



Floyd County Superior Court

PRO SE DIVORCE WITHOUT MINOR CHILDREN PACKET

The forms and instructions in this packet are to be used if you are seeking a divorce from your spouse AND you do not have any minor children together.

Depending on your personal situation, there may be additional forms that you will need that are not included in this packet. The information in this packet and on the <http://www.romefloyd.com/departments/superior-court-pro-se-divorce> website may be inappropriate for your case and/or they become outdated. **USE THESE FORMS AT YOUR OWN RISK.**

Dissolution of a marriage can be a very complicated process and you are strongly urged to consult with an attorney before beginning any legal action in this Court.

STATE LAW, O.C.G.A. § 15-19-51, PROHIBITS COURT PERSONNEL (INCLUDING STAFF ATTORNEYS, JUDGE'S STAFF, CLERK'S OFFICE STAFF, AND SHERIFF'S DEPARTMENT STAFF) FROM GIVING LEGAL ADVICE OR ANSWERING LEGAL QUESTIONS.

Domestic Relations Case Filing Information Form

Superior Court County _____ Date Filed _____
MM-DD-YYYY

Docket # _____

Plaintiff(s)

Defendant(s)

Last First Middle I. Suffix Prefix Maiden

Last First Middle I. Suffix Prefix Maiden

Last First Middle I. Suffix Prefix Maiden

Last First Middle I. Suffix Prefix Maiden

Plaintiff/Petitioner's Attorney Pro Se

Last First Middle I. Suffix

Bar # _____

Check Case Type (one or more)

- Divorce (includes annulment)
- Separate Maintenance
- Adoption
- Paternity (includes legitimation)
- Interstate Support Enforcement Action
- Domestication of Foreign Custody Decree
- Family Violence Act Petition

MODIFICATION

- Modification - Custody and/or Visitation
- Modification - Child Support and Alimony
- Modification - Child Support
- Modification - Alimony

CONTEMPT

- Contempt - Custody and/or Visitation
- Contempt - Child Support and Alimony
- Contempt - Child Support
- Contempt - Alimony
- Other Domestic Contempt

Other Domestic Relations Specify _____

FAMILY VIOLENCE

Additional Information - Ex Parte Relief

Did the initial pleading include a request for relief

1. From alleged family violence? Yes No
2. Was ex parte relief requested? Yes No
3. Was ex parte relief granted? Yes No

**IN THE SUPERIOR COURT OF FLOYD COUNTY,
STATE OF GEORGIA**

_____)	
Plaintiff (person who started this case),)	
	)	CIVIL ACTION FILE
v.)	
	)	No. _____
_____)	
Defendant (other spouse).)	

PETITION FOR DIVORCE WITHOUT MINOR CHILDREN

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

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

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

- (a) I am a resident of _____ County, Georgia, and 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's name is _____ and he/she is the Defendant in this action.

[Check only one of the following, either (a), (b), (c), (d), or (e) If none of these applies to your case, you should consult a lawyer to find out whether or not you can file for divorce in Floyd County.]

- (a) The Defendant is a resident of Floyd County, Georgia and is subject to the jurisdiction of this Court.

- (b) The Defendant is a resident of Georgia in _____ County, but the Defendant and I lived together in Floyd County at the time we separated, I still reside in Floyd County, and the Defendant has only moved away from Floyd County within the past six (6) months before the date of my filing of this action.

- (c) The Defendant is a resident of Georgia in _____ County, and I live in Floyd County. 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 Floyd County, Georgia and: [*Check only one of the following, either (1), (2), or (3).*]
 - (1) The Defendant was formerly a resident of the State of Georgia and currently resides in the State of _____. The Defendant is subject to the personal jurisdiction of this Court under Georgia’s Long Arm Statue O.C.G.A. § 19-5-91(5).
 - (2) The Defendant has never resided in the State of Georgia and currently resides in the State of _____.
 - (3) The Defendant has acknowledged service of process and consented to the jurisdiction and venue of this Court.
- (e) I am a resident of Floyd County, Georgia and the Defendant’s location is unknown to me. I am filing my *Affidavit of Due Diligence* with this *Divorce Petition* explaining what I have done to find him/her.

3. **Service of Process:** The Defendant shall be served, as provided under O.C.G.A. § 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 *Acknowledgement of Service* (which has been signed by the Defendant) with this *Divorce Petition*.
- (b) The Defendant may be served by the Sheriff’s Department at the Defendant’s residence/work address, which is: _____
_____.
- (c) The Defendant’s location is unknown to me. I am filing my *Affidavit of Due Diligence* with this *Divorce Petition* explaining what I have done to find him/her. The Defendant shall be served by publication as provided under O.C.G.A. § 9-11-4. 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 since _____, which date was prior to January 1, 1997.

