



**26<sup>th</sup> 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**DUE TO THE CHANGING NATURE OF THE LAW, the forms and instructions contained in this packet may become outdated.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.**

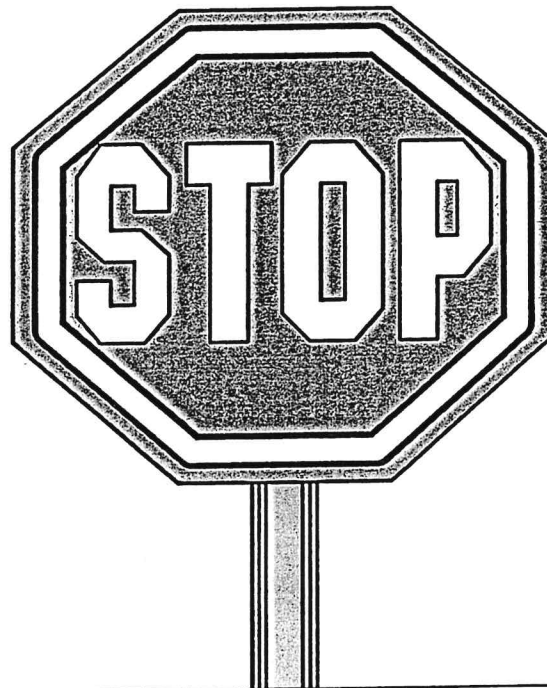
**IN NO EVENT will the SelfServe Center Staff, Clerk of Court or anyone contributing to the production of these forms, instructions or guidelines be liable for any indirect or consequential damages resulting from use of the forms or information provided to you by the SelfServe Center.**

**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: \_\_\_\_\_**



**PLEASE CAREFULLY READ THE FORMS AND  
INSTRUCTIONS CONTAINED IN THIS PACKET.**

**IF YOU HAVE ANY QUESTIONS, PLEASE CONSULT WITH  
AN ATTORNEY.**

**THESE ARE EDUCATIONAL FORMS DESIGNED TO ASSIST YOU,  
BUT YOU ARE REPRESENTING YOURSELF. PLEASE REVIEW AND  
FOLLOW THE DIRECTIONS TO IMPROVE YOUR PERFORMANCE IN  
YOUR CASE. FAILURE TO READ AND FOLLOW THE INSTRUCTIONS  
MAY ADVERSELY IMPACT YOUR CLAIM.**

## 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.**

### **What do I do first?**

1. After you get the packet, **READ THE INSTRUCTIONS!** Then fill out the forms by printing *neatly* in **black ink**. You may fill them out at home or at the courthouse. Please read the forms carefully as some have a "Verification" page. This means that they **MUST** be signed in the presence of a Notary Public. If the document does require verification, do not sign until you are in front of a Notary. They can be likely found at banks, insurance agencies and law firms. A few may also be found in the Yellow Pages. Notaries often charge a small fee and require you to show a picture ID for their services. Be sure to have your documents already notarized when you take them to the Clerk's Office to file.
2. The SelfServe Center has a binder available on filing for an absolute divorce. It is suggested that you view it for procedural information.
3. After the forms are filled out and notarized, you must make 2 COPIES (one for yourself and one for the other party, keeping the original for the file).
4. Please make sure that you have cash, card, or a money order to pay for the filing fee associated with the action you are seeking to file. Personal checks are not accepted. If the Defendant lives outside of Mecklenburg County, pay the service of process fee to the Sheriff of the county where the Defendant resides. (Please refer to the "Service of Process" sheet in this packet for more information).
5. Take your completed forms, 2 copies, filing fee, and fee for the Sheriff to serve (if desired) to the Civil Filing Department (Clerk's Office) at 832 E. Fourth Street, Room 3725.
6. Please remember that if you are a female and would like to resume a former name (maiden or name of former husband with whom you have living children) then you may do so at this time. If you are a male and would like to resume your premarriage surname you may do so at this time. Simply write the name you would like to resume on Judgment of Divorce form on line 7.

