

**DECREE  
OF ANNULMENT  
for a NON-COVENANT MARRIAGE**

**4**

**The Court Order**

**Part 4: To get an Annulment**

(Forms and Instructions)

LAW LIBRARY RESOURCE CENTER

Decree of annulment without children  
Default or Trial

CHECKLIST

Use the forms and instructions in this packet ONLY if the following factors apply to your situation:

- ✓ You, or the other party filed a "*Petition for Annulment*" AND
- ✓ You and the other party have no minor children in common, by birth or adoption, AND one spouse is not pregnant by the other, AND
- ✓ You are going to a default hearing, or you are filing a Motion to get a default Annulment without a hearing, or you are going to trial, AND
- ✓ You have paid the filing fee.

**READ ME:** Consulting a lawyer before filing documents with the court may help prevent unexpected results. A list of lawyers you may hire to advise you on handling your own case or to perform specific tasks, as well as a list of court-approved mediators can be found on the Law Library Resource Center website.

LAW LIBRARY RESOURCE CENTER

Part 4 – Decree of Annulment

This packet contains court forms and instructions to get a decree for an Annulment of a Non-Covenant marriage. Items in BOLD are forms that you will need to file with the Court. Non-bold items are instructions or procedures. Do not copy or file those pages!

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The documents you have received are copyrighted by the Superior Court of Arizona in Maricopa County. You have permission to use them for any lawful purpose. These forms shall not be used to engage in the unauthorized practice of law. The Court assumes no responsibility and accepts no liability for actions taken by users of these documents, including reliance on their contents. The documents are under continual revision and are current only for the day they were received. It is strongly recommended that you verify on a regular basis that you have the most current documents.

## Instructions: How to fill out the annulment decree for default or trial

### I. GENERAL INFORMATION

**What the Decree Means to You.** The Decree is the Court Order that legally ends your marriage. The Decree, once the judge or commissioner has signed it, is important because it determines the rights and responsibilities of both you and your ex-spouse. If either party disobeys what the Decree orders, then the other party may ask the Court for help. The Decree is a very important document. Once it is signed by the judge, your rights and responsibilities are affected forever.

**The Decree.** Fill out the Decree before you go to your hearing or before you give it to the judge to sign. Do not fill in the spaces allocated for the judge's signature and date. If the judge disagrees with anything you have written, he/she may change it before signing the Decree or he/she may ask the parties to come to a hearing.

**Annulment by Default.** If you are seeking a Default Decree, you must repeat, as closely as possible, what you requested in your Petition. You cannot request something different in the Decree than what you requested in the Petition. If you try to do this, the judge or commissioner will not sign the Decree. If you want to change your requests to the Court, you must file an "*Amended Petition*." It is a good idea to have your Petition handy when you fill out your Decree so you can refer to it as needed.

**Getting Your Annulment Finalized.**

- **TRIAL:** If you have a trial, you must bring a copy of your marriage license to the trial to show the judge what type of marriage you have.
- **JUDICIAL SIGNATURE REQUIRED:** Before your Annulment can become final, a judge or commissioner must sign the Decree. The Decree states how the property (if any) is divided and how the debts and assets (if any) are divided.

### II. INSTRUCTIONS FOR COMPLETING THE DECREE:

When writing on any court forms, type or print with black ink only.

#### A. CASE IDENTIFICATION:

- **Top left corner of the first page:** write in Petitioner's/Party A's name, mailing address, phone number for day and evening. Check the box of the person you represent. If you have an attorney, write in the

attorney State Bar Number.

- Write in the name of Party A, the name of the Respondent/Party B and the case number in the appropriate spaces provided. These should be written the same as they are written on the *original* Petition.
- Put a check mark in the appropriate box on the right side of the page; if you are seeking a decree by Default, mark the Default box. If you are seeking a decree by way of a trial, mark the trial box.

#### B. COURT FINDINGS SECTION:

- This section generally mirrors the information in your petition. Each number recites facts the Court uses to create the final court order for the annulment.
- Item Number 8: Write in the same Ground(s) for annulment that you wrote in the Petition for Annulment.
- Item Number 9: Write in the same Protective Order information that you wrote in the Petition.
- Item Number 10: Write a check mark in the appropriate box for Pregnancy and Minor Children, the same as that information you wrote in the Petition.
- Item Number 11: Write a check mark in the appropriate box(es) indicating the same information that you wrote in the Petition.
- Item Number 12: Write in the same Other Findings, if any, that you wrote in the Petition.

