

Instructions for Filing Do-it-Yourself Uncontested Default Divorce
(no minor children, debts to divide, property to divide)

IMPORTANT DISCLAIMER

These forms and instructions cannot replace the advice of an attorney. HIRING A LAWYER TO REPRESENT YOUR INTERESTS IS THE BEST WAY TO MAKE SURE YOUR RIGHTS ARE PROTECTED. Hiring an attorney may not cost as much as you think, especially if you just need to ask questions. There are lawyer referral services in Alabama that can help you locate or arrange a half-hour conference with an attorney in your area for no more than a \$25.00 fee. (In Madison County, call 539-2275. The statewide program can be reached at 1-800-392-5660.)

Because these forms were not designed specifically for you and your situation, and because the law is always changing, the organization or agency which gave you this packet MAKES NO CLAIM AS TO WHETHER THE USE OF THIS PACKET WILL ACHIEVE THE RESULTS YOU DESIRE, AND IT EXPRESSLY DISCLAIMS ANY RESPONSIBILITY FOR THE CONSEQUENCES OF ANY ACTION YOU TAKE IN RELIANCE ON THE INFORMATION CONTAINED IN THIS PACKET. The organization or agency which gave you this packet IS NOT REPRESENTING YOU AND WILL NOT SEND ANYONE WITH YOU TO COURT. If you use these forms, you are on your own.

This packet should contain the following documents:

1. These instructions (8 pages);
2. Complaint for Divorce (10 pages);
3. Separation Agreement (5 pages)
4. Summons/Civil (Form C-34);
5. Affidavit of Substantial Hardship (Form C-10) (2 pages);
6. Child Support Information Sheet (Form CS-47);
7. Application, Affidavit, and Entry of Default;
8. Certificate of Commissioner;
9. Affidavit of Residency;
10. Plaintiff's Written Testimony (2 pages); and
11. Decree of Divorce (2 pages).

In addition, during the process of filing for divorce, you will need to ask the Clerk of Court about a Vital Statistics Form (also known as a divorce certificate).

Last Revised

This packet may be appropriate for you, but only if:
(Check the ones that apply to your situation.)

- At least one of the parties has lived in the State of Alabama, continuously, for the past six months;
- Your spouse will not fight the divorce;
- You and your spouse have no minor children together;
- There were no children born to the wife after the date of marriage;
- There is land that needs to be transferred or sold;
- You and your spouse need to divide up your belongings;
- There are joint debts that need to be divided up and/or each spouse is willing to pay whatever bills are already listed in his or her own name; and
- No one is asking for alimony, a cash settlement, or any part of the other spouse's property, insurance, or retirement benefits.

If there are children, joint personal belongings, financial assets, debt problems, employment benefits, or land-related issues in your marriage, YOU SHOULD CONSULT AN ATTORNEY.

There are often more issues involved in a divorce than you may realize if you fail to get legal advice. However, you may want to review the forms and instructions in this packet before you talk to a lawyer, so that you will be able to make the best use of your time with the lawyer.

Round 1: Fill out and file Complaint for Divorce, Summons/Civil, and Child Support Information Sheet. Pay filing fee or submit Affidavit of Substantial Hardship. Ask at the Office of the Clerk of Court for a Vital Statistics Form.

A. Complaint for Divorce

Figure out which county's courts should review your case. If you have lived in Alabama for the past six months and your spouse lives out-of-state, you may file the case in the county where you live. Otherwise, you may file for divorce only in the county where the two of you last lived together as husband and wife, or in the county where your spouse lives now. That county name goes in the top blank.

The person starting the divorce is the Plaintiff, and the other spouse is the Defendant.

Leave the space for the case number blank. The Clerk of Court will assign one at the courthouse.

The numbered paragraphs should be self-explanatory. Read them carefully. If any one of them is not true for you and your spouse, then this packet of do-it-yourself forms is probably not appropriate for your case.

Paragraph three mentions a Separation Agreement. **Only check this box if you have a Separation Agreement and it is signed by you and your spouse.** Draw a dark line through paragraphs 4, 5, 6, 7, 8, b, c, d, f and h in the Complaint and put your initials next to the paragraphs you drew a line through.

If you do not have a Separation Agreement or you do not have one that is signed by both you and your spouse, check only one box in paragraphs 4.2, 4.3, 4.4.2, 4.4.4.3, 4.4.4, 5., 8.2, and 8.3. Check the box that fits your situation in paragraph 5.2, 5.3, 5.4, 5.5, 6. 8.

If the wife does not want her maiden name restored draw a dark line through paragraph g and initial where you drew the line.

NOTE: *A vinculo matromonii* is Latin, and it means that you are seeking a final divorce instead of a legal separation.

Fill in the date on which you plan to file your divorce case at the courthouse.

The address you use on these forms is where the court will mail your notices.

B. Summons/Civil

The top part of this form (Plaintiff, Defendant, county) should match the “Style” of the case on your Complaint for Divorce.

