DIVORCE – WITHOUT MINOR CHILDREN

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4

THE COURT ORDER

Part 4: To get the Divorce Order

(Forms and Instructions)

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Dissolution of Marriage (divorce)-- without minor children

Part 4: Decree/Court Order

CHECKLIST

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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 Dissolution of Marriage (Divorce) Without Minor Children,"* AND
- ✓ You and the other party have no minor children in common, by birth or adoption, AND
- ✓ You have paid the filing fee, AND
- ✓ You are ready to complete the court papers to get a Divorce Decree, AND
- ✓ You are going to a default hearing, or you are filing a Motion to get a default divorce without a hearing, or you are going to trial.

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

Decree of Dissolution of Marriage (divorce) – Without Minor Children

Part 4 - The Court Order

This packet contains court forms and instructions to file a degree of dissolution of marriage without minor children. 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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Order	Title	# Pages
1	Checklist: You may use these forms if . . .	1
2	Table of Contents (This page)	1
3	How to complete a Spousal Maintenance Worksheet	1
4	Instructions and Procedures: How to submit the Decree when you have a hearing or trial	2
5	Instructions and Procedures: How to submit a Default Decree by Motion, without a Hearing	6
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7	**Motion and Affidavit for Default Decree without Hearing**	6

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.

Law Library Resource Center

How to complete a Spousal Maintenance Worksheet (Applies only to cases in which the original petition for dissolution or legal separation was filed on or after September 24, 2022)

In a dissolution of marriage (divorce) or legal separation, one party may request that the court order the other party to pay "spousal maintenance." This is financial support paid by one party to the other party. The court considers certain statutory factors to decide whether a party is eligible for spousal maintenance. In these cases, either party may request that the other pay spousal maintenance.

Spousal Maintenance Guidelines:

For a case filed on or after September 24, 2022, if a person is eligible for spousal maintenance, then the court uses the Arizona Spousal Maintenance Guidelines to determine the amount and duration of the award for spousal maintenance.

The Guidelines can be found here: https://www.azcourts.gov/familylaw/Child-Support-Family-Law-Information/Spousal-Maintenance-Guidelines.

Spousal Maintenance Calculator:

In any dissolution of marriage or legal separation case that was originally filed on or after September 24, 2022, when a party requests spousal maintenance, or requests to change a past spousal maintenance court order, a completed Spousal Maintenance Worksheet ***must*** be included when filing an Application for Entry of a Default Decree and the party seeking default proceeds by motion without a hearing (Rule 44.1, ARFLP).

The worksheet is created using the FREE online Spousal Maintenance Calculator. Access to the internet is required. The online Spousal Maintenance Calculator can be found here: https://www.superiorcourt.maricopa.gov/app/selfsuffcalc/.

If you do not have access to the internet and/or a printer, you may use the computers at any Law Library Resource Center location. There is a small, per-page charge for printing.

Next Steps:

After completing the Spousal Maintenance Calculator, print out the Spousal Maintenance Worksheet in order to file it with your other paperwork.

When you have completed all necessary forms, go to the "Procedures" page and follow the steps.

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Law Library Resource Center

Instructions and procedures to submit the default decree for Dissolution of Marriage (divorce) without minor children

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Information about the Divorce Decree

- What the Decree means to you. The Decree is the Court Order that legally ends your marriage.

- Getting your Divorce Decree. Before your divorce can become final, a judge or commissioner must sign the Decree. The Decree states how the property (if any) is divided, how the debts and assets (if any) are divided, and the amount of spousal maintenance/support (alimony) (if any).

- Failure to do what the Decree tells you to do could get you into trouble with the Court. This does not mean that the court will police whether you are following the Decree. It does mean you or your spouse can request a Contempt Order or an Order to enforce parts of the Decree if you or your spouse fail to do what the Decree tells you to do.

- Divorce 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.

