

**YAVAPAI COUNTY
Self-Service Center**

DECREE OF LEGAL SEPARATION OF MARRIAGE WITHOUT CHILDREN

You can use this Decree when you do not have minor children with your spouse **AND**:

1. You will have a Default Hearing **OR**
2. You will have a Short Cause Hearing **OR**
3. You had a Trial and the Court told you to file a Decree **OR**
4. All requirements of Rule 45, ARFLP, have been met, and a Consent Decree is to be entered.

YOU ARE NOT LEGALLY SEPARATED UNTIL THE JUDGE/COMMISSIONER SIGNS THE DECREE.
The Decree shows who gets what property, who pays which debts, etc. Failure to follow the Decree may result in the other party requesting a Contempt Order or Order of Enforcement from the Court.

INSTRUCTIONS: COMPLETING THE DECREE OF LEGAL SEPARATION OF MARRIAGE WITHOUT CHILDREN

The section letter or number of the instructions matches the paragraph letter or number on the Decree form.

TYPE OR WRITE IN BLACK INK ONLY

If your Legal Separation is being obtained by...

Default

Short Cause Hearing

Trial.....

Consent

Complete the Decree by...

Copying exactly what you wrote in the Petition

Inserting the agreement you and your spouse reached and both of you signing the Decree in front of a notary.

Writing in the decisions made by the judge at trial and then both of you signing the Decree in front of a notary.

Inserting the agreement reached with your spouse and both of you signing the Decree in front of a notary.

INSTRUCTIONS: COMPLETING THE "COURT FINDS" SECTION OF THE DECREE

- (A) Fill in the Petitioner (or attorney) information.
- (B) Fill in the Respondent (or attorney) information.
- (C) Write the Petitioner and Respondent names.
- (D) Write your case number.
- (E) Check this box if you are requesting a Consent Decree.
- (1) to (7) No instructions needed.
- (8) If the statement is true, mark the box in front of it. If it is false, leave blank.
- (9) If the statement is true, mark the box in front of it. If it is false, leave blank.
- (10a) - (10b) Check the box in front of either 10a or 10b.
- (11) Mark this box if you are filing this as a Consent Decree.

INSTRUCTIONS: COMPLETING THE “COURT ORDERS” SECTION OF THE DECREE

- (1) No instructions needed.
- (2) If the Court ordered temporary payment of spousal maintenance (alimony), debt division, or other temporary orders, mark the box and fill in the dates of ALL of the temporary orders.
- (3a) Mark this box if neither party is to receive spousal maintenance.
- (3b) - (3c) Complete all information only if either party is to pay spousal maintenance. Leave the amount and dates blank unless the Judge already ordered an amount to be paid.
- (4a) to (4f) Mark all boxes that apply.

Note: According to the IRS, “State law governs whether you are married, divorced, or legally separated. If you are divorced under a final decree by the last day of the year, you are considered unmarried for the whole year.” See a lawyer or accountant for advice if you are not sure which box to check below.

- (4g) Mark this box if you and your spouse are to file joint tax returns for last year (not this year) or any other past years.
- (4h) Mark this box if you and your spouse are to file separate tax returns for last year (not this year) or any other past years.
- (4i) Mark this box if you and your spouse are to file separate tax returns for this year and all future years.
- (4j) Mark this box if you and your spouse are to exchange financial information for tax purposes.
- (6) Mark the box that makes this statement true.
- (7) Mark at least one of the boxes.

SIGNATURES:

The Petitioner must sign in front of a notary. The Respondent is required to also sign if there has been a trial, or a short cause hearing is set or this is Consent Decree. If either party has an attorney, s/he must also sign.

INSTRUCTIONS FOR COMPLETING EXHIBIT A

- File **EXHIBIT A** if there is community property or debts or you are proceeding by Consent Decree.
- If you don't need EXHIBIT A, your Decree is complete. Go to **WHAT TO DO NEXT**

INSTRUCTIONS: COMPLETING EXHIBIT A - COMMUNITY PROPERTY AND DEBT

If your Legal Separation is being obtained by...

Default

Short Cause Hearing.....

Trial.....

Consent

Complete Exhibit A by...