The Summons contains instructions for an official to deliver the divorce documents to your spouse. You, yourself, cannot deliver the divorce documents. It is not allowed. Instead, you must choose whether you want to send the papers by certified U.S. mail or by deputy sheriff. If you choose the certified mail option, there is a place for you to sign this form. Otherwise, leave all date and signature lines blank for the clerk and sheriff to fill in. Choosing the mail will require a certified mail fee of about \$8.15. You may also be required to fill out the certified mail slips (restricted delivery and return receipt requested). Ask the Clerk of Court in your county to be sure of these details. If you choose to have the papers delivered by a deputy sheriff, you may be required to pay a service fee of up to \$20.00. Once you have made your choice, check the appropriate box in the middle section of this form.

The blank after “Notice To” is where you write the full name and address of your spouse. The address you put in the “Notice To” line should be the mailing address, if you have chosen to serve your spouse through the mail, or the physical address, if you chose the deputy sheriff. Investigate, if necessary, to provide an address where your spouse will actually receive these documents. **If you cannot find your spouse to have the divorce documents officially delivered, your case will become too complicated for you to use these do-it-yourself forms.**

Since you are representing yourself, fill in your own name and address wherever the form asks for Plaintiff’s Attorney’s name and address.

The other parts of this form are for the clerk to issue and date the summons and for the delivery official to mark the date of service. Leave those blank.

C. Filing Fee or Affidavit of Substantial Hardship

Filing fees are different in every county and can range from \$144 to \$161. You should call the Clerk of Court in your county and ask how much it costs to file for divorce in that county. (The phone number may be in the county government section or blue pages of your local telephone book.) Most offices will not accept personal checks. If you pay cash, pay in person, and ask for a receipt. Otherwise, a money order made out to the Clerk of Court will work.

If you truly cannot afford the filing fee, you may want to file an Affidavit of Substantial Hardship. This form asks for details about how much you earn (gross income or before taxes) and where your money goes each month. It is a form you must sign under oath in front of a Notary Public or at the office of the Clerk of Court, so be sure to tell the whole truth. The judge will review the form and may ask you to explain it to him or her, in person. If the judge decides that you really cannot afford the filing fee, he or she may allow you to delay paying the fee or forgive it altogether. Usually, one of the parties is ordered to pay the fee at the end of the case, so save your money and be prepared.

D. Child Support Information Sheet

If you are using these do-it-yourself divorce forms, you must have no minor children with your spouse. This Form CS-47 is required. Fill in the county you are filing your case in, and fill in the parties names, then check the box where it says “ Not applicable. No child(ren) a party to or subject to this action.” Leave the middle blank. Complete the bottom of the page where it says “ Completed by.”

E. Filing the Case at the Courthouse

File all of the above at the office of the Clerk of Court in the county you have determined is the right one for your case. You should have the original plus two copies of everything so that you can leave one for the court, provide one to the Clerk for delivery to your spouse, and keep one for your own records. Some larger counties have separate Clerk’s offices for divorces and other family matters. It is best to file the case in person and to stay there while the Clerk reviews your papers. Different counties have slightly different rules, so there may be something else you need that the Clerk can tell you about while you are standing there. Your case number will be assigned when you file the case, and your copies will be stamped with the time and date.

F. Ask About the Vital Statistics Form.

The Office of Vital Statistics keeps divorce certificates right along with marriage and birth certificates. Many counties expect you to fill out the form yourself. There is an official form you must use, and the Clerk of Court can provide you with one. It is smaller than a regular sheet of paper, and photocopies are unacceptable. Ask your Clerk when you file the divorce case whether

filling out the form will be your responsibility.

YOU WILL NEED TO PROVIDE SOCIAL SECURITY NUMBERS AND DATES OF BIRTH FOR BOTH YOU AND YOUR SPOUSE ON THIS FORM.

Round 2: Watch for a Service Notice in the mail, and then start counting days.

Once the divorce documents filled out and filed in Round 1 have been delivered to your spouse, you will receive a computerized Service Notice in the mail from the Clerk of Court. It will note the date on which your spouse received the Complaint for Divorce. Count thirty-one days from the date on the notice. This is how long you must wait before you take the next step, as it is the time allowed for your spouse to decide whether to fight you on this case, and also the waiting period required for divorces under Alabama law. If your spouse writes back to the court, responding to your Complaint for Divorce, then your case will be set for trial, and these do-it-yourself forms will not work for you. Please recall that one of the requirements for using these forms is that you are sure your spouse will not contest the case.

You will also receive a notice from the Clerk of Court if the official delivery person could not find your spouse to deliver the papers. If this happens, you have one month to provide the Clerk of Court with a new or better address on a new Summons/Civil form. The Clerk's office can provide you with an extra form.

Round 3: Fill out and file the Application for Entry of Default, Vital Statistics Form, and Certificate of Commissioner (if required).

After you have waited thirty-one days from the date shown on the Service Notice, you may file the next round of documents with the Clerk of Court. Have a second copy of each of these forms ready for the Clerk of Court to file stamp and return to you for your records.

A. Application, Affidavit, and Entry of Default

The top part of the form should match your earlier documents. By now, you should know your case number.

