

Person Filing: \_\_\_\_\_

Address (if not protected): \_\_\_\_\_

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

Telephone: \_\_\_\_\_

Email Address: \_\_\_\_\_

Lawyer's Bar Number: \_\_\_\_\_

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

For Clerk's Use Only

SUPERIOR COURT OF ARIZONA  
IN MARICOPA COUNTY

Case Number: \_\_\_\_\_

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

DECREE OF LEGAL SEPARATION  
(Without Minor Children)

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

THE COURT FINDS:

1. This case has come before this Court for a final Decree of Legal Separation. 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) At the time this action was filed, one of the parties lived in Arizona, or had lived in Arizona while a member of the United States Armed Forces.
  - (b) The provisions of A.R.S. § 25-381.09 relating to Conciliation Court either do not apply or have been met.
  - (c) The marriage is irretrievably broken or one or both parties desire to live separate and apart.
  - (d) The other party does not object to the decree of legal separation.
  - (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, and the division of property and/or debts.

- (f) ☐ 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.
- (g) ☐ No party is pregnant; OR
- ☐ One party is pregnant, and the other party IS NOT the father of the child.
- (h) ☐ 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.

THE COURT ORDERS:

1. 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)

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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.

3. SPOUSAL MAINTENANCE/SUPPORT (ALIMONY):

- (a) ☐ Neither party shall pay spousal maintenance/(alimony) to the other party; OR

(b) ☐ Party A, OR☐ Party B

Is ordered to pay ☐ Party B, OR ☐ Party A the sum of \$\_\_\_\_\_ per month spousal maintenance 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 deceased or until \_\_\_\_\_ (date). All payments shall be made through the Support Payment Clearinghouse by automatic 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.

☐ 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 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.

(c) Attachment: The required A.R.S. 25-319(B) 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 AND DEBT:

- (a) ☐ Party A is ordered to pay all debts unknown to Party B.
- (b) ☐ Party B is ordered to pay all debts unknown to Party A.
- (c) ☐ Each party is ordered to pay his or her debts which he or she incurred since the date of the parties' separation, \_\_\_\_\_ (date).
- (d) ☐ Other orders and relief relating to community property or debts are contained in Exhibit A relating to the division of community property and debts, which is attached and incorporated into and made a part of this Decree.
- (e) ☐ Each party is assigned his or her separate property as contained in Exhibit A relating to the separate property and debts, which is attached and incorporated and made a part of this Decree.
- (f) ☐ 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 titles 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 other 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.

- (g) ☐ For previous calendar years, the parties shall file
  - ☐ joint federal and state income tax returns and hold the other harmless from additional income taxes, if any, and other costs, and each shall share equally in any refunds, OR
  - ☐ separate federal and state income tax returns.

AND

- ☐ This calendar year and continuing thereafter,
  - ☐ joint federal and state income tax returns and hold the other harmless from half of all additional income taxes and other costs, if any, and each shall share equally in any refunds, if any, OR
  - ☐ separate federal and state income tax returns.

AND

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

5. OTHER ORDERS: (Leave blank for Judicial Officer) \_\_\_\_\_  
\_\_\_\_\_

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 \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
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 B’s Name: \_\_\_\_\_

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

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

By: (Party A’s Name) \_\_\_\_\_

Date: \_\_\_\_\_

## EXHIBIT A: PROPERTY AND DEBTS

## 1. DIVISION OF COMMUNITY PROPERTY:

- ☐ Award each party the furniture, furnishings, artwork, collectibles, appliances, cookware, and related items of personalty in his or her possession, or
- ☐ The following community property is awarded to each party as follows:

## 2. LIST OF COMMUNITY PROPERTY. Be specific

## AWARD TO:

Party A

Party B

<input type="checkbox"/> Household furniture/furnishings	<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"/> Appliances	<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"/> DVD/DVR/VCR (be specific)	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> TV	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Personal Computer	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Stereo	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> State Income Tax Refund	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Federal Income Tax Refund	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Motor vehicle _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Motor vehicle _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Motor vehicle _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Cash, bonds of \$ _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Other: _____	<input type="checkbox"/>	<input type="checkbox"/>

- |                          |                             |                          |                          |
|--------------------------|-----------------------------|--------------------------|--------------------------|
| <input type="checkbox"/> | Other: _____                | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | Other: _____                | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | Other: _____                | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | 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 or her interest in any retirement benefits, pension plans, or other deferred compensation described as:

Party A's: \_\_\_\_\_

Party B's: \_\_\_\_\_

OR

- ☐ The Plan Administrator and the parties have approved the Qualified Domestic Relations Order (QDRO) attached as Exhibit(s) \_\_\_\_\_. Do not check this box without first seeking the help of a lawyer.

OR

- ☐ Each party WAIVES AND GIVES UP his or her interest in any retirement benefits, pension plan, 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 below and attach another sheet of paper with the information requested in A and B.

- ☐ More than 2 pieces of property are involved. See attached sheet listing the same information as in A and B.

A. Real property located at (address) \_\_\_\_\_ 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 or her sole and separate property.  
OR

☐ Shall be sold and the proceeds divided as follows:

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

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

☐ 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 titles ordered in this Decree, such as motor vehicles, houses, and bank accounts.

☐ \_\_\_\_\_ is appointed real estate commissioner to sell this real property.

- B. Real property at (address) \_\_\_\_\_ 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 or her sole and separate property.

OR

☐ Shall be sold and the proceeds divided as follows:

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

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

☐ 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 titles ordered in this Decree, such as motor vehicles, houses, and bank accounts.

☐ \_\_\_\_\_ is appointed real estate commissioner to sell this real property.

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

☐ The following community debts shall be divided as follows:

Creditor(s)	Amount owed	Party A	Party B
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____

☐ Continued attached list.

6. ☐ Any debts or obligations incurred by either party before Party B was served with the Petition for Dissolution 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 following separate property is awarded as follows: (Be specific)

Description of Property. Be specific.	Party A	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"/>

8. SEPARATE DEBT. The parties are each ordered to pay his or her separate debt as follows:

Creditor(s)	Amount owed	Party A	Party B
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____