

**IN THE COURT OF COMMON PLEAS
DOMESTIC RELATIONS DIVISION
TUSCARAWAS COUNTY, OHIO**

_____ : Case Number _____
(Your Name) : (Court will complete)

_____ :
(Your Address) :

_____ :
DOB: _____ :

_____ :
Last 4 Digits of SSN: _____ :

Plaintiff, :

vs. :

Judge/Magistrate _____
(Court will complete)

_____ :
(Your Spouse's Name) :

_____ :
(Your Spouse's Address) :

**COMPLAINT FOR DIVORCE -
WITHOUT CHILDREN**

_____ :
DOB: _____ :

_____ :
Last 4 Digits of SSN _____ :

Defendant. :

1. Plaintiff has been a resident of the State of Ohio for more than six months immediately prior to the filing of this Complaint, and (Check One)

9 of _____ County for more than 90 days immediately prior to filing this Complaint and/or

9 Defendant is a resident of _____ County.

2. Plaintiff and Defendant were married on _____ in
(Insert Date)

_____, _____.
(City) (State)

3. We do not have any children together.

4. Wife is not currently pregnant.

5. Defendant has been guilty of: **(Check all that apply)**

Gross Neglect of Duty

Spouse is currently in prison

Adultery

Habitual Drunkenness

Incompatibility

Living separately for at least one year

Extreme Cruelty

6. The parties **(Check One)**

do not own real property

do own real property located at

(Address, City, State)

7. The parties have personal property which: **(Check One)**

has been divided

has not been divided. Major property items not divided include _____

8. The parties: **(Check One)**

do not have any debts

have the following debts _____

THE PLAINTIFF ASKS THE COURT FOR THE FOLLOWING RELIEF:

- a. Grant this divorce;
- b. Equitably divide the property and debts.
- c. That the Court: **(Check all that apply)**
 - 9 restore wife to her former name of:

 - 9 order the Defendant not to dispose of property during this action.
 - 9 order the Defendant to pay spousal support.
- d. Order the Defendant to pay the costs of this action; and
- e. Award any other relief the Court feels is fair and equitable.

Respectfully submitted,

Plaintiff Signature (Your Signature)

Print Name

Street Address

City, State, Zip

Telephone

In the Court of Common Pleas,
General Trial Division
Tuscarawas County, Ohio

Case No. _____

Plaintiff

vs.

Defendant

AFFIDAVIT OF INABILITY TO
PREPAY OR GIVE SECURITY
FOR COSTS

Sec. 2323.31 Revised Code

STATE OF OHIO

_____ COUNTY, SS:

I, the undersigned, a party in the above captioned case, being first duly sworn, represent to the Court that I am unable either to prepay or give security for costs in this action and request the Clerk to accept the attached pleading herein without prepaying or giving security for costs as provided by Sec. 2323.31 of the Revised Code.

In support of this request, I submit answers to the following questions:

1. What is your age? _____ years old.
2. Do you have any children? _____, If so, give names and ages:
3. What is your occupation or business? _____
4. Are you employed? _____. If so, give name and address of your employer:

5. What did you earn during the past year? \$ _____
6. What are your parents' names and ages? _____

- 7. Do you own any real estate? __. If so, give its value _____
Is it mortgaged? ____. If so, give the amount of mortgage \$_____
 - 8. Do you own an automobile? __. If so, what is the value \$_____
 - 9. What other items of personal property do you own? _____

- What debts are against it?_____
- 10. Have you made an advance payment to your attorney for his services in this case? __. If so, how much \$_____ Who paid it?_____
 - 11. Do you have any securities or bank accounts? __. If so, give its value: \$_____
 - 12. Are you receiving public assistance? __. If so, what kind? _____
How much \$_____

Your signature - SIGN IN FRONT OF NOTARY

STATE OF OHIO

_____ COUNTY, SS:

Before me, a notary public in and for said county and state, personally appeared
who being first duly cautioned and sworn, says that the facts in the foregoing affidavit are true.