This form is your affidavit, so your name goes in the first blank, you are the Affiant, and there are two places where you need to sign. Please notice that you must sign this form in front of a Notary Public or at the Clerk's office. You will need to have picture ID with you to prove who you are.

Fill in the blank in paragraph 2 with the date from the Service Notice.

The very bottom of this form is for the Clerk's office to fill in.

B. Certificate of Commissioner

Most counties do not require that a Commissioner be appointed. Madison County may be the only one still using this method. In other counties, a Notary Public is good enough for any document that needs to be witnessed under oath. You should ask at your Clerk's office.

If your county does require a Commissioner to be appointed to witness testimony, you must fill out the top part of the attached form and submit it to the Office of the Clerk of Court to be issued. It will not be issued the same day you submit it.

Pick someone you trust who is over the age of nineteen, who is of sound mind, and who is not related to you or your spouse by blood or marriage. Ask that person if he or she would be willing to witness the signing of two affidavits, Plaintiff's Written Testimony and an Affidavit of Residency. That person's name goes on the top line, where the form says "TO."

The next blank is where you write the names of two witnesses. You will be one witness, and the other will be the person you choose to sign your Affidavit of Residency (see below).

Fill in the names of the Plaintiff and Defendant.

Leave the rest blank for now, and submit the form to the Clerk of Court. It will be issued and returned to you in a few days.

Round 4: Execute and file Plaintiff's Written Testimony and Affidavit of Residency. Submit Decree of Divorce.

If you are filing your case in a county that requires a Commissioner (such as Madison County), you must wait until after you have received the issued Certificate of Commissioner before you proceed. Everyone else can sign these forms from Round 4 and deliver them to the Clerk of Court at the same time as the documents in Round 3. These forms should be filed at the same Office of the Clerk of Court as the other forms, and you should have an extra copy of each ready to file-stamp for your own records.

A. Affidavit of Residency

Choose another person over the age of nineteen and of sound mind to sign your Affidavit of Residency. It cannot be the same person as your Commissioner. This person can be a family member. This person needs to be able to swear, under oath, that he or she knows you have lived within the State of Alabama for the past six months. The person you choose will be the Affiant on this form and will need to sign it in front of your Commissioner (if required) or a Notary Public. Your Affiant will need picture ID to prove his or her identity.

The top part of the form should match all of your other forms.

The Commissioner or Notary Public fills out the bottom part of the form.

B. Plaintiff's Written Testimony

This form takes the place of going to court and testifying in person.

Again, the top part of this form should match all of your other forms.

Your name goes in the first blank, as the person being sworn to tell the truth. The other blanks are about the dates and places of your marriage and separation and about your children.

Read the rest of the paragraphs carefully.

The last paragraph mentions restoring the wife to her maiden name. If you do not want to do this, draw a dark line through that paragraph and sign your initials in the margin of the page.

Sign this form in front of your Commissioner (if required by your county) or in front of a Notary Public.

C. Certificate of Commissioner

In Madison County, where Commissioners are required, now is the time for the Commissioner to fill out the bottom half of the form. The name of the Commissioner goes in the first blank, then the names of the witnesses (you and whoever signed your Affidavit of Residency), and the date of signing. The Commissioner then signs the form.

D. Decree of Divorce

Fill in the names of the Plaintiff and Defendant, the name of the county where you have filed your case, and the case number.

The paragraph about waiting 60 days to remarry is state law and is not negotiable.

Read paragraph 3. If you have a separation agreement signed by you and your spouse and you filed the separation agreement with your complaint, then draw a dark line through paragraphs 4,5,and 6 and put your initials next to the paragraphs you draw a line through

If you do not have a separation agreement signed by both parties draw a dark line through this paragraph, and put your initials in the margin next to the line you draw.

Read paragraph 9. If you have crossed out the part about restoring the wife's maiden name in your Complaint for Divorce and in Plaintiff's Written Testimony, cross it out here, too, and put your initials in the margin next to the line you draw. Otherwise, fill in the wife's full name as you would like it to be after the divorce.

The Judge will sign and date the form after you submit all of these documents to the Clerk.

Round 5: Wait for the Clerk of Court to mail you your signed and certified copy of your Decree of Divorce.

Your divorce is not final until the Judge signs the Decree of Divorce. Some Clerk's offices will send you both your copy and your spouse's copy. It will probably be your responsibility to see that your spouse receives a copy of the signed Decree of Divorce. Keep your divorce documents in a safe place.

IN THE CIRCUIT COURT FOR _____, COUNTY, ALABAMA

IN RE THE MARRIAGE OF:)

)

_____,)

PLAINTIFF,)

)

CIVIL ACTION NO.

)

v.)

)

_____,)

DEFENDANT.)

)

COMPLAINT FOR DIVORCE

COMES NOW the Plaintiff, _____, and brings this Complaint against the Defendant, _____, respectfully showing unto the Court as follows:

1. Both the Plaintiff and Defendant are over the age of nineteen years and are of sound mind. The Plaintiff is a bona fide resident of _____ County, Alabama, and has been such for more than six months next preceding the filing of this Complaint. The Defendant is a bona fide resident of _____ County, in the State of _____.