### **IMPORTANT REMINDERS BEFORE YOU BEGIN**

Your case involves complicated legal issues! Note that your divorce will also terminate your rights to any equitable distribution of marital property and to post-separation support and/or alimony **UNLESS** such claims have already been determined or have been properly filed prior to the entry of the divorce judgment.

This packet describes the general process, but it is impossible to cover everything that may affect your rights. If you get confused during the process, you should stop and get advice from an attorney. Judges, Clerk of Court, SelfServe Center staff or the Trial Court Administrator's Office **CANNOT** give you legal advice.

## 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](http://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 Four:**

### **Filing "Set One" Documents and Receiving Your Case Number**

**Filing:** Take the original "Set One" documents, both copies of the documents, *and* the filing fee to the Civil Filing Department at 832 E. Fourth St., Room 3725 for filing. The filing fee may be paid in cash or with a money order. Money orders may be obtained either from the post office, bank, Wal-Mart or a check cashing store. Your money order or certified check should be made out to "Clerk of Superior Court." Debit cards are acceptable.

**Case Number:** At this time a case number will be assigned to your divorce. Until you receive that number from the clerk, leave the upper right-hand corner of the documents blank. Once you have been assigned a case number, please make a note of it and print or type it on the upper right-hand corner of ALL of your papers filed with the court in this case.

## **Step Five:**

### **Service of Process**

**Service of Process Defined:** Once you have filed the documents in "Set One" with the Clerk's Office to initiate your divorce, you must "serve" (give notice to) your spouse of the divorce action. **ATTENTION:** YOU CANNOT SERVE THE PAPERS ON YOUR SPOUSE UNTIL YOU HAVE FILED THEM IN THE CLERK'S OFFICE.

### **There Are Three Available Methods to complete Service of Process:**

#### **1. BOTH PARTIES MEET AT A NOTARY:**

##### **I. "Set Two Forms":**

- a. **Defendant's Acceptance of Service of Process and General Appearance:** Place your name on the "Plaintiff" line and the name of your spouse on the "Defendant" line.
- b. **Defendant's Answer to Divorce Complaint and Waiver:** Place your name on the "Plaintiff" line and the name of your spouse on the "Defendant" line.

##### **II. Provide Defendant with: "Acceptance of Service of Process and General Appearance" and "Defendant's Answer to Divorce Complaint and Waiver".**

##### **III. Request that he/she:**

- a. Fill them out (including the case number)
- b. Have them properly notarized.
- c. File them in the Clerk's Office (Room 3725).
  - i. **NOTE:** Your spouse (Defendant) may not file these documents *before or at the time* you (Plaintiff) file the initial Complaint. The Defendant *must wait until AFTER* the Plaintiff has filed the initial Complaint to file his/her documents.

##### **IV. Once the Defendant has filed both of these documents, no other notification need be given to him/her at this point.**

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. In order to find out 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 the Defendant has not been notified of your divorce action. You may also be able to contact the Sheriff's office over the phone to confirm whether or not service was successful.

**3. SERVICE OF PROCESS BY CERTIFIED MAIL:**

- I. Service of Process by certified mail can be completed within the state and outside of the state, but within the US, by mailing a **copy** of the Summons and Complaint by certified mail, return receipt requested, addressed to your spouse and delivered to his/her address (or the address of the location where he/she can be contacted by mail). A postal worker can help you fill out the necessary forms for certified mailing. **If you choose this method of service, you must file an *Affidavit of Service of Process by Certified or Registered Mail* when you receive the return receipt (the "green card"). You must attach the original return receipt to your affidavit. (Please consult an attorney if your spouse is in the military or lives in another country**
  - a) **The Affidavit of Service must be taken to and signed in the presence of a Notary Public.**
  - b) **After the Affidavit of Service by Certified Mail has been notarized, take it to the Clerk of Court/Civil Department, Room 3725, and file it.**

**4. Service of Process by Publication: You Do Not Know Where Your Spouse Is (THIS SHOULD BE YOUR LAST RESORT)**

- c. If you do not know where your spouse is located, you will need to serve him/her by "publication." If you know where your spouse is or can find out his/her address, this process should not be used. Publication is a complex process using the newspaper to post notice of the divorce. You should speak to an attorney regarding this type of service. You can find a list of available attorneys and their fees at the SelfServe Center (Room 3350).

