

**DIVORCE**  
**(including Dissolution of Civil Unions)**  
**AND ANNULMENT**  
**ANSWER PACKET**



<https://courts.state.de.us/family>

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**NOTE: DO NOT FILE THESE FORMS.**

They are simply guides to assist you in completing the actual forms.

# **DIVORCE (Including dissolution of Civil Unions)/ ANNULMENT ANSWER PACKET**

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For purposes of this packet, whether you are married or have entered into a civil union, the act of dissolving the marriage or union will be referred to as **Divorce**.

Use the **Answer to Petition for Divorce/Annulment ONLY** when:

- You have been named as the Respondent in a Petition for Divorce;

**AND**

- The Petition for Divorce was filed in Delaware

Although this packet appears to discuss only what you need to do if you were served with a Petition for Divorce, you should also use this packet if you were served with a **Petition for Annulment**.

## **HOW TO USE THIS PACKET**

This packet contains general information about the Divorce process and basic instructions on how to complete the Court forms featured in the **ANSWER FORMS PACKET** which includes both blank forms for your completion as well as sample forms which have been filled out with generic information to help you better understand what information is requested by the Court.

You should read all of the instructions carefully **before** filling out any of the forms. All of the forms must be neatly filled out by hand or typed.

**For word versions of these forms that can be completed electronically visit the Court's website at [www.courts.delaware.gov/family](http://www.courts.delaware.gov/family)**

**YOU MAY NOT NEED TO COMPLETE ALL OF THE SECTIONS IN THIS PACKET.**

A paragraph at the beginning of each Section will describe who should complete that Section. **Read carefully** to determine if that Section applies to you. **ONLY** complete the sections that apply to you.

**YOU DO NOT HAVE TO COMPLETE ALL THE SECTIONS AT ONCE.**

For example, you do not have to file the forms in Section 2 at the same time as the forms in Section 1. Read the information carefully to make sure that you know what you are supposed to do and when to do it.

## SECTIONS WITH EMPHASIS

While all of the information within this packet is relevant and important, there are sections with added emphasis which will help guide you through the instruction packet.

 Sections that are **SHADED** indicate example text



The **EYE** icon indicates a section that should be read carefully



The **FILE FOLDER** icon indicates a Court Document



The **WRITING** icon is found on the **SAMPLE FORMS** indicating where you must input information on the forms you will file with the Court.



The **STOP** icon indicates either the end of a section or that items should be completed before continuing



## TIPS AND REMINDERS

- ✓ The laws governing divorce and annulment are found in Title 13 of the Delaware Code. It will be helpful for you to read these statutes, so that you are aware of the law that the Court will be applying when deciding your case. The Delaware Code is available in the Family Court Resource Centers, public libraries throughout Delaware and on the internet at:  
**[www.delcode.state.de.us](http://www.delcode.state.de.us)**
- ✓ **BE AWARE** that this packet does **NOT** address the issues of custody, visitation or child support. Speak with the staff at the Family Court Resource Centers or visit the Family Court website for information and packets addressing these issues. Additional resources will contain information specific to these types of filings as well as the forms required by the Court.
- ✓ Remember who is the Petitioner and who is the Respondent.
  - ◆ The **PETITIONER** is the person who files the Petition
  - ◆ The **RESPONDENT** is the person answering or responding to the **Petition**.
- ✓ Remember that properly completing the forms does not guarantee that the Court will grant the Petitioner's requests. It is up to the Petitioner and Respondent at the Court Hearing to prove why the Court should give the relief that has been requested.
- ✓ Representing yourself may take a lot of time, may be difficult and may be confusing. The Court will expect you to follow the same rules that attorneys must follow. **If at any point during the process you are unsure about representing yourself, you should speak with an attorney.**
- ✓ Please remember that **COURT STAFF CAN NOT GIVE YOU LEGAL ADVICE**. While staff can tell you what options exist within Family Court's jurisdiction, they can not tell you which pleading you should file. Family Court's instruction packets and FAQ's are the best information available from the Court regarding what a certain filing is, what to file, and how to file. If after reviewing the Court's resources you still have questions, please contact an attorney.
- ✓ If you would like assistance finding an attorney, or to see if you qualify for free legal assistance, you can visit the Delaware Volunteer Legal Services website at <https://delegalhelplink.org>.
- ✓ Always bring your photo identification. The Court will only accept either State or Federally issued photo identification. Primary examples are drivers licenses, state issued ID cards or passports.

## ORGANIZING / MAINTAINING YOUR PAPERWORK

Please read and remember these important tips which will not only assist you with finding documentation in the future but also save you money.

### REMEMBER

- ◆ Keep a copy of every document and Court paper.
- ◆ Keep all notes, documents and Court papers together and organized in a folder with the most recent papers on top
- ◆ Bring this folder with you each time you come to Court
- ◆ When you file a document with the Court, bring the required number of copies of each paper and an extra copy for you to have “clocked in” Keep the clocked-in copy in your folder as proof of the time and date you filed the document.

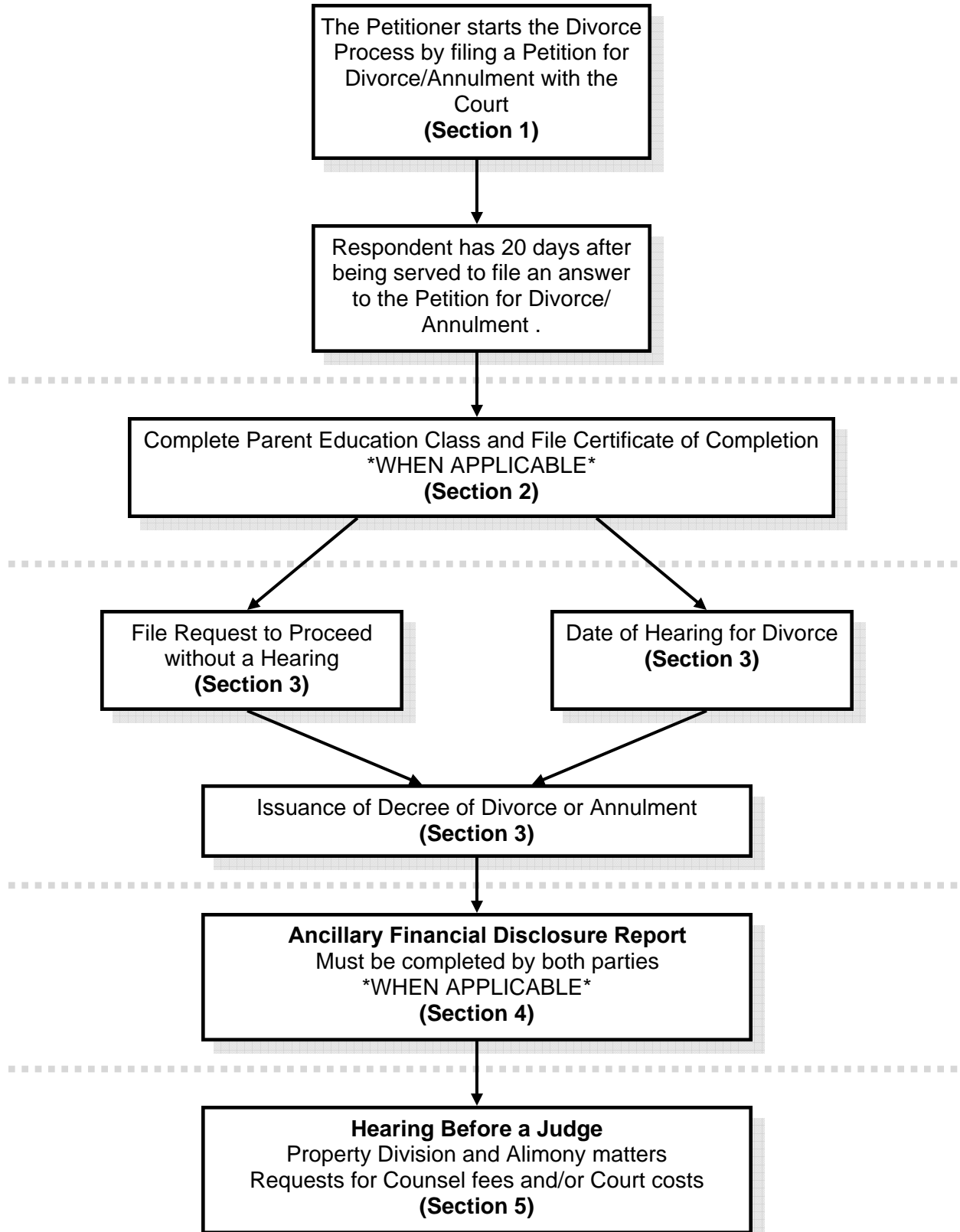


- ◆ Printing the required number of copies prior to coming to Court will save you money.