2. The parties were married to each other on the date of _____, in

_____ County, in the State of _____, and they lived together as husband and wife until the date of _____, when they separated in _____ County, in the State of _____. They have not lived together as husband and wife since that date.

3. **Settlement Agreement** (*Check only if signed by both parties*)

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 notary public, and I am filing the Settlement Agreement with the Court, together with this Complaint.

4. **CHILDREN.**

There are no minor children of said marriage, and the wife is not now pregnant.

All children of the marriage are over the age of twenty-one (21) and emancipated.

5. **PROPERTY.**

5.1.1 The parties jointly own real estate located at _____, _____, AL _____ (the House). The Plaintiff/Defendant will convey to the Plaintiff/Defendant all of his/her right, title, and interest in the House by quitclaim deed. The Defendant/Plaintiff will have all rights to the escrow account. The Plaintiff/Defendant will be solely responsible for, and will pay, the mortgage debt on the House as it matures. The Plaintiff/Defendant will hold the Plaintiff/Defendant harmless from the mortgage

debt on the House.

5.1.2 The parties do not jointly own a marital home.

5.2 Automobiles

Each party will retain the vehicle or vehicles already owned or leased in his or her sole name and shall hold the other party harmless from any liability arising from indebtedness or lease obligations related to such vehicle(s).

Plaintiff shall be entitled to the _____ (make of vehicle) automobile with VIN _____ and make all payments thereon and hold the Defendant harmless for the payment of same. Defendant shall convey all interest in said vehicle to Plaintiff.

Defendant shall be entitled to the _____ (make of vehicle) automobile with VIN _____ and make all payments thereon and hold the Plaintiff harmless for the payment of same. Plaintiff shall convey all interest in said vehicle to Plaintiff.

5.3 Bank Accounts.

5.3.1 The Joint bank account at _____ (name of bank or credit union), _____ (last four digits of account number) is hereby awarded to the Plaintiff. The Plaintiff will either close this account or have the Defendant's name removed from it.

5.3.2 The Joint bank account at _____ (name of bank or credit union), _____ (last four digits of account number) is hereby awarded to the

Defendant. The Defendant will either close this account or have the Plaintiff's name removed from it.

- 5.3.3** The Parties have already agreed on division of their remaining bank accounts. Each party will retain sole ownership in the accounts that bear his or her name.

5.4 Other Personal Property.

- 5.4.1** The Plaintiff and the Defendant have agreed to an equitable division of their personal property.
- 5.4.2** All other items of personal or real property currently in the Plaintiff's name or belonging solely to him/her (except as specifically described in this Agreement), including without limitation cash, bank accounts, clothing, clothing accessories, jewelry, securities, retirement plans, business interest, partnerships, insurance policies, and books, music, art, tools, equipment, and the Defendant hereby renounces any interest that he/she may have therein.
- 5.4.3** All other items of personal or real property currently in the Defendant's name or belonging solely to him/her (except as specifically described in this Agreement), including without limitation cash, bank accounts, clothing, clothing accessories, jewelry, securities, retirement plans, business interest, partnerships, insurance policies, and books, music, art, tools, equipment, and the Plaintiff hereby renounces any interest that he/she may have therein.

6 Marital Obligations.

6.1.1 Each party will be responsible for the debts incurred in that party's sole name and will hold the other party harmless from any liability arising from said indebtedness.

6.1.2 Plaintiff shall be responsible for the following joint debts of the parties and hold the Defendant harmless for the payment of same:

	<u>Creditor</u>	<u>Balance</u>	<u>Account Number</u>
(a)	_____	_____	_____
(b)	_____	_____	_____
(c)	_____	_____	_____
(d)	_____	_____	_____

6.1.3 Defendant shall be responsible for the following joint debts of the parties and hold the Plaintiff harmless for the payment of same:

	<u>Creditor</u>	<u>Balance</u>	<u>Account Number</u>
(a)	_____	_____	_____
(b)	_____	_____	_____
(c)	_____	_____	_____
(d)	_____	_____	_____

7. **Alimony.**

Both the Plaintiff and the Defendant waive any and all right to receive periodic alimony, past, present, and future.

8 **Miscellaneous.**

8.1.1 Each party will each prepare and file separate federal and state tax returns for

the year _____, at each part's sole expense. Each party will pay his or her own deficiency; if any, and each party will retain his or her own refund(s), if any.

8.1.2 The parties agree that the Plaintiff provided the funds to pay property taxes and mortgage interest on the House that he/she is entitled to deduct these expenses on his/ her _____ (year of divorce) income tax return.

8.1.3 The parties agree that the Defendant provided the funds to pay property taxes and mortgage interest on the House and that he/she is entitled to deduct these expenses on his/her _____ (year of divorce) income tax return.

8.1.4 Any tax refund which has not been received for the year _____ shall be the property of Plaintiff, Defendant, divided equally between Plaintiff and Defendant.