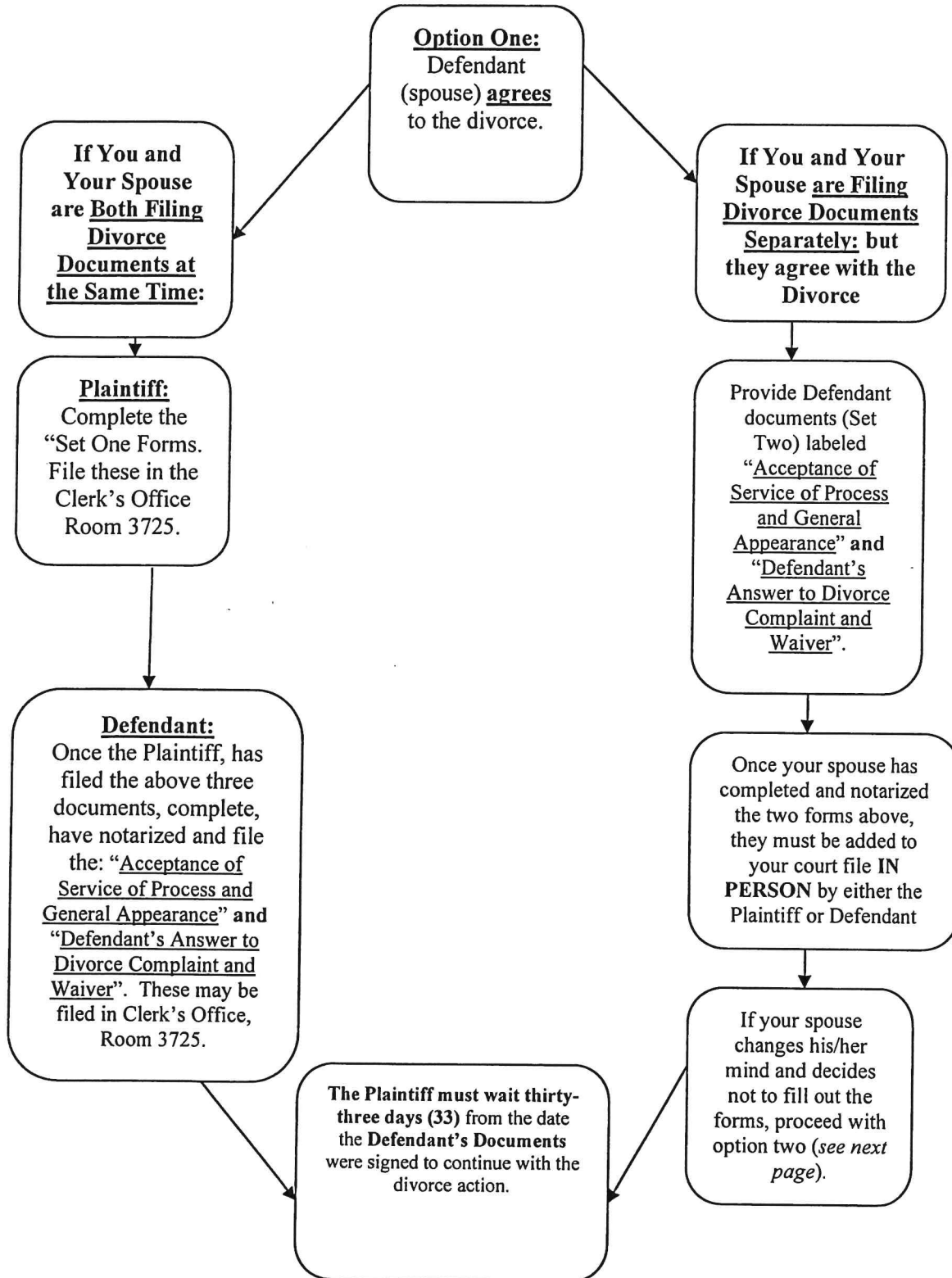
*Lawyer Referral Services:*

*Mecklenburg County Bar Lawyer Referral Service: (704) 375-0120 or [www.meckbar.org](http://www.meckbar.org)*