#### C. COURT ORDERS SECTION:

1. ANNULMENT: Write in the same Ground(s) for annulment that you wrote in the Petition for Annulment, and in the findings section above.
2. PROPERTY AND DEBTS: Write a check mark in the appropriate box(es) indicating the same information about Property and Debt as you wrote in the Petition, and in the box(es) of the above "Findings" section.
3. TAX RETURNS: Write a check mark in the appropriate box(es) indicating the same information about Tax Returns as you wrote in the Petition and in the boxes of the above "Findings" section.
4. NAME CHANGE: If Party A or Party B wants to use, and/or be called by, the former/maiden name, write a check mark in the appropriate box(es) and *write the same name* you wrote in this section of the Petition. NOTE: The law does not require you to use your former/maiden name.
5. OTHER ORDERS: If you listed any other orders in the Petition for Annulment, write in the same information in the space provided.
6. ENFORCEMENT OF TEMPORARY ORDERS. If the Court ordered temporary payment of spousal maintenance/support (alimony), debt division, or other temporary relief, fill in the dates of ALL of the temporary orders. This section allows you to enforce nonpayment of those debts.
7. FINAL APPEALABLE ORDER. This Decree/Order/Judgment is a final order and may be appealed.

8. JUDICIAL SIGNATURE: The Judge or Commissioner who presides over your case will SIGN AND DATE this "COURT ORDERS" section.

D. SIGNATURES "OF BOTH PARTIES" SECTION:

- Do not sign or date the Decree, the Judge/Commissioner must do this.
- DEFAULT DECREE: If you (Party A ) are seeking a Default Decree, Party A must promise to mail a copy of the Decree to the last known address of Party B, after the Judge or Commissioner has signed it.

E. "EXHIBIT A: PROPERTY AND DEBT": If you have questions about whether your property is community property or separate property, or whether your debt is community debt or separate debt, you should see a lawyer for help.

1. Division of Community Property. If you marked the box on the Decree to indicate you have no community property or debts, STOP. You have completed your Decree. If you *have* community property or debt, check this box and complete this form.
2. List of Community Property. Describe the property, then mark the box showing which party is being given the property. Mark the box stating "award each party the personal property in his/her possession." 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." Be as specific as possible in describing your property.
3. Retirement Benefits. Decide what you want to do about these assets. Generally, each spouse is entitled to a half interest in the pension or retirement or deferred compensation benefits of the other spouse, based upon the length of time the parties were married. This is very complicated, and very important to both spouses. If you are entitled to any interest in your spouse's retirement assets, you may be required to file a "*Qualified Domestic Relations Order.*" This is a very important document. The Court and the Law Library Resource Center do not have this document. See a lawyer for help. Check the box that describes what you asked for in the Petition or what the parties have agreed to.
4. Real Property. Mark this box if you own a home or any other real estate together. IT IS VERY IMPORTANT THAT YOU WRITE IN THE CORRECT ADDRESS AND THE LEGAL DESCRIPTION OF EACH PIECE OF PROPERTY. Mark the box showing which spouse gets which property, OR that the property is to be sold and the proceeds divided. If you used your own earnings to pay for property owned by your spouse, see a lawyer.
5. Community Debt. Mark this box if the parties have community (or joint) debt. Describe the debt, including the creditor and the amount owed. Then mark the box showing which party is going to pay for the debt. If you had to use a separate sheet to list more debts, or if you continued to list debts on the reverse side of the page, check the box to indicate that to the Judge. (Mark the next box if you both agree that each spouse will pay his/her own debt, debts incurred, and owed, prior to the marriage)

6. Mark this box if you want to divide the debt(s) that were incurred by a spouse, but were not listed to be paid by the spouse who incurred the debt(s). Remember, even though the Decree orders either spouse to pay community debts - that does not mean a creditor cannot pursue collection from the other spouse, even after the Annulment is final.
7. Separate Property. If you and/or your spouse have separate property, describe the separate property, its value, and who the property belongs to.
8. Separate Debt. If you and/or your spouse have separate debt, identify the creditor, the amount owed, and who is responsible for paying the separate debt.

