

DEFAULT

FOR CASES WITHOUT CHILDREN

YOU CAN USE THIS PACKET IF ALL THIS IS TRUE:

- You filed a Petition for divorce or legal separation without children with the court.
- You served the court papers on Respondent.
- YOU DID NOT USE A NEWSPAPER TO SERVE THE PAPERS.
- You filed proof of service with the court.
- Respondent failed to respond.
- Respondent is not on active duty with the military.
- You want to finish the case.

Before signing a court document or getting involved with a court case, it's important to see an attorney to make sure you understand your legal rights and responsibilities. The Self-Help Center has information on finding an attorney.

INSTRUCTIONS

STEP 1: FILL OUT THE FOLLOWING FORMS

- Application for Default
- Motion And Affidavit For Judgment By Default Without A Hearing
- Decree of Divorce or Legal Separation Without Children

You must list exactly the same things on the Decree that you listed on the Petition. You cannot use the Decree to ask for something new or different from what you asked for on the Petition.

STEP 2: IF YOU ASKED FOR SPOUSAL SUPPORT FOR YOU OR YOUR SPOUSE: FILL OUT THE DEFAULT INFORMATION FOR SPOUSAL SUPPORT FORM

STEP 3: FILE THE FORMS WITH THE COURT

Take or mail the original and two copies of the forms listed above, all single-sided, to the Clerk of Superior Court, 200 N. San Francisco St., Flagstaff, AZ 86001. The Clerk will stamp your copies with the filing date and return them to you. If you file by mail, include a self-addressed, stamped envelope and a note asking the Clerk to return the copies.

STEP 4: MAIL THE FORMS TO RESPONDENT

Mail a copy of the forms to Respondent on the day you file them. If Respondent has an attorney, also mail them to the attorney. If 1) you don't know Respondent's whereabouts and 2) Respondent doesn't have an attorney or you don't know whether Respondent has an attorney, mail them to Respondent's last known address.

STEP 5: IF RESPONDENT FILES A RESPONSE: USE THE LAW LIBRARY PACKET CALLED *DISCLOSURE*

STEP 6: IF RESPONDENT DOES NOT FILE A RESPONSE: THE COURT WILL MAIL YOU AN ORDER

If the judge signs the Decree, mail or hand-deliver a copy to the other party. If the other party has an attorney, deliver it to the attorney.

Person Filing: _____
Mailing Address: _____
City, State, Zip: _____
Phone Number: _____
Representing Self

COCONINO COUNTY SUPERIOR COURT

Petitioner: _____ Case Number: DO _____

APPLICATION FOR DEFAULT

Respondent: _____

Notice to Respondent: *If you do not file a written response with the court or otherwise defend in this action within 10 days of this Application being filed, a default judgment may be entered against you.*

I, Petitioner, ask the court to enter a default judgment in this case. I served a copy of the Petition and Summons on Respondent, and Respondent failed to plead or otherwise defend in this action within the time required by law. Respondent is not in military service.

How I served the Respondent:

- | | | |
|--|--|---|
| <input type="checkbox"/> acceptance of service | <input type="checkbox"/> sheriff or tribal law | <input type="checkbox"/> certified mail |
| <input type="checkbox"/> process server | <input type="checkbox"/> enforcement | <input type="checkbox"/> publication in a newspaper |

Date service was complete: _____

Proof of that service (*check one*):

- Is attached to this Application.
 Has already been filed in this case.

Certificate of Mailing: On the day I file it, I will mail a copy of this document to the other party and his/her attorney if he/she has one at (*if you knew Respondent's address when you served the Summons, but you do not know it now, enter Respondent's last known address*):

Respondent:

Mailing Address: _____ City, State, Zip: _____

Respondent's Attorney's Name: _____

Mailing Address: _____ City, State, Zip: _____

Sign in front of a notary. Notaries are at the Self-Help Center in the Courthouse and at most banks or listed in the Yellow Pages. The person signing must bring photo ID. Notaries usually charge a fee.