- ◆ When you must mail something, we suggest that you use regular mail AND “certified mail, return receipt requested” so that you have proof that the other party received the envelope. If you cannot afford to pay for “certified mail” we suggest you get a “certificate of mailing” at the post office to prove that you mailed the envelope to the other party. You may purchase both small and medium stamped envelopes at the Resource Centers and the Court will mail your papers for you by regular mail. YOU are responsible for certified mail.



# The Divorce Process





## Section 1: Types of Divorce



There are different types of divorce in Delaware. Your divorce will be processed differently depending upon what type it is. Divorces can be **Contested** or **Uncontested**.

- ◆ The Petition for Divorce/Annulment is contested if the Respondent (YOU) challenges material information in the petition such as the jurisdiction of the Court to address the divorce petition or challenges the grounds (reasons) for divorce stated in the Petition for Divorce/Annulment. If you contest (challenge) the petition, the matter **will automatically** be directed to a Commissioner for appropriate scheduling.
- ◆ If the Respondent does not file an Answer **within 20 days** of service of the Petition for Divorce/Annulment **OR** files an Answer agreeing with the Petitioner's request for a divorce, the petition is uncontested. If the petition is uncontested **the Petitioner can choose** what type of divorce proceeding he/she would like to have
  - ◆ The Petitioner may request that the Court decide the Petition for Divorce/Annulment based solely **on the papers** that are filed, without the parties appearing in Court for a hearing; **OR**
  - ◆ The Petitioner may choose to have the Court decide the Petition for Divorce/Annulment **after holding a hearing** which the Petitioner must attend and the Respondent may, but is not required to, attend

The Respondent has no say in what type of uncontested divorce proceeding is chosen. Delaware law allows the Petitioner alone to make this decision. The Respondent **may NOT change** the type of uncontested divorce proceeding that the Petitioner has chosen. The Court will use the same standard for granting a divorce regardless of the type of divorce proceeding that the Petitioner chooses.



**BE AWARE.** If the Petitioner in an uncontested divorce chooses to proceed on the papers, you will not have a hearing to decide whether your divorce should be granted. However, **IF** you or your spouse request that the Court divide your marital property/debts and/or award alimony, you **MAY** still have a hearing in front of a Judge. The hearing in front of a Judge on these ancillary matters **CANNOT** be waived, unless the parties settle their case prior to the scheduled hearing.

## STARTING THE PROCESS



After the Petitioner files a Petition for Divorce/Annulment, you will be **served** with notice of the petition. This means that you will receive a **Summons** (a Court document explaining your rights and responsibilities) and **copies** of the petition and any other paperwork that the Petitioner filed. Service can be accomplished in the following ways:

- ◆ Personal service. This means that a person designated by the Court will hand the papers to you directly at your home or your job.
- ◆ Service by mail. This means that the papers will be mailed to you by certified mail.
- ◆ By publication of a notice in the newspaper.
- ◆ By your coming into the Court and picking up a copy of the papers from Court staff.

Regardless of how you receive notice of the petition, it is **VERY IMPORTANT** to read all of these documents **carefully** so that you can properly respond to the allegations in the Petition for Divorce/Annulment.

In some situations, Delaware law allows a divorce to be granted without holding a Court hearing. If the Petitioner opts to proceed without a hearing, then **the ONLY OPPORTUNITY that you will have to respond to the allegations in the Petition for Divorce/Annulment is by filing an Answer within 20 days of being served with the petition. **FILING AN ANSWER IS THE ONLY WAY YOU CAN TELL YOUR SIDE OF THE STORY TO THE COURT.** The Court will rely on the information in your Answer when determining whether to grant the divorce. If you **do not** file an Answer, you will **NOT be given another opportunity to respond** to the Petition for Divorce/Annulment and the Court will rely **ONLY** on the information provided by the Petitioner when deciding whether to grant the petition for divorce.**



To respond to the Petition for Divorce/Annulment, you **MUST** file the **ORIGINAL** with the Court and mail **ONE (1) COPY** of each form below to the Petitioner **within 20** days of receiving the Petition:



**Answer form** (*file original and mail copy to the Petitioner*)

- ◆ In your answer you may do the following:
  - ◆ **Admit** (you agree that the statement is true) or **deny** (you believe the statement is false) any statements made by your spouse in the Petition for Divorce/Annulment by checking the appropriate box. If you deny the statement, explain to the Court **why** the Petitioner's statement is not true. If you do not respond to a statement, the Court as-

sume that you agree that the statement is true. If you believe a statement is false, you **must deny** it.

- ◆ You may **ALSO** request that the Court determine matters of **division of marital property/debts, alimony, attorney fees, court costs and/or any other ancillary relief allowed in Title 13, § 1507 (f)**. You **DO NOT** have to file a counterclaim to request that the Court decide the above matters except for fees and costs. Filing fees will be charged by the Court for each matter that you ask the Court to determine. You may also request that the Court **change your name**. Please note that you can only request to change **YOUR** name. You may not request to change your spouse's name. You may only change your name to your maiden name or other former name
- ◆ **Counterclaim** for divorce or annulment. If you counterclaim, you are filing your own Petition for Divorce/Annulment.
- ◆ Carefully read each question on the Answer form. Questions **DO NOT** correspond with questions on the Petition for Divorce/Annulment. You **MUST** read the petition carefully to properly answer the questions on the Answer form.
- ◆ The Answer must be notarized by a notary public or authorized court staff. **DO NOT** sign your petition until you are in the presence of a notary.
- ◆ You must mail a copy of the Answer to the Petitioner or the Petitioner's attorney, if there is one. Complete the Affidavit of Mailing at the end of the Answer form to swear to the Court that you have mailed a copy to the other party. The Affidavit of Mailing must be notarized.

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**You have now reached the Situational Forms section.**



Each form in this section should **ONLY** be completed if the situation described matches your situation. We suggest that you review the entire list of "Situational Forms" before filling any of them out. Once you've identified the forms that pertain to you, fill them out using the sample forms in the Forms Packet as a guide. Please read carefully and complete the forms that apply to you.

 **Affidavit of Children's Rights** (*File original and one copy*)

**File this form IF:** Petitioner and Respondent together have a child or children who are under the age of 18.


 **Affidavit of Appearance and Waiver of Rights** form *(file original only)*

- ◆ **ONLY** file these forms if you wish to **give up your right** to be given notice of the Petition for Divorce and/or to file an Answer.
- ◆ By filing an **Affidavit of Appearance**, you are telling the Court that you do not need to be given notice of the Petition for Divorce/Annulment (or in other words, you do not need to be served if you have not already been).
- ◆ The **Waiver of Rights** form tells the Court that you do not want to file an Answer form. **BE AWARE** that if you waive your right to file an Answer form, you will **NOT BE GIVEN ANOTHER CHANCE** to respond to the allegations in the Petition for Divorce/Annulment. The Court will assume that you agree that all of the allegations in the petition are **TRUE**.
- ◆ If you have already been served with the Petition for Divorce/Annulment, you may still file the Waiver of Rights and give up your right to file an Answer.

 **Separation Agreement** *(File original and one copy)*

**File this form IF:** you and your spouse have agreed on the terms of your divorce and you want the Court to be able to have the power to make you and your spouse follow your agreement by enforcing it

- ◆ A separation agreement is **NOT** a Court Form and is **NOT** included in the Forms Packet.
- ◆ To file a separation agreement, you must write down how you and your spouse are dividing your marital property and/or debts and any other agreements (such as custody, visitation, child support, alimony etc.) that you and your spouse have regarding the divorce.
- ◆ At the top of the document, write the case name and file number (this is in the top right hand corner of the Petition for Divorce/Annulment).
- ◆ Title the paper "Separation Agreement."
- ◆ **BOTH** you and your spouse **MUST** sign the Separation Agreement in the presence of a notary.
- ◆ When you file this document, you **MUST ALSO** file a Stipulation to incorporate the Separation Agreement.
- ◆ The Court will **NOT** review your agreement to decide if it is fair.

 **Stipulation to Incorporate the Separation Agreement Form**  
*(file original and one copy)*

**File this form IF:** you have a Separation Agreement and you want the Court to be able to enforce the Separation Agreement.