### III. PROCEDURES: HOW TO GET YOUR DECREE SIGNED BY THE JUDGE

- Make three (3) copies of the decree. Take the documents to your trial or default hearing.
- TRIAL: If you have a trial, you must bring a copy of your marriage license to the trial to show the judge what type of marriage you have.
- If you are using the default process and you wish to proceed without a hearing, see the procedures and forms to proceed by Motion.
- NOTE: If you disobey the Orders in the Decree, you could get into trouble with the Court. This does not mean that the Court will police you or the other party to make sure you are following the Decree. It does mean that you, or your ex-spouse, can request a "*Contempt Order*" or an "*Order to Enforce*" parts of the Decree if you, or your ex-spouse, fail to follow the orders in the Decree.

## Law Library Resource Center

# Instructions and Procedures for a Default Decree by Motion, without a Hearing

### REQUIREMENTS

Sometimes a court hearing is not required to get a default decree. If you meet the following requirements, you may use this “no hearing” process to request a default decree:

- ✓ All parties must be legally competent and sane.
- ✓ The “*Summons*” and “*Petition*” were served to the other party, other than by publication
- ✓ The “*Petition*” requests to the Court are the same as the requests proposed in the default order.

*This means, you cannot use this process if . . .*

- the responding party was served by publication,
- if the other party is insane or incompetent, or
- if the other party has filed a response, or made an appearance in the cases, or
- the requests to the Court in the proposed default order are not the same as those requested in the “*Petition*.”

You must have already filed and mailed to the other party an “*Application and Affidavit for Default*.” Also, it must be at least ten (10) court (business) days since you filed and mailed the “*Application*.”

If you filed for divorce, legal separation or annulment, it must also have been at least 60 calendar days since service of the “*Summons*” and “*Petition*” was completed.

### INSTRUCTIONS

Complete the “*Motion and Affidavit for Default Decree without a Hearing*”

1. Complete the top part of the page with your personal information, name of parties, and case number.
2. On the upper page right, mark the box that describes the kind of court order you are requesting (i.e. divorce, annulment, etc.)
3. SECTION A:
  - Read the information carefully.
  - Mark the boxes in front of the statements that are true.
4. SECTION B: (To be completed only by parties seeking a decree of dissolution, legal separation, or annulment)
  - Mark the boxes that best apply to your situation.
  - NOTE: ATTACHMENTS. If you marked a box next to a statement that requires an “attachment”, be sure to attach the required document at the end of the original “*Motion and Affidavit for Default Decree without a Hearing*.” If you are missing an attachment or any required document, your case could be rescheduled for a hearing, which extends the process and delays your decree or court order.
5. SECTION C: (To be completed only by parties seeking a judgment of paternity/maternity, and/or legal decision-making, parenting time or child support.)
  - Mark the boxes that best apply to your situation.
  - If the statement next to the box asks for an explanation, write it clearly in black ink.
  - NOTE: ATTACHMENTS. If you marked a box next to a statement that requires an “attachment”, be sure to attach the required document at the end of the original “*Motion and Affidavit for Default Decree without a Hearing*.” If you are missing an attachment or any required document, your case could be rescheduled for a hearing, which extends the process and delays your decree or court order.



6. SECTION D: To be completed if it applies to you.  
NOTE: ATTACHMENTS. If you marked a box next to a statement that requires an “attachment”, be sure to attach the required document at the end of the original “*Motion and Affidavit for Default Decree without a Hearing.*” If you are missing an attachment or any required document, your case could be rescheduled for a hearing, which extends the process and delays your decree or court order.
7. OATH or Affirmation: Sign and date this in front of the Clerk of Superior Court or Notary, with a picture identification.
8. COPY: Make two copies of the original “*Motion and Affidavit for Default Decree **without** a Hearing,*” with ALL the REQUIRED ATTACHMENTS.

Complete the Default Decree / Judge / Order

1. See the instructions in this packet to complete the Default Decree / Judgment / Order.
2. If children are involved, there will be additional forms to complete, such as a Parenting Plan, Child Support Worksheet, and Child Support Order. See additional instructions in this packet.
3. COPY:
  - Make two (2) copies of the original “*Decree / Judge / Order*”, plus attachments and any addition required forms.
  - Note: If you are missing an attachment or any required form, your case could be rescheduled for a hearing, which extends the process and delays your decree or court order.