NOTARY PUBLIC

**IN THE COURT OF COMMON PLEAS
GENERAL TRIAL DIVISION
TUSCARAWAS COUNTY, OHIO**

(Your Name)

Plaintiff,

vs.

(Your Spouse's Name)

Defendant.

Case No. _____
(Court will complete)

Judge/Magistrate _____
(Court will complete)

INSTRUCTIONS FOR SERVICE

TO THE CLERK:

Please serve the Defendant with the Summons and the following documents: **(Check all that you filed.)**

- _____ Complaint for Divorce
- _____ Motion for Temporary Orders
- _____ Affidavit of Plaintiff
- _____ Parental Affidavit
- _____ Affidavit of Indigency

_____ by CERTIFIED MAIL, ADDRESSEE ONLY at the following address: **(Check if you know your spouse's address)**

(Your Spouse's Address)

_____ Pursuant to O.R.C.P. 4.4(A)(2) so that notice is posted in the courthouse and two additional public places. Additionally, the complaint and summons will be mailed by ordinary mail, address correction requested to the defendant's last known address. **(Check if you do not know your spouse's address. Also complete Form)**

Plaintiff Signature (Your Signature)

Print Name (Your Name)

Street Address (Your Address)

City, State, Zip

Telephone

**IN THE COURT OF COMMON PLEAS
GENERAL TRIAL DIVISION
TUSCARAWAS COUNTY, OHIO**

(Your Name)

Plaintiff,

vs.

Case No. _____
(Court will complete)

Judge/Magistrate _____
(Court will complete)

(Your Spouse's Name)

Defendant.

AFFIDAVIT FOR SERVICE
PURSUANT TO O.R.C.P. 4.4(A)(2)

I, _____, being first duly sworn and cautioned, depose and
(Your Name)

state as follows:

1. I have filed for a divorce and am not able to prepay the filing fees;
2. I do not know the current address of the defendant, my spouse;
3. I have made efforts to determine the defendant's current address but have been unable to do so;
4. The defendant's residence cannot be learned with reasonable effort;
5. The defendant's last known mailing address is:

(Your Spouse's Last Known Address)

Affiant (Sign Here in Front of Notary)

STATE OF OHIO, COUNTY OF _____, SS:

Sworn to before me and signed in my presence this _____ day of _____,
20____.

Notary Public

IN THE COURT OF COMMON PLEAS
GENERAL TRIAL DIVISION
TUSCARAWAS COUNTY, OHIO

DOMESTIC CASE

_____	:	
_____	:	
Plaintiff(s),	:	Case Number: _____
	:	
vs.	:	
	:	Judge: _____
_____	:	
_____	:	
Defendant(s).	:	

Has this case been previously filed and dismissed? Check One: 9 Yes 9 No
If yes, list case number and judge: _____

List all related pending case(s), including case number and judge: _____

DOMESTIC CATEGORIES: PLACE (X) IN ONE CATEGORY ONLY

- | | | | | | |
|---|----|--|---|----|--|
| 9 | A. | Termination of Marriage w/children (Divorce) | 9 | G. | Support Enforcement/Modification |
| 9 | B. | Termination of Marriage w/o children | 9 | H. | Domestic Violence |
| 9 | C. | Dissolution of Marriage w/children | 9 | I. | U.I.F.S.A. |
| 9 | D. | Dissolution of Marriage w/o children | 9 | J. | Parentage |
| 9 | E. | Change of Custody | 9 | K. | Other |
| 9 | F. | Visitation Enforcement/Modification | | | (i.e., Foreign Support Enforcement, Warrants, Spousal Support Enforcement) |

Mediation: Is this case appropriate for mediation? Check One: 9 Yes 9 No

Name (Print or Type)

Address

Telephone

Form B

IN THE COURT OF COMMON PLEAS
TUSCARAWAS COUNTY, OHIO

CASE NO. _____

JUDGE _____

SS# _____ DOB _____

Plaintiff

FINANCIAL AFFIDAVIT

vs.