8.2 Execution.

Each Party shall execute any and all documents necessary to effectuate the terms of this agreement including, but not limit to, deeds, bills of sale, certificates of title, tax forms, real estate contracts, and the like. If this Agreement requires the Plaintiff or Defendant to accomplish an act but doesn't state a time limit for completion, the act will be completed within 60 days after the divorce is effective.

8.3 Wife's Name.

The wife's maiden name, _____, will be restored to her.

No restoration of maiden name is sought.

9. There exists such a complete incompatibility of temperament that the parties can no longer live together. The parties' tastes, likes, dislikes, natures, and views are so widely divergent that it is impossible for them to live as husband and wife.

10. There has been an irretrievable breakdown of the marriage, and further attempts at reconciliation are impractical or futile and not in the best interests of the parties.

11. The Plaintiff asserts that it would be appropriate for the wife to resume the use of her maiden name.

WHEREFORE, the Plaintiff prays that upon a final hearing of this cause the Court will grant him/her the following relief:

- a. A divorce *a vinculo matrimonii* from the Defendant;
- b. An equitable division of the marital assets and obligations;
- e. That our marital property be divided according to Paragraph 5;
- f. That our joint or martial debts be divided according to Paragraph 6;
- g. The restoration of the wife's maiden name;
- h. An order requiring the Defendant to pay or reimburse the costs of this action; and
- i. Such other, further, or different relief to which the Court may find the Plaintiff entitled.

SUBMITTED on this _____ day of _____, _____.

Plaintiff's Signature

Plaintiff's Full Name (printed)

Plaintiff's Street Address

City, State, Zip Code

Plaintiff's Telephone Number

IN THE CIRCUIT COURT FOR _____, COUNTY,
ALABAMA

IN RE THE MARRIAGE OF:)

)

_____,)

PLAINTIFF,)

)

CIVIL ACTION NO.

)

v.)

)

_____,)

DEFENDANT.)

SEPARATION AND PROPERTY SETTLEMENT AGREEMENT

The above named parties, _____ (the Plaintiff), and _____, (the Defendant), desiring to settle all financial matters by mutual agreement and having reached this agreement on this date, do execute this instrument as a memorandum for final agreement and decree as follows:

1. **CHILDREN. (check only one box)**

There are no minor children of said marriage, and the wife is not now pregnant.

All children of the marriage are over the age of twenty-one (21) and emancipated.

2. **PROPERTY. (check only one box)**

The parties jointly own real estate located at _____, AL _____ (the House). The Plaintiff/Defendant will convey to the Plaintiff/Defendant all of his/her right, title, and interest in the House by quitclaim deed. The Defendant/Plaintiff will have all rights to the escrow account. The Plaintiff/Defendant will be solely responsible for, and will pay, the mortgage debt on the House as it matures. The Plaintiff/Defendant will hold the Plaintiff/Defendant harmless from the mortgage debt on the House.

The parties do not jointly own a marital home.

2.1 Automobiles. (check the box that fits your situation)

Each party will retain the vehicle or vehicles already owned or leased in his or her sole name and shall hold the other party harmless from any liability arising from indebtedness or lease obligations related to such vehicle(s).

Plaintiff shall be entitled to the _____ (make of vehicle) automobile with VIN _____ and make all payments thereon and hold the Defendant harmless for the payment of same. Defendant shall convey all interest in said vehicle to Plaintiff.

Defendant shall be entitled to the _____ (make of vehicle) automobile with VIN _____ and make all payments thereon and hold the Plaintiff harmless for the payment of same. Plaintiff shall convey all interest in said vehicle to Plaintiff.

2.2 Bank Accounts. (check the box that fits your situation)

The Joint bank account at _____ (name of bank or credit union), _____ (last four digits of account number) is hereby awarded to the Plaintiff. The Plaintiff will either close this account or have the Defendant's name removed from it.

The Joint bank account at _____ (name of bank or credit union), _____ (last four digits of account number) is hereby awarded to the Defendant. The Defendant will either close this account or have the Plaintiff's name removed from it.

The Parties have already agreed on division of their remaining bank accounts. Each party will retain sole ownership in the accounts that bear his or her name.

2.3 Other Personal Property. (check the box that fits your situation)

The Plaintiff and the Defendant have agreed to an equitable division of their personal property.

All other items of personal or real property currently in the Plaintiff's name or belonging solely to him/her (except as specifically described in this Agreement), including without limitation cash, bank accounts, clothing, clothing accessories, jewelry, securities, retirement plans, business interest, partnerships, insurance policies, and books, music, art, tools, equipment, and the Defendant hereby renounces any interest that he/she may have therein.

All other items of personal or real property currently in the Defendant's name or belonging solely to him/her (except as specifically described in this Agreement), including without limitation cash, bank accounts, clothing, clothing accessories, jewelry, securities, retirement plans, business interest, partnerships, insurance policies, and books, music, art, tools, equipment, and the Plaintiff hereby renounces any interest that he/she may have therein.

3. Marital Obligations.

3.1.1 Each party will be responsible for the debts incurred in that party's sole name and will hold the other party harmless from any liability arising from said indebtedness.

