

## SELF-HELP DIVORCE INFORMATION

### 🔑 IMPORTANT-PLEASE READ CAREFULLY 🔑

**This sample divorce package does NOT cover child support, custody, distribution of property, or spousal support. Valuable legal rights may be LOST FOREVER if you fail to consult an Attorney!**

### YOU OR YOUR SPOUSE MUST BE A RESIDENT OF WAKE COUNTY TO FILE THIS DIVORCE IN WAKE COUNTY

These sample documents have been assembled for your convenience in preparing your own divorce. This package is ONLY designed to assist in a simple, uncontested divorce. If you have questions about whether this package is suitable for your situation, YOU SHOULD CONTACT AN ATTORNEY. Employees of the Clerk's Office or the Court are PROHIBITED BY LAW from advising you regarding your legal situation or whether this package is appropriate for your situation. In Order to file a divorce, you will need some, but not all, of the following items:

- 1) **COMPLAINT** (you will need the original plus two (2) copies).
- 2) **VERIFICATION** (you will need the original plus two (2) copies): Signed and notarized. *Please Note: The Clerk's Office cannot notarize documents.*
- 3) **CIVIL SUMMONS** (Three (3) copies): Used for service.
- 4) **NOTICE OF ASSIGNMENT CARD**: Used if service will be by the Sheriff's Department.
- 5) **AFFIDAVIT OF SERVICE BY CERTIFIED MAIL**: Prepared by plaintiff and needed if utilizing Certified Mail for service.
- 6) **AFFIDAVIT OF SERVICE BY PUBLICATION**: Needed only if it becomes necessary to serve by Publication after attempting service by another method.
- 7) **JUDGMENT** (you will need three (3) copies).

You  
must have  
3 copies of  
numbers  
1, 2, 3, 7

With the exception of the Civil Summons and Notice of Assignment Card, these documents are **SAMPLES ONLY, NOT FORMS**. YOU must PREPARE the documents for filing by typing the documents yourself using the provided examples of a typical document as required by law.

### YOU MUST BE SEPARATED FOR AT LEAST ONE YEAR AND ONE DAY BEFORE YOU SIGN YOUR COMPLAINT BEFORE A NOTARY.

- 1) Return three copies of the following: Complaint with the Verification, Summons, Judgments, and 1 Notice of Assignment Card (*if you are using personal service on the Defendant via the Sheriff's Department*) to the Clerk's Office for filing.
- 2) If you do not utilize personal service on the Defendant, you MUST file the appropriate Affidavit of Service prior to hearing.
- 3) There is a \$167.00 filing fee and a \$15.00 service fee due upon filing.

For further information on the requirements for an absolute divorce, contents of a divorce Complaint, or Service of a Complaint, refer to North Carolina General Statutes 50-6, 50-8, and 1A-1, Rule 4. Or CONSULT AN ATTORNEY.

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE  
CIVIL DISTRICT COURT DIVISION  
FILE No. [REDACTED]

PLAINTIFF'S NAME, )  
Plaintiff, )  
vs. )  
DEFENDANT'S NAME, )  
Defendant. )

COMPLAINT FOR  
ABSOLUTE DIVORCE

The Plaintiff, complaining of the Defendant, alleges and says that:

1. Plaintiff is and has been for more than six months preceding the institution of this action, a resident of County of Residence, State of Residence. The last four (4) digits of the Plaintiff's Social Security Number is (example: xxx-xx-1234)
2. Defendant is a citizen and resident of County of Residence, State of Residence. The last four (4) digits of the Defendant's Social Security Number is (example: xxx-xx-1234)
3. Plaintiff and Defendant were married on date of marriage and they lived together as husband and wife until on or about date of separation at which time they separated.
4. Plaintiff and Defendant have lived continuously separate and apart each from the other since said date and the separation was intended to be permanent.
5. \*For this paragraph, select the option that is appropriate to your situation.
  - There were no children born of the marriage.
  - There were number of child/children born the marriage, to wit: list names and date of birth of children.

WHEREFORE Plaintiff prays the Court that the bonds of matrimony heretofore existing between the Plaintiff and Defendant be dissolved and a judgment of absolute divorce be granted to Plaintiff from Defendant.

This the [REDACTED] day of [REDACTED], 200[REDACTED].

Your Signature here  
Plaintiff's Name  
Plaintiff's Address

***NOTE: THIS IS NOT A FORM. It is only a sample of a typical uncontested divorce complaint. If you choose to use it, be sure all information in bold italics is pertinent to your situation. If you have questions, please see an Attorney.***

VERIFICATION

Plaintiff's Name, being duly sworn, deposes and says that he/she is the Plaintiff in the above entitled action, that he/she has read the foregoing Complaint and knows the contents thereof. That the same is true of his/her own knowledge except as to those matters and things stated upon information and belief, and as to those things, he/she believes them to be true.

