

IN THE COURT OF COMMON PLEAS

Division
COUNTY, OHIO

Name
Street Address
City, State and Zip Code
Plaintiff
vs.
Name
Street Address
City, State and Zip Code
Defendant
Case No.
Judge
Magistrate

Instructions: This form is used to request a divorce if you and your spouse do not have (a) child(ren), adult child(ren) attending high school, or child(ren) with disabilities. Check to determine if you meet the residency requirement to file in this county. A Request for Service (Uniform Domestic Relations Form 28) must be filed with this form.

COMPLAINT FOR DIVORCE WITHOUT CHILDREN

I, the Plaintiff, for this Complaint say:

- 1. I have been a resident of the State of Ohio for at least six months.
2. I have been a resident of County for at least 90 days immediately before the filing of this Complaint; or
The Defendant resides in County where this Complaint is filed.
3. The Defendant and I were married to one another on (date of marriage) in (city or county, and state).

4. I state regarding child(ren) (check all that apply):
- The Wife is not pregnant.
 - All children born from or adopted during this marriage or relationship are adults and not mentally or physically disabled child(ren) incapable of supporting or maintaining themselves.
5. I state the following grounds for divorce exist (check all that apply):
- The Defendant and I are incompatible.
 - The Defendant and I have lived separate and apart without cohabitation and without interruption for one year.
 - The Defendant or I had a Husband or Wife living at the time of the marriage.
 - The Defendant has been willfully absent for one year.
 - The Defendant is guilty of adultery.
 - The Defendant is guilty of extreme cruelty.
 - The Defendant is guilty of fraudulent contract.
 - The Defendant is guilty of gross neglect of duty.
 - The Defendant is guilty of habitual drunkenness.
 - The Defendant was imprisoned in a state or federal correctional institution at the time the Complaint was filed.
 - The Defendant procured a divorce outside this state by virtue of which the Defendant has been released from the obligations of the marriage, while those obligations remain binding on me.
6. The Defendant and I are owners of real estate and/or personal property.

I request that a divorce be granted from the Defendant, that the Court determine an equitable division of debts and property, and as follows that (check all that apply):

- The Defendant be ordered to pay me spousal support.
- I be restored to my prior name of: _____
- The Defendant be required to pay attorney fees.
- The Defendant be required to pay the court costs of the proceeding.
- The Court make the following additional orders: _____

and that the Court grant such other and further relief as the Court may deem proper.

 Your Signature

 Telephone number at which the Court may reach you
 or at which messages may be left for you

IN THE COURT OF COMMON PLEAS

Division
COUNTY, OHIO

Plaintiff : Case No. _____
Street Address :
City, State and Zip Code : Judge _____
vs. : Magistrate _____
Defendant :
Street Address :
City, State and Zip Code :

FINAL JUDGMENT FOR DIVORCE WITHOUT CHILDREN

This matter came on for final hearing on _____ before Judge Magistrate
_____ upon the Plaintiff's Complaint for Divorce without Children filed on
_____ and/or Defendant's Counterclaim filed on _____
and upon the following: _____ .

FINDINGS

Upon a review of the record, testimony, and evidence presented, the Court makes the following findings:

- A. Check all that apply:
 - The Defendant was properly served with summons, copy of the Complaint, and notice of the hearing.
 - The Defendant's waiver of service of summons and Complaint have been filed in this case.
 - The Defendant filed an Answer.
 - The Defendant failed to file an Answer or plead, despite being properly served with summons, copy of the Complaint, and notice of the hearing.
 - The Plaintiff replied to the Defendant's Counterclaim.
 - The Plaintiff failed to reply to the Defendant's Counterclaim.

- B. Present at the hearing were the: Plaintiff, Defendant,
 _____ appearing as counsel for the Plaintiff.
 _____ appearing as counsel for the Defendant.
- C. The Plaintiff and/or Defendant was/were a resident(s) of the State of Ohio for at least six months immediately before the Complaint and/or Counterclaim was/were filed.
- D. At the time the Complaint and/or Counterclaim was/were filed:
 The Plaintiff was a resident of this county for at least 90 days.
 The Defendant was a resident of this county.
 Other grounds for venue were: _____
- E. The Plaintiff and Defendant were married to one another on _____ (date of marriage) in _____ (city or county, and state). The termination of marriage is the date of final hearing or as specified: _____
- F. Check all that apply regarding children:
 The Wife is not now pregnant.
 No child(ren) were born from or adopted during the marriage or relationship.
 All child(ren) born from or adopted during the marriage or relationship are emancipated adults and not mentally or physically disabled child(ren) incapable of supporting or maintaining themselves.
 Other findings: _____

- G. Select one:
 Neither the Plaintiff nor the Defendant is in the military service of the United States.
 The Plaintiff and/or the Defendant is in the military service of the United States and his/her service did not impact his/her ability to defend this action.
- H. The Plaintiff and/or the Defendant through testimony have indicated full and complete disclosure to the other of all marital property, separate property, and any other assets, debts, income, or expenses.
 The Defendant has not filed a response or made an appearance.
 The Plaintiff has not filed a response or made an appearance.
- I. The parties that appeared have no additional knowledge of any other property and debts of any kind in which either party has an interest.

J. The parties that appeared have had the opportunity to value and verify all marital property, separate property, and other debts.

K. This Court has jurisdiction and proper venue to determine all of the issues raised by the pleadings and motions.

L. Select one:

A Magistrate's Decision was filed on: _____

No objections were filed. The Court approves the terms contained in the Decision and finds the terms are fair and equitable.

All objections were ruled upon by a separate entry.