After completing instructions above, you are ready to complete the Decree/Order, also in this packet. However, BEFORE YOU REQUEST Default Decree by Motion Without A Hearing, CHECK TO BE SURE THAT YOU:

- Properly served the “*Petition*”, Summons and other papers to other party and filed the proof of service. (Service cannot be done by publication if you are using this method (without a hearing)), AND
- Completed and filed the “*Application and Affidavit for Default,*” with ALL the REQUIRED ATTACHMENTS and mailed a copy to the other party; AND
- IF the other party is on active duty in the United State Military, you completed and notarized “*Service Member Civil Relief Act Waiver*”, AND
- Waited at least 61 days after the completion of service, if you filed for divorce, legal separation or annulment.

## PROCEDURES

1. FILE the original “*Motion and Affidavit for Default Decree without a Hearing,*” with ALL the REQUIRED ATTACHMENTS, and two copies with all the attachments at one of the following Clerk of Superior Court locations.
  - The Clerk of Superior Court will keep the original “*Motion*” and all the attachments, as well as date-stamp the copy, and return both copies to you.

### YUMA COUNTY JUSTICE CENTER

Clerk of Superior Court  
250 W. 2nd Street  
Yuma, Arizona 85364

2. HAND-DELIVER OR MAIL the following documents as indicated below to the Family Department:
- One (1) file-stamped copy of the *“Motion and Affidavit for Default Decree without a Hearing”* with all attachments.
  - The original and two (2) copies of the *“Decree / Judge / Order”* and related forms and attachments for signature by the Judge.
  - Two (2) 9" x 12" envelopes with sufficient postage, one addressed to you, and one addressed to the other party.

**YUMA COUNTY JUSTICE CENTER**

Clerk of Superior Court  
250 W. 2nd Street  
Yuma, Arizona 85364

3. WAIT. There is a review process upon receipt of your paperwork. This process can take as long as 4-6 weeks. You can call Family Department: (602) 372-3332 between the hours of 8:00 a.m. and 5:00 p.m. to check on the status of your case. Please wait at least four (4) weeks before checking the status.

The Judge will review your file and the documents you have submitted.

- If the Judge determines that everything is in order they will sign the final decree. The Clerk will file-stamp your copies and they will be mailed to you and the other party in the envelopes you have provided.
- If the Judge finds anything wrong with your court file or paperwork, your documents will be returned to you in the envelope you have provided along with a coversheet describing the deficiency and in most cases how it can be corrected.

Common reasons why your paperwork may be rejected:

- Incomplete: The *“Decree”* was not fully completed.
  - Not all applicable boxes were marked.
  - An explanation(s) was missing
  - An attachment(s) was missing
- Different Requests: Items asked for in the *“Decree”* were not the same as the items asked for in the *“Petition.”*
- Missing Documents: The original *“Decree”* and copies were not submitted with the *“Motion and Affidavit for Default Decree without Hearing”*.
- Overlooked *“True”* Statements: You did not mark all boxes on the *“Motion and Affidavit for Default Decree without Hearing”* as true statements.
- No notarized Waiver: Did not provide a notarized *“Service Members Civil Relief Act Waiver.”*

Arizona Rules of Family Law Procedure (ARFLP), Rule 44.1, allows for application for a default decree *without hearing* in Family cases for divorce, legal separation, annulment, maternity or paternity, money judgments, attorney fees, and spousal maintenance, but be WARNED:

- There are special legal requirements involved in qualifying for an annulment, and a default decree with no hearing.
- If your court papers do not fully explain how you meet those requirements, it could result in your case being delayed or dismissed.
- Consulting an experienced attorney about whether your situation *and your papers* indicate you qualify for an annulment or a default decree, may help you to avoid unnecessary expense, delay, and disappointment.

Person Filing: \_\_\_\_\_  
Address (if not protected): \_\_\_\_\_  
City, State, Zip Code: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Email Address: \_\_\_\_\_  
ATLAS Number: \_\_\_\_\_  
Lawyer's Bar Number: \_\_\_\_\_

FOR CLERK'S USE ONLY

Representing  Self, without a Lawyer or  Attorney for  Petitioner OR  Respondent

## SUPERIOR COURT OF ARIZONA IN YUMA COUNTY

In the Marriage of

Case No. \_\_\_\_\_

\_\_\_\_\_  
Name of Petitioner / Party A

### MOTION AND AFFIDAVIT FOR DEFAULT DECREE WITHOUT HEARING for:

and

- DISSOLUTION OF MARRIAGE (Divorce)  
 LEGAL SEPARATION  
 ANNULMENT  
 MATERNITY/PATERNITY  
 ESTABLISH LEGAL DECISION-MAKING /  
PARENTING TIME / CHILD SUPPORT  
A.R.F.L.P. 44.1

\_\_\_\_\_  
Name of Respondent / Party B

I am the Petitioner / Party A and I am asking the Court to enter a **“Decree”** of **Dissolution of Marriage,” “Legal Separation,” “Annulment,”** or **“Maternity/Paternity,”** or an **“Order”** **establishing legal-decision-making** by default without a court hearing.

