing Form. It must arrive to him/her at least 13 days before your hearing date.

Step Seven: The Divorce Decision

During the week your case has been scheduled for by the Clerk of Court, the judge will review your file. *There is no need to contact the court or judge about your file.* If all of the documents are in the file and completed properly, a Judgment of Divorce will be entered. If you did not properly complete the forms, if you are missing a form, or if you do not meet the criteria enabling you to file (e.g. you have not been separated for one year or more *at the time of filing* and/or one or both spouses have not lived in NC for the 6 months prior to filing) you will receive a letter from the court explaining why your divorce was not granted. **It is your responsibility to determine why your divorce was not granted and to take the necessary steps to correct the problem.** This may require you to go back and complete some or all of the stages over again and **may also require you to submit the filing fee again.** If you have any questions about the divorce, you are advised to speak to an attorney.

Remember, your file will be given to the judge for review. There is no specific time or date for you to be present for your case. Please do not plan to be at court or call the judges' office about this matter.



Set One Documents:

STATE OF NORTH CAROLINA

File No.

County

In The General Court Of Justice
District Court Division

Name And Address Of Plaintiff 1

Name And Address Of Plaintiff 2

DOMESTIC
CIVIL ACTION COVER SHEET

INITIAL FILING SUBSEQUENT FILING

Rule 5(b), Rules of Practice For Superior and District Courts

VERSUS

Name Of Defendant 1

Jury Demanded In Pleading? No Yes

Name And Address Of Attorney Or Party, If Not Represented (complete for initial appearance or change of address)

Summons Submitted Yes No

Telephone No.

Cellular Telephone No.

Name Of Defendant 2

NC Attorney Bar No. Attorney E-Mail Address

Summons Submitted Yes No

Initial Appearance in Case Change of Address

Counsel for

All Plaintiffs All Defendants Only (List party(ies) represented)

Name Of Firm

FAX No.

TYPE OF PLEADING

CLAIMS FOR RELIEF

(check all that apply)

- Amended Answer/Reply (AMND-Response)
- Amended Complaint (AMND)
- Answer/Reply (ANSW-Response)
- Complaint (COMP)
- Confession Of Judgment (CNFJ)
- Contempt (CNTP)
- Continue (CNTN)
- Compel (CMPL)
- Counterclaim vs. (CTCL) Assess Counterclaim Costs
- Extend Time For An Answer (MEOT-Response)
- Modification Of Alimony (MALI)
- Modification Of Custody (MCUS)
- Modification Of Support in non-IV-D cases (MSUP)
- Modification Of Visitation (MVIS)
- Rule 12 Motion In Lieu Of Answer (MDLA)
- Sanctions (SANC)
- Show Cause (SHOW)
- Transfer (TRFR)
- Vacate/Modify Judgment or Order (VCMD)
- Other (OTHR):

(check all that apply)

- Alimony (ALIM)
- Annulment (ANUL)
- Child Support (CSUP)
- Custody (CUST)
- Divorce (DIVR)
- Divorce From Bed And Board (DIVB)
- Domestic Violence (DOME)
- Equitable Distribution (EQU)
- Medical Coverage (MEDC)
- Paternity (PATR)
- Possession Of Personal Property (POPP)
- Post Separation Support (PSSU)
- Reimbursement For Public Assistance (RPPA)
- Visitation (VIST)
- Other: (specify and list separately)

Date

Signature Of Attorney/Party

NOTE: All filings in civil actions shall include as the first page of the filing a cover sheet summarizing the critical elements of the filing in a format prescribed by the Administrative Office of the Courts and the Clerk of Superior Court shall require a party to refile a filing which does not include the required cover sheet. For subsequent filings in civil actions, the filing party must include a Domestic (AOC-CV-750), Motions (AOC-CV-752), or Court Action (AOC-CV-753) cover sheet.

STATE OF NORTH CAROLINA

File No.

