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ATLAS Number: _____
Lawyer's Bar Number: _____

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

SUPERIOR COURT OF ARIZONA IN COCHISE 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
☐ MATERNITY/PATERNITY
☐ ESTABLISH LEGAL DECISION-MAKING /
PARENTING TIME / CHILD SUPPORT
A.R.F.L.P. 44.1

Name of Respondent / Party B

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 Court Hearing”** and to the best of my knowledge everything I 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 have been 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, legal separation, or annulment papers. OR my case is 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 have 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.

☐ **YES** - If YES, answer each question below.

☐ **NO** - If NO, skip to Section C.

☐ 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 Form 6 “(Default Information for Spousal Maintenance)” is 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, 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.

☐ **YES - If YES, answer each question below.**

☐ **NO - If NO, skip to Section D.**

☐ 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:☐ 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: _____

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)

_____.

(Notary seal)

Deputy Clerk of Court or Notary Public