### SECTION A:

I have marked each box in front of the statements below that are true and I understand that if any statement is not true, I cannot get a default decree *without a hearing*.

- I have read this **“Motion and Affidavit for Default Decree without a Court Hearing”** and to the best of my knowledge everything I said is true.
- I have paid the filing and service fees or the filing and service fees were waived or deferred. A copy of the receipt showing payment or a copy of the Order showing that the fees were waived or deferred is attached.
- To the best of my knowledge, both Party A and Party B are competent and sane at this time (even if “legal incompetence” or “insanity” *at the time of the marriage* is listed as a ground for an annulment).

- At least 60 days have passed since the other Party (Respondent) was served with the dissolution, legal separation, or annulment papers. OR my case is to establish maternity/paternity and/or legal decision-making / parenting time / child support and there is no 60 day waiting period.
- Service was not done by publication.
- Party B has not made an appearance in this matter or filed a **“Response.”** I filed the **“Application and Affidavit for Default”** and Default has been entered against the other Party.
- At the time this action was filed, Party A or Party B was domiciled in Arizona or was stationed in Arizona while a member of the United States Armed Forces. If this is an action for dissolution of marriage (divorce) or annulment, Party A or Party B was domiciled or stationed in Arizona for more than 90 days, at the time the Petition was filed.
- My case does not involve a member of the military waiving service **OR** - I have submitted a notarized **“Service Members Civil Relief Act Waiver”** completed by the other party.

**SECTION B.**

**I am requesting Judgment of DISSOLUTION, LEGAL SEPARATION, or ANNULMENT.**

**YES** - If YES, answer each question below.

**NO** - If NO, skip to Section C.

Conciliation Services provisions have been met since the filing of the Petition, or the provisions do not apply. This must be true to proceed. (A.R.S. § 25-381.09).

Covenant Marriage: Our marriage  IS or  IS NOT a covenant marriage.

Pregnancy:  Neither party  Party A  Party B is pregnant with a child common to the parties.

Choose only one that applies:

If seeking divorce, the marriage is irretrievably broken.

If seeking legal separation, the parties desire to live separate and apart.

If seeking annulment, a condition exists which renders the marriage void or voidable.

Spousal Maintenance: (choose only one)

- Party A or Party B has made a claim for spousal maintenance/support and Form 6 “(Default Information for Spousal Maintenance)” is attached to this Motion and Affidavit.
- Party A or Party B has NOT made a claim for spousal maintenance/support, and the claim is deemed waived by **both** parties.

Property and Debt: (choose all that apply)

- There was no property or debt obtained during the marriage.
- Does not apply because (explain): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- All of the allegations, including those concerning property and debts listed in the **“Petition”** were true at the time filed and remain true as of the date of the filing of this motion and affidavit, **OR any changes are explained below:**  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- I attached a list of all community property and debt (obtained or incurred during the marriage), including personal property, motor vehicles, bank accounts, retirement assets, life insurance, real property, including the **value** and the **party to whom the property or debt is to be awarded**. The attached list also includes any requests for the award of sole and separate property and debt.
- Everything in the **“Petition for Dissolution of Marriage,” “Legal Separation,” or for “Annulment,”** concerning who gets the property and who pays the bills/debts is fair and reasonable.

I have requested reasonable attorney fees and support for this request is **attached** to this Motion and Affidavit.

Same as Petition: The requests in this form and relief to be awarded in the **“Decree”** are the same as the relief I requested in the underlying **“Petition,”** **OR** if the relief to be awarded is different, it has been approved by both parties, as reflected in a notarized statement from the other party, or a **“Decree”** containing the notarized signatures of both parties. This must be true to proceed.