County

In The General Court Of Justice
District Superior Court Division

Name Of Plaintiff

Address

City, State, Zip

VERSUS

Name Of Defendant(s)

Date Original Summons Issued

G.S. 1A-1, Rules 3 and 4

Date(s) Subsequent Summons(es) Issued

CIVIL SUMMONS
ALIAS AND PLURIES SUMMONS (ASSESS FEE)

To Each Of The Defendant(s) Named Below:

Name And Address Of Defendant 1

Name And Address Of Defendant 2



IMPORTANT! You have been sued! These papers are legal documents, DO NOT throw these papers out! You have to respond within 30 days. You may want to talk with a lawyer about your case as soon as possible, and, if needed, speak with someone who reads English and can translate these papers! ¡IMPORTANTE! ¡Se ha entablado un proceso civil en su contra! Estos papeles son documentos legales. ¡NO TIRE estos papeles! Tiene que contestar a más tardar en 30 días. ¡Puede querer consultar con un abogado lo antes posible acerca de su caso y, de ser necesario, hablar con alguien que lea inglés y que pueda traducir estos documentos!

A Civil Action Has Been Commenced Against You!

You are notified to appear and answer the complaint of the plaintiff as follows:

- 1. Serve a copy of your written answer to the complaint upon the plaintiff or plaintiff's attorney within thirty (30) days after you have been served. You may serve your answer by delivering a copy to the plaintiff or by mailing it to the plaintiff's last known address, and
2. File the original of the written answer with the Clerk of Superior Court of the county named above.

If you fail to answer the complaint, the plaintiff will apply to the Court for the relief demanded in the complaint.

Name And Address Of Plaintiff's Attorney (if none, Address Of Plaintiff)

Date Issued

Time

AM PM

Signature

Deputy CSC Assistant CSC Clerk Of Superior Court

ENDORSEMENT (ASSESS FEE)

This Summons was originally issued on the date indicated above and returned not served. At the request of the plaintiff, the time within which this Summons must be served is extended sixty (60) days.

Date Of Endorsement

Time

AM PM

Signature

Deputy CSC Assistant CSC Clerk Of Superior Court

NOTE TO PARTIES: Many counties have MANDATORY ARBITRATION programs in which most cases where the amount in controversy is \$25,000 or less are heard by an arbitrator before a trial. The parties will be notified if this case is assigned for mandatory arbitration, and, if so, what procedure is to be followed.

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
_____-CVD-_____

_____,)
Plaintiff (Print or type your name here))
)
vs.)
)
_____,)
Defendant (Print or type spouse's name here))
_____)

COMPLAINT FOR DIVORCE

The Plaintiff, complaining of the Defendant, alleges:

1. The Plaintiff is a citizen and resident of _____. (county, state)
2. The Defendant is a citizen and resident of _____. (county, state)
3. The Plaintiff / Defendant has been a North Carolina resident for more than six (6) months before the date this complaint was filed.
4. The Plaintiff and Defendant were married on _____. (mm/dd/yyyy)
5. The Plaintiff and Defendant separated on or about _____. (mm/dd/yyyy)
6. At the time of separation, either Plaintiff or Defendant intended the separation to be permanent.
7. The parties have lived continuously separate and apart for at least one year and one day prior to the filing of this complaint and at no time have they resumed the marital relationship that formerly existed between them.
8. There is/are ___ child/children born of this marriage that is/are **now** minors under the age of 18.

_____ <i>Full Name of Minor Child</i>	_____ <i>Date of Birth (mm/dd/yyyy)</i>
_____ <i>Full Name of Minor Child</i>	_____ <i>Date of Birth (mm/dd/yyyy)</i>
_____ <i>Full Name of Minor Child</i>	_____ <i>Date of Birth (mm/dd/yyyy)</i>
_____ <i>Full Name of Minor Child</i>	_____ <i>Date of Birth (mm/dd/yyyy)</i>

9. The Plaintiff understands, once this divorce is granted, it will be too late to file a claim for Equitable Distribution of marital property and/or marital debts, for spousal support, or for alimony.

TURN TO THE NEXT PAGE TO COMPLETE THE COMPLAINT AND VERIFICATION

STATE OF NORTH CAROLINA

File No.

_____ County

In The General Court Of Justice

Name And Address Of Plaintiff

VERSUS

SERVICEMEMBERS CIVIL RELIEF ACT DECLARATION

Name And Address Of Defendant

G.S. Ch. 127B, Art. 4; 50 U.S.C. 3901 to 4043

NOTE: Though this form may be used in a Chapter 45 Foreclosure action, it is not a substitute for the certification that may be required by G.S. 45-21.12A.