Instructions for filling out the Decree

- When filling out any court forms, type or print with black ink only.
- Do not fill in the spaces allocated for the judge's signature and date.
- If the judge disagrees with anything you have written, they may change it before signing the Decree or they may ask the parties to come to a hearing.
- If you are seeking a Default Decree, you must also promise to mail a copy of the Decree to the other party after the judge has signed it.

Procedures: How to get your Decree signed by the Judge

STEP 1. Complete the forms, including:

- Decree.
- If applicable, Spousal Maintenance Worksheet:

- ✓ Use the free online spousal maintenance calculator at the following website to complete a spousal maintenance worksheet: https://www.superiorcourt.maricopa.gov/app/selfsuffcalc/

- ✓ After completing the worksheet, print it out and submit it with your papers.

STEP 2. If you are asking for a Default Decree with a hearing:

You must first submit your papers (Decree and if applicable, Spousal Maintenance Worksheet) at Superior Court Information Desk for review before the default hearing.

STEP 3. Default Judge will see if you are ready to proceed to a hearing

- If you present your Default papers in person, Default Judge may review while you are present.

If your forms are hearing-ready, the Family Department will schedule a Default Hearing and provide any further instructions.

- However, if there are issues with your forms, they will contact you to provide you information about what to fix. You will then need to resubmit your corrected documents to the Superior Court Information Desk before your hearing will be scheduled.

STEP 4. The Default Hearing

- Will be set at least 60 days from the date the responding-party was served the divorce or legal separation papers. (A.R.S. § 25-329).
- Hearings are usually by video. Do not be late for your hearing. If you are late, your hearing will be rescheduled to a different day.

If you are using the default process and you wish to proceed without a hearing, see the procedures and forms to proceed by Motion.

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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 or legal separation, 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.

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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 three (3) copies of the original Motion and Affidavit for Default Decree without a Hearing. (Make additional copy if the Arizona Division of Child Support Services (DCSS) is involved in your case.)

After completing instructions above, you are ready to complete the Decree/Judgment/Order, also in this packet.

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Before you request a 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 or legal separation.

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Complete the Default Decree/Judgment/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, Education Order (if applicable), Child Support Worksheet, Child Support Order, and Current Employer Information Sheet. See additional instructions in this packet.

3. Copy:
   - Make two (2) copies of the original Decree/Judgment/Order, plus attachments and any additional required forms. (Make additional copy if DCSS is involved in your case.)
   - 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.

If you will eFile your forms, you may not need as many paper copies. You will need a paper set of the filed forms to serve on the other party, and one for your judge (when required). For more information about how to eFile your papers, read the eFiling instructions:

https://superiorcourt.maricopa.gov/media/7448/dref93i.pdf.

Procedures

Step 1: Separate your papers into 4 sets: (Make additional copy if DCSS is involved in your case.)

Set 1: For Clerk of Superior Court:	Set 2: For Judge:
• Motion and Affidavit for Default Decree without a Hearing	• COPY Motion and Affidavit for Default Decree without a Hearing ORIGINAL: • Default Decree/Judgment/Order (plus any attachments) • Parenting Plan (if applicable) • Education Order (if applicable) • Child Support Worksheet (if applicable) • Child Support Order (if applicable) • Spousal Maintenance Worksheet (if applicable) • Current Employer Information Sheet (if applicable)
Set 3: Your copies: • Motion and Affidavit for Default Decree without a Hearing • Default Decree/Judgment/Order (plus any attachments) • Parenting Plan (if applicable) • Education Order (if applicable) • Child Support Worksheet (if applicable) • Child Support Order (if applicable) • Spousal Maintenance Worksheet (if applicable) Current Employer Information Sheet (if applicable)	Set 4: Copies for the Other Party: • Motion and Affidavit for Default Decree without a Hearing • Default Decree/Judgment/Order (plus any attachments) • Parenting Plan (if applicable) • Education Order (if applicable) • Child Support Worksheet (if applicable) • Child Support Order (if applicable) • Spousal Maintenance Worksheet (if applicable) • Current Employer Information Sheet (if applicable)

