

**SEPARATE MAINTENANCE ANSWER AND  
COUNTERCLAIM FOR DIVORCE (no children)  
HOW TO FILE YOUR RESPONSE**

Use this form if you were served with a Complaint for Separate Maintenance without Minor Children and you want to ask for a divorce.

1. Double check that you have signed all of your documents.
2. A notary is available at the Clerk's office and you should wait until you are in front of a notary before you sign these documents.
3. Make 2 copies of all your signed documents.
4. Go to the clerk of Superior Court and have the clerk stamp all 3 copies of your Answer, Verification and Certificate of Service.
5. The clerk will keep the originals. One copy is yours to keep.
6. Mail a copy of the Answer to the other side. You may send it by regular 1<sup>st</sup> class mail, U.S. Postal Service.
7. Wait for notice of a court date or request for additional information from the court or from the other side.

**Courthouse Information**

Gwinnett Justice and Administration Center  
ATTN: Clerk of Superior Court  
75 Langley Drive  
Lawrenceville, GA 30046  
Tel: (770) 822-8100

SUPERIOR COURT OF GWINNETT COUNTY  
STATE OF GEORGIA

\_\_\_\_\_,  
Plaintiff,  
vs. \_\_\_\_\_  
Civil Action  
Case Number \_\_\_\_\_  
\_\_\_\_\_,  
Defendant.

**ANSWER TO COMPLAINT FOR SEPARATE MAINTENANCE  
AND COUNTERCLAIM FOR DIVORCE**

**ANSWER**

My name is \_\_\_\_\_  
and I am representing myself in this annulment action. In response to each of the  
numbered paragraphs of the Plaintiff's *Complaint for Annulment*, I state as follows:

*[Check only one answer to match each paragraph of the Complaint; whenever you choose the  
"partly true" answer, you must explain on the lines about what is true and what is false.]*

1. The allegations of Paragraph One are:     admitted as true     denied as untrue  
 neither admitted nor denied because I do not have enough information to know  
the truth of the matter     partly true and partly untrue, specifically as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. The allegations of Paragraph Two are:     admitted as true     denied as untrue  
 neither admitted nor denied because I do not have enough information to know  
the truth of the matter     partly true and partly untrue, specifically as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. The allegations of Paragraph Three are:  admitted as true  denied as untrue  
 neither admitted nor denied because I do not have enough information to know  
the truth of the matter  partly true and partly untrue, specifically as follows:

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4. The allegations of Paragraph Four are:  admitted as true  denied as untrue  
 neither admitted nor denied because I do not have enough information to know  
the truth of the matter  partly true and partly untrue, specifically as follows:

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5. The allegations of Paragraph Five are:  admitted as true  denied as untrue  
 neither admitted nor denied because I do not have enough information to know  
the truth of the matter  partly true and partly untrue, specifically as follows:

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6. The allegations of Paragraph Six are:  admitted as true  denied as untrue  
 neither admitted nor denied because I do not have enough information to know  
the truth of the matter  partly true and partly untrue, specifically as follows:

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7. **Defenses** - In addition to my specific responses above, I have the following  
affirmative defenses to this action:

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## COUNTERCLAIM FOR DIVORCE

8. **Subject Matter Jurisdiction:** I am the Defendant in this action and:

*[Check only one of the following, either (a) or (b).]*

(a) I have been a resident of the State of Georgia for more than six (6) months immediately prior to filing this action.

(b) I am not a resident of the State of Georgia, but my spouse has been a resident of the State of Georgia for at least six (6) months immediately prior to filing this action.

9. **Venue:** My spouse is the Plaintiff in this action, and has consented to venue and personal jurisdiction by filing the *Complaint for Annulment*.

10. **Service:** The Plaintiff shall be served as provided under OCGA § 9-11-5(b), by delivering or mailing to the address listed on the *Summons*.

11. **Date of Marriage:**

*[Check and complete only one of the following, either (a) or (b).]*

(a) The Plaintiff and I were lawfully married on \_\_\_\_\_.

(b) The Plaintiff and I are married by common law because we lived together and held ourselves out as husband and wife as of \_\_\_\_\_, which date was prior to January 1, 1997.

12. **Date of Separation:** The Plaintiff and I last separated on \_\_\_\_\_, and we have remained in a true state of separation since that date.

13. **Settlement Agreement:**

*[Check only if there is a signed agreement.]*

The Plaintiff and I have entered into a *Settlement Agreement*, which we both want to be incorporated into the *Final Judgment and Decree for Divorce*. The *Settlement Agreement* has been signed by each of us in front of a notary public, and I am filing the *Settlement Agreement* with the Court, together with this *Answer and Counterclaim*.

14. **Alimony:**

*[Check only one of the following, either (a) or (b).]*

(a) I am financially dependent on the Plaintiff and need the Court to order the Plaintiff to pay alimony for my support.

(b) I am not asking for alimony.

15. **Marital Property:**

*[Check only one of the following, either (a), (b) or (c).]*

(a) The Plaintiff and I have already divided our marital property, and we are both satisfied with the division.

(b) The Plaintiff and I have not obtained any property during our marriage.

