

CONSENT DECREE

**FOR ANNULMENT
for a NON-COVENANT MARRIAGE**

4

**To get the Decree when both parties
agree**

Forms and Instructions

Consent decree for annulment in a non-covenant marriage

CHECKLIST

You may use these forms if . . .

- ✓ You or your spouse filed a “*Petition for Annulment in a Non-Covenant Marriage*, AND
 - ✓ You and your spouse agree to the annulment and on all terms of the annulment, including:
 1. Division of property and,
 2. Division of debt
 - ✓ You and your spouse will provide your notarized signatures on the “*Consent Decree*” to indicate your agreement on all terms; AND
 - ✓ You understand that IF *both parties* are *in complete agreement* on all terms of the annulment as stated in the “*Petition*”:
 1. It is not necessary either:
 - a) for the Respondent to file a “*Response*”, or
 - b) for the parties to file a “*Consent Decree*”.
 2. If no response has been filed, the Petitioner may apply for a default decree *at no extra cost*.
 3. If a response has been filed and the parties later come to agreement on all issues, a Consent Decree may be filed *at no extra charge*.
- ✗ DO NOT USE THESE FORMS IF:
- ✗ You disagree on any terms of the annulment.

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

Consent decree for annulment for a non-covenant marriage

This packet contains court forms and instructions to file a consent decree for annulment for 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!

Order	Title	# Pages
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4	<i>“Family Department Sensitive Data / Cover Sheet without children” DO NOT COPY</i>	1
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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.

How to fill out the consent decree form: annulment in a non-covenant marriage

You may use these instructions ONLY if you and the other party:

- do not have a “covenant” marriage;
- have agreed on all terms of the annulment; AND
- have agreed to file and sign a Consent Decree.

Instructions for filling out the consent decree:

- Fill in the information requested at top left for the Petitioner / Party A and the Respondent / Party B. The spaces marked “representing” and “state bar number” are used only if an attorney is preparing this form.
 - Fill in the names of the persons shown as the “Petitioner / Party A” and the “Respondent / Parte B” and the case number as on the “*Petition for Annulment of a Non-Covenant Marriage.*”
1. COMPLETE FORM: Fill out each page of this form according to the agreement and understanding of both parties.
 2. SIGNATURES: ONLY in the *presence of the* Clerk of Superior Court or Notary Public.
 - PHOTO IDENTIFICATION: Be prepared to show photo identification to the Clerk or Notary when signing.
 - STATEMENT to the COURT: When you sign the Consent Decree forms you are making a statement to the Court that you have read, understand, and agree with the contents of the document you sign.
 - REQUEST to the COURT: When you sign the Consent Decree form you are requesting the Court to make this document the Court Order that governs your Annulment.
 - CAUTION: Read carefully before you sign the Consent Decree. Do not sign the form if you do not understand or do not agree to ALL terms of this Consent Decree.
 - LAWYER SIGNATURES: If either party is represented by an attorney, the attorney(s) must also sign.
 3. TIME FRAME: 60 DAYS MUST PASS. Do not submit the Consent Decree to the court until at least 60 days have passed since the date the Respondent was served the annulment papers. The Judge cannot sign your decree until 60 days after service. (A.R.S. § 25-329)

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

 Petitioner / Party A

Case No. _____

 Respondent / Party B

ATLAS No. _____

FAMILY DEPARTMENT SENSITIVE DATA COVERSHEET WITHOUT CHILDREN (CONFIDENTIAL RECORD)

Fill out. File with Clerk of Superior Court. Social Security Numbers should appear on this form only and should be omitted from other court forms. Access Confidential pursuant to ARFLP 43.1(f).

A. Personal Information:	Petitioner / Party A	Respondent / Party B
Name	_____	_____
Gender	<input type="checkbox"/> Male or <input type="checkbox"/> Female	<input type="checkbox"/> Male or <input type="checkbox"/> Female
Date of Birth (Month/Day/Year)	_____	_____
Social Security Number	_____	_____

**WARNING: DO NOT INCLUDE MAILING ADDRESS ON THIS FORM
 IF REQUESTING ADDRESS PROTECTION**

Mailing Address	_____	_____
City, State, Zip Code	_____	_____
Contact Phone	_____	_____
Receive texts from Court to contact phone number above?	<input type="checkbox"/> Yes <input type="checkbox"/> No texts	<input type="checkbox"/> Yes <input type="checkbox"/> No texts
Email Address	_____	_____
Current Employer Name	_____	_____
Employer Address	_____	_____
Employer City, State, Zip Code	_____	_____
Employer Telephone Number	_____	_____
Employer Fax Number	_____	_____

B. Type of Case being filed - Mark only one category. (*) Mark this box only if no other case type applies

Dissolution (Divorce) Annulment Other*
 Legal Separation Order Protection

C. Do you need interpreter? No Yes If Yes, What language? _____

DO NOT COPY THIS DOCUMENT. DO NOT SERVE THIS DOCUMENT TO THE OTHER PARTY.

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



Respondent's Name or Lawyer's Name: _____

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. _____

CONSENT DECREE OF

ANNULMENT in a Non-Covenant
Marriage

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, 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 Consent Decree on any existing protective orders:

10. **Pregnancy and Minor Children.**

There are no minor children common to the parties.

Party A and Party B are NOT pregnant – OR –

Party A is pregnant and Party B is or is NOT a parent of the child.

Party B is pregnant and Party A is or is NOT a 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.