3.1.2 Plaintiff shall be responsible for the following joint debts of the parties and hold the Defendant harmless for the payment of same:

	<u>Creditor</u>	<u>Balance</u>	<u>Account Number</u>
(a)	_____	_____	_____
(b)	_____	_____	_____
(c)	_____	_____	_____
(d)	_____	_____	_____

3.1.3 Defendant shall be responsible for the following joint debts of the parties and hold the Plaintiff harmless for the payment of same:

	<u>Creditor</u>	<u>Balance</u>	<u>Account Number</u>
(a)	_____	_____	_____
(b)	_____	_____	_____
(c)	_____	_____	_____
(d)	_____	_____	_____

4. Alimony.

Both the Plaintiff and the Defendant waive any and all right to receive periodic alimony, past, present, and future.

5. Miscellaneous. (check only one box)

Each party will each prepare and file separate federal and state tax returns for the year _____, at each part's sole expense. Each party will pay his or her own deficiency; if any, and each party will retain his or her own refund(s), if any.

The parties agree that the Plaintiff provided the funds to pay property taxes and mortgage interest on the House that he/she is entitled to deduct these expenses on his/ her _____ (year of divorce) income tax return.

The parties agree that the Defendant provided the funds to pay property taxes and mortgage interest on the House and that he/she is entitled to deduct these expenses on his/her _____ (year of divorce) income tax return.

Any tax refund which has not been received for the year _____ shall be the property of Plaintiff, Defendant, divided equally between Plaintiff and Defendant.

5.2 Execution.

Each Party shall execute any and all documents necessary to effectuate the terms of this agreement including, but not limit to, deeds, bills of sale, certificates of title, tax forms, real estate contracts, and the like. If this Agreement requires the Plaintiff or Defendant to accomplish an act but doesn't state a time limit for completion, the act will be completed within 60 days after the divorce is effective.

5.3 Wife's Name. (check only one box)

The wife's maiden name, _____, will be restored to her.

No restoration of maiden name is sought.

5.4 Cost. (check only one box)

The Plaintiff shall pay court cost.

The Defendant shall pay court cost.

The Plaintiff and Defendant shall split the court cost.

Affidavit of Substantial Hardship is attached.

5.5 Law.

This agreement shall be controlled by the State of Alabama.

THE PARTIES HAVE EXECUTED THIS AGREEMENT to be effective on the date the divorce is effective.

Plaintiff

Defendant

IN THE CIRCUIT COURT FOR _____ COUNTY, ALABAMA

_____ v. _____
Plaintiff Defendant

I, _____, request that the Clerk enter a default against the Defendant in the above case for the Defendant's failing to plead, answer, or otherwise defend.

Signed: _____

The affiant, _____, being duly sworn, states as follows:

1. He/She has personal knowledge of the facts set forth in this affidavit;
2. According to official notice from the Clerk of Court, the Defendant was served with a summons and a copy of the complaint on _____;
3. More than thirty (30) days have elapsed since the Defendant was served with a summons and a copy of the complaint;
4. The Defendant has failed to answer or otherwise defend against Plaintiff's complaint;
5. This affidavit is executed by the affiant in accordance with Rule 55(a) of the *Alabama Rules of Civil Procedure* for the purpose of enabling the Plaintiff to obtain an entry of default against the Defendant for the Defendant's failing to answer or otherwise defend against the Plaintiff's complaint; and
6. The Defendant is not an infant or an incompetent person.
7. The affiant requests entry of judgment.

Affiant

Sworn to and subscribed before me
this date: _____.

Notary Public/Commission expires: _____

Entry of default entered against the Defendant, _____,
this date: _____.

Clerk/Register

THE STATE OF ALABAMA,
MADISON COUNTY.

Circuit Court of Madison County

TO: _____ (The person to be appointed Commissioner)
Of the County of Madison, State of Alabama—GREETING:

KNOW YOU, That we in confidence of your prudence and fidelity, do hereby
commission, authorize and require you to call and cause to come before you at such time as you
may
appoint _____

_____ Witness of part of the _____ Plaintiff _____ in
a cause now pending in Madison County Circuit Court, wherein _____
_____ is the Plaintiff and _____
_____ is the Defendant and after said witnesses have been
duly qualified, examined orally, and their dispositions so taken from under your hand and seal
send to our Circuit Court at the present term thereof, to be read in evidence on the trial of said
case.

Witness, JANE SMITH, Clerk of said Court, at office in Huntsville, this the _____
day of _____, in the year of our Lord two thousand and
_____.

Clerk, Circuit Court

CERTIFICATE OF COMMISSIONER

I, _____, the Commissioner
name in the annexed commission, hereby certify that the evidence of the witness _____
_____ under oath, was written down by me, and
subscribed by _____ them _____ in my presence at Huntsville, in Madison County,
Alabama on the _____ day of _____, 20_____,
and that I have personal knowledge of the personal identity of said witness, and that I am not of
counsel or kin to any of the parties to the cause, or in any manner interested in the result thereof.

Given under my hand and seal, this the _____ day of _____,
20_____.

Commissioner Seal

UNITE THE COMMISSION AND THE DEPOSITION TOGETHER AND FORWARD THE
CLERK OF THE CIRCUIT COURT AT HUNTSVILLE, ALABAMA.

