

SUPERIOR COURT OF GWINNETT COUNTY
STATE OF GEORGIA

_____,
Petitioner, Civil Action
vs. Case Number _____
_____,
Respondent.

**COMPLAINT FOR SEPARATE MAINTENANCE
WITHOUT MINOR CHILDREN**

My name is _____ and I am representing myself in this separate maintenance action. In support of my case, I state as follows:

1. **Subject Matter Jurisdiction:** I am the Plaintiff in this action and:

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

(a) I am a resident of the State of Georgia.

(b) I am not a resident of the State of Georgia, but my spouse is a resident of the State of Georgia.

2. **Venue:** My spouse's name is _____, and he/she is the Defendant in this action.

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

(a) The Defendant is a resident of Gwinnett County and is subject to the jurisdiction of this Court.

(b) The Defendant is a resident of Georgia in _____ County, and I live in Gwinnett County. The Defendant has acknowledged service of process and consented to the jurisdiction and venue of this Court.

(c) The Defendant is not a resident of the State of Georgia, but I am a resident of Gwinnett County, Georgia, and:

[Check only one of the following, either (1), (2), or (3).]

(1) The Defendant was formerly a resident of the State of Georgia and currently resides in the State of _____. The Defendant is subject to the personal jurisdiction of the Court under Georgia's Long Arm Statute, OCGA § 9-10-91(5).

(2) The Defendant has never resided in the State of Georgia and currently resides in the State of _____.

(3) The Defendant has acknowledged service of process and consented to the jurisdiction and venue of this Court.

(d) I am a resident of Gwinnett County and the Defendant's whereabouts are unknown to me. I am filing my *Affidavit of Due Diligence* with this *Complaint*, and incorporate it here by reference.

3. **Service of Process:** The Defendant shall be served as provided under OCGA § 9-11-4, in the following manner:

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

(a) The Defendant has acknowledged service of process. I am filing the *Acknowledgement of Service* (which has been signed by the Defendant) with this *Complaint*.

(b) The Defendant may be served by the Sheriff's Department at the Defendant's home work address, which is:

(Check only if the Defendant lives outside Gwinnett County.) The Defendant resides outside of Gwinnett County, and shall therefore be served by second original, as provided under OCGA § 9-10-72. Service shall be made by the sheriff's department of the county where the Defendant resides.

(c) The Defendant's whereabouts are unknown to me. I am filing my *Affidavit of Due Diligence* with this *Complaint*. The Defendant shall be served by publication as provided under OCGA § 9-11-4(e)(1) for those who cannot be found within the State of Georgia. To the best of my knowledge, the Defendant's last known address is:

4. **Date of Marriage:** *[Check and complete only one of the following, either (a) or (b).]*

(a) The Defendant and I were lawfully married on _____.

(b) The Defendant 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.

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

6. **Settlement Agreement:** *[Check only if there is a signed agreement.]*
The Defendant and I have entered into a *Settlement Agreement*, which we both want to be incorporated into the *Final Order*. 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 *Complaint*.

7. **Minor Children:** *[If you and the Defendant have minor children together, you must use a different Complaint for Separate Maintenance form.]*

The Defendant and I do not have minor children together.

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

(a) I am financially dependent on the Defendant and need the Court to order the Defendant to pay alimony for my support.

(b) I am not asking for alimony.

(c) The issue of alimony cannot be decided in this action because the Court does not have personal jurisdiction over the Defendant.

9. **Marital Property:** *[Check only one of the following, either (a), (b), (c) or (d).]*

(a) The Defendant and I have already divided our marital property, and we are both satisfied with the division.

(b) The Defendant and I have not obtained any property during our marriage.

(c) The Defendant 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 \$ _____; Defendant's, worth \$ _____)

Motor vehicles listed here:

Model/year: _____

Model/year: _____

Model/year: _____

Furniture:

Listed here: _____

Listed on separate paper attached to this *Complaint*

Bank accounts and/or other investments:

Listed here: _____

Listed on separate paper attached to this *Complaint*

Other property:

Listed here: _____

Listed on separate paper attached to this *Complaint*

(d) The issue of the division of marital property cannot be decided in this case because none of the property is in Georgia and the Court does not have personal jurisdiction over the Defendant.

10. **Joint or Marital Debts:** [*Check only one of the following, either (a), (b), or (c).*]

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

(b) The Defendant 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 *Complaint*

(c) The issue of dividing joint and marital debts cannot be decided in this case, because the Court does not have personal jurisdiction over the Defendant.

11. **Restraining Order Where Violence Has Occurred:**
[Read instructions carefully and check only if applicable.]

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

12. **Reasons for Separation:** *[Check one.]*

(a) The separation between the Defendant and I was by mutual agreement

(b) The separation between the Defendant and I was due to misconduct on the part of the Defendant which is described as follows:

13. There is no pending action for divorce between the Defendant and me.

FOR THESE REASONS, I REQUEST THE FOLLOWING RELIEF: *[Check all that apply.]*

(a) That the *Settlement Agreement* signed by the parties be incorporated into the *Final Order*.

(b) That the Defendant be ordered to pay me alimony for my support;

- (c) That our marital property be divided according to Paragraph 9;
- (f) That our joint or marital debts be divided according to Paragraph 10;
- (g) That the Defendant be temporarily and permanently restrained from harassing me or committing any acts of violence toward me;
- (h) That a Rule Nisi be scheduled by the Court, to decide on the relief I have requested;
- (i) That the Court order any and all other relief that the Court finds appropriate.

Dated: _____

Petitioner, Pro se (*Signature*)

Name: _____

Address: _____

Phone: _____