SS# _____ DOB _____

Defendant

A. GENERAL

VERIFIED FINANCIAL AFFIDAVIT OF _____

(Instructions: This form must be executed in full by each party. All blanks must be filled in as the testimony of the affiant. Values are to be verified or in the opinion of the affiant. The Affidavit must be filed with the first pleading of each party in every case or at any hearing requesting spousal support, child support, or division of property - whichever first occurs. If additional space is needed, please attach extra pages.)

1. Date of marriage: _____

2. Date Separated: _____

3. Number of prior marriages, if any: _____

4. List of adults living in your household:

Names	Relationship to you	Age
_____	_____	_____
_____	_____	_____
_____	_____	_____

5. List children of this marriage:

Names	Date of Birth	With whom are they living?
_____	_____	_____
_____	_____	_____
_____	_____	_____

C. ASSETS OF THE PARTIES

Item	Ownership (H, W, JT)	Fair Market Value	Mtg./Loan Balance	Monthly Payment
1. Residence at				
2. Other Real Estate				
_____	_____	_____	_____	_____
3. Automobiles and motor vehicles				
_____	_____	_____	_____	_____
4. Number of rooms of furniture				
_____	_____	_____	_____	_____
5. Personal effects (jewelry, etc.) and collectibles				
_____	_____	_____	_____	_____
6. Tools				
_____	_____	_____	_____	_____
7. Bank Accounts (including Certificates of Deposit)				
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
8. Stocks, Bonds				
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
9. Life Insurance, cash surrender value				
_____	_____	_____	_____	_____
10. Trusts				
_____	_____	_____	_____	_____
11. Pension or other retirement benefits, including 401(K) or like				
_____	_____	_____	_____	_____
12. Miscellaneous				
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
		Total	Total	Total

D. OTHER EXPENSES (List Monthly)

1.	Rent or mortgage payment per month	_____		
2.	Real estate taxes and house insurance per month (if not included in mortgage)	_____		
3.	Federal income tax, social security and medicare tax	_____		
4.	State income tax	_____		
5.	City income tax	_____		
6.	Other taxes	_____		
7.	Other deductions (include and itemize)_____	_____		
8.	Utilities:			
	Electric	_____		
	Gas	_____		
	Garbage	_____		
	Water & Sewer	_____		
	TV-Cable	_____		
	Satellite/Dish	_____		
	Telephone	_____		
	Cell Phone	_____		
	_____	_____		
9.	Automobile maintenance (license, insurance, gas, etc.)	_____		
10.	Food for _____ persons per month	_____		
11.	Clothing: Self	_____		
	Dependents	_____		
12.	School: Self	_____		
	Dependents	_____		
13.	Daycare expenses (attach written verification):	_____		
14.	Health insurance premium paid	_____		
15.	Union dues	_____		
16.	Child support paid	_____		
17.	Spousal support paid to another spouse	_____		
18.	Medical/dental expenses: Self	_____		
	Dependents	_____		
19.	Insurance premiums not included above	_____		
20.	Credit card accounts and other loans and/or debts:			
	<u>Type</u>	<u>Balance</u>	<u>Monthly Payment</u>	<u>Account in Whose Name</u>
	_____	\$ _____	\$ _____	_____
	_____	\$ _____	\$ _____	_____
	_____	\$ _____	\$ _____	_____
	_____	\$ _____	\$ _____	_____
	_____	\$ _____	\$ _____	_____

21. Other miscellaneous expenses not listed above.

<u>Type</u>	Monthly Amount
_____	\$ _____
_____	\$ _____
_____	\$ _____

TOTAL MONTHLY EXPENSES \$ _____

I hereby certify that the above is a full and complete statement to the best of my knowledge and belief. Executed at _____, Ohio, this _____ day of _____, 20_____.

Plaintiff/Defendant

STATE OF OHIO, TUSCARAWAS COUNTY, SS:

Before me personally appeared the above party who, being duly sworn, acknowledges that the allegations contained therein are full, complete, and true and he/she verily believes.