Appendix to Rule 32.1
CHILD SUPPORT INFORMATION SHEET

Case Number

IN THE _____ COURT OF _____, ALABAMA
(Circuit or District) (Name of County)

Plaintiff _____ v. _____ Defendant

Information Concerning the Parties :
_____ Not applicable. No minor child(ren) a party to or subject to this action.

Plaintiff (Mother, Father, Other _____) or
Other Party (Specify) (_____)

Defendant (Mother, Father, Other _____) or
Other Party (Specify) (_____)

Address (including city, state, and zip code):

Address (including city, state, and zip code):

Home Telephone No.: (_____) _____

Home Telephone No.: (_____) _____

Social Security No.: _____ Date of Birth: _____

Social Security No.: _____ Date of Birth: _____

Sex: _____

Sex: _____

Place of Employment (if applicable) and Address of
Employer (including city, state, and zip code):

Place of Employment (if applicable) and Address of
Employer (including city, state, and zip code):

Work Telephone No: (_____) _____

Work Telephone No: (_____) _____

Information Concerning the Minor Child(ren):				
Name(s)	Address(es)	Sex(es)	Date(s) of Birth	Social Security Number(s)
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

THE CHILD SUPPORT REFORM ACT OF 1997, CODIFIED AT §30-3-190, ET SEQ., ALA. CODE 1975, REQUIRES THAT THE DEPARTMENT OF HUMAN RESOURCES MAINTAIN THE ABOVE INFORMATION IN THE RECORD FOR ALL PARTIES IN DOMESTIC RELATIONS, SUPPORT, OR PATERNITY ACTIONS. THIS INCLUDES GRANDPARENTS OR OTHERS WHO MAY EITHER INITIATE AN ACTION OR INTERVENE IN AN EXISTING ACTION.

Completed By: _____ Date Completed: _____
(Print Name)

Daytime Phone No.: (_____) _____

AFFIDAVIT of SUBSTANTIAL HARDSHIP and ORDER

Case Number _____

IN THE _____ COURT OF _____ ALABAMA
(Circuit, District, or Municipal) (Name of County or Municipality)

STYLE OF CASE: _____ v. _____
Plaintiff(s) Defendant(s)

TYPE OF PROCEEDING: _____ CHARGE(s) (if applicable): _____

- CIVIL CASE-- I, because of substantial hardship, am unable to pay the docket fee and service fees in this case. I request that payment of these fees be waived initially and taxed as costs at the conclusion of the case.
- CIVIL CASE--(such as paternity, support, termination of parental rights, dependency) - I am financially unable to hire an attorney and I request that the Court appoint one for me.
- CRIMINAL CASE--I am financially unable to hire an attorney and request that the Court appoint one for me.
- DELINQUENCY/NEED OF SUPERVISION - I am financially unable to hire an attorney and request that the Court appoint one for my child/me.

SECTION I. AFFIDAVIT

I. IDENTIFICATION

Full Name _____ Date of Birth _____
 Spouse's Full Name (if married) _____
 Complete Home Address _____
 Number of People Living in Household _____
 Home Telephone No. _____
 Occupation/Job _____ Length of Employment _____
 Driver's License Number _____ * Social Security Number _____
 Employer _____ Employer's Telephone No. _____
 Employer's Address _____

II. ASSISTANCE BENEFITS

Do you or anyone residing in your household receive benefits from any of the following sources? (if so, please check those which apply.)

AFDC Food Stamps SSI Medicaid Other _____

III. INCOME/EXPENSE STATEMENT

Monthly Gross Income:

Monthly Gross Income \$ _____
 Spouse's Monthly Gross Income (unless a marital offense) _____
 Other Earnings: Commissions, Bonuses, Interest Income, etc. _____
 Contributions from Other People Living in Household _____
 Unemployment/Workmen's Compensation, _____
 Social Security, Retirement, etc. _____
 Other Income (be specific) _____

TOTAL MONTHLY GROSS INCOME \$ _____

Monthly Expenses:

A. Living Expenses

Rent/Mortgage \$ _____
 Total Utilities: Gas, Electricity, Water, etc. _____
 Food _____
 Clothing _____
 Health Care/Medical _____
 Insurance _____
 Car Payment(s)/Transportation Expenses _____
 Loan Payment(s) _____

Monthly Expenses: (cont'd from page 1)

Credit Card Payment(s) _____

Educational/Employment Expenses _____

Other Expenses (be specific) _____

Sub-Total

A \$ _____

B. Child Support Payment(s)/Alimony \$ _____

Sub-Total

B \$ _____

C. Exceptional Expenses \$ _____

TOTAL MONTHLY EXPENSES (add subtotals from A & B monthly only)

\$ _____

Total Gross Monthly income less total monthly expenses:

DISPOSABLE MONTHLY INCOME

\$ _____

LIQUID ASSETS:

Cash on Hand/Bank (or otherwise available such as stocks, bonds, certificates of deposit) \$ _____

Equity in Real Estate (value of property less what you owe) _____

Equity in Personal Property, etc. (such as the value of motor vehicles, stereo, VCR, furnishings, jewelry, tools, guns less what you owe) _____

Other (be specific) Do you own anything else of value? Yes No
(land, house boat, TV, stereo, jewelry)

If so, describe _____

TOTAL LIQUID ASSETS

\$ _____

Affidavit/Request

I swear or affirm that the answers are true and reflect my current financial status. I understand that a false statement or answer to any question in the affidavit may subject me to the penalties of perjury. I authorize the Court or its authorized representative to attain records or information pertaining to my financial status from any source in order to verify information provided by me. I further understand and acknowledge that, if the Court appoints an attorney to represent me, the Court may require me to pay all or part of the fees and expenses of my court-appointed counsel.