*North Carolina Lawyer Referral Service: (800) 662-7660*

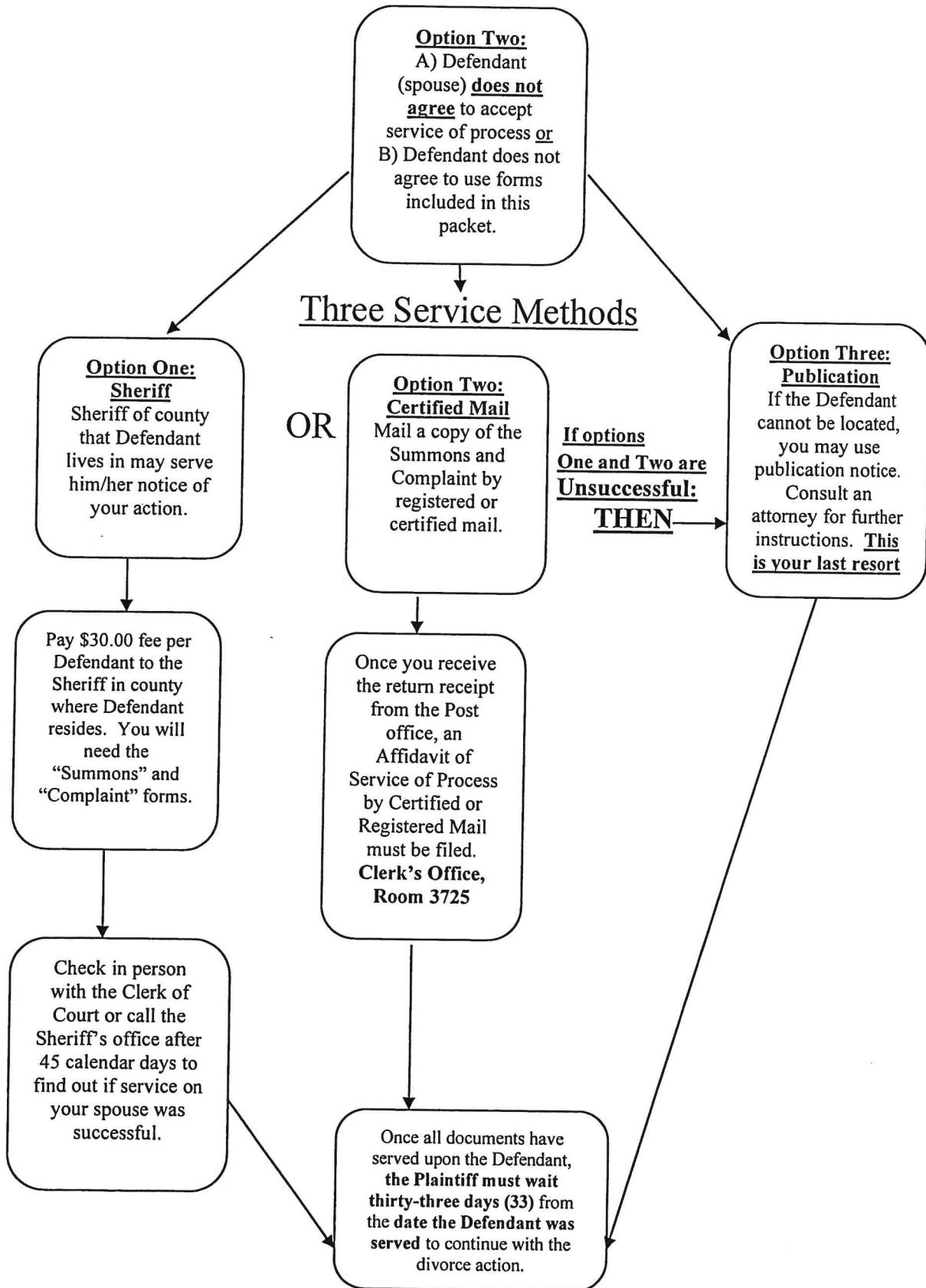


SERVICE OF PROCESS: HOW TO NOTIFY YOUR SPOUSE OF YOUR DIVORCE ACTION



**\*\*\*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.



## **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 1<sup>st</sup> 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.**