- ◆ **BOTH** you and your spouse **MUST** sign the Stipulation to Incorporate the Separation Agreement in the presence of a notary.
- ◆ This is to be filed at the same time as your Separation Agreement



**You may file a Separation Agreement and the Stipulation to Incorporate the Separation Agreement AT ANY TIME UNTIL the Court decides your petition.**

**Waiver of Rights under the Servicemembers Civil Relief Act** *(file original and one copy)*

**File this form IF:** The Respondent **IS** in the military.

- ◆ **ONLY** file this form if you **ARE** in the military and would like to **WAIVE** your rights under the Servicemembers Civil Relief Act.
- ◆ This Waiver allows the Court to proceed with the divorce process if you are unavailable because of military duties
- ◆ If you are in the military and do not file a Waiver of Rights under the Servicemembers Civil Relief Act, file an Affidavit of Appearance **OR** file an Answer, the Court will not schedule your Divorce Hearing until a Waiver of Rights under the Servicemembers Civil Relief Act is filed **OR** an attorney is appointed for you.



**BE SPECIFIC WHEN COMPLETING THE FORMS** for filing. **DO NOT LEAVE ANY ANSWER BLANK.** If a question does not apply to you write “N/A” in the blank. When you complete a form, write in blue or black ink **AND** write neatly.

**REMEMBER** to mail a copy of all the papers that you file with the Court to the Petitioner or, if Petitioner has an attorney who filed an Entry of Appearance, to the attorney. You **MUST** fill out the **Affidavit of Mailing** on the bottom of the form telling the Court that you have mailed a copy of the papers that you filed to the Petitioner or the Petitioner’s attorney (if there is one). If you do not mail a copy of the form to the Petitioner, the Court **may not consider** the information on that form.

If you file a Counterclaim with your Answer, your spouse will have **20 days** after receiving the Answer and Counterclaim to file with the Court his/her own Answer (response) to the Counterclaim.

**FILING BY EMAIL**

You may also file your papers by email. To file by email, you must send the papers to: [FC\\_DivorceAncillary@delaware.gov](mailto:FC_DivorceAncillary@delaware.gov).

**If you are filing the papers by email, you must still mail a copy of the filed papers to the other parties.**

For more information on filing by email, please review the Civil Filing by Email FAQ: <https://courts.delaware.gov/family/faqs>.



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**You can move to Section 2 once you have filed the relevant forms from Section 1**

## SECTION 2

### PARENT EDUCATION CLASS

Only complete this section if you and your spouse are parents of a living child(ren) of the marriage up to the age of 17.

If you and your spouse do not have children in common up to the age of 17, continue on to Section 3.



You **MUST** file the certificate below:



#### Certificate(s) of Completion of Parent Education Class

**All** divorcing parents must take a Parent Education Class if they have children of the marriage up to the age of 17, unless the Court, upon motion, determines that participation in the Course is deemed not necessary. A listing of available classes is available at the Family Court Resource Centers.

You may motion the Court to approve a Parent Education Course that is not currently listed on the Court's approved course list. It is prudent to wait until the Court grants approval of a non-approved class before participation because your request may be denied.

Once you have completed the Parent Education Class, a Certificate(s) of completion of Parent Education Class will be given to you. You must file the **ORIGINAL** Certificate of Completion of Parent Education Class with the Family Court. **YOU CANNOT PROCEED WITH THE DIVORCE PROCESS UNTIL THE CERTIFICATE OF COMPLETION OF PARENT EDUCATION CLASS HAS BEEN FILED WITH THE COURT.**



Once you've reviewed all of Section 2 **and** your petition becomes **Trial Ready**, proceed to **Section 3**

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## SECTION 3

### PETITION IS TRIAL READY



The Court will not proceed with the divorce process until the Petition for Divorce/Annulment becomes **trial ready**. The petition is trial-ready when the following jurisdictional requirements have been met.

- ◆ You and your spouse have been **separated for at least 6 MONTHS**, unless you are filing on the grounds of misconduct, then you do not have to be separated for any specified period of time. However, be aware that you must prove any allegations of misconduct by presenting evidence of the misconduct to the Court before a divorce will be granted on this ground
- ◆ You were **served** with a copy of the Petition for Divorce/Annulment or you entered your appearance
- ◆ The Petitioner and your child(ren) have completed the required Parent Education Classes and filed the **ORIGINAL** Certificate of Completion with the Court
  - ◆ Both parties are required to take the Parent Education Classes. However, the Court will proceed with the divorce process **as soon as the Petitioner has filed the Certificates of Completion**. If you do not take the class and file your Certificate of Completion, your failure to do so **will be considered** by the Court when deciding custody and visitation matters



Once the Petition for Divorce/Annulment is trial-ready, one or both parties will receive a **Notice** from the Court telling them that you can proceed with the divorce process. The type of notification that you will receive will depend upon what type of divorce proceeding the Petitioner requested on his/her Petition for Divorce/Annulment. The following pages will describe the steps that you must follow for each type of divorce proceeding. **REMEMBER** that the Petitioner can proceed with either type of uncontested divorce as long as the divorce is uncontested. Also, remember that the Petitioner is not obligated to have the type of uncontested divorce proceeding that he/she initially chose on the Petition for Divorce/Annulment. The Petitioner can change his/her mind as long as the filing requirements are met.

## DIVORCE DECIDED ON THE PAPERS



If the petition is uncontested and the Petitioner marked on the Petition for Divorce/Annulment that he/she wanted the Court to proceed without a hearing, solely on the papers, you, the Respondent, will receive NO notification from the Court.

Once the petition is trial ready, the Petitioner will receive a Notice of Trial Readiness telling him/her that he/she has **20 days** to file a Request to Proceed without a Hearing and an Affidavit in Support of the Request to Proceed without a Hearing. You do **NOT** need to file any documentation. The Court will notify you if you need to take any action. Because you cannot respond at this time, it is **IMPORTANT** that you have filed an **ANSWER**. Once the Petitioner receives the Notice of Trial Readiness, the following can happen:

- ◆ If the Petitioner **files** the Request and Affidavit, you will receive a copy of the Request and Affidavit in the mail. The Petition for Divorce/Annulment will be forwarded to a Commissioner who will review all of the papers that were filed, **INCLUDING** your Answer. Based on these documents, the Commissioner will decide whether the divorce should be granted and one of the following things will happen:
  - ◆ If the Court **GRANTS** the Petition for Divorce/Annulment you will receive a copy of the Commissioner's Order and the Decree of Divorce/Annulment in the mail. This will most likely be the first notification that you will receive from the Court after filing your Answer. A copy of the Order and Decree will also be sent to the Petitioner. If you or your spouse have requested that the Court retain jurisdiction over ancillary matters, you will also receive a paper telling you what ancillary matters the Court will decide.
  - ◆ If the Court **DOES NOT GRANT** your divorce two things can happen
    - ◆ The Commissioner can deny your Petition for Divorce/Annulment because the statutory requirements for granting a divorce were not met and you and the Petitioner will continue to be married, **OR**
    - ◆ The Commissioner can schedule a hearing to take testimony and other evidence from the parties to determine if the statutory requirements have been met. If your Petition for Divorce/Annulment is scheduled for a hearing, you will be notified by mail of the time and date of your hearing.
- ◆ If the Petitioner **DOES NOT file** the forms within the allotted time, then the Petition for Divorce/Annulment will be scheduled for a hearing and the Petitioner will have to appear in Court. You may appear if you would like. The Court will notify you by mail of time and date of your hearing.



Delaware law requires that in addition to being separated for 6 months, you and your spouse have lived "separate and apart" for 30 days before the Court grants



a divorce. You and your spouse may reside in the same house, **BUT THE COURT CANNOT GRANT YOUR PETITION FOR DIVORCE IF YOU AND YOUR SPOUSE HAVE OCCUPIED THE SAME BEDROOM OR HAD SEXUAL RELATIONS WITHIN THE 30 DAYS PRIOR TO THE COURT GRANTING YOUR DIVORCE.** Failure to adhere to this requirement may mean that your divorce is invalid

## DIVORCE DECIDED AT A HEARING



If the petition is uncontested and the Petitioner marked on the Petition for Divorce/Annulment that he/she wanted to proceed with a hearing **OR** if you **contested** the divorce petition, a hearing will be scheduled. You and the Petitioner will receive a **Notice of Hearing** notifying you of the date of your hearing. The Petitioner must attend the hearing for his/her Petition for Divorce/Annulment to be granted. If you are **not contesting** the divorce, then you do **NOT** have to appear at the hearing. You may appear if you would like. But, if you are **contesting** the divorce, then you **MUST** appear at the hearing to have your contest considered.