Sworn to and subscribed before me this _____ day of _____, 19 _____.

Affiant's Signature

Judge/Clerk/Notary

Print or Type Name

SECTION II.

ORDER OF COURT

IT IS THEREFORE, ORDERED AND ADJUDGED BY THIS COURT AS FOLLOWS:

- Affiant is not indigent and request is DENIED.
- Affiant is partially indigent and able to contribute monetarily toward his defense; therefore, defendant is ordered to pay \$ _____ toward the anticipated cost of appointed counsel. Said amount is to be paid to the Clerk of Court or as otherwise ordered and disbursed as follows: _____
- Affiant is indigent and request is GRANTED.
- The prepayment of docket fees is waived.

IT IS FURTHER ORDERED AND ADJUDGED that _____, is hereby appointed as counsel to represent affiant.

IT IS FURTHER ORDERED AND ADJUDGED that the Court reserves the right and may order reimbursement of attorney's fees and expenses, approved by the Court and paid to the appointed counsel, and costs of court.

Done this _____ day of _____, 19 _____.

Judge

SUMMONS - CIVIL -

Case Number

IN THE _____ CIRCUIT _____ COURT OF _____ COUNTY

Plaintiff _____ v. Defendant _____

NOTICE TO _____

THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE PLAINTIFF OR PLAINTIFF'S ATTORNEY _____ WHOSE

ADDRESS IS _____

THIS ANSWER MUST BE MAILED OR DELIVERED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT WERE DELIVERED TO YOU OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT.

TO ANY SHERIFF OR ANY PERSON AUTHORIZED by the Alabama Rules of Civil Procedure:

- You are hereby commanded to serve this summons and a copy of the complaint in this action upon the defendant.
- Service by certified mail of this summons is initiated upon the written request of _____ Plaintiff pursuant to the Alabama Rules of Civil Procedure.

Date _____ By: _____
Clerk/Register

Certified Mail is hereby requested.

Plaintiff's/Attorney's Signature

RETURN ON SERVICE:

- Return receipt of certified mail received in this office on _____ (Date)
- I certify that I personally delivered a copy of the Summons and Complaint to _____ in _____ County, Alabama on _____ (Date)

Date

Server's Signature

Address of Server

Type of Process Server

IN THE CIRCUIT COURT FOR _____, COUNTY, ALABAMA

IN RE THE MARRIAGE OF:)

_____,)
PLAINTIFF,)

v.)

_____,)
DEFENDANT.)

CIVIL ACTION NO.

PLAINTIFF'S WRITTEN TESTIMONY

Before me, the undersigned Commissioner/Notary Public, in and for said County and State, personally appeared _____, who is known to me and who, after being first duly sworn, does depose and say as follows:

My name is _____. On or about the _____ day of _____, _____, I married _____ in _____, County, in the State of _____. Both of us are over the age of nineteen years. I am a resident of the State of Alabama and had been such for more than six months immediately preceding the filing of my Complaint for Divorce. The Defendant is a resident of the State of _____. In the month of _____ and year of _____, the Defendant and I separated in _____ County, in the State of _____, and we have not lived together as husband and wife since that date. There are no minor children of said marriage, and the wife is not now pregnant.

There are no minor children of said marriage, and the wife is not now pregnant.

All children of the marriage are over the age of nineteen (19) and emancipated.

The Defendant and I are incompatible to such an extent that it is impossible for us to live together as husband and wife. Our tastes, likes, dislikes, natures, and views about marriage are too widely divergent. There is no possibility of a reconciliation between us, and a happy marital state can no longer exist.

The Defendant and I agree that it would be appropriate for the wife to resume the use of her maiden name.

Plaintiff's Signature

STATE OF ALABAMA

_____ **COUNTY**

Plaintiff's Written Testimony was sworn to and subscribed before me this _____ day of _____, _____.

Commissioner/Notary Public

My commission expires:

25 Plaintiff's Written Test

The Court finds that all children of this marriage are over the age of nineteen (19) and emancipated.

5. The Parties marital property shall be divided according to Paragraph 5 of the attached Complaint.

6. The Parties joint or martial debts shall be divided according to Paragraph 6 of the attached Complaint.

7. The Court restores to the wife the use of her former name,
_____.

8. Court costs are taxed as paid.

ENTERED this _____ day of _____, _____.

CIRCUIT JUDGE