The parties have presented the Court with a written Separation Agreement or have read into the record a settlement of all issues, which the Court finds to be a fair and equitable division of property and debts and an appropriate resolution of all issues, knowingly and voluntarily entered into by the parties.

The Court has made a fair and equitable division of property and debts and an appropriate resolution of all issues of the parties after review and consideration of all evidence presented.

Other: _____

M. The divorce is granted on the following ground(s) (check all that apply):

The Plaintiff and Defendant are incompatible.

The Plaintiff and Defendant have lived separate and apart without cohabitation and without interruption for one year.

The Defendant or Plaintiff had a Husband or Wife living at the time of the marriage.

The Defendant or Plaintiff has been willfully absent for one year.

The Defendant or Plaintiff is guilty of adultery.

The Defendant or Plaintiff is guilty of extreme cruelty.

The Defendant or Plaintiff is guilty of fraudulent contract.

The Defendant or Plaintiff is guilty of gross neglect of duty.

The Defendant or Plaintiff is guilty of habitual drunkenness.

The Defendant or Plaintiff was imprisoned in a state or federal correctional institution at the time the Complaint was filed.

The Defendant or Plaintiff procured a divorce outside this state by virtue of which she or he has been released from the obligations of the marriage, while those obligations remain binding on the Plaintiff or Defendant.

JUDGMENT

Based upon the findings set out above, it is, therefore, **ORDERED, ADJUDGED and DECREED** that:

FIRST: DIVORCE GRANTED

A divorce is granted, and both parties shall be released from the obligations of their marriage except for those obligations listed below or as set out in the attached Separation Agreement Magistrate's Decision and/or Other: _____ which is incorporated in this entry.

SECOND: PROPERTY

The parties' property shall be divided as follows:

A. The Plaintiff shall have the following items of real estate and personal property, free and clear from all claims of the Defendant, subject to any indebtedness which the Plaintiff shall pay and from which the Plaintiff shall hold the Defendant harmless: _____

B. The Defendant shall have the following items of real estate and personal property, free and clear from all claims of the Plaintiff, subject to any indebtedness which the Defendant shall pay and from which the Defendant shall hold the Plaintiff harmless: _____

C. The Plaintiff is awarded the following separate property: _____

D. The Defendant is awarded the following separate property: _____

E. Other orders regarding property (specify): _____

F. Within 30 days the parties will take all necessary steps to transfer legal title and possession of property and take appropriate actions to implement and effectuate the division of pensions and retirements.

G. Other orders regarding transfers: _____

THIRD: DEBT

The Plaintiff and Defendant's debts shall be divided as follows.

A. The Plaintiff shall pay the following debts and shall hold the Defendant harmless from all claims:

B. The Defendant shall pay the following debts and shall hold the Plaintiff harmless from all claims:

C. Bankruptcy (select one):

The Court will retain jurisdiction to enforce payment of debt obligations, in the event a party files bankruptcy. This includes, but is not limited to, the ability to determine the debt assigned is in the nature of maintenance, necessity or support and is therefore nondischargeable in bankruptcy, and/or to make a future spousal support order, regardless of the spousal support order set forth below

under **FOURTH: SPOUSAL SUPPORT**.

Nothing in this order shall prevent the Plaintiff and/or Defendant from being fully discharged from the debts allocated in this order in a bankruptcy proceeding except for any orders expressly for spousal support and the following debts: _____

Neither party shall incur liabilities against the other party in the future.

FOURTH: SPOUSAL SUPPORT

A. Spousal Support Not Awarded

Neither the Plaintiff nor Defendant shall pay spousal support to the other. The Court shall not retain jurisdiction, except as set forth above under **THIRD: DEBTS**.

B. Spousal Support Awarded

The Plaintiff Defendant shall pay spousal support to the Plaintiff Defendant in the amount of \$ _____ per month plus 2% processing charge, commencing on _____ and due on the _____ day of the month. This spousal support shall continue indefinitely for a period of _____ .

The Court shall not retain jurisdiction to modify spousal support.

The Court shall retain jurisdiction to modify the amount duration of the spousal support Order.

C. Termination of Spousal Support

This spousal support shall terminate sooner than the above stated date upon the Plaintiff's or the Defendant's death or in the event of the following (check all that apply):

The cohabitation of the person receiving support in a relationship comparable to marriage

The remarriage of the person receiving support.

Other (specify): _____

D. Method of Payment of Spousal Support (select one):

The spousal support payment shall be made directly to the Plaintiff Defendant.

The spousal support payment, plus 2% processing charge, shall be made to the Ohio Child Support Payment Central, P. O. Box 182372, Columbus, Ohio 43218-2372, as administered through the _____ County Child Support Enforcement Agency by income withholding at his/her place of employment.

- E. Deductibility of Spousal Support for All Tax Purposes (select one):
- The spousal support paid shall be deducted from income to the person paying the support and included by the person receiving the support.
 - The spousal support paid shall be included in income of the person paying the support.

F. Other orders regarding spousal support (specify): _____

- G. Arrearage
- Any temporary spousal support arrearage will survive this judgment entry.
 - Any temporary spousal support arrearage will not survive this judgment entry.
 - Other: _____

FIFTH: NAME

_____ is restored to
 the prior name of: _____

SIXTH: OTHER ORDERS

SEVENTH: COURT COSTS

Court costs shall be (select one):

- Taxed to the deposit. Court costs due above the deposit shall be paid as follows:

- Other (specify): _____

EIGHTH: CLERK OF COURTS

The Clerk of Courts shall provide:

- a certified copy to: _____
- a file stamped copy to: _____

NOTICE. Pursuant to Civil Rule 58(B), the Clerk is directed to serve upon the parties a notice of the filing of this Judgment Entry and of the date of entry upon the Journal.

 Date JUDGE