

SUPERIOR COURT OF GWINNETT COUNTY
STATE OF GEORGIA

Plaintiff,		Civil Action
vs.		
		Case Number _____
Defendant.		

**FINAL JUDGMENT AND DECREE OF DIVORCE
WITH MINOR CHILDREN
(WITHOUT SETTLEMENT AGREEMENT)**

This action came before the Court for trial on _____, 200___. The Plaintiff appeared *pro se*. The Defendant ☐ also appeared [or] ☐ did not appear. The Court heard the evidence and considered the matter.

Upon consideration of this case, upon evidence submitted as provided by law, it is the judgment of the Court that a total divorce be granted between the parties to this case. It is hereby ordered that the marriage contract entered into between the parties is hereby set aside from this date, and fully dissolved. Plaintiff and Defendant in the future shall be held and considered as separate and distinct persons, altogether unconnected by any nuptial union or civil contract whatsoever, and both shall have the right to remarry.

THE COURT HEREBY FINDS THAT the parties have _____ minor children together, who are listed below:

<u>Child's Name</u>	<u>Date of Birth</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

THE COURT HEREBY ORDERS THE FOLLOWING:

1. **CUSTODY AND VISITATION**

These issues have been addressed in the attached *Permanent Parenting Plan Order* which is hereby made a part of this *Final Judgment* as if fully set forth here.

2. **OTHER PARENTAL RIGHTS**

These issues have been addressed in the attached *Permanent Parenting Plan Order* which is hereby made a part of this *Final Judgment* as if fully set forth here.

3. **CHILD SUPPORT**

[Check and complete either (a) or (b). Do not check both (a) and (b).]

☐ (a) This issue is not addressed in this *Final Judgment*, either because the Court lacks personal jurisdiction over the Defendant, or because the parties have not asked the Court to decide the issue of child support.

☐ (b) This issue has been addressed in the attached *Child Support Addendum* which is hereby made a part of this *Final Judgment* as if fully set forth here.

4. **INCOME DEDUCTION ORDER**

[Check and complete either (a) or (b). Do not check both (a) and (b).]

☐ (a) No *Income Deduction Order* shall be entered, because _____
_____.

☐ (b) This issue has been addressed in the attached *Child Support Addendum* which is hereby made a part of this *Final Judgment* as if fully set forth here.

5. **HEALTH INSURANCE FOR CHILDREN**

[Check and complete either (a) or (b). Do not check both (a) and (b).]

☐ (a) This issue is not addressed in this *Final Judgment*, either because the Court lacks personal jurisdiction over the Defendant, or because neither party has asked the Court to address the issue of health insurance in this action.

☐ (b) This issue has been addressed in the attached *Child Support Addendum* which is hereby made a part of this *Final Judgment* as if fully set forth here.

6. OTHER HEALTH CARE EXPENSES FOR THE CHILDREN

[Check and complete either (a) or (b). Do not check both (a) and (b).]

- ☐ (a) This issue is not addressed in this *Final Judgment*, either because the Court lacks personal jurisdiction over the Defendant.
- ☐ (b) This issue has been addressed in the attached *Child Support Addendum* which is hereby made a part of this *Final Judgment* as if fully set forth here.

7. LIFE INSURANCE FOR THE BENEFIT OF THE CHILDREN

[Check and complete either (a) or (b). Do not check both (a) and (b).]

- ☐ (a) This issue is not addressed in this *Final Judgment*, either because the Court lacks personal jurisdiction over the Defendant, or because neither party has asked the Court to address the issue of life insurance for the benefit of the children in this action.
- ☐ (b) The children depend on the _____ for financial support, and therefore the _____ shall maintain a policy of insurance on his/her life, with a face amount of at least \$_____, for the benefit of the minor children. The policy shall be maintained for so long as at least one of the children is a minor or is otherwise entitled to support under the *Child Support Addendum*.
- ☐ (b) The children depend on both of the parties for financial support, and therefore each party shall maintain a policy of insurance on his/her life, with a face amount of at least \$_____, for the benefit of the minor children. The policy shall be maintained for so long as at least one of the children is a minor or is otherwise entitled to support under the *Child Support Addendum*.