DECLARATION

I, the undersigned Declarant, under penalty of perjury declare the following to be true:

1. As of the current date: *(check one of the following)*
 - a. I have personal knowledge that the defendant named above is in military service.*
 - b. I have personal knowledge that the defendant named above is **not** in military service.*
 - c. I am unable to determine whether the defendant named above is in military service.*
 2. As of the current date, I have have not received a copy of a military order from the defendant named above relating to State active duty as a member of the North Carolina National Guard or service similar to State active duty as a member of the National Guard of another state. See G.S. 127B-27 and G.S. 127B-28(b).
 3. I used did not use the Servicemembers Civil Relief Act Website (<https://scra.dmdc.osd.mil/>) to determine the defendant's federal military service.
 The results from my use of that website are attached.
- (NOTE: The Servicemembers Civil Relief Act Website is a website maintained by the Department of Defense (DoD). If DoD security certificates are not installed on your computer, you may experience security alerts from your internet browser when you attempt to access the website. Members of the North Carolina National Guard under an order of the Governor of this State and members of the National Guard of another state under an order of the governor of that state will not appear in the SCRA Website database.)**
4. The following facts support my statement as to the defendant's military service: *(State how you know the defendant is or is not in the military. Be specific.)*

***NOTE:** The term "military service" includes the following: active duty service as a member of the United States Army, Navy, Air Force, Marine Corps, or Coast Guard; service as a member of the National Guard under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days for purposes of responding to a national emergency; active service as a commissioned officer of the Public Health Service or of the National Oceanic and Atmospheric Administration; any period of service during which a servicemember is absent from duty on account of sickness, wounds, leave, or other lawful cause. 50 U.S.C. 3911(2). The term "military service" also includes the following: State active duty as a member of the North Carolina National Guard under an order of the Governor pursuant to Chapter 127A of the General Statutes, for a period of more than 30 consecutive days; service as a member of the National Guard of another state who resides in North Carolina and is under an order of the governor of that state that is similar to State active duty, for a period of more than 30 consecutive days. G.S. 127B-27(3) and G.S. 127B-27(4).

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct.

Date	Signature Of Declarant	Name Of Declarant (type or print)
------	------------------------	-----------------------------------

NOTE TO COURT: Do not proceed to enter judgment in a non-criminal case in which the defendant has not made an appearance until a Servicemembers Civil Relief Act affidavit or declaration (whether on this form or not) has been filed, and if it appears that the defendant is in military service, do not proceed to enter judgment until such time that you have appointed an attorney to represent him or her.

Set Two Documents:

Defendant Documents

The next two documents, “Defendant’s Acceptance of Service of Process and General Appearance” and “Defendant’s Answer to Divorce Complaint and Waiver” are used only if the Defendant accepts Service of Process. (See section on "Service of Process"). If the Defendant will not accept Service of Process, or if the Defendant has an attorney, you will not need these forms.

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
-CVD-

_____))
Plaintiff (print or type your name here))
vs.)
_____))
Defendant (print or type your spouse's name here))
_____)

**DEFENDANT'S ACCEPTANCE
OF SERVICE OF PROCESS AND
GENERAL APPEARANCE**

I, _____, defendant named in the above-entitled civil action, do hereby accept service of the summons and complaint in this action and hereby admit the service of the summons and complaint has been made upon me in the above-entitled action; I hereby admit and acknowledge that a copy of the summons and complaint in the above-entitled action was personally delivered to and received by me; I hereby waive further service of the summons and complaint upon me by the Sheriff or other lawful process officer in accordance with the provisions of G.S. 1A-1, Rule 4 (j) of the North Carolina Rules of Civil Procedure; and I hereby make a general appearance in the above-entitled action and expressly submit myself to the personal jurisdiction of the General Court of Justice, District Court Division of Mecklenburg County, North Carolina, for any and all purposes of this action.

Defendant's Signature

DEFENDANT'S ACCEPTANCE VERIFICATION

I, _____, being first duly sworn, depose and says that he/she is the Defendant in this matter, that he/she has read and understood this Defendant's Acceptance of Service and General Appearance and knows the contents to be true of his/her own personal knowledge, except for those matters and things set forth upon information and belief, and as to those matters and things, he/she believes them to be true.

Defendant's Signature (Sign in the Presence of a Notary Public)

Sworn and subscribed before me this ____ day of _____, _____.

Notary Public

My commission expires: _____.