If, **AFTER you have received a Notice of Hearing**, the Petitioner changes his/her mind and decides to proceed on the papers without having a hearing, the Petitioner may file a Request to Proceed without a Hearing and the accompanying Affidavit anytime at least 7 days prior to the scheduled hearing. The Petitioner **MUST** send you a copy of the Request to Proceed Without a Hearing. If you receive a copy of the Request to Proceed Without a Hearing that was filed **at least 7 days prior** to the scheduled hearing, the uncontested divorce hearing will **NOT** take place and the matter will be decided on the papers. You **DO NOT** have to appear in court the day of your scheduled hearing. Otherwise, the scheduled uncontested divorce hearing will take place

Delaware law requires that in addition to being separated for 6 months, you and your spouse must have lived “separate and apart” for 30 days before the Court grants a divorce. You and your spouse may reside in the same house, **BUT THE COURT CANNOT GRANT YOUR PETITION FOR DIVORCE IF YOU AND YOUR SPOUSE HAVE OCCUPIED THE SAME BEDROOM OR HAD SEXUAL RELATIONS WITHIN THE 30 DAYS PRIOR TO YOUR HEARING.** Failure to adhere to this requirement may mean that your divorce is invalid.

If the Court grants the Petition for Divorce/Annulment you will receive a copy of the Commissioner’s Order and the Decree of Divorce/Annulment in the mail. The Petitioner will also receive a copy of the Commissioner’s Order and Decree of Divorce/Annulment. If you or your spouse have requested that the Court retain jurisdiction over ancillary matters, you and the Petitioner will also receive a document telling you the ancillary matters the Court will decide.



If you have **NOT** requested Ancillary Relief, this is the END of the Divorce Answer Packet.

If you **HAVE**, begin section 4 **IMMEDIATELY** after you receive your Divorce Decree

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## Section 4

### ANCILLARY FINANCIAL DISCLOSURE REPORT

**Begin Immediately After Receiving Your Divorce Decree.**

**Only Complete This Section If You Or Your Spouse Requested Property Division And/Or Alimony.**

The Ancillary Financial Disclosure Report is a form where both spouses provide the Court and each other information about their finances. Both parties must complete the **SAME** form. Pay careful attention to the instructions so you understand the process, which is **different** than other forms. The two steps for completing the Ancillary Financial Disclosure Report are described on the following pages.



The person who requested the Court make a decision on **ANY** of the following ancillary matters must complete the form **first**:

- ◆ Division of Marital Property;
- ◆ Division of marital debts; **AND/OR**
- ◆ Payments of Alimony.

The person who completes the form **FIRST** is the “**Petitioner**” (for the purposes of completing this form **ONLY**), even if this person is not the person who filed the Petition for Divorce/Annulment. The Petitioner must complete all sections pertaining to the “Petitioner,” while the person who did **NOT** make such requests would be the “**Respondent**” and must complete all sections pertaining to the “Respondent.”



If **BOTH** of you requested that the Court make a decision on ancillary matters, the person who filed the Petition for Divorce/Annulment is the “**Petitioner**” (for purposes of completing this form as well).

### Instructions for Completing the Ancillary Financial Disclosure Report

The entire form **MUST** be completed. Both parties must fill out the Ancillary Financial Disclosure Report completely. Even if there is something that you do not want the other party to know you must put it on the form anyway or contact the Court by **Motion immediately** to tell the Court why you think that information should not be on the form. Please see the Motion Instruction Packet for more information about filing a Motion. The Court will decide if you must put the information on the Ancillary Financial Disclosure Report.

**DO NOT WAIT UNTIL YOUR 30 DAYS HAVE PASSED TO FILE YOUR MOTION WITH THE COURT.**

If you do not fill out the Ancillary Financial Disclosure Report or if you hide property from your former spouse and the Court, the Court can impose the following **SANCTIONS** (penalties):

- ◆ Order you to pay your former spouse's attorney fees;
- ◆ Accept your former spouse's information on the form as true and ignore any information you may have; or
- ◆ Enter a **Default Judgment** or **Dismissal** against you.

If neither party files the Ancillary Financial Disclosure Report in a timely manner, then the request for the Family Court to determine the ancillary matters will be dismissed.

## **STEP ONE**

The person who is the Petitioner for the purposes of this form **has 30 days AFTER the date that the Divorce Decree is signed by a Commissioner** to complete the following papers:

 **Ancillary Financial Disclosure Report form** (*forward original to your spouse*)

- ◆ This is a very long form. Allow yourself enough time to fill in all the necessary information carefully and accurately.
- ◆ REMEMBER. Only fill in the portions of the form that are labeled Petition (P)
- ◆ After the Petitioner completes the Ancillary Financial Disclosure Report, he/she must sign it in the presence of a notary.
- ◆ The Petitioner must forward the **ORIGINAL** notarized Ancillary Financial Disclosure Report to the Respondent or the Respondent's Attorney (if there is one).
- ◆ Before forwarding the original Ancillary Financial Disclosure Report, the Petitioner should make a **COPY** of the original and retain it for his/her records. This is **VERY IMPORTANT** in Case the Respondent does not file the original with the Court.

**Affidavit of Mailing Form** (*file original only*)

- ◆ **AFTER** the Petitioner forwards the original Ancillary Financial Disclosure Report to the Respondent, he/she must complete the Affidavit of Mailing; Swearing under oath that he/she mailed the original to the Respondent or the Respondent's attorney, and file the Affidavit with the Court.

## STEP TWO


The person who is the Respondent for the purposes of this form **has 30 days AFTER the date of mailing (look at postage date on the Ancillary Financial Disclosure Report)** to complete and file the Ancillary Financial Disclosure Report form.

### **Ancillary Financial Disclosure Report form** *(file original and mail copy to Petitioner)*

- ◆ Once the Respondent receives the Ancillary Financial Disclosure Report from the Petitioner, he/she must complete the Respondent's portion of it and sign it in the presence of a notary.
- ◆ The Respondent must **file the ORIGINAL** notarized Ancillary Financial Disclosure Report with the Court **AND** forward a **copy** to the Petitioner or the Petitioner's attorney (if there is one).
- ◆ Before filing the original Ancillary Financial Disclosure Report with the Court, the Respondent should make a second copy and retain it for his/her records.


### **Affidavit of Mailing form** *(file original only)*

- ◆ **AFTER** the Respondent forwards a copy of the Ancillary Financial Disclosure Report to the Petitioner, he/she must complete the Affidavit of Mailing swearing under oath that he/she mailed a copy to the Petitioner or the Petitioner's Attorney.

 If one party does not file the Ancillary Financial Disclosure Report, the Family Court may grant a **Default Judgment** or **Dismissal** against him/her. The Court may also impose the same penalties stated above for not completing the form. If your former spouse fails to file Ancillary Financial Disclosure Report, you may be directed by the Court to file the following document. You may also be asked to submit a copy of the Ancillary Financial Disclosure Report you filled out.

 **Form of Order** (*file original only*)

- ◆ On this document, you tell the Judge what you would like him/her to order by writing a **proposed order** for the judge to sign. You must write down how you want the Court to divide your property/debts and/or how much alimony should be paid.
- ◆ Be specific in what you write because the judge may sign the Form of Order exactly how you have written it, making what you have written an **enforceable Court Order** .
- ◆ **DO NOT FILE THIS DOCUMENT UNTIL DIRECTED BY THE COURT TO DO SO**. This document is only filed IF your former spouse fails to file the Ancillary Financial Disclosure Report in a timely manner.
- ◆ This document is **NOT** found in the Forms Packet. It is available in the Resource Centers and on the Family Court Website

 If you tried to finish the Ancillary Financial Disclosure Report but you cannot, you may ask the Court to give you more time by filing a **Motion**. Please see the Motion Instruction Packet for more information about filing a Motion. It is up to the Court to decide whether you will get more time and you must have a good reason for the re-request. Not completing the Ancillary Financial Disclosure Report Form because you did not feel like doing it or you did not find the time to complete it, is not a good reason and the Court probably will not give you more time.




When you have finished reviewing this section, continue on to SECTION 5 which describes the next events in the process.