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 that document with the Court.

7. **Minor Children:** [*Check any of the following (a), (b), or (c).*]

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

(b) The Plaintiff Defendant is pregnant. The baby is due on _____

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

[**STOP** – If you and the Defendant have ANY minor children together, you must use the *Petition for Divorce with Minor Children* form]

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

(a) I am not asking for alimony.

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

(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 the following, 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.
- (b) The Defendant and I did not acquire property during our marriage.
- (c) The Defendant and I acquired the following property during our marriage, and I am asking for a fair division of this property.
 - House located at _____
 - Other real estate, located at: _____
 - Motor vehicle (model & year): _____
 - Motor vehicle (model & year): _____
 - Bank accounts and/or other investments: _____

 - Pension (mine is worth \$_____ ; Defendant's is worth \$_____)
 - Furniture: _____

 - Other property: _____

 - I have listed additional property on a separate paper that I have attached to this *Divorce Petition*.
- (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 the following, either (a), (b), or (c).*]

- (a) The Defendant and I do not have any outstanding debt together.
- (b) The Defendant and I have the following outstanding debts together and the responsibility for paying them should be as listed below:

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

- I have listed additional joint or marital debts on a separated paper that I have attached to this *Divorce Petition*.
- (c) The issue of dividing joint and marital debts cannot be decided in this case because the Court does not have personal jurisdiction over the Defendant.

11. **Restore Former Name:** [*If applicable.*]

My former name is _____, and I am asking the Court to restore that name to me.

12. **Grounds for Divorce:** [*Check the ones that you can prove at trial.*]

- (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 has had sexual intercourse with someone else during our marriage.
- (d) **Desertion** – The Defendant had intentionally and continually deserted me for at least a year.
- (e) **Other grounds** from the list in O.C.G.A. § 19-5-3, as explained here:

FOR THESE REASONS, I REQUEST: [*Check all that apply.*]

- (a) That I be granted a total divorce from the Defendant;
- (b) That the *Settlement Agreement* signed by the parties be incorporated into the *Final Judgment and Decree of Divorce*;
- (c) That the Defendant be ordered to pay me alimony for my support;
- (d) That our marital property be divided according to Paragraph 9;
- (e) That our joint or marital debts be divided according to Paragraph 10;
- (f) That my former name be restored;
- (g) That the Rule Nisi be issued requiring the Defendant to appear before the Court to show cause why the relief sought should not be granted.
- (h) That the Court order any and all other relief that the Court finds appropriate.

Date: _____

Plaintiff, Pro se [*Signature*]
Name [*Print*]: _____
Address: _____

Telephone: _____

IN THE SUPERIOR COURT OF FLOYD COUNTY,
STATE OF GEORGIA

Plaintiff,)	
)	
v.	)	CIVIL ACTION FILE
)	
Defendant	)	No. _____
)	

VERIFICATION

I, _____, who personally appeared before the undersigned notary public, hereby swear or affirm that the facts alleged in the foregoing Petition for Divorce are true and correct to the best of my knowledge and belief.

Signature [*Sign in front of a Notary*]
Name [*Print*]: _____
Telephone: _____

Sworn to and signed before me, this
_____ day of _____, 20_____.

NOTARY PUBLIC
My commission expires: _____

IN THE SUPERIOR COURT OF FLOYD COUNTY,
STATE OF GEORGIA

_____,)
Plaintiff,)
)
v.) CIVIL ACTION FILE
) No. _____
_____,)
Defendant.)

**ACKNOWLEDGMENT AND WAIVER OF SERVICE; CONSENT TO
JURISDICTION AND VENUE**

I am the Defendant in this action and I am a resident of _____ County,
_____ [list your state]. I hereby acknowledge that I have received a copy
of the Complaint/Petition in this case along with the following other documents:

_____.

I hereby waive formal process along with any and all further notice, service, and
issuance of process. I do not waive any defenses I may have in this case. Should
further notice be required for any reason, notice should be mailed to me at the address
below.

After being duly informed that I have a constitutional right to a trial by judge or
jury on the above matter in the county of my residence, and with that knowledge, I
hereby consent to both jurisdiction and venue in the Superior Court of Floyd County
for any and all proceedings in this case.

