

**THIS PACKET IS TO BE USED ONLY IF THE DIVORCE IS UNCONTESTED
AND IT IS AGREED UPON AND SIGNED BY BOTH PARTIES AND THERE
ARE NO CHILDREN INVOLVED.**

Neither the Clerk of Superior Court, nor any Deputy Clerk, nor the judges or any other court personnel, are allowed to answer any questions for you concerning the preparation of these forms.

INSTRUCTION SHEET FOR PRO SE DIVORCES – NO CHILDREN

The forms presented in this packet are designed to guide you in the preparation of your divorce papers. You should fill in the required information as it applies to your situation.

When you look at the forms, you will notice several lines with numbers on them. These lines are spaces where you will have to supply information based on your situation. If you compare the line number, with the Key To Forms (see below), you will be able to determine what information is required to be put in that space. Once the paperwork is completed, there should be no empty lines on these documents, except for Civil Action Number, which will be assigned to you when the paperwork is filed.

In the Complaint and the Settlement Agreement, there are some sections that have two possible answers, separated by and [OR]. In these sections, you must choose which of the two choices fits best in your situation, and then include only that choice in your documents. The other choice should be ignored, and should not be included in your documents.

- Make sure that everything is signed
- All signatures that require that they be notarized must be notarized PRIOR to your documents being filed.
- THE CLERK'S OFFICE WILL NOT BE ALLOWED TO NOTARIZE YOUR SIGNATURE.

KEY TO FORMS:

1. Plaintiff's name. This is the person who will be filing the Complaint.
2. Defendants name. This is the name of the plaintiff's spouse.
3. Plaintiff's signature.
4. Defendant's signature.
5. County in which you as the plaintiff currently reside.
6. County in which plaintiff's spouse currently resides.
7. Your spouse's current address.
8. Date of your marriage.
9. Date you and your spouse separated, if you have it.
10. Your name and address.
11. Signature and seal of a Notary Public.

Revised 11-30-2016

AFFIDAVIT FOR PERSONS FILING DIVORCE CASE WITH NO ATTORNEY

STATE OF GEORGIA

COUNTY OF _____

PERSONALLY appeared before the undersigned officer, _____ (Affiant)

Who after being sworn deposes and state oath the following:

- 1) That affiant has this date filed a suit for divorce in this county and does not have an attorney at law representing affiant.
- 2)a Affiant further states that the following person prepared the petition:

Name of person (and business name) that prepared divorce papers

Address of such person and business

Telephone number of such person and business
- 2)b Affiant states that said person who prepared the divorce papers (was –was not) paid to prepare the papers. The total amount paid was \$_____.
- 3) Affiant further states that there (is – is not) any further money due anyone for assisting in the preparation of said divorce papers. If affiant owes money to the preparer, the amount is \$_____
- 4) Affiant has not paid or given anyone any other consideration or money for help in preparing the divorce papers, except the following:

5) Did the preparer of the divorce papers tell you what information, or give you advice regarding the information to put in your divorce papers? (YES OR NO)

6) Did the preparer give you any advice about how to file your papers? (YES OR NO)

7) Did the preparer give you any advice about how to present your case to the judge? (YES OR NO)

8) Are you willing to discuss this matter with a State Bar of Georgia Investigator? (YES OR NO) or the local sheriff or police? (YES OR NO)

I have answered all the above questions truthfully, under criminal penalties of perjury

Sworn to and subscribed before me this
____ Day of _____, 20____

Affiant Signature

(Deputy) Clerk of Superior Court

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

(1)

Plaintiff

Vs

Civil Action No. _____

(2)

Defendant

COMPLAINT FOR DIVORCE

Plaintiff, (1)_____, comes before this court and shows this court as follows:

1.

Plaintiff is a resident of (5)_____ County, Georgia, and has been a resident of Georgia for at least six months prior to the filing of this action.

2.

Defendant is a resident of (6)_____ County, Georgia, and can be served by the Sheriff's Office at (7)_____.

[OR]

Defendant is a resident of (6)_____ County, Georgia, and has acknowledged service of the Complaint and Summons and has waived further service of process.

3.

Plaintiff and Defendant were lawfully married on (8)_____, and lived together as husband and wife until they separated on or about (9)_____. Since the date the parties have lived in a bona fide state of separation.

4.

There are no minor children born of the marriage.

5.

Plaintiff is entitled to a divorce from the Defendant upon the statutory grounds that the marriage is irretrievably broken and there is no hope for reconciliation, O.C.G.A. § 19-5-3(13).