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## SECTION 5 ANCILLARY HEARING WITH A JUDGE

 If you or your former spouse requested that the Court determine **property division, alimony, counsel fees, court costs and/or any other ancillary relief allowed in Title 13, section 1507 (f)**, these matters will be scheduled for a Hearing before a judge. The hearing will be scheduled **AFTER** the Ancillary Financial Disclosure Report form is completed by both parties and filed with the Court. The Court will notify you by mail of the date of your hearing.

Prior to your final hearing, the Court may schedule a **case management conference** or a **pre-trial conference**. The Court will notify you if a case management conference or pre-trial conference will be held. You may also be required to submit additional information regarding your finances to the Court.

If you do not comply with the Court's request for additional information, the Court may impose the following **SANCTIONS** (penalties):

- ◆ Continue the hearing;
- ◆ Accept your former spouse's information as true and ignore any information you may have; or
- ◆ Order you to pay your former spouse's attorney fees; or
- ◆ Dismiss the case.

 Before your Hearing(s) you should refer to the FAQ's (Frequently Asked Questions) dealing with the topics of your Hearings(s) and on How to Prepare for a Hearing. Reviewing these materials will allow you to be prepared to fully participate in the hearing.



**This concludes the Divorce (including dissolution of civil union) and Annulment  
Answer Packet**

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**The next section, 6, provides examples of sample forms to assist you.  
DO NOT FILE THESE FORM SAMPLES.**

# The Family Court of the State of Delaware

Check the county in which you are filing.

In and For  New Castle  Kent  Sussex County

## ANSWER TO PETITION FOR DIVORCE/ANNULMENT

*Petitioner*

*v. Respondent*

Name Anne C. Smith	Name John D. Smith	File Number  CK04-12111
Street Address 10 Oak Street Apt. #123	Street Address 490 Pine Street	
P.O. Box Number	P.O. Box Number	Petition Number  04-36000
City/State/Zip Code Dover, DE 19901	City/State/Zip Code Wilmington, DE 198001	
Attorney Name N/A	Attorney Name N/A	

You can find these numbers on the notice that you received from the Court.

### The Respondent answers the Petition for Divorce/Annulment as follows:

1.A My spouse resided in Delaware for at least six consecutive months before filing this petition

- Admitted
- Denied. My spouse has lived in Delaware since \_\_\_\_\_ (mm/dd/yy)
- N/A

B My spouse was stationed in Delaware as a member of the military during the dates listed on the Petition for Divorce/Annulment.

- Admitted
- Denied for the following reason: \_\_\_\_\_
- N/A

C Neither my spouse nor I currently reside in Delaware but we entered into a divorce/annulment proceeding in another jurisdiction and neither the jurisdiction where I reside nor where my spouse currently resides has affirmatively by law a divorce/annulment proceeding to be brought there

- Admitted
- Denied for the following reason: \_\_\_\_\_
- N/A

Admit or deny the statements made by the Petitioner. If you deny the statement, explain why you disagree with the statement in the space provided. Read each statement carefully.

2. My spouse's date of birth is correctly stated on the Petition.

- Admitted
- Denied for the following reason: \_\_\_\_\_

3. My spouse has the occupation stated on the Petition.

- Admitted
- Denied for the following reason: \_\_\_\_\_

4.A I have resided in Delaware for at least six consecutive months before the petition was filed.

- Admitted
- Denied. I have lived in Delaware since \_\_\_\_\_ (mm/dd/yy)
- N/A

B I was stationed in Delaware as a member of the military during the dates listed on the Petition for Divorce/Annulment

- Admitted
- Denied for the following reason: \_\_\_\_\_



C Neither my Spouse nor I have ever lived in Delaware  
 Admitted  
 Denied.  I lived in **AND/OR** my spouse lived in \_\_\_\_\_, Delaware.  
County

5. My date of birth is correctly stated on the Petition.  
 Admitted  
 Denied for the following reason: My birthday is 7/13/66

6. I have the occupation stated on the Petition.  
 Admitted  
 Denied for the following reason: \_\_\_\_\_

7. I reside at the address stated on the Petition.  
 Admitted  
 Denied for the following reason: \_\_\_\_\_

Possession of a green card does not make you a US citizen.

8. My citizenship is properly described in the Petition.  
 Admitted  
 Denied. I am a citizen of \_\_\_\_\_  
 Denied. I have resided in the following country(ies) in the past two years.  
\_\_\_\_\_

9a. My spouse and I were married/entered into a civil union on the date stated in the Petition.  
 Admitted  
 Denied for the following reason: \_\_\_\_\_

9b. My spouse and I were married/entered into a civil union at the location stated in the Petition.  
 Admitted  
 Denied for the following reason: \_\_\_\_\_

10. My spouse and I separated on the date stated in the Petition.  
 Admitted  
 Denied for the following reason: My spouse and I separated on 12/26/03

11. The Petition correctly stated whether either party is pregnant.  
 Admitted  
 Denied for the following reason: \_\_\_\_\_

The Petition correctly stated the names and addresses of all the children from the marriage/civil union.

Admitted  
 Denied for the following reason: \_\_\_\_\_

If you agree that your marriage is irretrievably broken, but do not agree with the reason given by the Petitioner, check this box and explain why you believe that the marriage is irretrievably broken.

12. The Petition correctly described any prior divorce or annulment proceedings.  
 Admitted  
 Denied for the following reason: I filed for divorce in 1997, but dismissed

13. **ONLY ANSWER THIS QUESTION IF YOUR SPOUSE REQUESTED A DIVORCE.**  
My marriage/civil union is irretrievably broken  Admitted  Denied  
Incompatibility between the parties, if alleged by Petitioner  Admitted  Denied  
Misconduct, if alleged by the Petitioner  Admitted  Denied  
Mental Illness, if alleged by Petitioner  Admitted  Denied  
Voluntary separation, if alleged by Petitioner  Admitted  Denied  
If any of the above are denied. Please explain My marriage is irretrievably broken because of my Spouse's misconduct.

-AND-

14. Reconciliation with my spouse is not probable.

Admitted

Denied for the following reason: \_\_\_\_\_

**ONLY ANSWER THIS QUESTION IF YOUR SPOUSE REQUESTED AN ANNULMENT.**

The grounds for annulment are correctly stated on the Petition for Divorce/Annulment.

Admitted

Denied. The alleged ground for annulment did not occur.

Denied. The alleged ground for annulment did not occur within the timeframe stated on the Petition for Divorce/Annulment.

I also ask that the Family Court decide all the matters checked below. (Check what you want the Family Court to decide or to order. Some of the matters require an additional filing fee. At the Court Hearing, you must prove why the Family Court should grant the relief that you check. If you do **NOT** want the Court to decide any of the below matters, do **NOT** check any of the boxes.)

Property Division (divide our property and/or debts)

Alimony (have my spouse pay me alimony after \_\_\_\_\_)

Court Costs (have my spouse pay me for my court costs)

Counsel Fees (have my spouse pay me for my attorney fees)

Check the appropriate box for any other relief you would like from the Court.

Change my name to \_\_\_\_\_  
(must be maiden or former name)

Incorporate our Separation Agreement (enforce your Separation agreement)  
(If you want the Family Court to enforce your Separation Agreement, you **MUST** attach the original Separation Agreement signed by both parties in the presence of a notary **AND** the original Stipulation to Incorporate the Separation Agreement that is also signed by both parties in the presence of a notary.)

Counterclaim for Divorce/Annulment  
You **MUST** complete pages 4-5.

Sign in the presence of a Notary

John D. Smith  
Respondent

SWORN TO AND SUBSCRIBED before me on this date, April 5, 2004

Marianne Notary  
Notary Public or Clerk of Court

**AFFIDAVIT OF MAILING**

I affirm that a true and correct copy of this Answer to Petition for Divorce/Annulment was placed in the U.S. Mail on this date 4/5/2004 and sent to the Petitioner or the attorney address listed on the petition, being Anne C. Smith, first class postage pre-paid.

Sign in the presence of a Notary

John D. Smith  
Respondent

SWORN TO AND SUBSCRIBED before me on this date, 4/5/2004

Marianne Notary  
Notary Public or Clerk of Court

## COUNTERCLAIM

**Only complete the following pages if you wish to file a counterclaim for divorce/annulment. Please see the instruction packet for more information.**

1. I hereby re-allege all allegations set forth in the Petition, except as modified or denied by my Answer, and incorporate them herein by reference.
2. In addition, I want to get a divorce because the following statements are true (check both of the following statements):

**A.  MY MARRIAGE/CIVIL UNION IS IRRETRIEVABLY BROKEN.** My spouse and I separated for the following reason(s). (*Check **ALL** that apply*).