8. ALIMONY.

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

- ☐ (a) This issue is not addressed in this *Final Judgment*, either because the Court lacks personal jurisdiction over the Defendant, or because neither party has asked the Court to address the issue of alimony in this action.
- ☐ (b) The _____ shall pay to the _____ as alimony, the sum of _____ Dollars (\$_____) per month,

beginning on _____, and continuing monthly thereafter,

[To finish (b), 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 _____.

☐ (c) Neither party is entitled to receive alimony from the other party.

9. **PROPERTY DIVISION.**

[Check and complete either (a), (b) or (c). Do not check more than one.]

☐ (a) This issue is not addressed because the Court does not have personal jurisdiction over the Defendant.

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

☐ (c) The parties 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 this *Final Judgment*.

☐ (d) The parties possess various items of marital property, which shall be divided as provided in this *Final Judgment*. The parties shall 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.]

☐ (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:

shall be conveyed to the _____ in fee simple. The _____ shall be responsible for all taxes, assessments and mortgage loan payments on the home after the date of _____.

[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 _____ shall have a lien against the home in the amount of _____ Dollars (\$_____). Upon the sale or transfer of the home, the lien shall be paid.

☐ (B) The _____ shall immediately begin making reasonable efforts to refinance the outstanding mortgage/mortgages on the marital home, so that the _____ shall no longer be liable on the mortgage loan(s). If the _____ is not able to refinance by _____, 200____, the home shall then be listed for sale at a reasonable price, and all reasonable offers to purchase the home shall be accepted until sold.

☐ (2) **Mobile Home** - The parties' mobile home, which is described as a _____, with Vehicle Identification Number (VIN) of _____ shall be transferred to the _____. The _____ shall be responsible for all loan payments on the mobile home after the date of _____.

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

<u>Year/Make/Model of Vehicle</u>	<u>Vehicle ID # (VIN)</u>	<u>Goes to</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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 following date: _____.

☐ (4) **Other Personal Property** - The parties own various other items of personal property, which shall be transferred to the party listed below, on or before _____, 20____.

To the Wife

To the Husband

Except as otherwise specifically provided in this *Final Judgment*, the transfers listed above shall be completed no later than _____, 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 *Final Judgment*, this *Judgment* 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 *Judgment* or a properly certified copy of it in lieu of the document regularly required for the conveyance or transfer.

Except as provided in this *Judgment*, 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 this *Final Judgment*, except as provided in this *Final Judgment*.

10. **DEBTS.**

[Check and complete either (a), (b) or (c). Do not check more than one. Do not list complete account numbers.]

☐ (a) This issue is not addressed in this *Final Judgment* because the Court does not have personal jurisdiction over the Defendant

☐ (b) The parties have no outstanding joint or marital debts.

☐ (c) The responsibility for payment of the parties' joint and marital debts shall be as follows:

<u>Creditor</u>	<u>Amount</u>	<u>Responsible Party</u>
_____	\$ _____	_____
_____	\$ _____	_____
_____	\$ _____	_____
_____	\$ _____	_____
_____	\$ _____	_____
_____	\$ _____	_____
_____	\$ _____	_____

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 shall 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.

11. **BANKRUPTCY CONSTRUCTION OF THIS JUDGMENT**

The Court finds that, but for the payments and transfers provided in this *Final Judgment*, the receiving party's financial independence would be impaired. Therefore, it is the Court's intention that if either party ever seeks bankruptcy protection, the amounts payable under this Agreement should 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 should be nondischargeable in bankruptcy under 11 United States Code Section 523(a)(15).

12. RESTRAINING ORDER

[Check and complete (a) or (b) below. Do not check both.]

☐ (a) No permanent restraining order is entered in this action.

☐ (b) The _____ shall be permanently restrained and enjoined from assaulting, beating, wounding, threatening, harassing and stalking the _____. This provision shall be enforceable by the Court's contempt power.

13. ☐ RESTORATION OF NAME

[Optional — Check and complete only if applicable.]

The Wife's former name of _____ shall be restored.

14. ☐ OTHER SPECIAL PROVISION

[Optional — Check and complete only if applicable.]

This decree entered on _____, 200__.

JUDGE
Superior Court of Gwinnett