

**DIVORCE
WITHOUT CHILDREN
DECREE**

Packet #7

*Separate form from
packet before filing*

PIMA COUNTY ARIZONA SUPERIOR COURT SELF-SERVICE PACKET

THE DECREE DIVORCE WITHOUT CHILDREN GENERAL INFORMATION

USE AND DISCLAIMER

This form shall not be used to engage in the unauthorized practice of law. The Pima County Superior Court assumes no responsibility and accepts no liability for actions taken by the users of this form or in reliance upon the instruction or information provided.

Court cases can be very complicated, and even if you are representing yourself you should see a lawyer for legal advice as to how the law applies to you, and what is best in your particular situation. This might save you time, money, and trips to the courthouse. There are lawyers who will help you help yourself. This means that they will only charge you for giving you the help you need, and you can complete the court papers on your own, or ask the lawyer for help on the papers with which you are having trouble.

Also there are people in the community who can help you with your problems - they are called mediators. They help you solve your present problem, and anticipate future problems and how to solve them too. Mediators work with both parties in a dispute to help resolve the areas of disagreement or trouble.

A list of individuals, agencies and other resources that help people with legal problems is available at the Self-Service Center.

HOW TO ASSEMBLE THESE DOCUMENTS

This packet contains general information, instructions and a court form for a Decree of Dissolution of Marriage to complete and file with the court. Look at the lower right-hand corner of the document for the document number. Documents that end with "info" are instructions and/or general information. Documents that end with "form" are court forms that MUST be completed and filed with the court.

Title	Form Name
Use and Disclaimer (1 page)	dnc decree-use and disclaimer.info
Divorce Without Children Decree Instructions (4 pages)	dnc decree-decree instructions.info
Decree (5 pages)	dnc decree-decree.form

DIVORCE DECREE WITHOUT CHILDREN DECREE INSTRUCTIONS

PLEASE TYPE OR PRINT WITH BLACK INK ONLY WHEN FILLING OUT ANY COURT FORMS

USE THESE INSTRUCTIONS FOR THE DECREE OF DISSOLUTION OF MARRIAGE **WITHOUT CHILDREN ONLY**. IF THERE ARE MINOR CHILDREN, BY BIRTH OR ADOPTION, COMMON TO YOU AND YOUR SPOUSE, USE THE FORM FOR A DECREE OF DISSOLUTION OF MARRIAGE WITH CHILDREN.

The Decree is the legal order from the court that ends your marriage. The signed Decree is important because it determines the rights and responsibilities of both you and your spouse. If either party does not follow the Decree, then the other party can ask the court for help to enforce the terms of the Decree.

GETTING YOUR DIVORCE DECREE - THE LAST STEP

The Decree is the final step in getting your divorce. Remember that the Decree not only gives you rights, but creates responsibilities for both you and your spouse. A divorce Decree carries the same weight as any court order and should be taken seriously.

Failure to comply with the orders in the Decree could lead to a finding of contempt by the court, which can have consequences up to or including jail time. This does not mean that the court will police whether you are following the Decree. It does mean you or your spouse could request a Contempt Order or an Order to Enforce parts of the Decree if either party fails to follow the Decree. Remember that failure to pay child support or spousal maintenance (alimony), or to permit parenting time, can get you in serious trouble with the court.

Before your divorce can become final, a judge or commissioner must sign the Decree of Dissolution of Marriage. The Decree includes findings by the court that it has the legal power, or jurisdiction, to hear the issues in your case and to make orders regarding the divorce, property and debts, and spousal maintenance.

The Decree will state who is given what property or debts from the marriage and who will pay spousal maintenance, if applicable. The Decree will also address any other areas where the court finds that some type of legal order is necessary in your divorce.

COMPLETING THE DECREE

If you are seeking decree by default, you should fill out the divorce Decree in advance, except for the "Additional Orders" portion and the judge's signature and date. However, if the judge disagrees with anything you have written into the Decree, he or she will change it before signing the Decree. The judge can do this in court by writing the changes on the Decree.

You **cannot** put something in the Decree that you did not ask for in the original Petition unless the other party has agreed to this OR the change clearly benefits your spouse. If you try to do this, the judge or commissioner will not sign the Decree. It is a good idea to have your Petition handy when you follow the instructions to fill out your Decree. If your situation has changed since you filed your original Petition and you want to change your requests to the court, you must file an Amended Petition, serve this on your spouse and give your spouse the opportunity to file a Response to this Amended Petition. If a Response to the Petition for Dissolution has been filed and you are ordered to attend a settlement conference and/or a trial, only complete the caption.

THE FIRST PART OF THE DECREE--THE COURT FINDINGS:

1 - 3.d These sections of the Decree clarify that before signing the Decree, the judge or commissioner has determined that the Court has the legal power to make the orders in your case. They also clarify that at least one party lived in Arizona at least 90 days before the divorce Petition was filed, and that the parties are unable to get back together and save their marriage.