**INCOMPATIBILITY BETWEEN THE PARTIES** My spouse and I cannot get along and our relationship is destroyed.

**MISCONDUCT OF MY SPOUSE** Misconduct such as physical abuse, mental abuse, infidelity or abandonment has occurred. Describe the misconduct that occurred.

If you wish to file a Counter Claim, use the space provided to incorporate your modified or denied allegations from the Answer.

I found my spouse sleeping with another man in our house.

**MY SPOUSE'S MENTAL ILLNESS.** Describe your spouse's mental illness including diagnosis and treating physician.

**VOLUNTARY SEPARATION.** My spouse and I have agreed to separate and end the marriage;

**AND**

**B.  RECONCILIATION (GETTING BACK TOGETHER) WITH MY SPOUSE IS NOT PROBABLE.**

3. I ask that the Family Court:

- A. Issue a Summons directed to my spouse requiring my spouse to answer the Counterclaim for Divorce/Annulment.
- B. Enter an Order (Decree) for Divorce, thereby divorcing Petitioner (me) and Respondent (my spouse) or annulling the marriage/civil union.

I also ask the Family Court to decide all the matters checked below. (Check what you want the Family Court to decide or to order. Some of the matters require an additional filing fee):

- Property Division (divide our property and/or debts)
- Alimony (have my spouse pay me alimony after the divorce)
- Court Costs (have my spouse pay me for my court costs for this case)
- Counsel Fees (have my spouse pay me for my attorney fees for this case)

Check the appropriate box for any other relief you would like from the Court.

- Other ancillary relief allowed by statute \_\_\_\_\_
- Change my name to \_\_\_\_\_  
(Must be maiden or former name)

- Incorporate our Separation Agreement  
(Enforce your separation agreement)  
(If you want the Family Court to enforce your Separation Agreement, you **MUST** attach the original Separation Agreement signed by both parties and notarized **AND** the original Stipulation to Incorporate the Separation Agreement that also is signed by both parties and notarized). **The Stipulation of Incorporation must be dated after the Petition for Divorce is filed.**)

Sign here \_\_\_\_\_ *John D. Smith* \_\_\_\_\_  
 Petitioner (person who is filing this Counterclaim) or Petitioner's Attorney

**TYPE OF DIVORCE PROCEEDING REQUESTED**

**COMPLETE THIS BOX ONLY IF YOU HAVE REQUESTED A COUNTERCLAIM**

If my counterclaim is **uncontested** by my spouse, I would like to proceed with my case in the following manner. Please see the Divorce/Annulment Instruction Packet for a detailed explanation of your options.

- I would like the Court to proceed without a hearing and decide my Petition for Divorce/Annulment based solely on the papers that I file.
- I would like to attend a hearing and have my Petition for Divorce/ Annulment decided by a Commissioner at that hearing.

A copy of this Answer and Counterclaim must be sent to the Petitioner

**AFFIDAVIT OF MAILING**

I affirm that a true and correct copy of this Answer to Petition for Divorce/Annulment was placed in the U.S. Mail on this date 4/5/2004 And sent to the Petitioner or the attorney address listed on the petition, being Anne. C. Smith, first class postage pre-paid.

*John D. Smith*  
Respondent

SWORN TO AND SUBSCRIBED before me on this date, 4/5/2004

*Marianne Notary*  
Notary Public or Clerk of Court

# The Family Court of the State of Delaware

In and For  New Castle  Kent  Sussex County

Check the county  
in which you are  
filing.

## AFFIDAVIT OF CHILDREN'S RIGHTS

Petitioner Anne C. Smith	Respondent John D. Smith
-----------------------------	-----------------------------

File Number(s) CK04-12111
Petition Number(s) 04-36000

Fill in the date you have  
the form notarized.

**BE IT REMEMBERED**, that on this date, March 17, 2004, the Affiant, John D. Smith, personally appeared before me, a Notary Public for the State and County aforesaid, who, being by me duly sworn according to law, has read or has been advised of the following children's rights:

1. The right to a continuing relationship with both parents.
2. The right to be treated as an important human being, with unique feelings, ideas and desires.
3. The right to continuing care and guidance from both parents.
4. The right to know and appreciate what is good in each parent without one parent disregarding the other.
5. The right to express love, affection and respect for each parent without having to stifle that love because of fear of disapproval by the other parent
6. The right to know that the parents' decision to divorce were not the responsibility of the child.
7. The right not to be a source of argument between the parents.
8. The right to honest answers to questions about the changing family relationships
9. The right to be able to experience regular and consistent contact with both parents and the right to know the reason for any cancellation of time or change of plans
10. The right to have a relaxed, secure relationship with both parents without being placed in a position to manipulate one parent against the other.

Sign in the presence of a  
notary or court staff.

John D. Smith  
Affiant

3/17/ 2004  
Date

**Sworn to subscribed before me:**

Signed by notary or  
court staff.

Marianne Notary  
Clerk of Court/Notary Public

\_\_\_\_\_  
Date

The Ancillary Financial Disclosure Report is a form that is completed by both the  
Petitioner and Respondent.  
If you are the **Petitioner**, you will complete sections to the **left** or labeled **(P)**  
If you are the **Respondent**, you will complete sections to the **right** or labeled **(R)**

## ANCILLARY FINANCIAL DISCLOSURE REPORT

PROPERTY DIVISION, ALIMONY, COUNSEL FEES

DATE OF MARRIAGE/CIVIL UNION: May 16, 1987  
DATE OF SEPARATION: January 1, 2004  
DATE OF DIVORCE: July 7, 2004

CASE NAME: Smith v. Smith  
FILE NUMBER: CK04-12111  
PETITION NUMBER: 04-36000

Petitioner's Name		Date of Birth	
Anne C. Smith		2/3/1964	
Street Address		Home Phone	
10 Oak Street Apt.#123		302-555-1111	
P.O. Box Number			
City/State/Zip Code			
Dover, DE 19901			
Employer Name		Work Phone	
ABC Child Care		302-555-9999	
Employer Street Address			
500 Cedar Street			
City/State/Zip Code			
Dover, DE 19901			
Years Employed	Position or Occupation		
7 years	Pre-School Teacher		
Current Annual Income			
\$28,400.00			
Petitioner's Attorney			
N/A			

Respondent's Name		Date of Birth	
John D. Smith		7/13/1965	
Street Address		Home Phone	
490 Pine Street		302-555-9876	
P.O. Box Number			
City/State/Zip Code			
Wilmington, DE 19801			
Employer Name		Work Phone	
XYZ Corp.		302-555-3434	
Employer Street Address			
67 Walnut Ave			
City/State/Zip Code			
Newark, DE 19713			
Years Employed	Position or Occupation		
2 years	Computer Technician		
Current Annual Income			
\$35,500			
Respondent's Attorney			
N/A			

**A. Names and dates of birth of minor children of the parties. Indicate with whom the child(ren) primarily reside: Petitioner (P); Respondent (R); Shared (S).**

Petitioner's Children (Minor)	Resides With:
Mary J Smith 4/17/96 F	<input checked="" type="checkbox"/> (P) <input type="checkbox"/> (R) <input type="checkbox"/> (S)
	<input type="checkbox"/> (P) <input type="checkbox"/> (R) <input type="checkbox"/> (S)
	<input type="checkbox"/> (P) <input type="checkbox"/> (R) <input type="checkbox"/> (S)
	<input type="checkbox"/> (P) <input type="checkbox"/> (R) <input type="checkbox"/> (S)
	<input type="checkbox"/> (P) <input type="checkbox"/> (R) <input type="checkbox"/> (S)

Respondent's Children (Minor)	Resides With
Mary J Smith 4/17/96 F	<input checked="" type="checkbox"/> (P) <input type="checkbox"/> (R) <input type="checkbox"/> (S)
	<input type="checkbox"/> (P) <input type="checkbox"/> (R) <input type="checkbox"/> (S)
	<input type="checkbox"/> (P) <input type="checkbox"/> (R) <input type="checkbox"/> (S)
	<input type="checkbox"/> (P) <input type="checkbox"/> (R) <input type="checkbox"/> (S)
	<input type="checkbox"/> (P) <input type="checkbox"/> (R) <input type="checkbox"/> (S)

**B. Names and dates of birth of any adult children residing with either party. Indicate whether the child is enrolled in school**


Petitioner's Children (Adult)	Enrolled in School?
Doug A Smith 10/14/91	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/> Yes <input type="checkbox"/> No

Respondent's Children (Adult)	Enrolled in School?
Doug A Smith 10/14/91	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/> Yes <input type="checkbox"/> No

**C.** Describe your employment history for the past five years. Include the name of each employer, the dates of employment, and the last annual income with each employer, and the reason employment ended. Start with your most recent employer.