### 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.

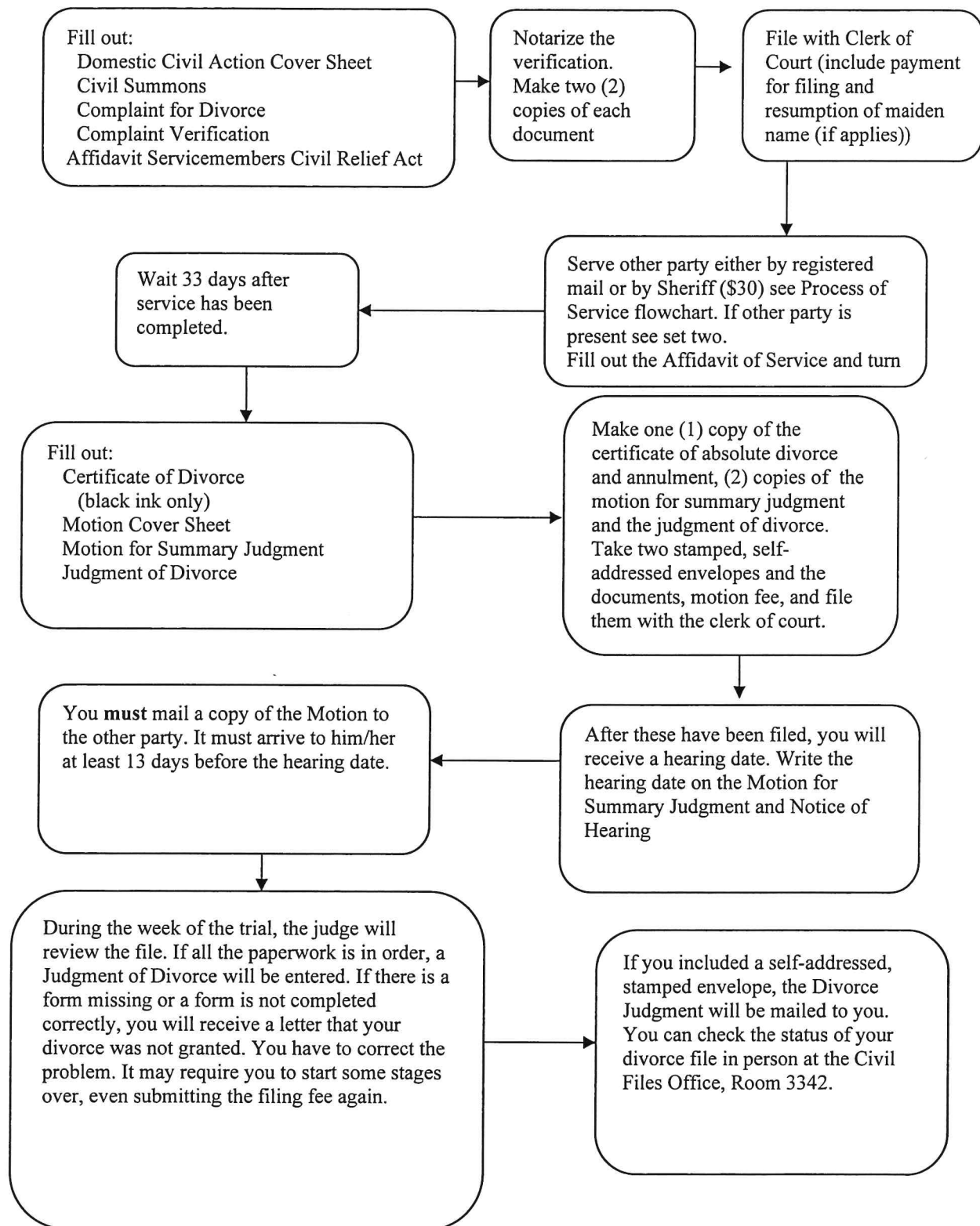
### Step Seven: The Divorce Decision

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.**

**Step Eight:**  
**Checking the Status of Your Divorce Decision**

If you have included a self-addressed and stamped envelope in your file, the decision will be mailed to you. If you wish to check the status of your divorce file in person, the Civil Files Office, Room 3342, is the appropriate location. The divorce decision will be kept in an organizer labeled "Signed Divorce Judgment" in the Civil Files Office for four months after the divorce decision has been made. After this point, the divorce decision will be on file in the Civil Files Office and may be retrieved upon request at a cost of 25 cents per page and three dollars for a certified copy with a seal.



**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

Name Of Defendant 2

Telephone No.

Cellular Telephone No.

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)

(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):

- Alimony (ALIM)
- Annulment (ANUL)
- Child Support (CSUP)
- Custody (CUST)
- Divorce (DIVR)
- Divorce From Bed And Board (DIVB)
- Domestic Violence (DOME)
- Equitable Distribution (EQUD)
- 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

CIVIL SUMMONS
ALIAS AND PLURIES SUMMONS (ASSESS FEE)

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

Name Of Defendant(s)

Date Original Summons Issued

Date(s) Subsequent Summons(es) Issued

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.

**RETURN OF SERVICE**

I certify that this Summons and a copy of the complaint were received and served as follows:

**DEFENDANT 1**

<i>Date Served</i>	<i>Time Served</i> <input type="checkbox"/> AM <input type="checkbox"/> PM	<i>Name Of Defendant</i>
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- By delivering to the defendant named above a copy of the summons and complaint.