Set 5: Copies for DCSS (if applicable)

- Motion and Affidavit for Default Decree without a Hearing
- Default Decree/Judgment/Order (plus any attachments)
- Parenting Plan (if applicable)
- Education Order (if applicable)
- Child Support Worksheet (if applicable)
- Child Support Order (if applicable)
- Spousal Maintenance Worksheet (if applicable)
- Current Employer Information Sheet (if applicable)

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Step 2: File the original Motion and Affidavit for Default Decree without a Hearing, and two copies at one of the Clerk of Superior Court.

- 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.

Clerk of Superior Court
250 W. Second St.
Yuma, Arizona 850364

Step 3: Hand-deliver or mail the following documents as indicated below to the Information Desk:

- One (1) file-stamped copy of the Motion and Affidavit for Default Decree.
- The original and two (2) copies of the Decree/Judgment/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.

Step 4: 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/Judgment/Order. 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.
- In some cases, the Judge may set a hearing. The court will send you notice of the hearing date and time.

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Common reasons why your paperwork may be rejected:

- Incomplete: The Decree/Judgment/Order 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/Judgment/Order were not the same as the items asked for in the Petition.

- Missing Documents: The original Decree/Judgment/Order 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, if required.

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.

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* Staple and group the documents according to the page numbers and document sections. Do not combine or staple all documents together. Each document should be stapled separately and kept in the correct page-number order.

* Please look for the line in the corner of each page. This line indicates where the documents should be separated and stapled.

* If you have any questions or need clarification, please contact the Law Library at 928-817-4165

Person Filing:_____

Address (if not protected):_____

City, State, Zip Code:_____

Telephone:_____

Email Address:_____

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

_____
Name of Petitioner/Party A

and

_____
Name of Respondent/Party B

Case No. _____

MOTION AND AFFIDAVIT FOR DEFAULT DECREE WITHOUT HEARING for:

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

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 Hearing and to the best of my knowledge everything I have 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 or legal separation papers, OR my case is for annulment or 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.

☐ NO - If NO, skip to Section C.

☐ YES - If YES, answer each question below.

☐ 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 Default Information for Spousal Maintenance form and the Spousal Maintenance Worksheet are 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, and 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.

☐ NO - If NO, skip to Section D.

☐ YES - If YES, answer each question below.

☐ 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. (Check all that apply.)

☐ 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: _____

_____

_____

Case No. _____

This signature page belongs to the form titled "Motion and Affidavit for Default Decree without Hearing" and cannot be used with any other documents.

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)

_____.

(Notarial Officer's Stamp or Seal) _____

Notarial Officer

Person Filing: _____

Address (if not protected): _____

City, State, Zip Code: _____

Telephone: _____

Email Address: _____

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

Case Number: _____

_____
(Petitioner/Party A)

DECREE OF DISSOLUTION
OF MARRIAGE (Divorce)
WITHOUT MINOR CHILDREN

_____
(Respondent/Party B)

THE COURT FINDS:

1. This case has come before this Court for a final Decree of Dissolution of Marriage (Divorce) without Minor Children. The Court has taken all testimony needed to enter a final Decree or has determined testimony is not needed to enter the final Decree.

2. This Court has jurisdiction over the parties under the law, and the provisions of the Decree are fair and reasonable under the circumstances.

3. THE COURT FINDS:

   (a) The marriage of the parties is not a "covenant" marriage.

   (b) At the time this action was filed, one of the parties lived in Arizona for more than 90 days, or had lived in Arizona, while a member of the United States Armed Forces, for more than 90 days.

   (c) The provisions of A.R.S. § 25-381.09 relating to Conciliation Court either do not apply or have been met.

(d) The marriage is irretrievably broken (the marriage is over).