(c) The Plaintiff and I have obtained the following property during our marriage, and I am asking for a fair division of this property:

House located at \_\_\_\_\_

Other real estate, located at \_\_\_\_\_

Mobile home (model: \_\_\_\_\_, year: \_\_\_\_\_)

Pension (mine, worth \$ \_\_\_\_\_; Plaintiff's, worth \$ \_\_\_\_\_)

Motor vehicles listed here:

Model/year: \_\_\_\_\_

Model/year: \_\_\_\_\_

Model/year: \_\_\_\_\_

Furniture:

Listed here: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Listed on separate paper attached to this *Counterclaim*

Bank accounts and/or other investments:

Listed here: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Listed on separate paper attached to this *Counterclaim*

Other property:

Listed here: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Listed on separate paper attached to this *Counterclaim*

**16. Joint or Marital Debts:**

*[Check only one of the following, either (a) or (b).]*

(a) The Plaintiff and I do not have any outstanding joint or marital debts.

(b) The Plaintiff and I have the following outstanding joint or marital debts, and responsibility for paying them should be as listed below:

| <u>Creditor</u> | <u>Balance</u> | <u>Who Should Pay</u> |
|-----------------|----------------|-----------------------|
| _____           | _____          | _____                 |
| _____           | _____          | _____                 |
| _____           | _____          | _____                 |
| _____           | _____          | _____                 |

Listed on separate paper attached to this *Counterclaim*.

**17. Restraining Order Where Violence Has Occurred:**

*[Read instructions carefully and check only if applicable.]*

There is a history of physical violence by the Plaintiff toward me, and I am afraid that the Plaintiff will engage in further acts of violence or harassment toward me unless the Court enters a temporary and permanent restraining order.

**18. Restore Former or Maiden Name:**

*[Check only if applicable.]*

My former or maiden name is \_\_\_\_\_  
and I am asking the Court to restore that name to me.

**19. Grounds for Divorce:**

*[Check the ones that you can prove at trial.]*

My grounds for divorce from the Plaintiff are:

(a) **Our marriage is irretrievably broken.** The Plaintiff and I can no longer live together and there is no hope that we will get back together.

(b) **Cruel treatment** - The Plaintiff committed the following acts of cruel treatment toward me: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

(c) **Adultery** - The Plaintiff has had sexual intercourse with someone else during our marriage.

(d) **Desertion** - The Plaintiff has intentionally and continually deserted me for at least a year.

(e) **Other grounds** from list in OCGA § 19-5-3, as explained here:

\_\_\_\_\_  
\_\_\_\_\_

FOR THESE REASONS, I REQUEST THE FOLLOWING RELIEF:

[Check *all* that apply.]

(a) That I be granted a total divorce from the Plaintiff;

(b) That the *Settlement Agreement* signed by the parties be incorporated into the *Final Judgment and Decree of Divorce*.

(c) That the Plaintiff be ordered to pay me alimony for my support;

(d) That our marital property be divided according to Paragraph 27;

(e) That our joint and marital debts be divided according to Paragraph 28;

(f) That the Plaintiff be temporarily and permanently restrained from harassing me or committing any acts of violence toward me;

(g) That my former or maiden name be restored according to Paragraph 30;

- (h) That a Rule Nisi be scheduled by the Court, to decide on the relief I have requested;
- (i) That the Court order the parties to participate in mediation, to try to resolve this matter; and
- (j) That the Court order any and all other relief that the Court finds appropriate.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Defendant *Pro se* [signature]

Name: \_\_\_\_\_

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

\_\_\_\_\_  
City, State ZIP

Phone: \_\_\_\_\_

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



IN THE SUPERIOR COURT OF GWINNETT COUNTY  
STATE OF GEORGIA

\_\_\_\_\_  
Plaintiff,  
v.

Civil Action  
File No.: \_\_\_\_\_

\_\_\_\_\_  
Defendant.

**VERIFICATION**

The Defendant personally appeared before the undersigned officer duly authorized to administer oaths, and did swear or affirm that he/she read the foregoing *Answer and Counterclaim* and that the information contained therein is true and correct.

\_\_\_\_\_  
Signature, Defendant *Pro se*

SWORN AND AFFIRMED before me this

\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

IN THE SUPERIOR COURT OF GWINNETT COUNTY  
STATE OF GEORGIA

\_\_\_\_\_  
v. Plaintiff,

Civil Action  
File No.: \_\_\_\_\_

\_\_\_\_\_  
Defendant.

**CERTIFICATE OF SERVICE**

This certifies that I sent copies of the foregoing *Answer and Counterclaim* to the opposing party by  first class mail  certified mail, return receipt requested. They were addressed to the opposing party or their attorney as follows:

\_\_\_\_\_  
Opposing Party/Attorney's Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address Line 2

\_\_\_\_\_  
City, State, ZIP

Dated: \_\_\_\_\_

\_\_\_\_\_  
Defendant *Pro se* [signature]

Name: \_\_\_\_\_

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

\_\_\_\_\_  
City, State ZIP

Phone: \_\_\_\_\_

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