Defendant's Signature [*Sign in front of a Notary*]

Name [*Print*]: _____

Address: _____

Telephone: _____

Sworn to and signed before me, this
_____ day of _____, 20____.

NOTARY PUBLIC
My commission expires: _____

IN THE SUPERIOR COURT OF FLOYD COUNTY,
STATE OF GEORGIA

_____ ,)	
)	
Plaintiff,)	
)	
v.	)	CIVIL ACTION FILE
	)	No. _____
_____ ,)	
)	
Defendant)	

CONSENT TO TRIAL 31 DAYS AFTER SERVICE

We hereby give our consent for the Superior Court of Floyd County to hear this matter as soon as possible after thirty-one (31) days from either (a) the date the *Acknowledgment of Service* form was filed with the Court or (b) the date the Defendant was served by the Sheriff.

If either of us is on active duty in the armed forces, then we also waive our rights under the Servicemembers Civil Relief Act, 50 U.S.C.A. § 3931 and § 3932.

Plaintiff's Signature [*Sign in front of a Notary*]
Name[*Print*]: _____
Address: _____

Telephone: _____

Defendant's Signature [*Sign in front of a Notary*]
Name[*Print*]: _____
Address: _____

Telephone: _____

Sworn to and signed before me, this _____ day of _____, 20____.

Sworn to and signed before me, this _____ day of _____, 20____.

NOTARY PUBLIC
My commission expires: _____

NOTARY PUBLIC
My commission expires: _____

IN THE SUPERIOR COURT OF FLOYD COUNTY,
STATE OF GEORGIA

_____)	
)	
Plaintiff,)	
	)	CIVIL ACTION FILE
v.)	
	)	No. _____
_____)	
)	
Defendant)	

RULE NISI

The above Plaintiff having filed a *Petition for Divorce* and the same having been read and considered, the parties are ordered to appear before this Court on _____, 20____ at _____ in Superior Courtroom ____ on the third floor of the Floyd County Courthouse, 3 Government Plaza, Rome, Georgia to show cause why the relief sought should not be granted.

Judge/Clerk
Superior Court of Floyd County
Rome Judicial Circuit

Presented by:

 Plaintiff Defendant *Pro se*

IN THE SUPERIOR COURT OF FLOYD COUNTY,
STATE OF GEORGIA

_____)	
Plaintiff,)	
)	
v.	)	CIVIL ACTION FILE
)	
_____	)	No. _____
Defendant)	

SETTLEMENT AGREEMENT WITHOUT MINOR CHILDREN

We, _____ (referred to here as “Plaintiff”) and _____ (referred to here as “Defendant”) certify the following statements are true:

- A. We are married but are now living in a state of separation because of irreconcilable differences with no chance of staying together;
- B. We do not have any minor children together AND the Plaintiff/Defendant is not pregnant; and
- C. We have freely and voluntarily defined our respective rights and obligations with respect to alimony, property, assets, debts, and so forth in good faith and full disclosure.

THEREFORE, in in consideration of the mutual promises and declarations in this agreement, the parties AGREE AS FOLLOWS:

1. Separation

The parties shall continue to live apart and each one shall be from all interference and control by the other, as if unmarried, and each may reside at such places as her or she may choose.

2. Alimony

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

[*Note: If alimony is to be paid, please submit an Income Deduction Order to Pay Alimony.*]

- a) Each party expressly waives the right to receive alimony from the other party.
- b) The parties wish for the Court to determine alimony.

- c) The _____ shall pay to the _____ in alimony the sum of \$ _____ per [*select one*] month; semi-monthly; biweekly; or weekly **BEGINNING** on _____ and **CONTINUING UNTIL**:
- The recipient remarries or dies **OR** For a period of _____

3. Property Division

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

- a) We have already divided our marital property and we are both satisfied with the division. Neither party shall claim any of the property currently in possession of the other party as of the date of signing this agreement.
- b) The Defendant and I did not acquire property together during our marriage.
- c) The Defendant and I acquired the following property during our marriage, and we agree to transfer possession and title as follows:

- (1) **Marital Home** located at _____ shall be conveyed to the _____ in fee simple. The _____ shall be responsible for all taxes, assessments, and mortgage loan payments on the home after the date of _____.

[*Check the following if applicable*]

- (A) The _____ shall have a lien against the home in the amount of \$_____. Upon the sale or transfer of the home, the lien 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) **Other Real Estate**, located at: _____ shall be conveyed to the _____.