Petitioner's Signature: _____

State of Arizona)

)

County of _____)

Subscribed and sworn before me this date: _____ by: _____

Seal:

Notary Public: _____

Notary Expiration Date: _____

This form asks the judge to finish your case without a hearing. The judge will decide whether a hearing is needed in your case.

Person Filing: _____
Mailing Address: _____
City, State, Zip: _____
Phone Number: _____
Representing Self

COCONINO COUNTY SUPERIOR COURT

Petitioner: _____ Case Number: DO _____

**MOTION AND AFFIDAVIT FOR
JUDGMENT BY DEFAULT WITHOUT
A HEARING**

Respondent: _____

I, Petitioner, ask the court to sign my proposed Decree without a hearing.

I DID NOT USE THE NEWSPAPER TO SERVE THE OTHER PARTY.

Respondent has defaulted. Respondent is not a minor or incompetent person. The court has jurisdiction over the parties under the law. The conciliation provisions have been met or do not apply. The amount due and factual statements supporting that amount are listed in my Petition and proposed Decree.

Sign in front of a notary. Notaries are at the Self-Help Center in the Courthouse and at most banks or listed in the Yellow Pages. The person signing must bring photo ID. Notaries usually charge a fee.

Petitioner's Signature: _____

State of Arizona)

)

County of _____)

Subscribed and sworn before me this date: _____ by: _____

Seal: Notary Public: _____

Notary Expiration Date: _____

Date: _____

Clerk of Superior Court by Deputy Clerk

Person Filing: _____
Mailing Address: _____
City, State, Zip: _____
Phone Number: _____
Representing Self _____

COCONINO COUNTY SUPERIOR COURT

Petitioner: _____ Case Number: DO _____

DECREE OF:

- LEGAL SEPARATION**
 DIVORCE
WITHOUT MINOR CHILDREN

Respondent: _____ By Default or After Trial

THE COURT FINDS:

This case has come before the court for a Decree. The court has taken all testimony needed to enter a final Decree. The court has jurisdiction over the parties under the law, and the provisions of the Decree are fair and reasonable under the circumstances.

The Parties and the Marriage:

The conciliation provisions have been met or do not apply.

For a Decree of Legal Separation: The parties' non-covenant marriage is irretrievably broken, or at least one party desires to live separate and apart. At least one party lived in Arizona, or was stationed in Arizona while a member of the armed services, on the date the Petition was filed. Respondent does not object to a decree of legal separation.

For a Decree of Divorce: The parties' non-covenant marriage is irretrievably broken. At least one party lived in Arizona for at least the 90 days before the date the Petition was filed.

THE COURT ORDERS:

For a Decree of Legal Separation: The parties are legally separated.

For a Decree of Divorce: The parties' marriage is dissolved.

Spousal Support:

- Neither party is entitled to spousal support.
- Petitioner or Respondent shall receive \$_____ per month in spousal support from the other party beginning the first day of the month after the Decree is signed. because he/she:
 - Lacks sufficient property to provide for his or her reasonable needs
 - Is unable to support himself or herself through appropriate employment
 - Is the custodian of at least one child whose age or condition is such that the person should not be required to seek employment outside the home
 - Lacks earning ability in the labor market adequate to support himself or herself
 - Contributed to the educational opportunities of the other spouse
 - Had a marriage of long duration and is now of an age that precludes the possibility of gaining employment adequate to support himself or herself

Payments shall be made by the first day of each month thereafter and continue until the receiving party is remarried or deceased or until _____, whichever is sooner.

Payments shall be made through the Support Payment Clearinghouse by automatic wage assignment.

Property and Debts:

Community property and debts are divided and separate property and debts are confirmed as follows.

