

DIVORCE WITHOUT MINOR CHILDREN

(Uncontested)

IMPORTANT NOTE ABOUT THIS PACKET

HELPFUL HINTS:

“Plaintiff”: The first and last name of the person who is filing this action

“Defendant”: The other party’s first and last name

“Case Number”: Leave this field blank if you are preparing to file a new case

OPTIONAL FORM:

If you are unable to afford the filing fees, you may ask the Court to waive the fees by completing the [Affidavit of Indigence and Eligibility to Proceed in Forma Pauperis \(Pauper’s Packet\)](#) and submit along with your other completed forms to the Clerk of Superior Court.

General Civil and Domestic Relations Case Filing Information Form

☐ Superior or ☐ State Court of _____ County

For Clerk Use Only

Date Filed _____
MM-DD-YYYY

Case Number _____

Plaintiff(s)

Last	First	Middle I.	Suffix	Prefix
____	____	____	____	____
____	____	____	____	____
____	____	____	____	____
____	____	____	____	____

Defendant(s)

Last	First	Middle I.	Suffix	Prefix
____	____	____	____	____
____	____	____	____	____
____	____	____	____	____
____	____	____	____	____

Plaintiff's Attorney _____

Bar Number _____

Self-Represented ☐

Check One Case Type in One Box

General Civil Cases

- ☐ Automobile Tort
- ☐ Civil Appeal
- ☐ Contract
- ☐ Garnishment
- ☐ General Tort
- ☐ Habeas Corpus
- ☐ Injunction/Mandamus/Other Writ
- ☐ Landlord/Tenant
- ☐ Medical Malpractice Tort
- ☐ Product Liability Tort
- ☐ Real Property
- ☐ Restraining Petition
- ☐ Other General Civil

Domestic Relations Cases

- ☐ Adoption
- ☐ Dissolution/Divorce/Separate Maintenance
- ☐ Family Violence Petition
- ☐ Paternity/Legitimation
- ☐ Support – IV-D
- ☐ Support – Private (non-IV-D)
- ☐ Other Domestic Relations

Post-Judgment – Check One Case Type

- ☐ Contempt
 - ☐ Non-payment of child support, medical support, or alimony
- ☐ Modification
- ☐ Other/Administrative

- ☐ Check if the action is related to another action(s) pending or previously pending in this court involving some or all of the same parties, subject matter, or factual issues. If so, provide a case number for each.

Case Number

Case Number

- ☐ I hereby certify that the documents in this filing, including attachments and exhibits, satisfy the requirements for redaction of personal or confidential information in O.C.G.A. § 9-11-7.1.

- ☐ Is an interpreter needed in this case? If so, provide the language(s) required. _____
Language(s) Required

- ☐ Do you or your client need any disability accommodations? If so, please describe the accommodation request.

IN THE SUPERIOR COURT OF GWINNETT COUNTY

STATE OF GEORGIA

PLAINTIFF

VS.

DEFENDANT

CIVIL ACTION

NUMBER: _____

SUMMONS

TO THE ABOVE NAMED DEFENDANT:

You are hereby summoned and required to file with the Clerk of said court and serve upon the Plaintiff's attorney, whose name and address is:

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

This _____ day of _____, 20____.

**Richard T. Alexander, Jr.,
Clerk of Superior Court**

**By _____
Deputy Clerk**

INSTRUCTIONS: Attach addendum sheet for additional parties if needed, make notation on this sheet if addendum sheet is used.

SUPERIOR COURT OF GWINNETT COUNTY
STATE OF GEORGIA

_____,
Plaintiff,
vs. _____,
Defendant.

Civil Action
Case Number _____

COMPLAINT FOR DIVORCE WITHOUT MINOR CHILDREN

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

1. **Subject Matter Jurisdiction:** I am the Plaintiff in this action and:
[Check only one of the following, either (a) or (b).]
 - ☐ (a) I have been a resident of the State of Georgia for more than six (6) months immediately prior to filing this action.
 - ☐ (b) I am not a resident of the State of Georgia, but my spouse has been a resident of the State of Georgia for at least six (6) months immediately prior to my filing of this action.
2. **Venue:** My spouse'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).]
 - ☐ (a) The Defendant is a resident of Gwinnett County 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 Gwinnett County at the time we separated, I still reside in Gwinnett County, and the Defendant has only moved away from Gwinnett County within the past six months before the date of my filing this action.

☐ (c) The Defendant is a resident of Georgia in _____ County, and I live in Gwinnett 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 Gwinnett 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 the Court under Georgia's Long Arm Statute, OCGA § 9-10-91(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 Gwinnett County and the Defendant's whereabouts are unknown to me. I am filing my *Affidavit of Due Diligence* with this *Complaint*, and incorporate it here by reference.

