

IN THE SUPERIOR COURT OF COBB COUNTY
STATE OF GEORGIA

Plaintiff: _____

and

Defendant: _____

Civil Action File No.: _____

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 (1) box.]

- (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 s/he is the Defendant in this action.

[Check only one (1) box.]

- (a) The Defendant is a resident of Cobb 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 Cobb County, and the Defendant has only moved away from Cobb 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 Cobb 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 Cobb County, Georgia, and:

[Check only one (1) box.]

- (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, O.C.G.A. § 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 Cobb County and the Defendant's whereabouts are unknown to me. I am filing my *Affidavit of Due Diligence* with this *Complaint*, and incorporate it herein by reference.

3. Service of Process: The Defendant shall be sued as provided under O.C.G.A. § 9-11-4, in the following manner:

[Check only one (1) box.]

(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 as follows:

(c) The Defendant resides outside of Cobb County, and shall therefore be served by second original, as provided under O.C.G.A. § 9-10-72. Service shall be made by the sheriff's department of the county where the Defendant resides.

(d) 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 O.C.G.A. § 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 know address is as follows:

4. Date of Marriage:

[Check and complete only on (1) box.]

(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 was a date 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 incorporate into the *Final Judgment and Decree of 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:

[Check only one (1) box.]

- (a) The Defendant and I do not have any minor children together.
- (b) The Defendant and I are the parents of minor children.

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

8. Alimony:

[Check only one (1) box.]

- (a) I am financially dependant 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 (1) box.]

- (a) The Defendant and I have already divided our marital property, and we are both satisfied with the division.
- (b) The Defendant and I do not have any property acquired during our marriage.
- (c) The Defendant and I have acquired the following property during our marriage, and I am asking for a fair division of this property:

[Check and complete all that apply.]

- House located at _____.
- Other real estate, located at _____.
- Mobile home (model: _____, year: _____).
- Pension (mine, worth \$ _____; Defendant's, worth \$ _____).
- Motor vehicles listed here:
 - o Model/year: _____
 - o Model/year: _____
 - o Model/year: _____
- Furniture:

○ Listed here: _____

○ Listed on a separate paper attached to this *Complaint*.

Bank account and/or other investments:

○ Listed here: _____

○ Listed on a separate paper attached to this *Complaint*.

Other property:

○ Listed here: _____

○ Listed on a separate paper attached to this *Complaint*.

(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 Martial Debts:

[Check and complete only one (1) box.]

- (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 debt, and responsibility for paying them should be as listed below:

Creditor	Balance	Who Should Pay

○ Listed on a separate paper attached to this *Complaint*.

(c) The issue of dividing joint or martial 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 towards me, and I am afraid that the Defendant will engage in further acts of violence or harassment towards me unless the Court enters a temporary and permanent restraining order.

12. Restore Former Name:

[Check only if applicable.]

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

13. Grounds for Divorce: My grounds for divorce from the Defendant are:

[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 has intentionally and continually deserted me for at least a year.
- (3) **Other grounds** from the list in O.C.G.A. § 19-5-3, as explained here:

FOR THESE REASONS, I REQUEST THE FOLLOWING RELIEF:

[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 and marital debts be divided according to Paragraph 10;
- (f) That the Defendant be temporarily and permanently restrained from harassing me or committing any acts of violence toward me;

