

Name of Person Filing: _____

Street Address: _____

City, State, Zip Code: _____

Telephone Number: _____

Email Address: _____

ATLAS Number (if applicable): _____

Representing Self (No Attorney) or Represented by Attorney

If Attorney, Bar Number: _____

**SUPERIOR COURT OF ARIZONA
PINAL COUNTY**

Name of Petitioner

CASE NUMBER: S1100DO

**DECREE OF LEGAL SEPARATION
WITHOUT MINOR CHILDREN IN A
NON-COVENANT MARRIAGE**

Name of Respondent

HONORABLE: _____

THE COURT FINDS:

1. This case has come before this court for a final Decree of **“Legal Separation without Minor Children”**. 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; the provisions of this Decree are fair and reasonable under the circumstances and the division of property and debt is fair and equitable.

THE COURT FURTHER FINDS THAT:

3. **ARIZONA RESIDENCY.** The requirements of A.R.S. § 25- 313 for legal separation have been met: 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.

4. **CONCILIATION COURT.** The provisions relating to the Conciliation Court either do not apply or have been met.
5. **SEPARATE AND APART.** The parties desire to live separate and apart.
6. **COVENANT MARRIAGE.** This is a non-covenant marriage.
7. **SPOUSAL MAINTENANCE/SUPPORT, DIVISION OF PROPERTY AND DEBT.** 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 spousal maintenance/ support (alimony), and the division of property and/or debts.
8. **PROTECTIVE ORDERS.** Following is the effect, if any, of this Decree on any existing protective orders:

9. **COMMUNITY PROPERTY AND DEBT.** (Select One)

- The parties **DID NOT** acquire any community property or debt during the marriage, **OR**
- The parties **DID** acquire community property and/or debt but shall be divided as pursuant to this Decree.

10. **PREGNANCY OR PATERNITY.** (Select one.)

- Wife is not pregnant, **OR**
- Wife is pregnant, and the husband **IS OR** **IS NOT** the father of the child.

11. **SPOUSAL MAINTENANCE/SUPPORT.** (Select one.)

- A party is entitled to an award of Spousal Maintenance/Support for the reason that
- Petitioner, **OR** Respondent

Lacks enough property, including property given to him or her as part of this divorce or legal separation, to provide for his or her reasonable needs, and is unable to support himself or herself through an appropriate job, or he or she is providing the primary care to child(ren) of young age or is of a condition that they should not be required to look for work outside the home, or lacks earning ability necessary to support himself or herself, or contributed significantly to the educational opportunities of the other spouse, or had a marriage that lasted a long time and is of an age that may severely limit the possibility of getting a job to support himself or herself, **OR**

- Neither party is entitled to an award of Spousal Maintenance/Support.

THE COURT ORDERS:

1. LEGAL SEPARATION OR DISSOLUTION OF MARRIAGE (“Divorce”).

THE PARTIES ARE LEGALLY SEPARATED.

2. 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)

are 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, with the highest legal interest allowed by law, for the total amount of \$_____

3. SPOUSAL MAINTENANCE/SUPPORT.

a. **Neither party shall pay** spousal maintenance/support (alimony) to the other party, **OR**

b. **Petitioner OR** **Respondent**

Is ordered to pay to the other party the sum of \$_____ per month in 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 after that and shall **continue until** the receiving party is remarried or deceased **OR** until (date)_____.

All payments shall be made through the Support Payment Clearinghouse by wage assignment, until all required payments have been made under this Decree.

Payments made shall be included in receiving spouse’s taxable income and is tax deductible from the paying spouse’s income as required by law. Spousal maintenance/support payments end if the receiving party is remarried or deceased.

4. PROPERTY, DEBTS AND TAX RETURNS. (Select any that apply.)

a. Petitioner is ordered to pay all debts unknown to Respondent, **AND**

- Respondent is ordered to pay all debts unknown to Petitioner, **AND**
- Each party is ordered to pay his or her debts from the following date, _____
- b.** Each party is assigned his or her separate property and Petitioner must pay his/her separate debt, and Respondent 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 the 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.

- d.** For previous calendar years, pursuant to IRS rules and regulations, the parties will file:
 - Joint federal and state income tax returns and hold each other harmless from half of all income taxes and costs, if any, and each party will share equally in tax refunds, if any,
 - OR**
 - 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.
 - AND**
 - Each party shall give the other party all necessary documentation to file all tax returns.

5. FINANCIAL INFORMATION EXCHANGES. In cases in which spousal maintenance is ordered, then until such time as those would end under the orders in this Decree, the parties shall exchange financial information (tax returns, spousal affidavits, earning statements and/or other related financial statements) every 24 months.

6. **QUALIFIED DOMESTIC RELATIONS ORDER. (QDRO)**

A QDRO is not necessary;

A QDRO is submitted herewith, **OR**

A QDRO will be submitted to the court as soon as practicable or not later than:

Date: _____

The court shall retain jurisdiction over the subject matter of the QDRO.

7. **FINAL APPEALABLE ORDER.** Pursuant to Rule 81, Arizona Rules of Family Law Procedure, this final judgment/decreed is settled, approved and signed by the court and shall be entered by the clerk.

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

DONE IN OPEN COURT: _____

JUDGE OR COURT COMMISSIONER

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.)

Household Furniture and Appliances (Be specific)	AWARD TO	
	Petitioner	Respondent
_____	<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"/>
Video: TV / DVD / DVR / VCR, etc. (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"/>
Audio: Stereo/ Radio (Household or Portable) (Be specific)		
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
Computers and Related Equipment (Be specific)		
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>

Motor Vehicles (Be specific)

1. Year, Make, Model: _____
Last 4 digits of VIN# _____

2. Year, Make, Model: _____
Last 4 digits of VIN# _____

3. Year, Make, Model: _____
Last 4 digits of VIN# _____

AWARD TO

COMMUNITY PROPERTY: - continued (Be specific)

Petitioner Respondent

Cash, bonds of \$ _____

Other: _____

Other: _____

Other: _____

Other: _____

Other: _____

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:

Petitioner or Respondent **OR**

Shall be sold and the proceeds divided as follows:

_____ % or \$ _____	To Petitioner
_____ % or \$ _____	To Respondent

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:

Petitioner or Respondent **OR**

Shall be sold and the proceeds divided as follows:

_____ % or \$ _____ To Petitioner
 _____ % or \$ _____ To Respondent

Continued on attached page.

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 be paid by Petitioner	Amount be paid by Respondent
	\$ _____	\$ _____	\$ _____
	\$ _____	\$ _____	\$ _____
	\$ _____	\$ _____	\$ _____
	\$ _____	\$ _____	\$ _____
	\$ _____	\$ _____	\$ _____
	\$ _____	\$ _____	\$ _____
	\$ _____	\$ _____	\$ _____
	\$ _____	\$ _____	\$ _____
	\$ _____	\$ _____	\$ _____
	\$ _____	\$ _____	\$ _____

Continued 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 Petitioner or Respondent, is assigned below:

Description	Value	To Petitioner	To Respondent
_____	\$ _____	<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 the Petitioner or Respondent, is assigned below:

Creditor	Value	Petitioner Pays	Respondent 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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