- Copying exactly what you wrote in the Petition
- Community Personal Property - section 5a
 - Community Real Property - section 5a
 - Community Debts - section 6a

Inserting the agreement you and your spouse reached and both of you signing Exhibit A in front of a notary.

Writing in the decisions made by the judge at trial and then both of you signing Exhibit A in front of a notary.

Inserting the agreement reached with your spouse and both of you signing Exhibit A in front of a notary.

- (1a) Mark this box if there is community property to be divided.
- (1b) Mark the boxes in front of the name of the types of community property you and your spouse acquired during the marriage. Describe the property, then mark the box showing which party will get it or if it will be sold and the money split between the parties.
- (1c) Mark the box that describes how retirement, pension, deferred compensation or 401(k) plans are to be awarded. Write in all requested information.
- (1d) Use this section if you and your spouse have community property real estate (home, etc.). **IF YOU DO NOT PROVIDE THE LEGAL DESCRIPTION, YOU MAY HAVE TO GO BACK TO COURT AT A LATER DATE TO AMEND YOUR DECREE. THERE IS A FEE TO DO THIS.**
- (1e) You can update the amounts owed, only if the amounts are less than those amounts in the Petition or the parties agree to update the amounts. Then put which debts are to be the responsibility of which party. **REMEMBER, JUST BECAUSE THE DECREE ORDERS ONE SPOUSE TO PAY A DEBT THAT DOES NOT MEAN THE CREDITOR CANNOT PURSUE COLLECTION FROM THE OTHER SPOUSE, EVEN AFTER THE DECREE IS SIGNED BY THE JUDGE.**
- (2a) Describe the types of separate property you and your spouse acquired during the marriage and how it is to be awarded.
- (2b) List the separate debts of each party and who is to be ordered to pay.
- (2) - (3) Check boxes only if this is a Consent Decree.
- (7) Check box only if this is a Consent Decree.

SIGNATURES:

The Petitioner must sign in front of a notary. The Respondent is required to also sign if there has been a trial, or a short cause hearing is set or this is Consent Decree. If either party has an attorney, s/he must also sign.

WHAT TO DO NEXT

- File the papers listed in the table below with the Clerk of the Superior Court.

Clerk of Superior Court
 YAVAPAI COUNTY COURTHOUSE
 120 S Cortez Street
 Prescott, AZ 86303

Clerk of Superior Court
 YAVAPAI COUNTY SUPERIOR COURT
 2840 N. Commonwealth Drive
 Camp Verde, AZ 86322

If you are obtaining your Legal Separation by.....

	<u>Default</u>	<u>Short Cause Hearing</u>	<u>After Trial</u>	<u>Consent</u>
Documents to file	* Application and Affidavit for Default * Motion and Affidavit for Default without a Hearing (if applicable) * Decree <u>Optional</u> (file only if required) * Exhibit A * Any other documents to be incorporated into the Decree	* Request for a Short Cause Hearing * Decree <u>Optional</u> (file only if required) * Exhibit A	* Decree <u>Optional</u> (file only if required) * Exhibit A	* Decree * Exhibit A <u>Optional</u> (file only if required)

Copies: Two (2) sets of everything.

Envelopes: Two (2) envelopes with two (2) stamps each. Address one (1) to the Petitioner and the other to the Respondent.

Note: If you have already filed the final version of any of the papers listed above, and they are in your file, you do not need to file them again.

WHAT HAPPENS NEXT:

Default without a hearing.....

The judge/commissioner will review your file. If everything is in order, and the Default requirements are satisfied, s/he will sign the Decree and you and your spouse will receive a copy in the mail.

Default with a hearing.....

You will receive a notice in the mail of the date and time of the hearing.

Short Cause hearing

You will receive a notice in the mail of the date and time of the hearing.

After Trial

Follow the instructions given by the judge/commissioner.

Consent.....

Wait to hear from the court (this will take at least 30 days). You will receive copies of the Decree in the mail if the judge/commissioner has signed the Decree. If the judge/commissioner has not signed the Decree, and a hearing has been set, you will be notified of the time and date of the

hearing. You will also be notified if the Petition is denied without a hearing being set. **IF YOU DO NOT HEAR FROM THE COURT WITHIN A REASONABLE TIME, CONTACT THE COURT TO SEE IF THERE IS SOMETHING ELSE YOU MUST DO.**