**SECTION C.**

**I am requesting a Judgment of MATERNITY or PATERNITY and/or an Order for LEGAL DECISION-MAKING / PARENTING TIME / CHILD SUPPORT.**

**YES - If YES, answer each question below.**

**NO - If NO, skip to Section D.**

The name and date of birth of each child is:

Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

The factual basis for the finding of maternity / paternity is: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The child(ren) live with: \_\_\_\_\_

Length of Residence: The child has lived in Arizona for at least six (6) months before the filing of the Petition or is less than six (6) months old and has lived in Arizona since birth.

There are no proceedings involving the child that are pending in **another jurisdiction. OR**

There are other proceedings involving the child that are pending in **another jurisdiction** and I have listed the court name(s) and case number(s) below:

Court Name(s) \_\_\_\_\_

Case Number(s) \_\_\_\_\_

There are no proceedings involving the child that are pending in **another court. OR**

There are other proceedings involving the child that are pending in **other courts** and I have listed the court name(s) and case number(s) below:

Court Name(s) \_\_\_\_\_

Case Number(s) \_\_\_\_\_

State of Arizona Request:

Does not apply. OR

The State of Arizona has requested the default judgment of paternity. The factual basis for the finding of paternity is described above.

Child Support:

I have attached the required Child Support Worksheet. Child Support is based on the following:

The Arizona Child Support Guidelines OR

A deviation from the Arizona Child Support Guidelines because: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Other: \_\_\_\_\_  
\_\_\_\_\_

The basis for determining the gross income of the defaulting party is: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**SECTION D:**

Attorney Fees: I have attached an itemized bill for a reasonable amount of attorney fees to support this request.

Money Judgment(s): I have attached the calculations to establish the sum of requested money to support this request.

Other requested relief. I have attached the following document, to establish the facts supporting the request: \_\_\_\_\_  
\_\_\_\_\_

**OATH OR AFFIRMATION AND VERIFICATION**

I swear or affirm that the information on this document is true and correct under penalty of perjury.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

Subscribed and sworn to or affirmed before me this: \_\_\_\_\_ by  
(Date)

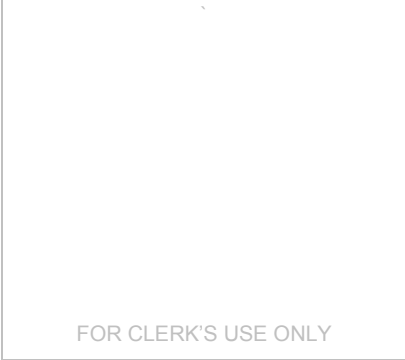
\_\_\_\_\_

(Notary seal)

\_\_\_\_\_  
Deputy Clerk of Court or Notary Public



Person Filing: \_\_\_\_\_  
Address (if not protected): \_\_\_\_\_  
City, State, Zip Code: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Email Address: \_\_\_\_\_  
ATLAS Number: \_\_\_\_\_  
Lawyer's Bar Number: \_\_\_\_\_



Representing  Self, without a Lawyer or  Attorney for  Petitioner OR  Respondent

## SUPERIOR COURT OF ARIZONA IN YUMA COUNTY

\_\_\_\_\_  
Petitioner / Party A

Case No. \_\_\_\_\_

### DECREE OF ANNULMENT in a NON-Covenant Marriage

for DEFAULT

for TRIAL

\_\_\_\_\_  
Respondent / Party B

### THE COURT FINDS:

1. This case has come before this Court for a final Decree of Annulment of Marriage. 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.
3. 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 the division of property and/or debts.
4. The provisions of this Decree are fair and reasonable under the circumstances and in the best interests of the parties, and the division of property and debt is fair and equitable.
5. **Arizona Residency.** The requirements of A.R.S. §25-312 for annulment of marriage, have been met: At the time this action was filed, the Party A or Party B was domiciled in Arizona or was stationed in Arizona while a member of the United States Armed Forces. Also, Party A or Party B was domiciled or stationed in Arizona for more than 90 days.
6. **Conciliation Court.** The provisions relating to Conciliation Court do not apply or have been met.
7. **Covenant Marriage.** This is a non-covenant marriage.