Petitioner (P):

Employer	Dates of Employment		Ending Annual Income	Reason for Leaving
	Start Date	End Date		
ABC Child Care	8/1/97	Present	\$28,4000	Still employed

Respondent (R):  Respondent will complete **ALL** sections labeled with an **(R)**

Employer	Dates of Employment		Ending Annual Income	Reason for Leaving
	Start Date	End Date		
XYZ Corp.	5/1/2000	Present	\$35,500	Still employed
Acme Accounting Firm	2/15/1996	4/30/2000	\$30,000	Left for more money

**D.** Do you have health/dental insurance benefiting you, your spouse and/or children of this marriage?  
 Petitioner (P)  Yes  No      Respondent (R)  Yes  No

If so, please state the name of your insurance company, the group and member numbers and cost:

Petitioner's Insurance

Respondent's Insurance

Insurance Company:	Blue Cross / Blue Shield
Group Number:	876T
Member Number:	89765421
Monthly Cost:	\$ 146.00
Who is Covered?	

Insurance Company:	Coventry
Group Number:	98743 ZTR
Member Number:	H8865J78
Monthly Cost:	\$ 34.00
Who is Covered?	

**E.** Does your employer offer a qualified and/or non-qualified pension plan?  
 Petitioner (P)  Yes  No      Respondent (R)  Yes  No

Are you a participant in any pension and/or retirement plan at your current place of employment?  
 Petitioner (P)  Yes  No      Respondent (R)  Yes  No

Were you a participant in any other pension and/or retirement plan(s) through previous employment?  
 Petitioner (P)  Yes  No      Respondent (R)  Yes  No

If so, please state the name(s) of all plan(s), plan administrator(s), address(es) and phone number(s) in which you are a participant:

(P)

Plan Name (1)	Plan Administrator
Street Address	Phone #
City/State/Zip Code	
Plan Name (2)	Plan Administrator
Street Address	Phone #
City/State/Zip Code	

(R)

Plan Name (1)	Plan Administrator
Saga Investment Plan	Saga Financial Administrators
Street Address	Phone #
345 West Blue Street	211-555-1000
City/State/Zip Code	
Miami, FL 45611	
Plan Name (2)	Plan Administrator
Street Address	Phone #
City/State/Zip Code	

**F.** Do you have any other deductions from your pay (not including taxes), such as union dues, mandatory pension deductions or other?

Petitioner (P)  Yes  No      Respondent (R)  Yes  No

If so, please identify the deduction and monthly cost

(P) Deduction	Monthly Cost	(R) Deduction	Monthly Cost
Education Association Dues	\$15.00		\$
	\$		\$
	\$		\$
	\$		\$

**G.** Do you participate in or own any life insurance on your life?

Petitioner (P)  Yes  No      Respondent (R)  Yes  No

If so, please state the following

(P)

Name of Plan	Policy Number	Type*	Beneficiary	Face Value	Cash Surrender Value	Monthly Cost
(1)				\$	\$	\$
Basis for Non-Marital Claim:						
(2)				\$	\$	\$
Basis for Non-Marital Claim:						

(R)

Name of Plan	Policy Number	Type*	Beneficiary	Face Value	Cash Surrender Value	Monthly Cost
(1) American Insurers	77774411	T	Wife	100,000.00	\$32,000	\$19.00
Basis for Non-Marital Claim:						
(2)				\$	\$	\$
Basis for Non-Marital Claim:						

\*Type: W= Whole Life T= Term E= Employer

**H.** Do you claim any inability to pay support due to ill health, disability or extraordinary expenses which results in dependency upon the other party for support and/or impairment of earning capacity?

Petitioner (P)  Yes  No      Respondent (R)  Yes  No

If yes, please provide below and the name and address of all treating physicians and state the nature of the disability

(P)

Nature of Disability (1)	Treating Physician
Street Address	Phone #
City/State/Zip Code	
Nature of Disability (2 – If Different)	Treating Physician
Street Address	Phone #
City/State/Zip Code	

(R)

Nature of Disability (1)	Treating Physician
Street Address	Phone #
City/State/Zip Code	
Nature of Disability (2 – If Different)	Treating Physician
Street Address	Phone #
City/State/Zip Code	



I. Are you receiving any income from benefits such as Social Security retirement, Social Security Disability (SSDI), VA benefits, federal pension (CSRS or FERS), private disability or military pension?  
 Petitioner (P)  Yes  No      Respondent (R)  Yes  No

If so, please indicate from where you receive the benefit(s) and the monthly amount:

(P) Benefit	Monthly Cost	(R) Benefit	Monthly Cost
	\$		\$
	\$		\$
	\$		\$
	\$		\$

J. During the last five (5) years, have you given, transferred, or entrusted your property (including cash) in excess of \$1000.00 in the aggregate to anyone other than a party to this proceeding?  
 Petitioner (P)  Yes  No      Respondent (R)  Yes  No

If so, please name the recipient of each item and describe the item and it's value:

(P) Property Transferred	Entrusted Recipient	Value	(R) Property Transferred	Entrusted Recipient	Value
Money for college	Sister	\$2,500			\$
		\$			\$

**INCOME INFORMATION**

K. List annual gross income from all sources for the last 3 years, including estimated gross income for current year:



**Consult financial records including W-2s and tax forms to obtain this information.**

(P) Petitioner		(R) Respondent	
3 years ago	\$24,000	3 years ago	\$30,000
2 years ago	\$26,100	2 years ago	\$33,000
1 year ago	\$27,200	1 year ago	\$33,000
Current	\$28,400	Current	\$35,500

**ASSETS OF THE PARTIES**

“Assets” include all assets (property) of any kind, including real estate, and tangible and intangible personal property (such as bank accounts, stocks, bonds, etc.). Unless you explain otherwise, it will be presumed that you are the sole legal owner of any asset(s) identified in your answers. If you are not the sole legal owner, please explain the nature and extent of your ownership, including the name of all co-owners. **If the space provided is insufficient, please attach additional pages, indicating whether the attachment is supplied by Petitioner or Respondent.**

All property will be considered marital and subject to division unless a party indicates to the contrary. Such an indication must be made by listing one of the following reasons for claiming the property is non-marital under the “Basis for Non-Marital Claim” category:

- |  |   |
|--|---|
| <p><b>1. Premarital</b><br/>(Property owned by a party before marriage/civil union.)</p> <p><b>2. Agreement</b><br/>(Property excluded by agreement of the parties.)</p> <p><b>3. Post-Separation</b><br/>(Property acquired after separation.)</p> <p><b>4. Exchange</b><br/>(Property acquired in exchange for premarital/pre-union property.)</p> | <p><b>5. Increase</b><br/>(The increase in value of property acquired before marriage/civil union.)</p> <p><b>6. Gift</b><br/>(Property acquired by gift from a third person)</p> <p><b>7. Inheritance</b><br/>(Property acquired by inheritance)</p> |
|--|---|

**If you think that an asset is not marital property, indicate which category of non-marital property it is. Categories are listed on the previous page.**

PLEASE COMPLETE THE FOLLOWING INFORMATION:

**REAL PROPERTY**

**L. Interests in real estate:**

Address	In Whose Name	Market Value	Mortgage Balance	Source of funds for purchase	Basis for Non-Marital Claim
490 Pine Street Wilmington, DE 19801	<input checked="" type="checkbox"/> (P) <input type="checkbox"/> (R)	(P) \$141,875.00 (R) \$	\$83,980.00	(P)Loans (R)	(P) (R)
17 Beach Street Bowers Beach, DE 19765	<input type="checkbox"/> (P) <input checked="" type="checkbox"/> (R)	(P) \$ (R) \$56,000.00	\$0.00	(P) (R)Inheritance	(P) (R)Inheritance
	<input type="checkbox"/> (P) <input type="checkbox"/> (R)	(P) \$ (R) \$	\$	(P) (R)	(P) (R)
	<input type="checkbox"/> (P) <input type="checkbox"/> (R)	(P) \$ (R) \$	\$	(P) (R)	(P) (R)
	<input type="checkbox"/> (P) <input type="checkbox"/> (R)	(P) \$ (R) \$	\$	(P) (R)	(P) (R)