Notary Public/Clerk

**In The Court Of Common Pleas
General Trial Division
Tuscarawas County, Ohio**

(Your Name) Case No. _____
(Court will complete)

Plaintiff,

Judge/Magistrate _____

vs.

(Court will complete)

(Your Spouse's Name)

Defendant.

**MOTION FOR TEMPORARY
ORDERS**

The Plaintiff asks the Court for the following temporary orders: **(Check each that you are asking for)**

1. 9 Order Defendant to pay temporary spousal support;

2. 9 Order the Defendant not to sell, trade, give away, destroy, or otherwise dispose of our marital property;

3. 9 Order the Defendant to continue to pay the following marital debts:
(Check each that you are asking for)

9	rent	9	health insurance
9	housing payment	9	property taxes
9	car	9	auto insurance
9	utilities		
9	credit card		
9	other		

4. 9 Give the Plaintiff exclusive possession of the following family vehicle:

Year Model License No. VIN Number

5. 9 Give the Plaintiff exclusive possession of the family home located at:

(Address of Family Home)

6. 9 Order Defendant not to incur any more debt in the Plaintiff's name or from using the marital property as collateral for any debt.
7. 9 An order requiring Defendant to pay Plaintiff money for attorney's fees pursuant to R.C § 3105.73 so that Plaintiff can hire an attorney.
8. 9 An order requiring Defendant not to remove Plaintiff from the health insurance.
9. 9 An order requiring that Defendant not close or spend money from the checking and savings account.

I will also complete and file Affidavit of Plaintiff for Temporary Relief.

Plaintiff Signature

Name

Street Address

City, State, Zip

Telephone

**IN THE COURT OF COMMON PLEAS
DOMESTIC RELATIONS DIVISION
_____ COUNTY, OHIO**

(Your Name)

Plaintiff,

vs.

(Your Spouse's Name)

Defendant.

Case No. _____
(Court will complete)

Judge/Magistrate _____
(Court will complete)

**AFFIDAVIT OF PLAINTIFF
FOR TEMPORARY RELIEF**

I, _____, being first duly sworn, depose and
(Your Name)

state the following:

1. I am the Plaintiff in the above-captioned divorce case.
2. I have lived in Ohio for at least six (6) months and in _____ County for more than ninety (90) days.
3. I am married to the Defendant.
4. The reasons I need: **(Check all that apply)**

9 to be named the temporary residential parent are: **(Please give details of why the children should live with you.)**

9 temporary child support are: **(Give details of why your spouse should pay temporary child support.)**

9 CSEA application filed

9 CSEA worksheet attached

(File CSEA application or worksheet)

9 to stop the Defendant from disposing of marital property are: **(Give details of any joint accounts, credit cards or property your spouse may be using.)**

9 the Defendant to continue to pay the following debts: **(Check all that apply)**

- | | | | | | |
|--------------------------|------------------|--------------------------|-----------------|---|-------|
| 9 | rent | 9 | utilities | 9 | Other |
| 9 | car | 9 | credit card | | |
| 9 | auto insurance | 9 | property taxes | | |
| <input type="checkbox"/> | health insurance | <input type="checkbox"/> | housing payment | | |

because: _____

9 exclusive possession of the family vehicle **(Give reasons you need this vehicle)**

Year	Model	License No.	VIN Number

9 exclusive possession of the family home located at _____

because **(Give reasons you need the home)** _____

The Defendant may have alternative living arrangements at:

9 spousal support because: **(give reasons why spouse should be paying you support)**

9 to stop the Defendant from incurring any further debt in my name or by using marital property as collateral because:

9 I cannot afford to hire an attorney. Defendant can afford to pay an attorney. I need Defendant to pay me money to hire an attorney. I cannot protect my rights and interests if I am not awarded reasonable attorney fees.

9 Other relief: _____

Affiant says that the allegations are true and statements contained in the Affidavit are true to the best of the Affiant's knowledge.

