

(A) Name of Person Filing: _____
 Mailing Address: _____
 City, State, Zip Code: _____
 Daytime Phone Number: _____
 Evening Phone Number: _____
 ATLAS Number (If Applicable): _____
 State Bar Number (If Applicable): _____
 Representing: Self Without a Lawyer
 Attorney for Petitioner OR Respondent

SUPERIOR COURT OF ARIZONA IN MOHAVE COUNTY

 (B) (Name of Petitioner)

(C) Case Number: _____

**DECREE OF LEGAL SEPARATION
 FOR A NON-COVENANT MARRIAGE
 WITHOUT MINOR CHILDREN**

 (B) (Name of Respondent)

- By Consent (Pg. 8)
- By Default
- After Trial

(D) THE COURT FINDS:

1. This case has come before this court for a final ***“Decree of Legal Separation Without Minor Children.”*** The court has taken all testimony needed to enter a Decree, or the court has determined testimony is not needed to enter the Decree.
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. **SERVICE BY PUBLICATION:**
 If Respondent was served by publication and was not personally served, this court cannot make legal orders with respect to issues of community property or debt, or spousal maintenance/support. The court reserves jurisdiction until personal service is made upon respondent to consider the maintenance/support of either spouse, the disposition of community property or debts, and any other relief requested in the Petition or orders deemed necessary by the court.
4. **The Court finds that:**
 - a. **Residency Requirement:** At the time this action was filed, the Petitioner or the Respondent lived in Arizona, or had lived in Arizona while a member of the United States Armed Forces.
 - b. **Conciliation Court:** The provisions relating to the Conciliation Court either do not apply or have been met. This is not a covenant marriage.
 - c. **Irretrievably Broken or Separate and Apart:** The marriage is irretrievably broken or the parties desire to live separate and apart. The Respondent has not objected to a Decree of Legal Separation.
 - d. **Spousal Maintenance/Support, Division of Property and Debt:** Where it has the legal power and where it is applicable to the facts of this case, this court has considered, approved, and made Orders relating to issues of spousal maintenance/support (alimony), and the division of property and/or debts.

e. Community Property and Debt:

- The parties did **not** acquire any community property or debt during the marriage, **OR**
- There **IS** an agreement as to division of community property and debt, all community property and debt is divided pursuant to this Decree.
- There is **NO** agreement as to division of community property and debt, but all community property and debt is divided pursuant to this Decree.

f. Pregnancy and Paternity:

- Wife is **not** pregnant, **OR**
- Wife is pregnant, and the other party (husband) **IS NOT** the father of the child.

g. Spousal Maintenance/Support (Alimony).

- The Petitioner, **OR**
- The Respondent lacks enough property, including property given to him or her as part of this separation, to provide for his or her reasonable needs, and is unable to support himself or herself through an appropriate job, or is of a condition that they should not be required to look for work outside the home, or lacks earning ability necessary to support himself or herself, or contributed significantly to the educational opportunities of the other spouse, or had a marriage that lasted a long time and is of an age that may severely limit the possibility of getting a job to support himself or herself.

(E) THE COURT ORDERS:

1. THE PARTIES ARE LEGALLY SEPARATED.

2. ENFORCEMENT OF TEMPORARY ORDERS: All obligations ordered to be paid by the parties in Temporary Orders dated (fill in dates of ALL temporary orders here) _____

(Dates of Temporary Orders Continued):

are satisfied in full or judgment is awarded against the party with the obligation up to the amount due and owing as of the date of this Decree, with the highest legal interest allowed by law, for the total amount of \$_____.

3. SPOUSAL MAINTENANCE/SUPPORT (Alimony):

- a.** Neither party shall pay spousal maintenance/support (alimony) to the other party, **OR**
- b.** The Petitioner, **OR** Respondent is ordered to pay the other party the sum of \$_____ per month spousal maintenance **BEGINNING THE FIRST DAY OF THE MONTH** after this Decree is signed. Each payment shall be made by the first day of each month. after that and shall continue until the receiving party is remarried or deceased or until (date)_____. All payments shall be made through the Support Payment Clearinghouse by automatic wage assignment, until all required payments have been made under this Decree. Payments made shall be included in receiving spouse's taxable income and is tax deductible from the paying spouse's income as required by law. Spousal maintenance/support payments end if the receiving party is remarried or deceased.