\_\_\_\_\_ Plaintiff's Signature \_\_\_\_\_

Sworn to and subscribed before  
Me, a Notary Public, this the  
\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
Notary Public

My Commission expires \_\_\_\_\_

*NOTE: This document cannot be signed or notarized until one (1) year and one (1) day after the date of separation.*

**RETURN OF SERVICE**

I certify that this Summons and a copy of the complaint were received and served as follows:

**DEFENDANT 1**

<i>Date Served</i>	<i>Time Served</i> <input type="checkbox"/> AM <input type="checkbox"/> PM	<i>Name Of Defendant</i>
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- By delivering to the defendant named above a copy of the summons and complaint.
- By leaving a copy of the summons and complaint at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein.
- As the defendant is a corporation, service was effected by delivering a copy of the summons and complaint to the person named below.

*Name And Address Of Person With Whom Copies Left (if corporation, give title of person copies left with)*

Other manner of service (specify)

Defendant WAS NOT served for the following reason:

**DEFENDANT 2**

<i>Date Served</i>	<i>Time Served</i> <input type="checkbox"/> AM <input type="checkbox"/> PM	<i>Name Of Defendant</i>
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- By delivering to the defendant named above a copy of the summons and complaint.
- By leaving a copy of the summons and complaint at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein.
- As the defendant is a corporation, service was effected by delivering a copy of the summons and complaint to the person named below.

*Name And Address Of Person With Whom Copies Left (if corporation, give title of person copies left with)*

Other manner of service (specify)

Defendant WAS NOT served for the following reason.

<i>Service Fee Paid</i> \$	<i>Signature Of Deputy Sheriff Making Return</i>
<i>Date Received</i>	<i>Name Of Sheriff (Type Or Print)</i>
<i>Date Of Return</i>	<i>County Of Sheriff</i>

County

In The General Court Of Justice

District  Superior Court Division

Name Of Plaintiff

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Address

---

City, State, Zip

---

**CIVIL SUMMONS**  
 ALIAS AND PLURIES SUMMONS

G.S. 1A-1, Rules 3, 4

**VERSUS**

Name Of Defendant(s)

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Date Original Summons Issued

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Date(s) Subsequent Summons(es) Issued

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**To Each Of The Defendant(s) Named Below:**

Name And Address Of Defendant 1

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Name And Address Of Defendant 2

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**A Civil Action Has Been Commenced Against You!**

You are notified to appear and answer the complaint of the plaintiff as follows:

1. Serve a copy of your written answer to the complaint upon the plaintiff or plaintiff's attorney within thirty (30) days after you have been served. You may serve your answer by delivering a copy to the plaintiff or by mailing it to the plaintiff's last known address, and
2. File the original of the written answer with the Clerk of Superior Court of the county named above.

If you fail to answer the complaint, the plaintiff will apply to the Court for the relief demanded in the complaint.

Name And Address Of Plaintiff's Attorney (If None, Address Of Plaintiff)

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Date Issued

---

Time  AM  PM

---

Signature

---

Deputy CSC  Assistant CSC  Clerk Of Superior Court

**ENDORSEMENT**

This Summons was originally issued on the date indicated above and returned not served. At the request of the plaintiff, the time within which this Summons must be served is extended sixty (60) days.

Date Of Endorsement

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Time  AM  PM

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Signature

---

Deputy CSC  Assistant CSC  Clerk Of Superior Court

**NOTE TO PARTIES:** Many counties have **MANDATORY ARBITRATION** programs in which most cases where the amount in controversy is \$15,000 or less are heard by an arbitrator before a trial. The parties will be notified if this case is assigned for mandatory arbitration, and, if so, what procedure is to be followed.

VERIFICATION

Plaintiff's Name, being duly sworn, deposes and says that he/she is the Plaintiff in the above entitled action, that he/she has read the foregoing Complaint and knows the contents thereof. That the same is true of his/her own knowledge except as to those matters and things stated upon information and belief, and as to those things, he/she believes them to be true.