- (3) **Motor Vehicles**: The party listed below for each vehicle shall assume responsibility for all car loan payments, taxes, insurance, and other fees.

<u>Year/Make/Model of Vehicle</u>	<u>Goes to</u>
_____	_____
_____	_____
_____	_____

(4) **Bank Accounts and/or Other Investments:**

Account

Goes to

(5) **Other Personal Property:** The parties acknowledge that the following property shall be transferred to the other party on or before _____, 20 ____.

To the Plaintiff: _____

To the Defendant: _____

(6) We have listed additional property on a separate paper that we have attached to this *Settlement Agreement*.

Except as otherwise 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. 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.

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.

4. Debts

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

a) The parties acknowledge that they have no outstanding debts together.

b) The responsibility for payment of the parties' joint debts shall be as follows:

Creditor

Balance Owed

Who Should Pay

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 fees and costs of collection which the other party may incur as a result of the legal action.

5. Completeness of Agreement

This Agreement constitutes the entire understanding of the parties. Except as specifically provided herein, no modification or waiver of the terms of this Agreement shall be made except with the express written consent of the other party, and each party hereby waives any past, present or future claim or right which he may have against the other party.

6. 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 above 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 [*Sign in front of a Notary*]
Name [*Print*]: _____

Defendant [*Sign in front of a Notary*]
Name [*Print*]: _____

Sworn to and signed before me, this
____ day of _____, 20____.

Sworn to and signed before me, this
____ day of _____, 20____.

NOTARY PUBLIC
My commission expires: _____

NOTARY PUBLIC
My commission expires: _____

IN THE SUPERIOR COURT OF FLOYD COUNTY,
STATE OF GEORGIA

_____)	
Plaintiff,)	
	)	CIVIL ACTION FILE
v.)	
	)	No. _____
_____)	
Defendant)	

FINAL JUDGMENT AND DECREE OF DIVORCE

Upon consideration of this case and the evidence submitted, it is the judgment of the Court that a total divorce be granted between the parties to this case. It is hereby ordered that the marriage contract entered into between the parties is hereby set aside from this date and fully dissolved. Plaintiff and Defendant shall now be held and considered as separate and distinct persons altogether unconnected by any nuptial union or civil contract whatsoever, and both shall have the right to remarry.

The Court further orders that:

1. Settlement Agreement

The *Settlement Agreement* made between the parties is hereby approved and incorporated into this *Final Judgment*. Both parties are ordered to strictly obey all of its terms.

2. Restoration of Name

The former name of the Plaintiff or Defendant shall be restored to:
_____.

3. Child Support

This case does not determine or modify child support.
 The *Child Support Worksheet*, and appropriate schedules have been attached and are hereby made part of this order.

This decree is entered on the _____ day of _____, 20_____.

Judge
Superior Court of Floyd County
Rome Judicial Circuit

STATE OF GEORGIA
Report of Divorce, Annulment or Dissolution of Marriage
 Type or print all information

1. Civil Action Number	2. Date Decree Granted (mo., day, year)	3. County Decree Granted
4. Party 1 (First, Middle, Last Name)	5. Last Name at Birth	6. Date of Birth (mo., day, year)
7. County of Residence	8. Number of This Marriage (1 st , 2 nd , etc.)	
9. Party 2 (First, Middle, Last Name)	10. Date of Birth (mo., day, year)	11. County of Residence
12. Number of This Marriage (1 st , 2 nd , etc.)	13. Date of This Marriage (mo., day, year)	
14. Specify Grounds For Divorce (19-5-3, OCGA)	15. Number of Children Less Than 18 Affected by This Decree	

This above Report may be reproduced by use of a computer. However, the finished Report must be a close reproduction of the original, and prior review and approval must be obtained from the State Registrar before use. (31-10-7, O.C.G.A.)

31-10-22. Record of divorce, dissolutions, and annulments.

(a) A record of each divorce, dissolution of marriage, or annulment granted by any court of competent jurisdiction in this state shall be filed by the clerk of the court with the department and shall be registered if it has been completed and filed in accordance with this Code section. The record shall be prepared by the petitioner or the petitioner's legal representative on a form prescribed and furnished by the state registrar and shall be presented to the clerk of the court with the petition. **In all cases, the completed record shall be a prerequisite to the granting of the final decree.**

(b) The clerk of the superior court shall complete and forward to the department on or before the tenth day of each calendar month the records of each divorce, dissolution of marriage, or annulment decree granted during the preceding calendar month.