

**DECREE
OF ANNULMENT
for a NON-COVENANT MARRIAGE**

4

The Court Order

Part 4: To get an Annulment

(Forms and Instructions)

LAW LIBRARY RESOURCE CENTER

Decree of annulment without children
Default or Trial

CHECKLIST

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 Annulment*" AND
- ✓ You and the other party have no minor children in common, by birth or adoption, AND one spouse is not pregnant by the other, AND
- ✓ You are going to a default hearing, or you are filing a Motion to get a default Annulment without a hearing, or you are going to trial, AND
- ✓ You have paid the filing fee.

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.

Part 4 – Decree of Annulment

This packet contains court forms and instructions to get a decree for an Annulment of 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!

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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.

Instructions: How to fill out the annulment decree for default

I. General Information

What the Decree Means to You. The Decree is the Court Order that legally ends your marriage. The Decree, once the judge or commissioner has signed it, is important because it determines the rights and responsibilities of both you and your ex-spouse. If either party disobeys what the Decree orders, then the other party may ask the Court for help. The Decree is a very important document.

The Decree. Fill out the Decree before you go to your hearing or before you give it to the judge to sign. Do not fill in the spaces allocated for the judge's signature and date. If the judge disagrees with anything you have written, he/she may change it before signing the Decree or he/she may ask the parties to come to a hearing.

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.

Annulment 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.

Getting Your Annulment Finalized.

- **JUDICIAL SIGNATURE REQUIRED:** Before your Annulment can become final, a judge or commissioner must sign the Decree. The Decree states how the property (if any) is divided and how the debts and assets (if any) are divided.

II. Instructions for completing the Decree:

When writing on any court forms, type or print with black ink only.

A. CASE IDENTIFICATION:

1. Top left corner of the first page: write in Petitioner's/Party A's name, mailing address,

- phone number for day and evening. Check the box of the person you represent. If you have an attorney, write in the attorney State Bar Number.
2. Write in the name of Party A, the name of the Respondent/Party B and the case number in the appropriate spaces provided. These should be written the same as they are written on the original Petition.
 3. Put a check mark in the appropriate box on the right side of the page; if you are seeking a decree by Default, mark the Default box. If you are seeking a decree by way of a trial, mark the trial box.

B. COURT FINDINGS SECTION:

- This section generally mirrors the information in your petition. Each number recites facts the Court uses to create the final court order for the annulment.
- Item Number 8: Write in the same Ground(s) for annulment that you wrote in the Petition for Annulment.
- Item Number 9: Write in the same Protective Order information that you wrote in the Petition.
- Item Number 10: Write a check mark in the appropriate box for Pregnancy and Minor Children, the same as that information you wrote in the Petition.
- Item Number 11: Write a check mark in the appropriate box(es) indicating the same information that you wrote in the Petition.
- Item Number 12: Write in the same Other Findings, if any, that you wrote in the Petition.

C. COURT ORDERS SECTION:

1. ANNULMENT: Write in the same Ground(s) for annulment that you wrote in the Petition for Annulment, and in the findings section above.
2. PROPERTY AND DEBTS: Write a check mark in the appropriate box(es) indicating the same information about Property and Debt as you wrote in the Petition, and in the box(es) of the above "Findings" section.
3. TAX RETURNS: Write a check mark in the appropriate box(es) indicating the same information about Tax Returns as you wrote in the Petition.
4. NAME CHANGE: If you want to use, and/or be called by, the former/maiden name, write a check mark in the appropriate box(es) and write the same name you wrote in this section of the Petition. NOTE: The law does not require you to use your former/maiden name.
5. OTHER ORDERS: If you listed any other orders in the Petition for Annulment, write in the same information in the space provided.

6. ENFORCEMENT OF TEMPORARY ORDERS. If the Court ordered temporary debt division or other temporary relief, fill in the dates of ALL of the temporary orders. This section allows you to enforce nonpayment of those debts.
7. FINAL APPEALABLE ORDER. This Decree/Order/Judgment is a final order and may be appealed.
8. JUDICIAL SIGNATURE: The judge or commissioner who presides over your case will SIGN AND DATE this "COURT ORDERS" section.