4. PROPERTY, DEBTS AND TAX RETURNS:

- a.** Petitioner is ordered to pay all debts unknown to Respondent, **AND**
- Respondent is ordered to pay all debts unknown to Petitioner, **AND**

- Each party is ordered to pay his or her debts from the following date, _____.
- b.** Other orders and relief relating to property or debt are contained in Exhibit A, which is attached and incorporated into this Decree.
- c.** Each party is assigned his or her separate property and Petitioner must pay his/her separate debt, and Respondent must pay his/her separate debt.
- d.** 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 title ordered in this Decree, such as motor vehicles, houses, and bank accounts. The parties shall transfer all real and personal property as described in Exhibit A to the other party on or before (date) _____, by 5:00 p.m.

If the party required to transfer the property has not transferred the property to the party entitled to receive the property on or before the date and time listed above, the party entitled to receive the property is entitled upon application to a Writ of Assistance or Writ of Execution to be issued by the Clerk of the Court commanding the sheriff to put him or her in possession of the property.

- e.** For previous calendar years, pursuant to IRS rules and regulations, the parties will file:
 - joint federal and state income tax returns and hold the other harmless from half of all additional income taxes and other costs, if any, and each will share equally in any refunds, **OR**
 - separate federal and state income tax returns, **AND**
- This calendar year and continuing thereafter, each party will file separate federal and state income tax returns, **AND**
- Each party shall give the other party all necessary documentation to file all tax returns.

5. OTHER ORDERS. (Leave blank for Judicial Officer.)

6. FINAL APPEALABLE ORDER. Pursuant to Arizona Revised Statutes §25-325 , this final judgment/decree is settled, approved and signed by the court and shall be entered by the clerk.

(F) DONE IN OPEN COURT: _____ (Date)

JUDGE OR COURT COMMISSIONER

Case No. _____

If this Decree was issued as a “Default,” and the Petitioner served the papers to begin this case by any means other than by publication, a copy of this Decree shall be mailed or delivered to the Respondent within 24 hours of the court hearing as follows:

Respondent's Name: _____

Mailing Address: _____

City, State, Zip Code: _____

By Petitioner: _____

Date: _____

EXHIBIT A: PROPERTY AND DEBTS

1. DIVISION OF COMMUNITY PROPERTY:

- Award each party the personal property in his or her possession, **OR**
- The following community property is awarded to each party as follows:

2. LIST OF COMMUNITY PROPERTY, Be specific

AWARD TO:

	Petitioner	Respondent
<input type="checkbox"/> Household furniture/furnishings		
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Appliances		
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> DVD/DVR/VCR (be specific)		
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> TV		
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<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	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Federal Income Tax Refund	<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"/> Continued on attached list.		

3. DIVISION OF RETIREMENT, PENSION, DEFERRED COMPENSATION

(WARNING. You should see a lawyer about your retirement, pension, deferred compensation, 401K plans and/or benefits. If you do not see a lawyer regarding these assets, you risk losing any interest you have in these plans and/or benefits. There are certain documents the plan administrator must have. Only a lawyer can help you prepare these documents.)

- Award each party his or her interest in any retirement benefits, pension plans, or other deferred compensation described as:
 Petitioner's: _____
 Respondent's: _____

OR

- The Plan Administrator and the parties have approved the Qualified Domestic Relations Order (QDRO) attached as Exhibit(s) _____. Do not check this box without first seeking the help of a lawyer.

OR

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

OR

- Neither party has a retirement, pension, deferred compensation, 401K Plan and/or benefits.

4. DIVISION OF REAL PROPERTY. Section A is for one piece of property. Section B is for another piece of property. If you own more than two pieces of property, check the box below and attach another sheet of paper with the information requested in A and B.

- More than 2 pieces of property are involved. See attached sheet listing the same information as in A and B.

A. Real property located at (address) _____ which is legally described as: (You must provide the legal description. The legal description can be found on the deed to the property. If you do not provide the legal description, you may have to come back to court to amend the Decree to include the legal description.)