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

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

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

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

☐ (b-1) *[Check only if the Defendant lives outside Gwinnett County.]* The Defendant resides outside of Gwinnett County, and shall therefore be served by second original, as provided under OCGA § 9-10-72. Service shall be made by the

sheriff's department of the county where the Defendant resides.

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

4. **Date of Marriage:**

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

- ☐ (a) The Defendant and I were lawfully married on _____.
- ☐ (b) The Defendant and I are married by common law because we lived together and held ourselves out as husband and wife as of _____, 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 the *Settlement Agreement* with the Court, together with this *Complaint*.

7. **Minor Children:**

[If you and the Defendant have any minor children together, you must use a different Divorce Complaint form. See instructions.]

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

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

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

☐ (b) I am not asking for alimony.

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

9. Marital Property: *[Check only one of the following, either (a), (b), (c) or (d). Do not include complete account numbers.]*

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

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

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

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

☐ All of our property is listed below:

Type	Description				
<input type="checkbox"/> House (address):	<hr/> <hr/>				
<input type="checkbox"/> Other Real Estate (address):	<hr/> <hr/>				
<input type="checkbox"/> Mobile Home (year, model):	<hr/>				
<input type="checkbox"/> Pension(s):	<table><tbody><tr><td>Mine worth:</td><td><hr/></td><td>Defendant's worth:</td><td><hr/></td></tr></tbody></table>	Mine worth:	<hr/>	Defendant's worth:	<hr/>
Mine worth:	<hr/>	Defendant's worth:	<hr/>		

☐ Motor Vehicles Year Make Model

☐ Bank Accounts Name of Institution, type of account

☐ Other property _____

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

10. **Joint or Marital Debts:** [*Check only one of the following, either (a), (b), or (c). Do not include complete account numbers.*]

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

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

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

☐ Listed on separate paper attached to this *Complaint*.

☐ Listed on our signed and notarized *Settlement Agreement*.

- ☐ (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. **Restraining Order Where Violence Has Occurred:**

[Read instructions carefully and check only if applicable.]

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

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

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

13. **Grounds for Divorce:**

[Check the ones that you can prove at trial.]

My grounds for divorce from the Defendant are:

- ☐ (a) **Our marriage is irretrievably broken.** The Defendant and I can no longer live together and there is no hope that we will get back together.
- ☐ (b) **Cruel treatment** - The Defendant committed the following acts of cruel treatment toward me:
- ☐ (c) **Adultery** - The Defendant has had sexual intercourse with someone else during our marriage.
- ☐ (d) **Desertion** - The Defendant has intentionally and continually deserted me for at least a year.
- ☐ (e) **Other grounds** from list in OCGA § 19-5-3, as explained here: _____

FOR THESE REASONS, I REQUEST THE FOLLOWING RELIEF:

[Check all that apply.]

- (a) That process and summons issue as provided by law;

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

Dated: _____

Plaintiff, Pro se (Signature)

Name: _____

Address: _____

Phone: _____

Email: _____

SUPERIOR COURT OF GWINNETT COUNTY
STATE OF GEORGIA

_____,
Plaintiff,
vs. Civil Action
Case Number _____
_____,
Defendant.

VERIFICATION

The Plaintiff personally appeared before the undersigned officer duly authorized to administer oaths, and did swear or affirm that he/she read the foregoing *Complaint for Divorce without Minor Children* and that the information contained therein is true and correct.

Signature, Plaintiff *Pro se*

SWORN AND AFFIRMED before me this

____ day of _____ 20____.

NOTARY PUBLIC

COMPLETE FINANCIAL AFFIDAVIT

Domestic Relations Financial Affidavit

It is possible you do not need to complete the Financial Affidavit, if:

- You and your spouse have a signed Settlement Agreement and have agreed to the amount of child support; or
- Your spouse was never a Georgia resident and you cannot ask for child support or alimony; or
- You are already receiving child support or alimony.

Complete the [Domestic Relations Financial Affidavit](#) if you do NOT have a Settlement Agreement and:

- Your spouse is a Gwinnett County resident and you are asking for alimony; or
- Your spouse is a former Georgia resident who lives out of state and you are asking for alimony; or
- You are asking the Court to make a fair division of marital property; or
- You are asking the Court to make a fair division of marital debt; or
- You receive a notice from the Judge directing you to complete the form.

IN THE SUPERIOR COURT OF GWINNETT COUNTY
STATE OF GEORGIA

Plaintiff,

v.