12. **Other Findings:** _____

THE COURT ORDERS:

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

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 A, AND
 Each party is ordered to pay his or her debts incurred since _____ date.
- B. Each party is assigned his or her 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.

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.

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

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, **AND**

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.)

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

Date

Judicial Officer

SIGNATURES OF BOTH PARTIES UNDER OATH OR AFFIRMATION

By signing below, in the presence of a Deputy Clerk Superior Court or Notary Public, I swear or affirm that everything in this document is true and correct to the best of my knowledge, information and belief, including the following:

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

- 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 any attachments that I have signed, is our full agreement. I have not agreed to something different from what is stated in writing in the Decree.
- 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.
- 5. **VALID GROUND FOR ANNULMENT.** I agree that the following reason(s) is the basis for this Annulment _____.
- 6. **DIVISION OF PROPERTY.** The agreement about division of property and debt attached as "Exhibit A", signed by both parties and made part of this document by reference, is fair and equitable.

SIGNATURES

Party A's Signature

Date

STATE OF _____

COUNTY OF _____

Subscribed and sworn to or affirmed before me this: _____ by
(date)

_____.

(Notary seal)

Deputy Clerk or Notary Public

Party B's Signature

Date

STATE OF _____

COUNTY OF _____

Subscribed and sworn to or affirmed before me this: _____ by
(date)

_____.

(Notary seal)

Deputy Clerk or Notary Public

		AWARD TO	
		Party A	Party B
Motor Vehicles (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 #	_____		
COMMUNITY PROPERTY (Be specific)			
Cash, bonds of \$	_____	<input type="checkbox"/>	<input type="checkbox"/>
Other:	_____	<input type="checkbox"/>	<input type="checkbox"/>
Other:	_____	<input type="checkbox"/>	<input type="checkbox"/>
Other:	_____	<input type="checkbox"/>	<input type="checkbox"/>
Other:	_____	<input type="checkbox"/>	<input type="checkbox"/>
Other:	_____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> 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 the 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"/>

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"/>

Continued on attached page.

SIGNATURE OF BOTH PARTIES (for Consent Decree)

This "Exhibit A" represents the agreement of the parties as to the division of property and debt. The terms of the agreement are fair and equitable and have been reached free of coercion, duress, or threat of force.

By signing below, each of us states to the Court under penalty of perjury that we have read and understand this document, and that the information contained in the document is true and correct to the best of our individual knowledge and belief.

Party A's Signature

Date

Party B's Signature

Date

If either party is represented by an attorney, the attorney(s) must sign:

Party A's Attorney

Date

Party B's Attorney

Date

LAW LIBRARY RESOURCE CENTER

Procedures: Completing your papers and what to do next for annulment consent decree, for a non-covenant marriage

REQUIREMENTS

- ✓ PAPERWORK and SIGNATURES: Both spouses must sign the “*Consent Decree*” before a Clerk of Superior Court or a Notary Public to show that both spouses have read, approved and agreed to the items in the Decree. If either party is represented by an attorney, the attorney(s) must also sign the “Decree.” You must also file all other required paperwork.
- ✓ FEES: Both parties must pay the court fees. Currently, that includes the filing fee paid by the Petitioner / Party A at the beginning of the case, and the Respondent / Party B’s “Response” or “Answer” fee, in order for the Consent Decree to be accepted. Both parties must attach a receipt to prove payment or attach a copy of the Order for initial deferral of fees.
- ✓ TIME FRAME: The parties must wait at least 60 days after the date the Respondent / Party B was personally served with the documents before the parties can file the Consent Decree.

Procedures: Read and complete all paperwork.

1. COPY:

- The original signed “*Consent Decree*,” *make two copies.*
- Filing Fee Receipt; One copy of each filing fee receipt from the Petitioner / Party A and the Respondent / Party B, *OR* a copy of the initial “*Order Deferring Fees and Costs*” for a Petitioner / Party A or Respondent / Party B who has not paid the filing fee.

2. ASSEMBLE:

- Two self-addressed, stamped, 9" x 12" envelopes. Address one envelope to each party or his or her attorney. Provide the current address on both envelopes, including zip code. Make sure you put enough postage on the envelopes to ensure delivery.
- Additional papers: If the full agreement about division of property and debt is not in the Consent Decree, *also* include the original and 2 copies of a signed “*Property Settlement Agreement*.”

3. HAND DELIVER OR MAIL the envelopes, with the original documents and copies, to the Court below, Monday through Friday, 8:00 a.m. through 5:00 p.m.

**Yuma County Justice Center
Clerk of Superior Court
250 W. 2nd street**

WHAT HAPPENS NEXT? It is within the Judge's discretion whether to accept or reject the Decree, or to schedule a court hearing.

- **ACCEPTANCE: IF YOUR CONSENT DECREE IS ACCEPTED:** the Judge will sign the original Decree and have it filed with the Clerk of Superior Court. The Court will send a copy of the signed Decree to each party using the envelopes you provided. This is your notification that your annulment is now final. Your annulment is not final until the Judge/Commissioner signs the Decree.
- **REJECTION: IF YOUR CONSENT DECREE IS REJECTED:** the Court will send you a "*Correction Notice*" informing you of the mistakes with the documents. Follow the instructions on the "*Correction Notice*." If the mistakes cannot be corrected, see a lawyer for help.
- **IF THE JUDGE SCHEDULES A HEARING:** the Court will send notice of a scheduled date, time and location for a hearing which both parties must attend to answer any questions the Judge may have.

All forms referenced in these instructions may be purchased from the Law Library Resource Center or obtained for free via internet.