D. SIGNATURE:

- Do not sign or date the Decree, the Judge/Commissioner must do this.
- DEFAULT DECREE: If you (Party A) are seeking a Default Decree, Party A must promise to mail a copy of the Decree to the last known address of Party B, after the Judge or Commissioner has signed it.

E. "EXHIBIT A: PROPERTY AND DEBT": If you have questions about whether your property is community property or separate property, or whether your debt is community debt or separate debt, you should see a lawyer for help.

1. Division of Community Property. If you marked the box on the Decree to indicate you have no community property or debts, STOP. You have completed your Decree. If you have community property or debt, check this box and complete this form.
2. List of Community Property. Describe the property, then mark the box showing which party is being given the property. Mark the box stating, "award each party the personal property in his/her possession." If you had to use a separate sheet to list more property, mark the box that states, "continued on reverse side or see attached list." Be as specific as possible in describing your property.
3. Retirement Benefits. Decide what you want to do about these assets. Generally, each spouse is entitled to a half interest in the pension or retirement or deferred compensation benefits of the other spouse, based upon the length of time the parties were married. This is very complicated, and very important to both spouses. If you are entitled to any interest in your spouse's retirement assets, you may be required to file a Qualified Domestic Relations Order. This is a very important document. The Court and the Law Library Resource Center do not have this document. See a lawyer for help. Check the box that describes what you asked for in the Petition or what the parties have agreed to.

4. Real Property. Mark this box if you own a home or any other real estate together. IT IS VERY IMPORTANT THAT YOU WRITE IN THE CORRECT ADDRESS AND THE LEGAL DESCRIPTION OF EACH PIECE OF PROPERTY. Mark the box showing which spouse gets which property, OR that the property is to be sold and the proceeds divided. If you used your own earnings to pay for property owned by your spouse, see a lawyer.
5. Community Debt. Mark this box if the parties have community (or joint) debt. Describe the debt, including the creditor and the amount owed. Then mark the box showing which party is going to pay for the debt. If you had to use a separate sheet to list more debts, or if you continued to list debts on an attached page, check the box to indicate that to the Judge. (Mark the next box if you both agree that each spouse will pay his/her own debt, debts incurred, and owed, prior to the marriage.)
6. Mark this box if you want to divide the debt(s) that were incurred by a spouse, but were not listed to be paid by the spouse who incurred the debt(s). Remember, even though the Decree orders either spouse to pay community debts - that does not mean a creditor cannot pursue collection from the other spouse, even after the Annulment is final.
7. Separate Property. If you and/or your spouse have separate property, describe the separate property, its value, and who the property belongs to.
8. Separate Debt. If you and/or your spouse have separate debt, identify the creditor, the amount owed, and who is responsible for paying the separate debt.

III. Procedures: How to get your Decree signed by the Judge

A. Default Hearing. If you are requesting a default hearing, you must first submit your original documents to Family Department Administration for review.

1. You may email your original documents to DefaultReview@jbazmc.maricopa.gov. If you are unable to email your papers, you may submit your papers in person at any Superior Court location.
2. Family Department Administration will review the forms to see if you are ready to proceed to a hearing.
 - If you present your forms in person, they may review while you are present.
 - If you email your forms or the Family Department is not able to review them with you present, they will review them within 3 business days of receipt.
 - After the review, they will contact you by phone.
3. 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, the Family Department will provide you information about what to fix. You will then need to resubmit your corrected documents to Family Department Administration before your hearing will be scheduled.
4. 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.
- B. Default, no hearing. If you are using the default process and you wish to proceed without a hearing, see the procedures and forms to proceed by Motion.

NOTE: If you disobey the Orders in the Decree, you could get into trouble with the Court. This does not mean that the Court will police you or the other party to make sure you are following the Decree. It does mean that you, or your ex-spouse, can request a Contempt Order or an Order to Enforce parts of the Decree if you, or your ex-spouse, fail to follow the orders in the Decree.

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.

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.

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.