- 3.e.** Mark the first box only if you and your spouse did not get any property together while you were married and did not buy anything together for which you still owe money.

If you and your spouse have agreed to a division of the community property and debts, mark the second box and complete Part A at the end of the Decree.

If you and your spouse have not reached any agreement as to a division of the community property and debts and you wish the court to make such a division, check the third box and complete Part A the way you want the court to divide the property and debts.

- 3.f.** Mark the first box if the wife is not pregnant.

Mark the second box if the wife is pregnant and then mark whether or not the husband is the father.

- 3.g.** Mark one of these boxes if you have requested spousal maintenance (alimony) in the divorce Petition. Check which party, the Petitioner or the Respondent should **receive** the spousal maintenance.

THE SECOND PART OF THE DECREE--THE COURT ORDERS:

This is the part of the Decree where the court makes specific orders about the terms of your divorce.

1. When the judge signs the Divorce decree, the court recognizes your marriage has ended.
2. If you are requesting either your or your spouse's last name to be changed back to a former name, print that last name here. Remember, you cannot do this for your spouse unless your spouse requests this in writing.
3. **Temporary Orders:** If the court had ordered temporary payment of spousal maintenance, debt division, etc. in your case, fill in the dates of ALL such temporary orders. This section allows you to enforce any non-payment of these amounts.

4. Orders about Spousal Maintenance:

Mark the first box only if you DID NOT request spousal maintenance for either party in the Petition or the Response.

Mark the second box only if you DID request spousal maintenance in the Petition or Response. Mark who, Petitioner or Respondent, is to pay the spousal maintenance and who, Petitioner or Respondent, will receive the spousal maintenance. You may leave the amount and number of months blank until the judge or commissioner approves the request, but be prepared to tell the judge or commissioner what amount you are asking for, for what period of time, and why.

5. Orders about Community Property and Debt:

By marking the first box, the court is telling each party to pay for bills that each party got after the divorce petition or in some cases after separation. Write the approximate date you separated or the petition for dissolution was served on the line provided. Again, this date should agree with any similar information put on the Petition or Response.

Mark the second box if there are property and debts to be divided, even if you have already divided most of your property. You can detail this information on **PART A: COMMUNITY PROPERTY AND DEBTS** which must be attached to the Decree if you mark this box. Instructions for Part A are included at page 3 of these instructions.

Box three states that you and your spouse each get to keep property that you each owned from before the marriage or that was a gift to either of you or either of you received as an inheritance during the marriage. You also can keep any personal items, clothing, and any other property you own that is not considered community property.

This next paragraph means either spouse can record this Decree at the County Recorder's Office if the Decree orders a transfer of title to certain property, like a house. This section also requires each spouse to sign documents to transfer other property, like titles to cars, etc.

THE THIRD PART OF THE DECREE -- PART A-- COMMUNITY PROPERTY AND DEBTS

NOTE: IF YOU MARKED ON YOUR DECREE THAT YOU AND YOUR SPOUSE HAVE NO COMMUNITY PROPERTY OR DEBTS, STOP HERE. You have completed your Decree.

If you have community property or community debts listed in your Petition or Response, you should copy the information from that portion of your Petition or Response to **PART A: COMMUNITY PROPERTY AND DEBTS**. REMEMBER: if you are proceeding by default, the division of property must be identical to the list in your Petition. You cannot add new community property to the list, although you can give your spouse more property than that listed on your Petition.

Division of Community Property:

Mark the box next to each type of community property you own, and describe the property, if necessary. Then mark the box indicating which party should get the property.

Also, be sure to mark the box stating "**Award each party the personal property in his/her possession.**" If you and your spouse had very little property this may be the only block you need to check.

If you had to use a separate sheet to list more property, mark the box that states "Continued on reverse side or see attached list."

Division of Retirement, Pension, Deferred Compensation:

If you or your spouse have any pensions, IRA's, 401K plans or other retirement benefits, decide what you want to do about these assets. Generally each spouse is entitled to a one-half interest in any pension or retirement or deferred compensation benefits of the other spouse that was gained during the time the parties were married. This can be **very complicated, and very important to both spouses. See a lawyer for advice about this!!** If either or both parties agree to waive his or her interest in the other spouse's retirement or pension benefits, that party should sign here.

Division of Real Property:

Use this section if you own a home or real estate. This information, including the address and legal description should also be the same as that you provided in the divorce Petition.

Decide which spouse gets the property, OR whether it should be sold and any proceeds divided.

Division of Debts:

List all debts you listed on your divorce Petition or Response. You can update the amounts owed and then put which debts are to be the responsibility of which party. Be consistent with what you put on your Petition or Response.