- By leaving a copy of the summons and complaint at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein.
- As the defendant is a corporation, service was effected by delivering a copy of the summons and complaint to the person named below.

*Name And Address Of Person With Whom Copies Left (if corporation, give title of person copies left with)*

Other manner of service (specify)

Defendant WAS NOT served for the following reason:

**DEFENDANT 2**

<i>Date Served</i>	<i>Time Served</i> <input type="checkbox"/> AM <input type="checkbox"/> PM	<i>Name Of Defendant</i>
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- By delivering to the defendant named above a copy of the summons and complaint.
- By leaving a copy of the summons and complaint at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein.
- As the defendant is a corporation, service was effected by delivering a copy of the summons and complaint to the person named below.

*Name And Address Of Person With Whom Copies Left (if corporation, give title of person copies left with)*

Other manner of service (specify)

Defendant WAS NOT served for the following reason:

<i>Service Fee Paid</i> \$	<i>Signature Of Deputy Sheriff Making Return</i>
<i>Date Received</i>	<i>Name Of Sheriff (type or print)</i>
<i>Date Of Return</i>	<i>County Of Sheriff</i>

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**

WHEREFORE, the Plaintiff respectfully asks the Court:

1. That the Plaintiff be granted an absolute divorce from the Defendant, and that the marriage existing between the Plaintiff and Defendant be dissolved.
2. That this verified complaint be treated as an affidavit for purposes of Summary Judgment.
3. That the Plaintiff be allowed to resume the use of **(check one if you would like to resume a former last name):**

- her maiden name
- the surname of a prior deceased husband
- the surname of a prior living husband by whom the Plaintiff has children by
- his premarriage surname (for males only)

The name the Plaintiff desires to resume is: \_\_\_\_\_.