	Value	Petitioner	Respondent
Community Property:			
<u>Real Estate:</u>			
Address: _____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
Legal Description: _____			
Address: _____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
Legal Description: _____			
<u>Bank Accounts:</u>			
<i>Enter the name on the account and the account description (for example, "savings").</i>			
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>

	Value	Petitioner	Respondent
Motor Vehicles:			
Make: _____	\$ _____	[]	[]
Model: _____			
Lienholder: _____			
Last Four Digits of VIN: _____			
Make: _____	\$ _____	[]	[]
Model: _____			
Lienholder: _____			
Last Four Digits of VIN: _____			
Employment Benefits:			
<i>Examples: 401K, retirement accounts, pensions.</i>			
<i>Enter name on the account and the fund name.</i>			
_____	\$ _____	[]	[]
_____	\$ _____	[]	[]
_____	\$ _____	[]	[]
_____	\$ _____	[]	[]

Other Community Property:

[] The parties have already divided all remaining property, and the court confirms that division, except as follows.

	Value	Petitioner	Respondent
Household Furniture and Appliances:			
_____	\$ _____	[]	[]
_____	\$ _____	[]	[]
_____	\$ _____	[]	[]
_____	\$ _____	[]	[]
Other:			
_____	\$ _____	[]	[]
_____	\$ _____	[]	[]
_____	\$ _____	[]	[]
_____	\$ _____	[]	[]

Community Debts:

Enter the name on the account, creditor, and description (for example, "credit card").

_____	\$ _____	[]	[]
_____	\$ _____	[]	[]
_____	\$ _____	[]	[]
_____	\$ _____	[]	[]

Separate Property:

_____	\$ _____	[]	[]
_____	\$ _____	[]	[]
_____	\$ _____	[]	[]
_____	\$ _____	[]	[]

	Value	Petitioner	Respondent
Separate Debts:			
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>

Each party shall pay all debts unknown to the other party. Each party shall pay his or her debts forward from the date the Petition was served on Respondent. This Decree can be used as a transfer of title and can be recorded. Parties shall sign all documents necessary to complete all transfers of title ordered in this Decree, such as for motor vehicles, houses, and bank accounts. The parties shall transfer all real and personal property to the other party as ordered within 10 calendar days after the judge signs the Decree.

Enforcement of Temporary Orders: *(Leave this paragraph blank.)* For obligations ordered to be paid in the temporary orders dated _____: they are satisfied in full or judgment is awarded against the party with the obligation. The amount owing as of the date of this Decree is \$ _____. At the legal rate of interest, the total amount currently owing is \$ _____.

Names (for Divorce only):

Petitioner's former name is restored to: _____
 Respondent's former name is restored to: _____

Other Orders:

Petitioner shall mail a copy of this Decree to Respondent.

Date: _____ Superior Court Judge: _____

APPROVED BY:

I have read this Decree and agree to be bound by its terms and conditions.

Sign in front of a notary. Notaries are at the Self-Help Center in the Courthouse and at most banks or listed in the Yellow Pages. The person signing must bring photo ID. Notaries usually charge a fee.

Petitioner's Signature: _____

State of Arizona)

)

County of _____)

Subscribed and sworn before me this date: _____ by: _____

Seal:

Notary Public: _____

Notary Expiration Date: _____

Only fill out this form if you asked for spousal support for you or your spouse.

Person Filing: _____
Mailing Address: _____
City, State, Zip: _____
Phone Number: _____
Representing Self _____

COCONINO COUNTY SUPERIOR COURT

Petitioner: _____ Case Number: DO _____

DEFAULT INFORMATION FOR SPOUSAL SUPPORT

A.R.S. § 25-319

A.R.F.L.P. Rule 97-Form 6

Respondent: _____

Spousal support applies because the person who should receive support:

- Lacks sufficient property, including property they will receive in the divorce, to provide for their reasonable needs.
- Is unable to be self-sufficient through appropriate employment.
- Is unable to earn enough money to support themselves.
- Is the custodian of a child whose age or condition is such that they should not be required to seek employment outside the home.
- Contributed to the educational opportunities of their spouse.
- Has a marriage that has lasted _____ years.
- Is _____ years old.
- Is in a marriage where there have been excessive or abnormal expenditures, destruction, concealment or fraudulent disposition of community, joint tenancy, and other property held in common.
- Is in a marriage where there are actual damages and judgments from conduct resulting in the criminal conviction of either spouse in which the other spouse or child was the victim.