6.

The parties have entered into a settlement agreement that resolves all issues as to an equitable division of property and debts.

WHEREFORE, Plaintiff respectfully requests:

- a) That the parties herein be totally divorced;
- b) That the Court adopt and incorporate the parties' settlement agreement into a final judgment and decree in this matter;
- c) That the Plaintiff have such other and further relief as this Court deems equitable and just.

Respectfully submitted, this ____ day of _____, 20____.

(3) _____
Plaintiff pro se

PLAINTIFF'S ADDRESS AND PHONE NUMBER:

(10) _____

_____, GA _____

() ____ - _____

IN THE SUPERIOR COURT OF BARTOW COUNTY

STATE OF GEORGIA

(1)

Plaintiff

Vs

Civil Action No. _____

(2)

Defendant

VERIFICATION

Personally appeared before me the undersigned who on oath states that the facts set forth in this Complaint are true and correct to the best of his/her knowledge and belief.

(3) _____
Plaintiff pro se

Sworn to and subscribed before me

This ____ day of _____, 20 ____.

(11) _____
Notary Public, State of Georgia

My Commission expires _____

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

Petitioner: _____

Civil Action File No: _____

And

Respondent: _____

ACKNOWLEDGEMENT OF SERVICE AND WAIVER OF VENUE

The undersigned Respondent hereby acknowledges service of the Summons and Petition for _____
_____ in the above – styled case and states that (s)he has received copies of said Summons and Petition,
and Respondent hereby waives any and all further notice, service and issuance of process.

(Check the box below if you are a resident of Georgia but do not live in Bartow County)

☐ **WAIVER OF VENUE – RESPONDENT’S AFFIDAVIT**

I, _____, am the named respondent in the above – styled case, which is a Petition for __
_____. After being duly sworn, I state the following:

1. I am a resident of _____ County in the State of Georgia and Petitioner is a Resident
of _____ County, Georgia.
2. I have been informed that I have a constitutional right to a trial by judge or jury in the county of my
residence, and I expressly **waive my right** to venue in the county of my residence, and consent to
jurisdiction in Bartow County Superior Court.

This ____ day of _____, 20 ____.

Respondent’s Signature (Sign here in front of notary)

Print Name

Address

Phone

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

Notary Public

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

(1)

Plaintiff

Vs

Civil Action No._____

(2)

Defendant

**CONSENT TO TRIAL 31 DAYS AFTER SERVICE AND WAIVER OF RIGHT
TO TRIAL BY JURY**

Both of the above parties, as indicated by their signatures below, waive their right to trial by jury and consent to the hearing and granting of a divorce in this action any time thirty-one (31) days after the filing of the acknowledgement of service or after service having been perfected.

(3)_____

Plaintiff pro se

Sworn to and subscribed before me

This____day of_____,20____.

(11)_____

Notary Public, State of Georgia

My Commission expires_____

(4)_____

Defendant pro se

Sworn to and subscribed before me

This____day of_____,20____.

(11)_____

Notary Public, State of Georgia

My Commission expires_____

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

(1)

Plaintiff

Vs

Civil Action No. _____

(2)

Defendant

ACKNOWLEDGEMENT OF SERVICE AND SUMMONS

**The undersigned Defendant hereby acknowledges services of the above
Summons and Complaint for Divorce for and states that he/she has received a copy of
said Complaint, and Defendant hereby waives any further service of process.**

This the _____ day of _____, 20 ____.

(4) _____
Defendant pro se

Sworn to and subscribed before me
This ____ day of _____, 20 ____.
(11) _____
Notary Public, State of Georgia

My Commission expires _____

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

(1)

Plaintiff

Vs.

Civil Action No. _____

(2)

Defendant

SETTLEMENT AGREEMENT

This is an Agreement by and between _____ (hereinafter referred to as Husband/Wife and _____, (hereinafter referred to as Husband/Wife).

WHEREAS, the parties are married but are currently living in a bona fide state of separation;

WHEREAS, the parties desire to settle between themselves all questions of division of property, alimony, and all other rights and obligations arising out of their marital relationship;

NOW THEREFORE, in consideration of the mutual covenants hereinafter contained, the parties agree as follows:

SEPERATION

1.

The parties shall continue to live separate and apart and each shall be free from interference, molestation, authority and control, direct or indirect, by the other, as fully as if sole and unmarried, and each may reside at such place or places as he or she may select.

ALIMONY

2.