8. **GROUND(s) for Annulment:** The requirements of A.R.S. §25-301 have been met. The following ground(s) is the basis for this Annulment, which renders the marriage void:

\_\_\_\_\_  
\_\_\_\_\_

9. **Protective Orders.** Following is the effect, if any, of this Decree on any existing protective orders:

\_\_\_\_\_  
\_\_\_\_\_

10. **Pregnancy and Minor Children.**

- There are no minor children common to the parties.
- Party A is NOT pregnant    OR
- Party A is pregnant and the Party B  is    OR     is NOT the parent of the child.
- Party B is NOT pregnant    OR
- Party B is pregnant and Party A  is    OR     is NOT the parent of the child.

11. **Community Property and Debt.** The Court has considered, approved, and made orders relating to the issues of property and debt. (Check the appropriate box(es)).

- The parties did not acquire any community property during the marriage.
- The parties did not acquire any debt during the marriage.
- There is an agreement as to division of community property and debt. All community property and debt is divided pursuant to and incorporated into this Decree. If necessary, attach the Community Property (**Exhibit "A"**) with the signature of both parties as evidence of this agreement.
- There is NO agreement as to division of property and/or debt, but all community property and/or debt is divided pursuant to this Decree.

12. **Other Findings:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**THE COURT ORDERS:**

1. **ANNULMENT of the MARRIAGE.** The marriage of the parties is annulled because of the following ground(s):

\_\_\_\_\_  
\_\_\_\_\_

The parties are restored to the legal status of single persons.

**2. PROPERTY and DEBTS: (Select any that apply.)**

- A.**       Party A is ordered to pay all debts unknown to Party B, AND  
 Party B is ordered to pay all debts unknown to Party B AND  
 Each party is ordered to pay his or her debts incurred since \_\_\_\_\_ date.
- B.**       Each party is assigned their separate property and Party A must pay his/her separate debt, and Party B must pay his/her separate debt.
- C.**       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 financial institution accounts. The parties shall transfer all real and personal property as described in Exhibit A to the other party on or before \_\_\_\_\_ by 5:00 p.m.

NOTE: 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 Superior Court commanding the sheriff to put him or her in possession of the property.

- D.**       Other orders and relief relating to property or debt, if any, are contained in "Exhibit A", which is attached and incorporated into this Decree.

**3. TAX RETURNS**

Please mark appropriate boxes:

- Each party shall give the other party all necessary documentation to file all tax returns.
- For previous calendar years, pursuant to IRS rules and regulations, the parties will file separate federal and state income tax returns.
- This calendar year and continuing thereafter, each party will file separate federal and state income tax returns.

**4. NAMES: IF one or both parties changed their last names as a result of the marriage, either spouse may (optionally) have his/her name legally restored to a pre-marital last name.**

- Party A's name is restored to \_\_\_\_\_. (Put only the last name here.)
- Party B's name is restored to \_\_\_\_\_. (Put only the last name here.)

**5. OTHER ORDERS. (List any other orders.)**


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**6. 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) \_\_\_\_\_ shall be 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, together with the highest legal interest allowed by law.

**7. FINAL APPEALABLE ORDER.** Pursuant to Rule 78, Arizona Rules of Family Law Procedure, this final judgment/decree is settled, approved and signed by the Court and shall be entered by the clerk.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judicial Officer

**If this Decree/Judgment was issued as a “Default,”** I certify that within three (3) days of receiving this Decree/Judgment, I will mail a copy of this Decree/Judgment to the last known address of the party in default as follows:

**Party B’s Name:** \_\_\_\_\_

**Mailing Address:** \_\_\_\_\_

**City, State Zip Code:** \_\_\_\_\_

**By:** \_\_\_\_\_

\_\_\_\_\_

**EXHIBIT A: PROPERTY AND DEBTS** (Refer to section “E” in instructions)

**1. DIVISION OF COMMUNITY PROPERTY** (property acquired during the marriage)

- Award each party the personal property in his/her possession.
- Community property is awarded to each party as follows:

**2. LIST OF COMMUNITY PROPERTY** (Be very specific in your description of the property.)

		<b>AWARD TO</b>	
<b>Household Furniture and Appliances</b>	(Be specific)	<b>Party A</b>	<b>Party B</b>
_____		<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"/>
_____		<input type="checkbox"/>	<input type="checkbox"/>
_____		<input type="checkbox"/>	<input type="checkbox"/>
_____		<input type="checkbox"/>	<input type="checkbox"/>
<b>Video: TV / DVD / DVR / VCR, etc.</b>	(Be specific)		
_____		<input type="checkbox"/>	<input type="checkbox"/>
_____		<input type="checkbox"/>	<input type="checkbox"/>
_____		<input type="checkbox"/>	<input type="checkbox"/>
_____		<input type="checkbox"/>	<input type="checkbox"/>
<b>Audio: Stereo/ Radio</b> (Household or Portable)	(Be specific)		
_____		<input type="checkbox"/>	<input type="checkbox"/>
_____		<input type="checkbox"/>	<input type="checkbox"/>
_____		<input type="checkbox"/>	<input type="checkbox"/>
<b>Computers and Related Equipment</b>	(Be specific)		
_____		<input type="checkbox"/>	<input type="checkbox"/>
_____		<input type="checkbox"/>	<input type="checkbox"/>
_____		<input type="checkbox"/>	<input type="checkbox"/>
<b>Motor Vehicles</b>	(Be specific)		
1. Year, Make, Model: _____		<input type="checkbox"/>	<input type="checkbox"/>
Last 4 digits of VIN # _____			
2. Year, Make, Model: _____		<input type="checkbox"/>	<input type="checkbox"/>
Last 4 digits of VIN # _____			
3. Year, Make, Model: _____		<input type="checkbox"/>	<input type="checkbox"/>
Last 4 digits of VIN # _____			

**AWARD TO**

**COMMUNITY PROPERTY** (Be specific)

Party A

Party B

Cash, bonds of \$ \_\_\_\_\_

Other: \_\_\_\_\_

Other: \_\_\_\_\_

Other: \_\_\_\_\_

Other: \_\_\_\_\_

Other: \_\_\_\_\_

Continues on attached page(s).

**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.**

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

**OR**

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

\_\_\_\_\_

**OR**

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

**4. DIVISION OF REAL PROPERTY** (Land and Buildings) Section A is for one piece of property. Section B is for another, separate property.

**A.** Real property located at (address)\_\_\_\_\_. The **legal description** of this property, **as quoted from the DEED to the property\* is:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\* If you do not provide a correct legal description, you may have to come back to court to amend the Decree to include the correct legal description.

The real property ("A") described above is awarded as the sole and separate property of:

Party A or  Party B

**OR**

Shall be sold and the proceeds divided as follows:

\_\_\_\_\_ % or \$\_\_\_\_\_ to Party A

\_\_\_\_\_ % or \$\_\_\_\_\_ to Party B

**B. Real property located at (address) \_\_\_\_\_.**

The **legal description** of this property, **as quoted from the DEED to the property\*** is:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

\* If you do not provide a correct legal description, you may have to come back to court to amend the Decree to include the correct legal description.

The real property ("B") described above is awarded as the sole and separate property of:

Party A or  Party B

**OR**

Shall be sold and the proceeds divided as follows:

\_\_\_\_\_ % or \$ \_\_\_\_\_ to Party A  
 \_\_\_\_\_ % or \$ \_\_\_\_\_ to Party B

**5. DIVISION OF COMMUNITY DEBT** (Debts incurred during the marriage) (You should see a lawyer about how to divide secured and unsecured debts.)

**Community debts shall be divided as follows:**

Creditor Name	Amount Owed	Amount to be paid by Party A	Amount to be paid by Party B
a. _____	\$ _____	\$ _____	\$ _____
b. _____	\$ _____	\$ _____	\$ _____
c. _____	\$ _____	\$ _____	\$ _____
d. _____	\$ _____	\$ _____	\$ _____
e. _____	\$ _____	\$ _____	\$ _____
f. _____	\$ _____	\$ _____	\$ _____
g. _____	\$ _____	\$ _____	\$ _____
h. _____	\$ _____	\$ _____	\$ _____
i. _____	\$ _____	\$ _____	\$ _____

Continues on attached page.

**6.**  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.

**7. SEPARATE PROPERTY.** (Property acquired before the marriage or by gift or bequest to one party.)  
 Property recognized as the separate property of Party A or Party B, is assigned below:

Description	Value	To Party A	To Party B
_____	\$ _____	<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"/>
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>

**8. SEPARATE DEBT:** (Debt acquired before the marriage.)

Debt recognized as the separate debt of Party A or Party B, is assigned below:

Creditor Name	Debt Amount	Party A Pays	Party B Pays
	\$	<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"/>
	\$	<input type="checkbox"/>	<input type="checkbox"/>

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