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
_____-CVD-_____

_____,)
Plaintiff (print or type your name here))
)
vs.)
)
_____,)
Defendant (print or type your spouse's name here))
_____)

**DEFENDANT'S ANSWER TO DIVORCE
COMPLAINT AND WAIVER**

Defendant, being first duly sworn and answering the Complaint of Plaintiff, alleges:

1. Defendant admits each and every allegation contained in the Plaintiff's Complaint.
2. Defendant hereby waives his/her right to amend his/her Answer to Plaintiff's Complaint as heretofore filed in this action.
3. Defendant hereby waives his/her right to demand a trial by jury.
4. Defendant hereby requests the Court to grant an absolute divorce dissolving the bonds of matrimony between Plaintiff and Defendant as prayed for in the Plaintiff's Complaint and Defendant's Answer thereto.
5. That the Defendant understands, once this divorce is granted, it will be too late to file a claim for Equitable Distribution of marital property and/or marital debts, for spousal support, or for alimony.

Defendant's Signature

DEFENDANT'S ANSWER VERIFICATION

I, _____, being first duly sworn, depose and says that he/she is the Defendant in this matter, that he/she has read and understood this ANSWER and knows the contents to be true of his/her own personal knowledge, except for those matters and things set forth upon information and belief, and as to those matters and things, he/she believes them to be true.

Defendant's Signature (Sign in the Presence of a Notary Public)

Sworn and subscribed before me this ____ day of _____, _____.

Notary Public

My commission expires: _____.

STATE OF NORTH CAROLINA

File No.

County

In The General Court Of Justice
District Superior Court Division

Name Of Plaintiff(s)

VERSUS

Name Of Defendant

AFFIDAVIT OF SERVICE OF PROCESS BY

- REGISTERED MAIL
CERTIFIED MAIL
DESIGNATED DELIVERY SERVICE

G.S. 1-75.10(a)(5), (a)(6); 1A-1, Rule 4(j2)

I, the undersigned, did mail by registered mail (return receipt requested), certified mail (return receipt requested), designated delivery service (delivery receipt requested), and other document(s) (list)

in the above captioned action to (name of person to be served) addressed as follows:

Further, that copies of the summons and complaint and the above listed other document(s) (check, if applicable) were in fact received by the defendant on (date of receipt), as evidenced by the attached original receipt. (Attach original receipt or electronic proof of signature confirmation to this affidavit.)

SWORN/AFFIRMED AND SUBSCRIBED TO BEFORE ME

Signature Of Plaintiff/Attorney

Date

Signature Of Person Authorized To Administer Oaths

Name (type or print)

Title Of Person Authorized To Administer Oaths

Notary

Date My Commission Expires

SEAL

County Where Notarized

Set Three Documents:

SETTING A COURT DATE

ONCE THE DIVORCE COMPLAINT HAS BEEN FILED, AND SERVICE HAS BEEN COMPLETED, WAIT THIRTY DAYS TO PASS TO ALLOW THE DEFENDANT TO FILE AN ANSWER. AFTER THAT PERIOD HAS PASSED, YOU MAY FILE THE PAPERS TO SET A HEARING DATE FOR YOUR DIVORCE TO BE SIGNED BY THE JUDGE.

REMEMBER TO BRING TWO PRE-STAMPED SELF-ADDRESSED ENVELOPES (ONE ADDRESSED TO YOU, THE OTHER TO THE DEFENDANT) WHEN YOU FILE THESE DOCUMENTS.

Complete the Motion and Summary Judgment and Notice of Hearing Form. Take your original and two copies of the Motion for Summary Judgment and Notice of Hearing form to the Clerk's Office. The staff in the clerk's office will insert a court date. Mail one copy to the Defendant. Remember to keep one copy for your file.

NOTE: The Defendant must receive the Motion for Summary Judgment and Notice of Hearing at least thirteen (13) days before the date on the Motion for Summary Judgment and Notice of Hearing.

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

_____-CVD-_____

_____,)
Plaintiff (*print or type your name here*))
vs.)
_____,)
Defendant (*print or type your spouse's name here*))
_____)

**MOTION FOR SUMMARY JUDGMENT
AND NOTICE OF HEARING**

The Plaintiff moves that the Court grant Summary Judgment for the Plaintiff, for an absolute divorce based on the verified pleadings and affidavits.

Notice is hereby given to the Defendant that the Motion for Summary Judgment will be heard on ____/____/____ (mm/dd/yyyy), at 9:00 A.M., or as soon thereafter as the matter may be heard, in Courtroom 4330 of the Mecklenburg County Courthouse, 832 E. 4th Street, Charlotte, North Carolina.