Defendant.

Civil Action File No.:

FINAL JUDGMENT AND DECREE OF DIVORCE

Upon consideration of evidence submitted and upon legal principles, the Court grants a total divorce, a divorce a vinculo matrimonii, to Plaintiff and Defendant. The Court orders and decrees that the marriage contract heretofore entered into between Plaintiff and Defendant, from and after this date, be set aside and dissolved as if no such contract had ever been made or entered into, and Plaintiff and Defendant, formerly husband and wife, in the future shall be held and considered as separate and distinct persons, altogether unconnected by any nuptial union or civil contract whatsoever.

The prior name of the wife, _____, is restored to her.

The Agreement between the parties filed dated _____ is incorporated herein by reference and made a part of this Final Judgment and Decree. Each party is ORDERED and directed to comply with the terms and provisions therein.

This is to certify that the above is a true and correct copy of the Final Judgment and Decree in the above stated case.

This ____ day of _____, 20____.

Deputy Clerk, Gwinnett Superior Court

HEREIN FAIL NOT, SO ORDERED

this ____ day of _____, 20____.

Judge, Gwinnett Superior Court

By designation

(FJD:V07102013)

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. Wife's Name (first, middle, last)	5. Maiden (Birth) Last Name	6. Date of Birth (mo., day, year)
7. County of Residence	8. Number of This Marriage (1 st , 2 nd , etc.)	
9. Husband's Name (first, middle, last, generation)	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.

General Civil and Domestic Relations Case Disposition Information Form

☐ Superior or ☐ State Court of _____ County

For Clerk Use Only

Date Disposed _____
MM-DD-YYYY

Case Number _____

Case Style _____

Plaintiff(s)

Last	First	Middle I.	Suffix	Prefix
____	____	____	____	____
____	____	____	____	____
____	____	____	____	____
____	____	____	____	____

Defendant(s)

Last	First	Middle I.	Suffix	Prefix
____	____	____	____	____
____	____	____	____	____
____	____	____	____	____
____	____	____	____	____

Reporting Party _____

Plaintiff's Attorney _____

Bar Number _____

Self-Represented ☐

Defendant's Attorney _____

Bar Number _____

Self-Represented ☐

Manner of Disposition Check Only One

- ☐ Jury Trial
- ☐ Bench/Non-Jury Trial
- ☐ Non-Trial Disposition
- ☐ Alternative Dispute Resolution

- ☐ Check if any party was self-represented at any point during the life of the case.
- ☐ Check if the court ordered an interpreter for any party, witness, or other involved individual.
- ☐ Was the case referred/ordered to a court-annexed alternative dispute resolution (ADR) process?

IN THE SUPERIOR COURT OF GWINNETT COUNTY
STATE OF GEORGIA

Plaintiff/Petitioner,

v.

Defendant/Respondent.

Civil Action

File No.: _____

**ACKNOWLEDGMENT OF SERVICE, CONSENT TO JURISDICTION AND VENUE,
AND CONSENT TO PRESENT CASE**

I am the Defendant/Respondent in this case. I hereby acknowledge that the Plaintiff/Petitioner provided me a copy of the *Summons* and Complaint/Petition for

Name of Complaint or Petition

and the following other documents:

I am the Defendant/Respondent in this case. I hereby consent to both jurisdiction and venue as they are stated in the *Complaint/Petition*. So long as any *Judgment* in this action incorporates the *Settlement Agreement* I have signed, then I waive formal process, further notice, my right to trial and, if I am on active duty in the armed forces, I also waive my rights under the Soldiers and Sailors Civil Relief Act, 50 USC App. §521. I give my consent for the Court to hear this matter as soon as possible after thirty-one days.

Should further notice be required for any reason, the notice should be mailed to me at the following address:

Sworn to and subscribed before me on the _____
_____ day of _____ 20____.

Defendant/Respondent, *Pro se* (Signature)

NOTARY PUBLIC

IN THE SUPERIOR COURT OF GWINNETT COUNTY
STATE OF GEORGIA

Plaintiff,

v.

Defendant.

Civil Action

File No.:

SETTLEMENT AGREEMENT WITHOUT MINOR CHILDREN

This is an agreement between the Plaintiff and Defendant.

The parties are married but are currently separated; and

They have no minor children together.

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

THEREFORE, in consideration of the mutual promises and declarations in this agreement, the parties agree as follows:

1. SEPARATION.

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

2. ALIMONY.

3. [Check and complete only one of these, either (a) or (b). Do not check both (a) and (b).]

