# IN THE SUPERIOR COURT OF \_\_\_\_\_ COUNTY STATE OF GEORGIA

Plaintiff,

v.

CIVIL ACTION FILE

NO. \_\_\_\_\_

Defendant.

## **COMPLAINT FOR DIVORCE**

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COMES NOW, \_\_\_\_\_, Plaintiff in the above-styled case and shows this Court as follows:

1. Plaintiff's Jurisdiction and Venue

Plaintiff is a resident of \_\_\_\_\_ County, Georgia, and has been a resident of Georgia for at least six months prior to the filing of this action.

Plaintiff is a resident of \_\_\_\_\_ County, Georgia, and has resided at the \_\_\_\_\_ military post for at least one year before filing this petition.

Plaintiff is not a resident of the State of Georgia, but Plaintiff's spouse has been a resident of the state of Georgia in the county of \_\_\_\_\_\_ for at least six (6) months prior to my filing this action.

2. Defendant's Jurisdiction and Venue

Defendant is a resident of \_\_\_\_\_\_ County, Georgia, and has acknowledged service of the Complaint and Summons and has waived further service of process.
Defendant is a resident of \_\_\_\_\_\_ County, \_\_\_\_\_\_ and has signed an ACKNOWLEDGEMENT OF SERVICE and AFFIDAVIT OF WAIVER OF VENUE AND PERSONAL JURISDICTION.

Defendant is a resident of \_\_\_\_\_ County, Georgia and may be served with a copy of the Summons and Complaint at address: \_\_\_\_\_

The Defendant is a resident of Georgia, but his/her whereabouts are unknown to me as shown by my Affidavit of Due Diligence attached hereto and incorporated by reference, marked Exhibit A. The Defendant shall be served by publication as is provided by law in the case of those who cannot be found within the State pursuant to O.C.G.A. § 9-11-4(f)(1). The Clerk shall mail a copy of the Notice, Order for Service by Publication, and Petition for Divorce to the last known address of Defendant, which is \_\_\_\_\_\_

\_\_\_\_\_, within 15 days of the filing of the

Order for Service by Publication.

## 3. Marriage Information

□ Plaintiff and Defendant were lawfully married on \_\_\_\_\_\_.

Plaintiff and Defendant are common law married, having entered into a common law marriage before January 1 1997 as of \_\_\_\_\_\_.

4. Date of Separation

The Plaintiff and Defendant separated on \_\_\_\_\_\_ and have remained in a bona fide state of separation since that date.

### 5. Minor Children

 $\Box$  There are no minor children born of the marriage and the wife is not now pregnant.

There are \_\_\_\_\_ minor children of the marriage whose names, ages, and birthdates are as follows:

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

## 7. Uncontested or Contested

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

There are outstanding issues regarding child custody, child support, property division, or responsibility for debts that the parties cannot resolve which will require a hearing.

WHEREFORE, Plaintiff respectfully requests:

a) That the parties herein be totally divorced, *vincula matrimonii*;

b) That the Court adopt and incorporate the parties' settlement agreement into a final judgment and decree in this matter or hold a hearing on all outstanding issues;

c) That the Wife's last name be restored to \_\_\_\_\_.

d) That the Plaintiff have such other and further relief as this Court deems equitable and just.

Respectfully submitted, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Plaintiff's Name Home Address:

Phone: Email: