

**IN THE SUPERIOR COURT OF COBB COUNTY
STATE OF GEORGIA**

Petitioner: _____

and

Respondent: _____

Civil Action File No.: _____

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

Upon consideration of this case, upon evidence submitted as provided by law, it is the judgment of this 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. Petitioner and Respondent 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 FURTHER ORDERS THAT:

1. Settlement Agreement

The *Settlement Agreement* made between the parties dated is hereby approved and made a part of this *Final Judgment* as if fully set forth here. Both parties are ordered to strictly obey all of its terms.

2. Restoration of Name

The Spouse's former name shall be restored.

3. Continuing Garnishment

Whenever, in violation of the terms of this Judgment, there shall have been a failure to make the support payments, so that the amount unpaid is equal to or greater than the amount payable for one month, the payments required to be made may also be collected by the process of continuing garnishment for support.

The Court has reviewed the foregoing *Final Judgment and Decree*, and it is hereby made the order of this Court.

This Order entered on _____ day of _____, 20_____.

Judge, Superior Court
Cobb Judicial Circuit

**IN THE SUPERIOR COURT OF COBB COUNTY
STATE OF GEORGIA**

Petitioner: _____

and

Respondent: _____

Civil Action File No.: _____

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

This action came before the Court for trial on _____, 20____. The Petitioner appeared *Self-Represented*. The Respondent also appeared/ did not appear. The Court heard the evidence considered in the matter.

Upon consideration of this case, upon evidence submitted as provided by law, it is the judgment of this 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. Petitioner and Respondent 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 no minor children.

THE COURT HEREBY ORDERS THE FOLLOWING:

1. Alimony

[Check and complete only one (1) of the following choices.]

- (a) The issue is not addressed in this *Final Judgment*, either because the Court lacks personal jurisdiction over the Respondent, 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 _____, 20____, and continuing monthly thereafter:
 - (1) until the recipient remarries or dies.
 - (2) for a period of _____.
- (c) Neither party is entitled to receive alimony from the other party.

2. Income Deduction Order

- (a) No *Income Deduction Order* shall be entered because the Court does not have personal jurisdiction over the Respondent, or because no alimony was ordered.
- (b) An *Income Deduction Order* shall be entered by the Court, under O.C.G.A. § 19-6-32, for payment of the alimony provided in this *Judgment*. The *Income Deduction Order* shall take effect:
 - (1) immediately.

- (2) upon accrual of a delinquency equal to one month's support. The *Income Deduction Order* may be enforced by serving a "Notice of Delinquency," as provided in O.C.G.A. § 19-6-32(f).
- (c) The parties have agreed in writing that an *Income Deduction Order* is not immediately necessary.

3. Property Division

[Check and complete only one (1) of the following choices.]

- (a) This issue is not addressed because the Court does not have personal jurisdiction over the Respondent.
- (b) 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 property as of the date of this *Final Judgment*.
- (c) 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:

- (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 _____, 20_____.

- (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(s) 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 _____, 20_____, 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 _____, 20_____.

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

| Year/Make/Model of Vehicle | Vehicle ID # (VIN) | Goes To |
|----------------------------|--------------------|---------|
| | | |
| | | |
| | | |
| | | |

- (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 Petitioner, as follows:

To Respondent, as follows:

Except as otherwise specifically provided in this *Agreement*, the transfers listed above shall be completed no later than _____, 20____, 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 *Agreement*, this *Agreement* 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 *Agreement* or a properly certified copy of it in lieu of the document regularly required for the conveyance or transfer.

Except as provided in this *Agreement*, 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 signing this *Agreement*, excepted as provided in this *Agreement*.

4. Debts

[Check and complete only one (1) of the following choices.]

- (a) This issue is not addressed in this *Final Judgment* because the Court does not have personal jurisdiction over the Respondent.
- (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:

| Creditor | Amount | Responsible Party |
|----------|--------|-------------------|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

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 agrees to 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.

5. 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 a bankruptcy under 11 U.S.C. § 523(a)(5), as the payments are in the nature of spousal support and maintenance. Alternatively, the payments should be non-dischargeable in bankruptcy under 11 U.S.C. § 523(a)(15).

6. Restraining Order

[Check and complete only one (1) of the following choices.]

- (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.

7. Restoration of Name

- The Spouse's former name of _____ shall be restored.

8. Other Special Provision

The Court has reviewed the foregoing *Final Judgment and Decree*, and it is hereby made the order of this Court.

This Order entered on _____ day of _____, 20_____.

Judge, Superior Court
Cobb Judicial Circuit