☐ (a) The parties agree to alimony as follows:

Start date	Person paying Alimony	Person receiving alimony	Monthly amount
_____	_____	_____	\$ _____
_____	_____	_____	_____
Initials			Initials

Alimony shall continue: *[To finish (a), you must check and complete either (1) or (2). Do not check both (1) and (2)]*

☐ (1) until the recipient remarries or dies.

☐ (2) for a period of _____ ☐ months ☐ years

☐ (b) Each party expressly waives the right to receive alimony from the other party.

4. **PROPERTY DIVISION.**

[Check and complete only one of these, either (a) or (b). Do not check both (a) and (b). Do not list complete account numbers.]

☐ (a) The parties acknowledge that they have already made a division of their marital property, including any real estate, vehicles, household furniture, furnishings, household goods, equipment, bank accounts, pensions and other personal property. Neither party shall claim any of the property in the possession of the other party as of the date of signing this agreement.

☐ (b) The parties acknowledge that they did not obtain any property during their marriage.

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

[If you have chosen (c), check and complete only the parts that apply, from (1) through (4) below. Cross out the parts that do not apply.]

☐ (1) **Marital Home** - The marital home of the parties, located at the following address:

which has the following legal description on the deed to the property:

☐ The legal description is included on the deed which is attached to this Agreement as *Exhibit A*

Initials

Initials



Person giving up ownership of the property ("Grantor"): _____

Person obtaining all rights to the property ("Grantee"): _____

The Grantor conveys the above-referenced property to the Grantee in fee simple. The Grantee shall be responsible for all taxes, assessments and mortgage loan payments on the home after the date the date this *Agreement* is signed by both parties.

[If you have chosen and completed the preceding paragraph (1), concerning a marital home, you may also check and complete (A) or (B), or both (A) and (B), but neither one is required.]

- ☐ (A) The Grantor shall have a lien against the home. Upon the sale or transfer of the home, the lien shall be paid.

Amount of Grantor's lien: \$ _____

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

Refinancing deadline: _____

Initials

Initials

☐ (C) Other agreement(s) concerning the marital home: _____

_____.

☐ (2) **Mobile Home** – the parties agree to the transfer of their mobile home as follows:

Grantor	Grantee	VIN#	Description

The Grantee shall be responsible for all loan payments on the mobile home after the date this *Agreement* has been signed by both parties.

☐ (3) **Vehicles** - The vehicles owned by the parties shall be transferred or retained as follows:

Year, Make, Model	Vehicle Identification Number	Goes to

The party listed above for each vehicle shall be responsible for all car loan payments, *ad valorem* taxes, registration fees and insurance on that vehicle accruing after the date this *Agreement* has been signed by both parties.

☐ (4) **Other Personal Property** - The parties acknowledge that they own various other items of personal property, which shall be transferred to the party listed below, within 30 days after this *Agreement* has been signed by both parties.

Initials

Initials

To the _____:

To the _____:

Except as otherwise specifically provided in this Agreement, the transfers listed above shall be completed no later than 60 days after the date this *Agreement* has been signed by both parties, and each party shall execute all documents necessary to promptly complete the transfer. Upon the failure of either party to execute and deliver any deed or other document necessary to complete the transfers required by this Agreement, this Agreement shall constitute and operate as the properly executed document. The county auditor, county recorder, Department of Motor Vehicles, and all other public and private officials are authorized and directed to accept this Agreement or a properly certified copy of it in lieu of the document regularly required for the conveyance or transfer.

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

5. **DEBTS.**

[Check and complete only one of these, either (a) or (b). Do not check both (a) and (b). Do not list complete account numbers.]

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

Initials

Initials

Creditor	Amount	Responsible Party
_____	\$ _____	_____
_____	\$ _____	_____
_____	\$ _____	_____
_____	\$ _____	_____

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

6. **TAX AND BANKRUPTCY CONSTRUCTION OF THIS AGREEMENT**

The parties acknowledge that the equitable division of marital property and the payment of marital and joint debts, if provided in this Agreement, shall not be deductible nor taxable for income tax purposes. Each party also acknowledges that, but for the payments provided here, the other party's financial independence would be impaired. Therefore, it is the parties' intention that if either party ever seeks bankruptcy protection, the amounts payable under this Agreement shall not be dischargeable in bankruptcy under 11 United States Code Section 523(a)(5), as the payments are in the nature of spousal or child support and maintenance. Alternatively, the payments shall be nondischargeable in bankruptcy under 11 United States Code Section 523(a)(15).

7. **RESTRAINING ORDER**

(Optional — Check and complete this paragraph if applicable.)