Also, decide if you want the order to allocate debts incurred by a spouse that are not listed to be paid by the spouse who incurred the debt. Remember, just because the Decree orders either spouse to pay debts does not mean that the creditor cannot pursue collection from the other spouse, even after the divorce Decree is entered.

Signatures

If both spouses have agreed about the property and debts, both should sign. If only the Petitioner completes this list, the judge will still look over the list and decide whether the division you want is fair and proper.

A FINAL WORD

BE SURE TO ATTACH **PART A** ABOUT PROPERTY AND DEBTS TO YOUR DECREE.

At your final hearing the judge or commissioner will want to see the following documents which you will have completed:

- The Decree

The judge or commissioner will sign the Decree.

Name: _____

Address: _____

City, State, ZIP: _____

Daytime Telephone No: _____

Representing Self, Without a Lawyer

ARIZONA SUPERIOR COURT, PIMA COUNTY

Petitioner

and

Respondent

Case No. _____

DECREE OF DISSOLUTION OF MARRIAGE (WITHOUT CHILDREN)

THE COURT FINDS AS FOLLOWS:

1. This case has come before this court for final orders. The court has either taken all testimony needed to enter a final Decree of Divorce/Dissolution, or has determined that no testimony need be taken to enter the final Decree of Divorce/Dissolution.
2. This court has jurisdiction over the parties under the law, and the provisions of this Decree are fair and reasonable under the circumstances.
3. The court finds that:
 - a. At the time this action was filed, one of the parties had lived in Arizona for more than 90 days, or had lived in Arizona while a member of the United States Armed Forces for more than 90 days.
 - b. The provisions of A.R.S. § 25-381.09, relating to the Conciliation Court either do not apply or have been met.
 - c. The marriage is irretrievably broken.
 - d. Where it has the legal power to do so and where it is applicable to the facts of this divorce, this court has considered, approved, and made Orders relating to issues of spousal maintenance (alimony), and the division of property and/or debts.
 - e. As to property and debts,
 - The parties did not acquire any community property or debts during the marriage
OR
 - The parties have agreed to a division of community property and debt as evidenced by their signatures on Part A of this document, attached to and incorporated in this Decree,
OR
 - There is no agreement as to division of property and debt, but all community property and debt is divided pursuant to Part A of this document, attached to and incorporated in this Decree.

This Decree can be used as a transfer of title and can be recorded. Parties shall sign all documents necessary to complete all transfer of titles ordered in this Decree, such as motor vehicles, houses, bank accounts, and any other documents necessary to effect the terms of this Decree.

6. **ADDITIONAL ORDERS:**

The Court further orders that _____

7. **LIMITATION ON JURISDICTION:**

This Court cannot make a legal order, without personal service on Respondent, with respect to issues of community debts or property or spousal maintenance.

DATED:_____.

Judge/Commissioner of the Superior Court

PART A: COMMUNITY PROPERTY AND DEBTS

DIVISION OF COMMUNITY PROPERTY

The following community property is awarded to the parties as follows:

	AWARD TO:	
	Petitioner	Respondent
<input type="checkbox"/> Household furniture/furnishings	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Appliances	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> VCR	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> TV	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Personal Computer	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Stereo	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> State Income Tax Refund for _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Federal Income Tax Refund for _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Motor vehicle _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Motor vehicle _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Motor vehicle _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Cash, bonds of \$ _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Other: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Other: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Other: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Other: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Award each party the personal property in his/her possession.		
<input type="checkbox"/> Continued on reverse side or see attached list.		

DIVISION OF RETIREMENT, PENSION, DEFERRED COMPENSATION

Award each party his/her interest in any and all retirement benefits, pension plan, or other deferred compensation as described: _____

OR

Each party **WAIVES AND GIVES UP** his/her interest in any and all retirement benefits, pension plan, or other deferred compensation of the other party:

DIVISION OF REAL PROPERTY

1. Real property located at (address) _____ which is legally described as:

- is awarded to Petitioner Respondent as his/her sole and separate property.
- shall be sold and the proceeds divided equally or

2. Real property located at (address) _____ which is legally described as:

is awarded to Petitioner Respondent as his/her sole and separate property.

shall be sold and the proceeds divided equally or _____

DIVISION OF DEBTS

The following community debts shall be divided as follows:

Creditor(s)	Amount Owed	Petitioner	Respondent
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____

Continued on reverse side or attached list.

Any debts or obligations incurred by either party before the date of separation that are not identified in the list above or attached shall be paid by the party who incurred the debt or obligation and that party shall indemnify and hold the other party harmless from such debts.

Signature of Petitioner: _____ Signature of Respondent: _____

Submitted by Petitioner: _____ Date: _____

Approved by Respondent:(if applicable) _____ Date: _____