

Person Filing: _____

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City, State, Zip Code: _____

Telephone: _____

Email Address: _____

Attorney Bar Number: _____

Representing Self OR Attorney for _____

FOR CLERK'S USE ONLY

SUPERIOR COURT OF ARIZONA
IN _____ COUNTY

In the Marriage of

Case No. _____

Name of Petitioner

**MOTION AND AFFIDAVIT FOR
DEFAULT
DECREE WITHOUT HEARING**
(in cases without children) for

and

**DISSOLUTION OF MARRIAGE
(Divorce)**
 LEGAL SEPARATION
 ANNULMENT
A.R.F.L.P. 44 (B)(1)(b)

Name of Respondent

I am the Petitioner and I am asking the court to enter a ***“Decree of Dissolution of Marriage,” “Legal Separation,”*** or for ***“Annulment”*** by default without a Court hearing. I have put a check mark in 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 have said is true.

I have paid the filing and service fees or the filing and service fees have been waived or deferred. A copy of the receipt showing payment or a copy of the Order showing that the fees have been waived or deferred is attached.

To the best of my knowledge, both Petitioner and Respondent 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 Respondent was served with the dissolution, legal separation, or annulment papers. Service was not done by publication.

- [] The Respondent has not made an appearance in this matter or filed a **“Response.”** I have filed the **“Application and Affidavit for Default”** and Default has been entered against the Respondent.
- [] At the time this action was filed, the Petitioner or the Respondent 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, the Petitioner or the Respondent was domiciled or stationed in Arizona for more than 90 days.
- [] Conciliation Services provisions have been met since the filing of the Petition for Dissolution of Marriage or the provisions do not apply. (A.R.S. § 25-381.09).
- [] If for divorce, the marriage is irretrievably broken,
If for legal separation, the parties desire to live separate and apart, or
If for annulment, a condition exists which renders the marriage void or voidable.
- [] There are no minor children common to the parties who were born before or during the marriage, or who were adopted by the parties during the marriage. The wife, to my knowledge, is not pregnant.
- [] Neither Petitioner nor Respondent has made a claim for spousal maintenance/support. A claim for spousal maintenance/support is deemed waived by both parties.
- [] 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:

- [] 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. If applicable, attorney fees are itemized on the paper attached to this Motion and Affidavit.
- [] The relief to be awarded in the **“Decree for Dissolution of Marriage,” “Legal Separation,” or for “Annulment,”** is 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 for Dissolution of Marriage,” “Legal Separation,” or for “Annulment,”** containing the notarized signatures of both parties.

[] 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.

OATH OR AFFIRMATION

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 or Notary Public