If the person who should receive spousal support was employed during the marriage, state how and when they were employed.

Does that person have a physical or emotional condition that limits their ability to work? Describe:

Describe any contributions that person has made to their spouse's earning ability or how they reduced their income or career opportunities to benefit their spouse.

If your request for spousal maintenance is granted, will you and the other party be able to contribute to the educational expenses of your children? Describe.

Why are the financial resources available to the person who should receive spousal support, including property awarded in the divorce decree, not adequate to meet their needs?

Do you think additional education or training would enable that person to find employment sufficient to meet their needs? Yes No

Is this education or training readily available? Yes No

How long do you think it will take that person to complete this education or training? _____

How much will it cost that person per month to obtain health insurance after the divorce? \$ _____

How much will the person who should pay spousal support save per month if the insurance changes from a family plan to employee only health insurance? \$ _____

What is the present occupation and monthly income of the person who should pay spousal support?

Monthly Income: \$ _____

Occupation: _____

If you do not have documentation of that income, describe how you came to your estimate:

FINANCIAL AFFIDAVIT FOR THE PERSON WHO SHOULD RECEIVE SPOUSAL SUPPORT

Expenses	<u>Necessary Monthly Expenses:</u> (for that person and minor children who live with them)		<u>Monthly Payments/Debts:</u>		
	House (mortgage/rent)	\$ _____	Creditor	Balance	Payment
	Repair/upkeep	\$ _____	_____	\$ _____	\$ _____
	Utilities	\$ _____	_____	\$ _____	\$ _____
	Electricity	\$ _____	_____	\$ _____	\$ _____
	Gas	\$ _____	_____	\$ _____	\$ _____
	Water & sewer	\$ _____			
	Phone	\$ _____	Total Payments: \$ _____		
	Garbage	\$ _____			
	Food & household supplies	\$ _____			
	Work/school lunch	\$ _____	Total Expenses:		
	Medical, dental, drugs, supplies	\$ _____	(Total Necessary Expenses Plus		
	Insurance not deducted from pay	\$ _____	Total Payments) \$ _____		
	Clothing	\$ _____			
	Laundry/Dry cleaning	\$ _____			
	Childcare/Sitter	\$ _____			
	Support paid for spouse/minor children	\$ _____			
	Care repair/maintenance	\$ _____			
	Car insurance	\$ _____			
	Gas/oil	\$ _____			
Vehicle license	\$ _____				
Public transportation	\$ _____				
Other: _____	\$ _____				
Other: _____	\$ _____				
Total Necessary Expenses:		\$ _____			

Income	<u>Monthly Paycheck:</u>		<u>Other Income: (describe)</u>		
	Gross Paycheck:	\$ _____	_____	\$ _____	
	<input type="checkbox"/> weekly <input type="checkbox"/> twice monthly		_____	\$ _____	
	<input type="checkbox"/> monthly <input type="checkbox"/> every 2 weeks		_____	\$ _____	
	Paycheck Deductions:		Total Other Income: \$ _____		
	Federal taxes	\$ _____			
	State taxes	\$ _____			
	SS & Medicare	\$ _____			
	Insurance	\$ _____			
	Savings, etc.	\$ _____			
Other: _____	\$ _____	Total Income:			
Other: _____	\$ _____	(Net Paycheck Plus Total Other			
Total Deductions:	\$ _____	Income) \$ _____			
Net Paycheck:		\$ _____			
(Gross Paycheck Minus Total Deductions)					

I request that spousal support of \$ _____ per month be paid to Petitioner or Respondent for _____ years.

Can the needs of the person who should pay spousal support be met if they pay this requested spousal maintenance?

Yes No

I declare under penalty of perjury that the foregoing is true and correct.

Sign in front of the Clerk when you file, or sign in front of a notary. Notaries are at most banks or listed in the Yellow Pages. Notaries usually charge a fee. The person signing must bring photo ID.

Petitioner's Signature: _____

State of Arizona)

)

County of _____)

Subscribed and sworn before me this date: _____ by: _____

Seal:

Notary Public: _____

Notary Expiration Date: _____