FURTHER AFFIANT SAYETH NAUGHT.

Affiant (**Sign in front of notary**)

STATE OF OHIO

COUNTY OF _____, SS:

SWORN TO and subscribed in my presence before me, a Notary Public, in and for said County and State, this _____ day of _____, 20__.

Notary Public

Order A

**IN THE COURT OF COMMON PLEAS
GENERAL TRIAL DIVISION
TUSCARAWAS COUNTY, OHIO**

(Your Name)

Plaintiff,

vs.

(Your Spouse's Name)

Defendant.

Case No. _____
(Court will complete)

Judge/Magistrate _____
(Court will complete)

JUDGMENT ENTRY
FILING FEES

Plaintiff's motion for waiver of filing fees is/is not granted.

IT IS SO ORDERED.

JUDGE/MAGISTRATE (Court will complete)

Order B

**IN THE COURT OF COMMON PLEAS
DOMESTIC RELATIONS DIVISION
TUSCARAWAS COUNTY, OHIO**

(Your Name)

Plaintiff,

vs.

(Your Spouse's Name)

Defendant.

Case No. _____
(Court will complete)

Judge/Magistrate _____
(Court will complete)

**JUDGMENT ENTRY -
TEMPORARY ORDERS**

Upon Motion for Temporary Orders and affidavits of Plaintiff and for good cause shown, this Court ORDERS the following:

1. 9 Defendant shall pay temporary spousal support in the amount of _____ a month:
2. 9 Defendant shall pay Plaintiff _____ for attorney's fees no later than _____. Plaintiff would be prevented from fully litigating his/her rights and adequately protecting his/her interests if this Court did not award Plaintiff reasonable attorney's fees.
3. 9 Plaintiff is awarded temporary possession of the house and land located at _____

4. 9 Plaintiff is awarded temporary possession of the following motor vehicle:

5. 9 Defendant shall pay the following bills and/or debts:_____

6. 9 Defendant shall not injure, threaten, harass, or physically abuse Plaintiff.

7. 9 Defendant shall not damage, destroy, sell or attempt to sell, dispose of, remove marital property and/or Plaintiff's personal property from Plaintiff's residence, or incur debts in Plaintiff's or Defendant's name for which Plaintiff may be held liable.

IT IS SO ORDERED.

JUDGE/MAGISTRATE (Court will complete)

Order C

**IN THE COURT OF COMMON PLEAS
GENERAL TRIAL DIVISION
TUSCARAWAS COUNTY, OHIO**

(Your Name)

Case No. _____
(Court will complete)

Plaintiff,

Judge/Magistrate _____

vs.

(Court will complete)

(Your Spouse's Name)

**JUDGMENT ENTRY ADOPTING
MAGISTRATE'S DECISION
DECREE OF DIVORCE**

Defendant.

On _____, 20____, a Magistrate's Decision/Decree of Divorce was filed. There having been no objections filed to the magistrate's recommendations, the Court **ORDERS** as follows.

The Court, having made an independent analysis of the issues and the applicable law, hereby approves and adopts the Magistrate's Decision and incorporates the Decision by reference as if fully restated and adopts the Recommendations to Final Orders effective with the journalization of this Judgment Entry.

IT IS SO ORDERED.

DATE: _____

JUDGE

THIS IS A JUDGMENT OR FINAL ORDER, WHICH MAY BE APPEALED. THE CLERK, PURSUANT TO CIVIL RULE 58(B), SHALL SERVE NOTICE OF SAME ON ALL PARTIES WHO ARE NOT IN DEFAULT FOR FAILURE TO APPEAR. WITHIN THREE DAYS AFTER JOURNALIZATION OF THIS ENTRY, THE CLERK IS REQUIRED TO SERVE NOTICE OF THE JUDGMENT PURSUANT TO CIVIL RULE 5(B).

Order C

**In The Court Of Common Pleas
General Trial Division
Tuscarawas County, Ohio**

(Your Name)

Plaintiff,

vs.