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, Division of Child Support Services if they are involved in your case, and one for your judge or Family Administration (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.)

<p>Set 1: For Clerk of Superior Court:</p> <ul style="list-style-type: none">• Motion and Affidavit for Default Decree without a Hearing	<p>Set 2: For Judge:</p> <ul style="list-style-type: none">• COPY Motion and Affidavit for Default Decree without a Hearing <p>ORIGINAL:</p> <ul style="list-style-type: none">• 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)
<p>Set 3: Your copies:</p> <ul style="list-style-type: none">• 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)	<p>Set 4: Copies for the Other Party:</p> <ul style="list-style-type: none">• 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)
<p>Set 5: Copies for DCSS (if applicable)</p> <ul style="list-style-type: none">• 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)	

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 locations.

- 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.

Central Court Building
201 West Jefferson, 1st floor
Phoenix, Arizona 85003

Southeast Court Complex
222 East Javelina Avenue, 1st floor
Mesa, Arizona 85210

Northwest Court Complex
14264 West Tierra Buena Lane
Surprise, Arizona 85374

Northeast Court Complex
18380 North 40th Street
Phoenix, Arizona 85032

Step 3: Hand-deliver or mail the following documents as indicated below to the Family Department:

- 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.

Central Court Building
201 West Jefferson, 3rd floor
Phoenix, Arizona 85003
(To Family Department)

Southeast Court Complex
222 East Javelina Avenue, 1st floor
Mesa, Arizona 85210
(To Family Department)

Northwest Court Complex
14264 West Tierra Buena Lane
Surprise, Arizona 85374
(To Family Department)

Northeast Court Complex
18380 North 40th Street
Phoenix, Arizona 85032
(To Family Department)

- If the Division of Child Support Enforcement (DCSE) is involved in your case, you must include an extra copy of each form and stamped envelope addressed to:

Office of the Attorney General
Child Support Services Section,
2005 N. Central Avenue – Mail Drop 7611
Phoenix, AZ 85004-2926

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.

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.

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 MARICOPA COUNTY

In the Marriage of

Case No. _____

Name of Petitioner/Party A

MOTION AND AFFIDAVIT FOR
DEFAULT DECREE WITHOUT
HEARING for:

and

☐ DISSOLUTION OF MARRIAGE
(Divorce)

☐ LEGAL SEPARATION

☐ ANNULMENT

Name of Respondent/Party B

☐ 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: _____
- _____
- _____

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: _____
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 MARICOPA COUNTY

Petitioner / Party A

Case No. _____

DECREE OF ANNULMENT in a NON-Covenant Marriage

☐ for DEFAULT

☐ for TRIAL

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, the 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 Decree on any existing protective orders:

10. **Pregnancy and Minor Children.**

- ☐ There are no minor children common to the parties.
- ☐ Party A is NOT pregnant OR
- ☐ Party A is pregnant and the Party B ☐ is OR ☐ is NOT the parent of the child.
- ☐ Party B is NOT pregnant OR
- ☐ Party B is pregnant and Party A ☐ is OR ☐ is NOT the 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.
- ☐ 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.

12. **Other Findings:**

THE COURT ORDERS:

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

The parties are restored to the legal status of single persons.

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 B AND
☐ Each party is ordered to pay his or her debts incurred since _____ date.
- B.** ☐ Each party is assigned their 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.

NOTE: 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.

- D.** ☐ 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

Please mark appropriate boxes:

- ☐ 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.
- ☐ 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. 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.

7. FINAL APPEALABLE ORDER. Pursuant to Rule 78, 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.

Date

Judicial Officer

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: _____

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.)

		AWARD TO	
Household Furniture and Appliances	(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"/>
_____		<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"/>
_____		<input type="checkbox"/>	<input type="checkbox"/>
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 # _____			

AWARD TO**COMMUNITY PROPERTY** (Be specific)

Party A

Party B

Cash, bonds of \$☐☐

Other: _____

☐☐

Other: _____

☐☐

Other: _____

☐☐

Other: _____

☐☐

Other: _____

☐☐☐

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 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"/>
_____	\$ _____	<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.