LEGAL DESCRIPTION: _____

The real property as described above is:

- Awarded to Petitioner, **OR** Respondent as his or her sole and separate property.

OR

- Shall be sold and the proceeds divided as follows:
 _____% or \$_____ to Petitioner.
 _____% or \$_____ to Respondent.

- 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, and bank accounts.

- _____ is appointed real estate commissioner to sell this real property.

B. Real property at (address) _____ which is legally described as: (You must provide the legal description. The legal description can be found on the deed to the property. If you do not provide the legal description, you may have to come back to court to amend the Decree to include the legal description.)

LEGAL DESCRIPTION: _____

The real property as described above is:

Awarded to Petitioner OR Respondent as his or her sole and separate property.

OR

Shall be sold and the proceeds divided as follows:

_____ % or \$ _____ to Petitioner.

_____ % or \$ _____ to Respondent.

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, and bank accounts.

_____ is appointed real estate commissioner to sell this real property.

5. DIVISION OF COMMUNITY DEBTS. (You should see a lawyer about how to divide secured and unsecured debts.) The following community debts shall be divided as follows:

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

Continued attached list.

6. Any debts or obligations incurred by either party before the Respondent was served with the Petition for Dissolution 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.

7. SEPARATE PROPERTY. The following separate property is awarded as follows: (Be specific)

Description of Property. Be specific.	Petitioner	Respondent
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>

8. SEPARATE DEBT. The parties are each ordered to pay his or her separate debt as follows

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

COMPLETE THIS PAGE ONLY IF THIS IS A CONSENT DECREE. If you are filing a Consent Decree, please review the following information. Both petitioner and Respondent must initial the appropriate boxes below.

1. NON-COVENANT MARRIAGE. We do not have a covenant marriage.
Petitioner Respondent

2. RIGHT TO TRIAL IS WAIVED. I understand that by signing this Consent Decree, I am waiving my right to a trial before a judge.
Petitioner Respondent

3. NO DURESS OR COERCION. COMPLETE AGREEMENT. I am not under any force, threats, duress, coercion, or undue influence from anyone, including the other party, to sign this Consent Decree. This Decree with attachments, if any, that I have signed is our full agreement. I have not agreed to something different from what is stated in writing in the Decree.
Petitioner Respondent

4. LEGAL ADVICE. I understand that even if I am representing myself without an attorney, I have the right to be represented by an attorney. I have the right to call an attorney and get legal advice before I sign this Consent Decree.
Petitioner Respondent

5. IRRETRIEVABLY BROKEN MARRIAGE. I agree that our marriage is irretrievably broken. There is no reasonable prospect of reconciliation [*or we desire to live separate and apart if this is a Legal Separation case*].
Petitioner Respondent

6. DIVISION OF PROPERTY. The agreement about division of property and debts is fair and equitable.
Petitioner Respondent

This is a Consent Decree. By signing this Exhibit and subscribing and swearing to same (or affirming to same) before a Notary Public, both parties affirm that the information is true and correct, including the six statements listed above.

SIGNATURE SECTION:

STATE OF ARIZONA)
)ss.
COUNTY of Mohave)

Approved by Petitioner: _____ Date: _____

Subscribed and sworn to me by the Petitioner, on this _____ day of _____, 20

My Commission Expires: _____

Notary Public / Deputy Clerk

STATE OF ARIZONA)
)ss.
COUNTY of Mohave)

If you are filing a Consent Decree, the Respondent must also sign:

Approved by Respondent: _____ Date _____

Subscribed and sworn to me by the Respondent, on this _____ day of _____, 20_____.

My Commission Expires: _____

Notary Public / Deputy Clerk

If either party is represented by a lawyer, the lawyer must also sign:

Approved by Petitioner's Lawyer: _____ Date _____

Approved by Respondent's Lawyer: _____ Date _____

If a Guardian Ad Litem is appointed, the Guardian Ad Litem must approve on behalf of the child and sign below:

Approved by Guardian Ad Litem: _____ Date _____

If the Attorney General is involved in this case, the Attorney General must approve the child support amount only and sign below:

Approved by Attorney General: _____ Date _____