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

\_\_\_\_\_  
*Plaintiff's Signature*

(\_\_\_\_\_) - \_\_\_\_\_  
*Plaintiff's Telephone*

\_\_\_\_\_  
*Plaintiff's Street Address*

\_\_\_\_\_  
*Plaintiff's City, State, Zip Code*

### COMPLAINT FOR DIVORCE VERIFICATION

I, \_\_\_\_\_, being first duly sworn, deposes and says that he/she is the Plaintiff in this matter, that he/she has read and understood this **COMPLAINT** 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.

\_\_\_\_\_  
***Plaintiff's Signature (Sign in the Presence of a Notary Public)***

Sworn to 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

Name And Address Of Plaintiff

VERSUS

Name And Address Of Defendant

SERVICEMEMBERS CIVIL RELIEF ACT DECLARATION

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.

(Over)

## Information About Servicemembers Civil Relief Act Affidavits And Declarations

### 1. Plaintiff to file affidavit/declaration

In any civil action or proceeding, including any child custody proceeding, in which the defendant does not make an appearance, the court, before entering judgment for the plaintiff, shall require the plaintiff to file with the court an affidavit—

- (A) stating whether or not the defendant is in military service and showing necessary facts to support the affidavit; or
- (B) if the plaintiff is unable to determine whether or not the defendant is in military service, stating that the plaintiff is unable to determine whether or not the defendant is in military service.

50 U.S.C. 3931(b)(1).

### 2. Appointment of attorney to represent defendant in military service

If in a civil action or proceeding in which the defendant does not make an appearance it appears that the defendant is in military service, the court may not enter a judgment until after the court appoints an attorney to represent the defendant. If an attorney appointed to represent a service member cannot locate the service member, actions by the attorney in the case shall not waive any defense of the service member or otherwise bind the service member. 50 U.S.C. 3931(b)(2). State funds are not available to pay attorneys appointed pursuant to the Servicemembers Civil Relief Act. To comply with the federal Violence Against Women Act and in consideration of G.S. 50B-2(a), 50C-2(b), and 50D-2(b), plaintiffs in Chapter 50B, Chapter 50C, and Chapter 50D proceedings should not be required to pay the costs of attorneys appointed pursuant to the Servicemembers Civil Relief Act. Plaintiffs in other types of actions and proceedings may be required to pay the costs of attorneys appointed pursuant to the Servicemembers Civil Relief Act. The allowance or disallowance of the ordering of costs will require a case-specific analysis.

### 3. Defendant's military status not ascertained by affidavit/declaration

If based upon the affidavits filed in such an action, the court is unable to determine whether the defendant is in military service, the court, before entering judgment, may require the plaintiff to file a bond in an amount approved by the court. If the defendant is later found to be in military service, the bond shall be available to indemnify the defendant against any loss or damage the defendant may suffer by reason of any judgment for the plaintiff against the defendant, should the judgment be set aside in whole or in part. The bond shall remain in effect until expiration of the time for appeal and setting aside of a judgment under applicable Federal or State law or regulation or under any applicable ordinance of a political subdivision of a State. The court may issue such orders or enter such judgments as the court determines necessary to protect the rights of the defendant under this Act. 50 U.S.C. 3931(b)(3).

### 4. Satisfaction of requirement for affidavit/declaration

The requirement for an affidavit above may be satisfied by a statement, declaration, verification, or certificate, in writing, subscribed and certified or declared to be true under penalty of perjury. 50 U.S.C. 3931(b)(4). The presiding judicial official will determine whether the submitted affidavit is sufficient.

### 5. Penalty for making or using false affidavit/declaration

A person who makes or uses an affidavit permitted under 50 U.S.C. 3931(b) (or a statement, declaration, verification, or certificate as authorized under 50 U.S.C. 3931(b)(4)) knowing it to be false, shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both. 50 U.S.C. 3931(c).

## **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),  
 a copy of the summons and complaint  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. 4<sup>th</sup> 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 1. <input type="checkbox"/> Wife/Spouse	FIRST	MIDDLE	LAST
RESIDENCE - STATE 2a.	COUNTY 2b.		

**DEFENDANT**

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

**MARRIAGE**

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