(Your Spouse's Name)

Defendant.

Case No. _____
(Court will complete)

Judge/Magistrate _____
(Court will complete)

MAGISTRATE'S DECISION
DECREE OF DIVORCE

This matter came before the Court on _____, 20____, for final hearing on Plaintiff's Complaint for Divorce. Present were _____.

The Court FINDS as follows:

9 A. The Plaintiff has been a resident of the State of Ohio for at least six months and of _____ County for at least ninety days immediately preceding the commencement of this action.

9 B. The parties were married on _____ at _____ and no child(ren) have been born as issue of the marriage and the wife 9 is 9 is not now pregnant.

9 C. The Court has *in personam* and subject matter jurisdiction.

- 9 D. Defendant has been guilty of: **(Check all that apply)**
- | | |
|-------------------------|---|
| 9 Gross Neglect of Duty | 9 Spouse is currently in prison |
| 9 Adultery | 9 Habitual Drunkenness |
| 9 Incompatability | 9 Living separately for at least one year |
| 9 Extreme Cruelty | |

9 E. The Plaintiff receives \$_____ income from _____
(Employment, Social Security, etc.)
per _____.
(Week, Month)

9 F. The Defendant receives \$_____ income from _____
(Employment, Social Security, etc.)
per _____.
(Week, Month)

9 G. The parties have acquired personal property during the marriage and the parties 9 do own real estate located at: _____

9 do not own any real estate.

9 H. The debts of the marriage are:

CREDITOR	AMOUNT

- 9 I. Neither party is a member of the U.S. Armed Forces nor involved in a bankruptcy.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Plaintiff is hereby granted a divorce from the Defendant.

IT IS FURTHER ORDERED as follows:

- 9 1. Each party shall live separate and apart from the other. Each shall go his or her own way without direction, control or molestation from the other as though unmarried. Each agrees and shall not annoy nor interfere with the other in any manner.

- 9 2. The Plaintiff is awarded, free and clear of any claim by the Defendant, the following property: _____

The Defendant is awarded, free and clear of any claim by the Plaintiff, the following property:

9 3. The debts will be divided as follows:

CREDITOR	HUSBAND/WIFE	DEBT AMOUNT

9 4. Both parties shall refrain from using the other party's credit.

9 5. All payments between the parties are not intended to be spousal support and they are not be included in the income of the payee, pursuant to § 71 of the Tax Reform Act of 1984, and such payments are not to be deducted from the income of the payor, pursuant to § 215 of the Tax Reform Act of 1984.

9 6. The _____'s maiden name of _____ is hereby restored.

9 7. Costs to be paid by the following (Check one that applies):

9 Plaintiff

9 Defendant

9 Split equally between the parties.

9 Other

DATE

KAREN ZAJKOWSKI, MAGISTRATE

NOTICE OF RIGHT TO OBJECT: Any party may file objections to this decision. The objections must be filed within fourteen days after the Clerk file-stamps the decision. The objections shall be specific and particular. The Judge shall review the objections on the basis of a transcript of all the relevant evidence submitted to the Magistrate, or on the basis of an Affidavit of that evidence if a transcript is not available.

Order D

**IN THE COURT OF COMMON PLEAS
GENERAL TRIAL DIVISION
TUSCARAWAS COUNTY, OHIO**

(Your Name)

Plaintiff,

vs.

(Your Spouse's Name)

Defendant.

Case No. _____
(Court will complete)

Judge/Magistrate _____
(Court will complete)

JUDGMENT ENTRY

The Plaintiff having filed an Affidavit pursuant to Civil Rule 4.4(A)(2) which satisfies the Court that the residence of the Defendant is unknown, and the Court being satisfied that due diligence has been exercised by Plaintiff, now ORDERS the Clerk of Courts to post service of notice pursuant to O.R.C. Rule 4.4(A)(2) and any applicable local rules.

JUDGE

cc: Plaintiff