The parties agree to alimony as initials below:

(12)_____ a) The Husband/Wife shall pay to the Husband/Wife as alimony the sum of (20)\$_____ per week/month, to be paid beginning on (21)_____ and to continue thereafter until the Husband/Wife remarries or dies.

[OR]

(12)_____ b) The parties hereby expressly waive alimony for the past, present, and future.

DIVISION OF PROPERTY

3.

The parties agree to the division of property as initialed below:

(12)_____ a) The parties acknowledge that they have previously made a division of their household furniture, furnishings, household goods, equipment, and other such personalty. Neither party shall claim any of the property in the possession of the other as of the date of the signing of this agreement.

[OR]

(12)_____ b) The parties acknowledge that they possess various items of jointly owned property, which shall be divided as follows:

To the Wife:

(29)_____

To the Husband:

(30)_____

DIVISION OF DEBTS

4.

The parties agree to the division of debts as initialed below:

(12)_____a) The parties acknowledge that they have no outstanding joint debts.

[OR]

(12)_____b) The parties acknowledge that they have debts they are jointly responsible for, and these debts shall be divided as follows:

To the Wife:

(31)_____

And indemnifies and holds Husband harmless for any collection of these obligations.

To the Husband:

(32)_____

And indemnifies and holds the Wife harmless for any collection of these obligations.

NAME RESTORATION

5.

The parties request that the Wife's name to be restored to: (13)_____.

BINDING AGREEMENT

6.

The parties acknowledge that they have entered into this Agreement freely and voluntarily and that it is not the result of any duress or any undue influence.

7.

The Agreement constitutes the entire understanding of the parties. There are no representations, warranties, covenants, or undertaking other than those expressly set forth herein.

8.

It is expressly understood that this Agreement does not obligate the parties to continue to live in a state of separation or to proceed with an action for divorce. However, in the event that either party shall bring or maintain an action for dissolution of the marital relationship, this Agreement shall be presented to the court and incorporated by reference into any judgment or decree concerning the matters provided herein. Notwithstanding such incorporation, this Agreement shall survive and be enforceable independently of the judgment or decree.

This Agreement is entered into this ____ day of _____, 20 ____.

Plaintiff pro se

Sworn to and subscribed before me
This ____ day of _____, 20 ____.
(11) _____
Notary Public, State of Georgia
My Commission expires _____

Defendant pro se

Sworn to and subscribed before me
This ____ day of _____, 20 ____.
(11) _____
Notary Public, State of Georgia
My Commission expires _____

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

Plaintiff

Civil Action No. _____

Vs.

Defendant

FINAL JUDGMENT AND DECREE

Upon consideration of this case, upon evidence submitted as provided by law, it is the judgment of the Court that a total divorce be granted, that is to say, a divorce a vinculo matrimonii, between the parties to the above stated case upon legal principals.

It is considered, ordered, and decreed by the Court that the marriage contract therefore entered into between the parties to this case, from and after this date, be and is set aside and dissolved as fully and effectually as if no such contract had ever been made or entered into.

Petitioner and Respondent in the future shall be held and considered as separate and distinct persons altogether unconnected by any nuptial union or civil contract whatsoever and both shall have the right to remarry.

The parties' agreement filed with the court on the ____ day of _____, 20____ is incorporated into and made a part of this decree.

The Court restores to _____ her prior or maiden name, to wit: _____.

Decree and order entered this _____ day of _____, 20____.

Judge, Superior Court of Cherokee Judicial Circuit



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

PLEASE PRINT OR TYPE ALL INFORMATION LEGIBLY AND CORRECTLY BELOW.

REQUIRED INFORMATION

CIVIL ACTION NUMBER		DATE DECREE GRANTED (MONTH, DAY, YEAR)		COUNTY DECREE GRANTED	
FIRST NAME OF PARTY 1		MIDDLE NAME	LAST NAME		LAST NAME AT BIRTH
DATE OF BIRTH (MONTH, DAY, YEAR)		COUNTY OF RESIDENCE		NUMBER OF THIS MARRIAGE (FIRST, SECOND, ETC.)	
FIRST NAME OF PARTY 2		MIDDLE NAME	LAST NAME		LAST NAME AT BIRTH
DATE OF BIRTH (MONTH, DAY, YEAR)		COUNTY OF RESIDENCE		NUMBER OF THIS MARRIAGE (FIRST, SECOND, ETC.)	
SPECIFY GROUNDS FOR DIVORCE (19-5-3, OCGA)			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.