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

8. **VOLUNTARINESS OF AGREEMENT**

The parties acknowledge that they have entered into this Agreement freely and voluntarily, and

Initials

Initials

that it is not the result of any duress or any undue influence. We understand that we do not have to enter into this Agreement, that we have the right to trial before a judge or jury on all issues that could be raised in this action. We also understand that we have the right to certain discovery procedures that may reveal other income or assets of the other party. We have agreed to enter into this Agreement based on our knowledge of the income and assets of the parties and their written statements in this Agreement. After considering all of this, we have decided to enter into this Agreement freely and voluntarily.

9. COMPLETENESS OF AGREEMENT

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

10. EFFECT OF DIVORCE

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

Acknowledgment of the parties included on the following page

Initials

Initials

_____ appeared
before me on _____, 20____, and
said under oath that s/he had read this
agreement, understood it, and was signing it
voluntarily in my presence.

Notary Public

_____ appeared
before me on _____, 20____, and
said under oath that s/he had read this
agreement, understood it, and was signing it
voluntarily in my presence.

Notary Public

Initials

Initials

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

Plaintiff/Petitioner

v.

Defendant/Respondent

Civil Action

Number _____

CONSENT TO TRIAL 31 DAYS AFTER SERVICE

The parties herein agree, as evidenced by their notarized signatures below, consent to the hearing and granting of a divorce in this action any time thirty-one (31) days after the filing of the acknowledgment of service or after service having been perfected against the Defendant/Respondent.

Consented to by:

Plaintiff/Petitioner

Defendant/Respondent

Date

Date

Plaintiff/Petitioner swore to and
subscribed before me, this ____ day of
_____, _____.

Defendant/Respondent swore to and
subscribed before me, this ____ day
of _____, _____.

NOTARY PUBLIC

My Commission expires: _____

NOTARY PUBLIC

My Commission expires: _____

HOW TO FILE YOUR DOCUMENTS AT THE COURTHOUSE

- ☐ 1. Download all current administrative court forms at:
<http://gwinnettfhc.atlantalegalaid.org/administrative-court-forms/>
- ☐ 2. Double-check that you have signed all of your documents.
- ☐ 3. Go to the Clerk of Superior Court; they have a computer and scanner available for you to use.
- ☐ 4. Scan your documents, at the kiosk, one at a time

SUPERIOR COURT OF GWINNETT COUNTY
STATE OF GEORGIA

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

TITLE OF DOCUMENT

Example of case heading

- Each page with the case heading is a separate document.
- Label the document in a way you will remember, for example:
 - Initials, Summons
 - Initials, Complaint
 - Initials, Financial Affidavit

- ☐ 5. Follow the instructions on the computer for filing with Tyler's Odyssey eFileGA.
- ☐ 6. Ask for help if necessary.
- ☐ 7. Set up an account or enter in your email address. There is no fee to set up an account.
- ☐ 8. Choose "upload documents" and then upload all of the documents you just scanned.
- ☐ 9. After filing, wait 24 to 48 business hours to receive an "acceptance" email. If your filing was not accepted, you will receive an email that explains why (for example, no signature or no date).
- ☐ 10. The accepted documents will be stamped with a case number, date and time.
- ☐ 11. Print two copies of the stamped, accepted document(s). One copy is for your records. The second copy is for the other party.
- ☐ 12. Serve the other party. Review your options at <http://gwinnettfhc.atlantalegalaid.org/filing-and-service-instructions/>

Want to file your case from home? Visit
<http://gwinnettfhc.atlantalegalaid.org/how-to-efile/>

INSTRUCTIONS FOR ACKNOWLEDGMENT OF SERVICE

- ☐ 1. **Efile from the courthouse or from home.** For more details, visit:
<http://gwinnettflc.atlantalegalaid.org/how-to-efile/>.
- ☐ 2. Once your case has been accepted, print two copies of all the clerk-stamped forms. Keep one copy for your records.
- ☐ 3. Send the Acknowledgment of Service (completed with your case number) and a copy of all the clerk-stamped papers to the opposing party.
- ☐ 4. Have the other party complete the **Acknowledgment of Service** with his/her address and signature in front of a notary. The original **Acknowledgment of Service** form should be returned to you.
- ☐ 5. E-file the scanned Acknowledgment of Service or file at the self-help kiosk at the courthouse.
- ☐ 6. Wait for notice of a court date or any other request from the court or from the other side.

Courthouse Information

Gwinnett Justice and Administration Center
ATTN: Clerk of Superior Court
75 Langley Drive
Lawrenceville, GA 30046
Tel: (770) 822-8100

Can't serve the other party voluntary acknowledgment? [Visit our filing and service instructions page for more options.](#)