Notice is further given that the only issue that will be decided is whether or not to grant a final divorce based on the verified pleadings and affidavits. No live testimony or oral arguments will be heard. **The parties are not required to appear at the hearing.**

Once the divorce is granted, the Plaintiff will mail a Certified copy of the Divorce Judgment to the Defendant.

This the ____ day of _____, _____.
date month (spelled out) year _____
Plaintiff's Signature

CERTIFICATE OF SERVICE

I hereby certify that I have served this Motion for Summary Judgment and Notice of Hearing on the Defendant by delivering a copy of this Motion for Summary Judgment and Notice of Hearing to the US Postal Service, in an envelope with postage paid, addressed to the Defendant as follows:

Name: _____

Street Address: _____

City, State, Zip Code: _____

This the ____ day of _____, _____.
date month (spelled out) year _____
Plaintiff's Signature

CERTIFICATE OF ABSOLUTE DIVORCE

This form is required by the state. Your divorce order will not be given to you until you file the original of this form.

NOTE: If This Form Is Not Filled Out, or Is Not Filled Out Accurately And Completely, The Judge Will Not Sign Your Divorce!

PLEASE STOP AT NUMBER 8!

PLEASE USE BLACK INK ONLY ON THIS FORM!

STATE OF NORTH CAROLINA
CERTIFICATE OF ABSOLUTE DIVORCE OR ANNULMENT

File Number: _____

County: _____

PLAINTIFF

<input type="checkbox"/> Husband/Spouse			
<input type="checkbox"/> Wife/Spouse			
1.	FIRST	MIDDLE	LAST
RESIDENCE - STATE		COUNTY	
2a.		2b.	

DEFENDANT

<input type="checkbox"/> Husband/Spouse			
<input type="checkbox"/> Wife/Spouse			
3.	FIRST	MIDDLE	LAST
RESIDENCE - STATE		COUNTY	
4a.		4b.	

MARRIAGE

DATE OF THIS MARRIAGE	PLACE OF THIS MARRIAGE
5.	6.
NUMBER OF MINOR CHILDREN	DATE OF SEPARATION
7.	8.

CERTIFICATION

I hereby certify that the above information as abstracted from court documents is true and correct. The divorce annulment was rendered in the above matter on the _____ day of _____ Year _____

Date Signature ▶ Clerk of Superior Court Assistant CSC Deputy CSC

After printing form, please cut on dashed line
to create a form with the dimensions of 8.5 inches by 7 inches.

Type or print in permanent black ink.

Judgment of Divorce

Please review this form. This form is for the Judge to use to make his/her final order in your case. You should insert the names of the parties and the case number and complete numbers three, six and complete number seven only if you are resuming a maiden name. PLEASE STOP HERE!
Please make two copies of this form.

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

_____-CVD-_____

_____,)
Plaintiff (print or type name here))
)
vs.)
)
_____,)
Defendant (print or type your spouse's name here))
_____)

JUDGMENT OF DIVORCE

This cause, coming on to be heard and being heard before the undersigned judge presiding over the regularly scheduled, non-jury term of the District Court Division of the General Court of Justice for Mecklenburg County, North Carolina:

From the record in this cause, the Court finds the following facts:

1. This is an action for absolute divorce based on the separation of the Plaintiff and the Defendant for more than one year next preceding the institution of this action.
2. The Defendant has been properly served with the Summons and Complaint in this action, and properly noticed of the trial of this action as provided by law.
3. The Plaintiff and/or Defendant is a citizen and resident of North Carolina and has been such for more than six months next preceding the institution of this action.
4. The Plaintiff and Defendant were married to each other.
5. The Plaintiff and Defendant have lived separate and apart for more than one year preceding the institution of this action.
6. There were _____ minor children (fill in "no" or number of children) of the marriage.
7. (For use when Plaintiff requests name change) That the Plaintiff is allowed to resume use of the name _____.

Based on the foregoing findings of fact, the Court concludes as a matter of law that the Plaintiff is entitled to a divorce from the Defendant. There is no genuine issue as to any material fact in this matter.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the bonds of matrimony heretofore existing between the Plaintiff and the Defendant be, and the same are hereby dissolved, and the Plaintiff and the Defendant are granted an absolute divorce from each other.

This the _____ day of _____, _____.

Judge Presiding