(e) Where it has the legal power to do so and where it is applicable to the facts of this case, this Court has considered, approved, and made orders relating to the issue of spousal maintenance/support, and the division of property and/or debts.

☐ The parties did not acquire any community property or debts 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 property and/or debt, but all community property and/or debt is divided pursuant to this Decree.

(f) ☐ Party A, OR

☐ Party B

☐ Lacks sufficient property, including property apportioned to the spouse, to provide for that spouse's reasonable needs.

☐ Lacks earning ability in the labor market that is adequate to be self-sufficient.

☐ Is the parent of a child whose age or condition is such that the parent should not be required to seek employment outside the home.

☐ Has made a significant financial or other contribution to the education, training, vocational skills, career, or earning ability of the other spouse or has significantly reduced that spouse's income or career opportunities for the benefit of the other spouse.

☐ Had a marriage of long duration and is of an age that may preclude the possibility of gaining employment adequate to be self-sufficient.

(g) ☐ Party A is not pregnant. OR

☐ Party A is pregnant, and Party B ☐ IS OR ☐ IS NOT a parent of the child.

☐ Party B is not pregnant. OR

☐ Party B is pregnant and Party A ☐ IS OR ☐ IS NOT a parent of the child.

THE COURT ORDERS:

1. The marriage of the parties is dissolved, and the parties are restored to the legal status of single persons.

2. NAMES:

☐ Party A's name is restored to _____. (Put only the last name here.) Party A's date of birth is _____.

☐ Party B's name is restored to _____. (Put only the last name here.) Party B's date of birth is _____.

3. SPOUSAL MAINTENANCE/SUPPORT (ALIMONY):

(a) ☐ Neither party shall pay spousal maintenance/support (alimony) to the other party, (SKIP TO question 4)

OR

(b) ☐ Party A OR ☐ Party B is ordered to pay ☐ Party B, OR ☐ Party A the sum of $_____ per month spousal maintenance/support beginning the first day of the month after this Decree is signed. Each payment shall be made by the first day of each month thereafter and shall continue until the receiving party is remarried, deceased, or until _____ (date).

☐ This is a deviation from the amount recommended under the Spousal Maintenance Guidelines. The Court finds that this amount is more appropriate or just.
Reason(s) for deviation:

_____

_____

_____

All payments shall be made through the Support Payment Clearinghouse PO Box 52107, Phoenix, Arizona 85072-7107 by an Income Withholding Order, until all required payments have been made under this Decree. All spousal maintenance payments are governed by the applicable federal and state tax laws. It shall terminate upon the death of either party or remarriage of receiving party.

Spousal maintenance modification:

☐ The spousal maintenance award shall be modifiable in accordance with Arizona law,

OR

☐ The spousal maintenance award shall NOT be modifiable for any reason.

☐ Attachment: The required A.R.S. 25-319(b) financial factors and any discretionary adjustment pursuant to the Arizona Spousal Maintenance Guidelines are set forth in the Spousal Maintenance Worksheet and are attached hereto and incorporated herein by reference.

4. PROPERTY, DEBTS, AND TAXES:

a) ☐ Party A is ordered to pay all debts unknown to Party B.

☐ Party B is ordered to pay all debts unknown to Party A.

☐ Each party is ordered to pay his/her debts which he/she incurred since the date of the parties' separation on _____ (date).

b) ☐ Other orders and relief relating to the division of community property and/or debts which are contained in Exhibit A, is attached and incorporated into and made a part of this Decree.

c) ☐ Each party is assigned his/her separate property and debts as contained in Exhibit A, which is attached and incorporated into and made a part of this Decree.

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_____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.

(e) ☐ For previous calendar years, the parties shall file, subject to IRS Rules and Regulations,

☐ Joint federal and state income tax returns, and hold the other harmless from half of all additional income taxes and costs, if any, and each party shall share equally in tax refunds, if any,

OR

☐ Separate federal and state income tax returns.