\_\_\_\_\_Plaintiff's Signature\_\_\_\_\_

Sworn to and subscribed before  
Me, a Notary Public, this the  
\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
Notary Public

My Commission expires \_\_\_\_\_

***NOTE:** This document cannot be signed or notarized until one (1) year and one (1) day after the date of separation.*

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE  
DISTRICT COURT DIVISION  
FILE No. \_\_\_\_\_

\_\_\_\_\_  
Plaintiff, )  
vs. )  
\_\_\_\_\_  
Defendant. )

AFFIDAVIT OF SERVICE  
BY CERTIFIED MAIL

The undersigned certifies that:

1. A copy of the Summons and Complaint were deposited in the United States Post Office for mailing by certified mail, return receipt requested.
2. It was mailed to the Defendant at the following address:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
List Defendant's Address Here.
3. Process was in fact received by Defendant on Date Summons and Complaint were received by Defendant, as evidenced by the attached return receipt.

This the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
*Plaintiff's Signature Here*

Sworn to and subscribed before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
Notary Public

*Note: The date of Service must be at least 30 days prior to the date of hearing. Attach Post Office Return Receipt and sign before a Notary Public.*

NORTH CAROLINA  
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE  
DISTRICT COURT DIVISION  
FILE NO. \_\_\_\_\_

_____
Plaintiff,
v.
_____
Defendant.

**AFFIDAVIT OF SERVICE  
BY PUBLICATION**

The Plaintiff, first being duly sworn and deposes, and states:

1. That I am a citizen and resident of Wake County, North Carolina and am the Plaintiff herein.
2. That pursuant to the North Carolina Rules of Civil Procedure Rule 4(j1), I exercised due diligence and made great efforts to locate the whereabouts of the Defendant consisting of:

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

*(list all steps taken to exercise due diligence)*

3. That based upon my due diligence, it is my belief that Defendant's location is  in \_\_\_\_\_ County *(insert name of County)*, in the State of \_\_\_\_\_ *(insert name of State)* or  unknown. *(check one box)*
4. That despite such efforts, the exact whereabouts of the Defendant are still unknown. As a result, circumstances warrant the use of Service by Publication.
5. That Notice of Service of Process to the Defendant was published in the \_\_\_\_\_ *(insert name of publication)* asking the Defendant to respond, published in \_\_\_\_\_ County *(insert name of County)*, in the State of \_\_\_\_\_ *(insert name of State)*. An Affidavit of Publication is attached hereto and incorporated by reference. *(Attach Affidavit provided by the publication.)*

\_\_\_\_\_  
Plaintiff (*sign in presence of Notary Public*)

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

Sworn and subscribed personally before me, this the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of this Affidavit of Service by Publication has been served on the Defendant through filing a copy of this Affidavit with the Wake County Clerk of Court.

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

- \_\_\_\_\_  
 Plaintiff  
 Attorney for Plaintiff

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE  
DISTRICT COURT DIVISION  
FILE No. \_\_\_\_\_

PLAINTIFF'S NAME, )  
Plaintiff, )  
v. )  
DEFENDANT'S NAME, )  
Defendant. )

JUDGMENT FOR ABSOLUTE DIVORCE

**THIS CAUSE** coming on to be heard and being heard before the undersigned Judge presiding at the Civil, Non-Jury Session of the Wake County General Court of Justice, District Court Division. **IT APPEARING** to the Court that this was an action for divorce on the grounds of one year's continuous separation, the Court, after hearing evidence from the Plaintiff, makes the following:

**FINDINGS OF FACT**

1. The Plaintiff has been a resident of North Carolina for more than six months immediately preceding the commencement of the action.
2. The Defendant was properly served with the summons and complaint. The Defendant is not an infant or an incompetent.
3. The Defendant was properly served with notice of the hearing or was not served because the Defendant failed to make an appearance or waived right to receive notice.
4. The Plaintiff and Defendant were lawfully married to each other.
5. On the date the complaint was filed, the parties had continuously lived separate and apart from each other for more than one year. The parties have lived continuously separate and apart from each other since their separation without resuming the marital relationship.
6. At the time the parties separated, at least one of them intended for the separation to be permanent.
7. The last four digits of the Plaintiff's social security number are \*\*\*-\*\*-\_\_\_\_\_. The last four digits of the Defendant's social security number are \*\*\*-\*\*-\_\_\_\_\_.

Based upon the above findings, the Court concludes that the court has jurisdiction over the subject matter and over the parties; the Plaintiff is entitled to an absolute divorce based on one year's separation.

**IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED** that the bonds of matrimony existing between the Plaintiff and the Defendant are dissolved, and the Plaintiff is granted an absolute divorce from the Defendant.

This the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

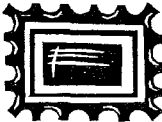
\_\_\_\_\_  
District Court Judge Presiding

**EXAMPLE OF COMPLETED  
NOTICE OF ASSIGNMENT/SERVICE CARD**

Complete the following:  
1. File Number, 2. County (*Wake*), 3. Your Name 4. Defendant's Name.

