

IN THE SUPERIOR COURT OF GWINNETT COUNTY
STATE OF GEORGIA

_____ ,		Civil Action
Plaintiff,		Case Number _____
vs.		
_____ ,		
Defendant.		

**ANSWER & COUNTERCLAIM FOR DIVORCE
WITHOUT MINOR CHILDREN**

ANSWER

My name is _____ and I am representing myself in this divorce action. In response to each of the numbered paragraphs of the Plaintiff's *Complaint for Divorce*, I state as follows:

[Check only one answer to match each paragraph of the Complaint; whenever you choose the "partly true" answer, you must explain on the lines about what is true and what is false.]

1. The allegations of Paragraph One are: admitted as true denied as untrue neither admitted nor denied because I do not have enough information to know the truth of the matter partly true and partly untrue, specifically as follows:

2. The allegations of Paragraph Two are: admitted as true denied as untrue neither admitted nor denied because I do not have enough information to know the truth of the matter partly true and partly untrue, specifically as follows:

3. The allegations of Paragraph Three are: admitted as true denied as untrue

neither admitted nor denied because I do not have enough information to know the truth of the matter partly true and partly untrue, specifically as follows:

4. The allegations of Paragraph Four are: admitted as true denied as untrue neither admitted nor denied because I do not have enough information to know the truth of the matter partly true and partly untrue, specifically as follows:

5. The allegations of Paragraph Five are: admitted as true denied as untrue neither admitted nor denied because I do not have enough information to know the truth of the matter partly true and partly untrue, specifically as follows:

6. The allegations of Paragraph Six are: admitted as true denied as untrue neither admitted nor denied because I do not have enough information to know the truth of the matter partly true and partly untrue, specifically as follows:

7. The allegations of Paragraph Seven are: admitted as true denied as untrue neither admitted nor denied because I do not have enough information to know the truth of the matter partly true and partly untrue, specifically as follows:

8. The allegations of Paragraph Eight are: admitted as true denied as untrue neither admitted nor denied because I do not have enough information to know the truth of the matter partly true and partly untrue, specifically as follows:

9. The allegations of Paragraph Nine are: admitted as true denied as untrue
 neither admitted nor denied because I do not have enough information to know
the truth of the matter partly true and partly untrue, specifically as follows:

10. The allegations of Paragraph Ten are: admitted as true denied as untrue
 neither admitted nor denied because I do not have enough information to know
the truth of the matter partly true and partly untrue, specifically as follows:

11. The allegations of Paragraph Eleven are: admitted as true denied as untrue
 neither admitted nor denied because I do not have enough information to know
the truth of the matter partly true and partly untrue, specifically as follows:

12. The allegations of Paragraph Twelve are: admitted as true denied as untrue
 neither admitted nor denied because I do not have enough information to know
the truth of the matter partly true and partly untrue, specifically as follows:

13. The allegations of Paragraph Thirteen are: admitted as true denied as untrue
 neither admitted nor denied because I do not have enough information to know
the truth of the matter partly true and partly untrue, specifically as follows:

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14. **Defenses** - In addition to my specific responses above, I have the following affirmative defenses to this action:

COUNTERCLAIM FOR DIVORCE

15. **Subject Matter Jurisdiction:** I am the Defendant in this action and:

[Check only one of the following, either (a) or (b).]

- (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 filing this action.

16. **Venue:** My spouse is the Plaintiff in this action, and has consented to venue and personal jurisdiction by filing the *Complaint for Divorce*.

17. **Service:** The Plaintiff shall be served as provided under OCGA § 9-11-5(b), by delivering or mailing to the address listed on the *Summons*.

18. **Date of Marriage:**

[Check and complete only one of the following, either (a) or (b).]

- (a) The Plaintiff and I were lawfully married on _____.
- (b) The Plaintiff and I are married by common law because we lived together and held ourselves out as husband and wife as of _____, which date was prior to January 1, 1997.

19. **Date of Separation:** The Plaintiff and I last separated on _____, and we have remained in a true state of separation since that date.

20. **Settlement Agreement:**

[Check only if there is a signed agreement.]

The Plaintiff 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 a notary public, and I am filing the *Settlement Agreement* with the Court, together with this *Answer and Counterclaim*.

21. **Minor Children:**

[If you and the Plaintiff have any minor children together, you must use a different Answer and Counterclaim form.]

The Plaintiff and I do not have any minor children together.

22. **Alimony:**

[Check only one of the following, either (a) or (b).]

- (a) I am financially dependent on the Plaintiff and need the Court to order the Plaintiff to pay alimony for my support.
- (b) I am not asking for alimony.

23. **Marital Property:**

[Check only one of the following, either (a), (b) or (c).]

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

House located at _____

Other real estate, located at _____

Mobile home (model: _____, year: _____)

Pension (mine, worth \$ _____; Plaintiff's, worth \$ _____)

Motor vehicles listed here:

Model/year: _____

Model/year: _____

Model/year: _____

Furniture:

Listed here: _____

Listed on separate paper attached to this *Counterclaim*

Bank accounts and/or other investments:

Listed here: _____

Listed on separate paper attached to this *Counterclaim*

Other property:

Listed here: _____

Listed on separate paper attached to this *Counterclaim*

24. Joint or Marital Debts:

[Check only one of the following, either (a) or (b).]

(a) The Plaintiff and I do not have any outstanding joint or marital debts.

(b) The Plaintiff and I have the following outstanding joint or marital debts, and

responsibility for paying them should be as listed below:

<u>Creditor</u>	<u>Balance</u>	<u>Who Should Pay</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Listed on separate paper attached to this *Counterclaim*.

25. **Restraining Order Where Violence Has Occurred:**

[Read instructions carefully and check only if applicable.]

There is a history of physical violence by the Plaintiff toward me, and I am afraid that the Plaintiff will engage in further acts of violence or harassment toward me unless the Court enters a temporary and permanent restraining order.

26. **Restore Former or Maiden Name:**

[Check only if applicable.]

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

27. **Grounds for Divorce:**

[Check the ones that you can prove at trial.]

My grounds for divorce from the Plaintiff are:

(a) **Our marriage is irretrievably broken.** The Plaintiff and I can no longer live together and there is no hope that we will get back together.

(b) **Cruel treatment** - The Plaintiff committed the following acts of cruel treatment toward me: _____

(c) **Adultery** - The Plaintiff has had sexual intercourse with someone else during our marriage.

(d) **Desertion** - The Plaintiff has intentionally and continually deserted me for at least a year.

(e) **Other grounds** from list in OCGA § 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 Plaintiff;
- (b) That the *Settlement Agreement* signed by the parties be incorporated into the *Final Judgment and Decree of Divorce*.
- (c) That the Plaintiff be ordered to pay me alimony for my support;
- (d) That our marital property be divided according to Paragraph 23;
- (e) That our joint and marital debts be divided according to Paragraph 24;
- (f) That the Plaintiff be temporarily and permanently restrained from harassing me or committing any acts of violence toward me;
- (g) That my former or maiden name be restored according to Paragraph 26;
- (h) That a Rule Nisi be scheduled by the Court, to decide on the relief I have requested;
- (i) That the Court order the parties to participate in mediation, to try to resolve this matter; and
- (j) That the Court order any and all other relief that the Court finds appropriate.

Dated: _____

Defendant, *Pro se* (Signature)

Name: _____

Address: _____

Phone: () _____