☐ This calendar year and continuing thereafter, each party shall file separate tax returns.

AND

☐ Each party shall give the other party all necessary documentation to file all tax returns.

5. 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.

6. FINAL APPEALABLE ORDER. There are no further matters that remain pending before the court and this judgment is a final order under Rule 78(c) of the Arizona Rules of Family Law Procedure.

DONE IN OPEN COURT this _____ day of _____, 20_____.

_____
JUDGE OR COURT COMMISSIONER

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's Name: _____

Mailing Address: _____

City, State Zip Code: _____

By: _____

_____

Case No. _____

EXHIBIT A: PROPERTY AND DEBTS

1. DIVISION OF COMMUNITY PROPERTY: (Be very specific in your description of the property)

☐ Award each party the furniture, furnishings, artwork, collectibles, appliances, cookware, and related items of personalty in his/her possession, or

☐ The community property is awarded to each party as follows:

2. LIST OF COMMUNITY PROPERTY

	AWARD TO: Party A	Party B
☐ Household furniture/furnishings. (Be specific.)		
_____	☐	☐
_____	☐	☐
_____	☐	☐
_____	☐	☐
_____	☐	☐
☐ Appliances. (Be specific.)		
_____	☐	☐
_____	☐	☐
_____	☐	☐
_____	☐	☐
☐ DVD/VCR/DVR. (Be specific)		
_____	☐	☐
_____	☐	☐

	AWARD TO: Party A	Party B
☐ TV. (Be specific)		
_____	☐	☐
_____	☐	☐
☐ Personal Computer. (Be specific)		
_____	☐	☐
_____	☐	☐
☐ Stereo. (Be specific)		
_____	☐	☐
_____	☐	☐

☐	Motor vehicle_____	☐	☐
☐	Motor vehicle_____	☐	☐
☐	Motor vehicle_____	☐	☐
☐	Cash, bonds of $_____	☐	☐
☐	Other: _____	☐	☐
☐	Other: _____	☐	☐
☐	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/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.

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 and attach another sheet of paper with the information requested in Sections A and B.

A. Real property located at (address)_____
and 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 ☐ Party A or ☐ Party B as his/her sole and separate property.

OR

☐ Shall be sold and the proceeds divided as follows:

_____% or $_____ to Party A.

_____% or $ _____ to Party B.

B. Real property located at (address)_____ and 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 ☐ Party A or ☐ Party B as his/her sole and separate property.

OR

☐ Shall be sold and the proceeds divided as follows:

_____% or $_____ to Party A.

_____% or $ _____ to Party B.

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

5. DIVISION OF COMMUNITY DEBTS: (You should see a lawyer about how to divide secured and unsecured debts.)

☐ The community debts shall be divided as follows:

Creditors	Amount Owed	Party A	Party B
_____	$_____	_____	_____
_____	$_____	_____	_____
_____	$_____	_____	_____
_____	$_____	_____	_____
_____	$_____	_____	_____
_____	$_____	_____	_____

☐ Continued on attached list.

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:

☐ The separate property is awarded to each party as follows:

Description	Value	Party A	Party B
_____	$_____	_____	_____
_____	$_____	_____	_____
_____	$_____	_____	_____
_____	$_____	_____	_____
_____	$_____	_____	_____
_____	$_____	_____	_____
_____	$_____	_____	_____
_____	$_____	_____	_____

☐ Continued on attached list.

8. SEPARATE DEBT:

☐ The separate debts shall be the responsibility of the person as described below.

Creditors	Amount Owed	Party A	Party B
_____	$_____	_____	_____
_____	$_____	_____	_____
_____	$_____	_____	_____
_____	$_____	_____	_____
_____	$_____	_____	_____
_____	$_____	_____	_____
_____	$_____	_____	_____
_____	$_____	_____	_____

☐ Continued on attached list.