<b>STATE OF NORTH CAROLINA</b>		<small>File No.</small> ① Your File Number
② <u>Wake</u> County		
In the General Court of Justice		<b>NOTICE OF ASSIGNMENT/SERVICE</b>
<small>Plaintiff</small> ③ Your Name	VS.	<small>Defendant</small> ④ Defendant's Name
<i>For Small Claims Only</i>		
<input type="checkbox"/> The above captioned small claim is assigned to the Magistrate presiding at the place, date and time indicated below		
<small>Location of Court</small>	<small>Trial Date</small>	<small>Trial Time</small> <input type="checkbox"/> AM <input type="checkbox"/> PM
<small>Signature</small>	<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Asst. CSC <input type="checkbox"/> CSC	
<b>Summons Service</b>		
<input type="checkbox"/> The summons in the above captioned action		
<input type="checkbox"/> Was Served	<input type="checkbox"/> Was NOT Served	
<small>Date served</small>	<small>Reason</small> <input type="checkbox"/> Unable to locate <input type="checkbox"/> Moved out of county	
<input type="checkbox"/> Other (specify)		
		<small>AOC-CVM-300 Rev. 7/08</small>

Place YOUR NAME, YOUR MAILING ADDRESS and POSTAGE on the blank side.



YOUR NAME  
YOUR MAILING ADDRESS  
YOUR CITY, STATE, ZIP CODE

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE  
DISTRICT COURT DIVISION  
FILE No. \_\_\_\_\_

\_\_\_\_\_) )  
(Plaintiff's name), )  
) )  
v. ) )  
\_\_\_\_\_) )  
(Defendant's name). )

NOTICE OF DIVORCE HEARING

All uncontested divorces shall be set by this notice.

Effective January 1, 2010, divorces with attorneys will be heard at 9:00 a.m. on FRIDAYS in Courtroom 9B. Divorces without attorneys (i.e., Pro Se Litigants) will be heard at 10:00 a.m. on FRIDAYS in Courtroom 9B. Prior to January 1, 2010, divorces with attorneys will be heard at 10:00 a.m. on FRIDAYS in Courtroom 9B and divorces with pro se litigants will be heard at 9:00 a.m. on FRIDAYS in Courtroom 9B.

All information (front and back) must be filled out on this sheet.

**NOTICE TO PRO SE LITIGANTS ON SCHEDULING YOUR DIVORCE HEARING:**  
**You must follow the instructions listed below**

- The earliest date the Court can conduct your divorce hearing is the first **FRIDAY** after 30 days has expired from when the summons and complaint were served on the Defendant. If you arranged for the Sheriff to serve the Defendant, you will receive a small white card from the Clerk of Superior Court telling you what date the summons was served. Otherwise you will need other proof as to when you served the Defendant. If the first Friday after 30 days has expired from the date of service falls on a Court Holiday (**Refer to** <http://www.nccourts.org/Employees/Benefits/Holidays.asp>) then you will need to select another Friday.
- Complete both sides of this Notice of Hearing and bring three (3) copies to the Clerk of Superior Court located on the 11<sup>th</sup> Floor of the Wake County Courthouse. File stamp all three copies, leaving one copy with the Divorce Clerk, serving one copy on the other side, and retaining a copy for yourself. This Notice must be served on the other side at least 5 business days (do not count weekends or court holidays) prior to the scheduled hearing.
- On the date designated in blank #2, come to **Courtroom 9B** and have a seat. The cases will be called in numerical order. Please bring with you **THREE** copies of the Divorce Judgment and one copy of the Certificate of Absolute Divorce. Please fill out the certificate in **Black Ink**.

Information to be filled out:

1. Please check one:  summary judgment divorce  
 uncontested divorce
2. Date requested for divorce hearing: \_\_\_\_\_
3. Has a copy been sent to the other party?  Yes  No

**YOU MUST COMPLETE THE CERTIFICATE OF SERVICE ON THE BACK**

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of this Notice of Divorce Hearing has been served on the opposing party/counsel in the following manner:

By depositing a copy in the US Mail in a properly addressed, postpaid envelope to: \_\_\_\_\_

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

By hand delivery to: \_\_\_\_\_

\_\_\_\_\_

By facsimile to: \_\_\_\_\_ Fax No.: \_\_\_\_\_

Other: \_\_\_\_\_

\_\_\_\_\_

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

Plaintiff  
 Attorney for Plaintiff

Defendant  
 Attorney for Defendant