**MOTOR VEHICLES**

**M. Automobiles, trailers, motorcycles, and other vehicles**

Make, Model & Year	In Whose Name	Date Acquired	Value (P) & (R)*	Balance on Loan	Who Drives?	Basis for Non-Marital Claim
1998 Honda Accord	<input checked="" type="checkbox"/> (P) <input type="checkbox"/> (R)	July 2000	(P) \$8,400 (R) \$9,000	\$1,500	<input checked="" type="checkbox"/> (P) <input type="checkbox"/> (R)	(P) (R)
1999 Chevy Trailblazer	<input type="checkbox"/> (P) <input checked="" type="checkbox"/> (R)	Nov 2002	(P) \$7,100 (R) \$7,100	\$	<input type="checkbox"/> (P) <input checked="" type="checkbox"/> (R)	(P) (R)
	<input type="checkbox"/> (P) <input type="checkbox"/> (R)		(P) \$ (R) \$	\$	<input type="checkbox"/> (P) <input type="checkbox"/> (R)	(P) (R)
	<input type="checkbox"/> (P) <input type="checkbox"/> (R)		(P) \$ (R) \$	\$	<input type="checkbox"/> (P) <input type="checkbox"/> (R)	(P) (R)
	<input type="checkbox"/> (P) <input type="checkbox"/> (R)		(P) \$ (R) \$	\$	<input type="checkbox"/> (P) <input type="checkbox"/> (R)	(P) (R)

\* NOTE: The Court generally uses the current retail NADA book value for automobiles

**BANK ACCOUNTS**

**N. Checking accounts, savings accounts, certificates of deposit:**

Name and Address of Institution	Account Number	Present Value	In Whose Name	Basis for Non-Marital Claim
Savings Trust, 800 Market St Wilmington, DE	98645788511	\$ 478.78	<input checked="" type="checkbox"/> (P) <input type="checkbox"/> (R)	(P) (R)
First Bank, 134 Holly St Newark, DE	10009863	\$3,920.00	<input type="checkbox"/> (P) <input checked="" type="checkbox"/> (R)	(P) (R)
		\$	<input type="checkbox"/> (P) <input type="checkbox"/> (R)	(P) (R)
		\$	<input type="checkbox"/> (P) <input type="checkbox"/> (R)	(P) (R)
		\$	<input type="checkbox"/> (P) <input type="checkbox"/> (R)	(P) (R)
		\$	<input type="checkbox"/> (P) <input type="checkbox"/> (R)	(P) (R)
		\$	<input type="checkbox"/> (P) <input type="checkbox"/> (R)	(P) (R)
		\$	<input type="checkbox"/> (P) <input type="checkbox"/> (R)	(P) (R)
		\$	<input type="checkbox"/> (P) <input type="checkbox"/> (R)	(P) (R)
		\$	<input type="checkbox"/> (P) <input type="checkbox"/> (R)	(P) (R)

**RETIREMENT PLAN(S)**

**O. Profit sharing plans and/or retirement plans (other than your pension) such as an IRA:**

Name of Plan	In Whose Name	Value of Plan & Date of Value	Does the Non-Contributor claim a share of Post-Separation Contributions?	Basis for Non-Marital Claim
Investment Inc. IRA	<input type="checkbox"/> (P) <input checked="" type="checkbox"/> (R)	\$26,942.65 as of July 29, 2004	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	(P) (R)
	<input type="checkbox"/> (P) <input type="checkbox"/> (R)		<input type="checkbox"/> Yes <input type="checkbox"/> No	(P) (R)
	<input type="checkbox"/> (P) <input type="checkbox"/> (R)		<input type="checkbox"/> Yes <input type="checkbox"/> No	(P) (R)
	<input type="checkbox"/> (P) <input type="checkbox"/> (R)		<input type="checkbox"/> Yes <input type="checkbox"/> No	(P) (R)
	<input type="checkbox"/> (P) <input type="checkbox"/> (R)		<input type="checkbox"/> Yes <input type="checkbox"/> No	(P) (R)
	<input type="checkbox"/> (P) <input type="checkbox"/> (R)		<input type="checkbox"/> Yes <input type="checkbox"/> No	(P) (R)
	<input type="checkbox"/> (P) <input type="checkbox"/> (R)		<input type="checkbox"/> Yes <input type="checkbox"/> No	(P) (R)
	<input type="checkbox"/> (P) <input type="checkbox"/> (R)		<input type="checkbox"/> Yes <input type="checkbox"/> No	(P) (R)

**INVESTMENTS**

**P. Stocks, mutual funds, securities, bonds and options:**

Corporation	Shares	Class	In Whose Name	Date Acquired	Market Value	Basis for Non-Marital Claim
XYZ Corp Stocks	10	A	<input type="checkbox"/> (P) <input checked="" type="checkbox"/> (R)	9/15/02	\$26.30 per share	(P) (R)
			<input type="checkbox"/> (P) <input type="checkbox"/> (R)		\$	(P) (R)
			<input type="checkbox"/> (P) <input type="checkbox"/> (R)		\$	(P) (R)
			<input type="checkbox"/> (P) <input type="checkbox"/> (R)		\$	(P) (R)
			<input type="checkbox"/> (P) <input type="checkbox"/> (R)		\$	(P) (R)

**ANNUITIES**

**Q. Annuities**

Name and Address of Company	Amount of Payment	Date of First Payment	Duration of Payments	Beneficiary Upon Death	In Whose Name	Basis for Non-Marital Claim
n/a					<input type="checkbox"/> (P) <input type="checkbox"/> (R)	(P) (R)
					<input type="checkbox"/> (P) <input type="checkbox"/> (R)	(P) (R)
					<input type="checkbox"/> (P) <input type="checkbox"/> (R)	(P) (R)

**BUSINESSES**

R. If you have any interest in any business, please state

Petitioner

Name of Business
Street Address
City/State/Zip Code
Percentage of Interest of Business      Years of Operation
Name of Accountant
Street Address
City/State/Zip Code
Basis for Claim that Property is Non-Marital:
Are there any Buy/Sell Agreements? <input type="checkbox"/> Yes <input type="checkbox"/> No

Respondent

Name of Business
Street Address
City/State/Zip Code
Percentage of Interest of Business      Years of Operation
Name of Accountant
Street Address
City/State/Zip Code
Basis for Claim that Property is Non-Marital:
Are there any Buy/Sell Agreements? <input type="checkbox"/> Yes <input type="checkbox"/> No

**HOUSEHOLD FURNISHINGS AND BELONGINGS**

If the parties do not agree how to divide their household furnishings and belongings, the Court generally divides them by the "two-list" method. One party prepares two lists dividing all of the marital furnishings and belongings. The other party chooses which of the two lists of household furnishings and belongings he or she will keep. The party who prepared the two lists will keep the household furnishings and belongings listed on the remaining list.

The household furnishings and belongings:	Have been divided	<b>PETITIONER</b>	<b>RESPONDENT</b>
		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Will be divided by the "two list" method	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

**OTHER ASSETS**

S. Other Assets:

Asset	In Whose Name	Value
n/a	<input type="checkbox"/> (P) <input type="checkbox"/> (R)	\$
	<input type="checkbox"/> (P) <input type="checkbox"/> (R)	\$
	<input type="checkbox"/> (P) <input type="checkbox"/> (R)	\$
	<input type="checkbox"/> (P) <input type="checkbox"/> (R)	\$
	<input type="checkbox"/> (P) <input type="checkbox"/> (R)	\$
	<input type="checkbox"/> (P) <input type="checkbox"/> (R)	\$
	<input type="checkbox"/> (P) <input type="checkbox"/> (R)	\$
	<input type="checkbox"/> (P) <input type="checkbox"/> (R)	\$

**An asset is anything of value owned by you and your former spouse.**

**DEBTS OF THE PARTIES**

T. Please complete the chart below regarding **ALL** of the debts incurred during the marriage/civil union.

Write the name of the creditor (the institution, company person, etc.) to whom money is owed	Write the name of the person responsible to the creditor	Write the general purpose of the debt incurred (why was the money borrowed?)	Write the date the debt was incurred	Write the amount of money owed on the date of separation	Write the amount of money owed on the date of divorce	Would you like credit for the money you paid after the date of separation? If so, how much?
1)Mastercard	Anne & John	Household purchases	Over past 10 yrs	(P) \$2,731.06 (R) \$2,731.03	(P) \$5,099.75 (R) \$5,099.75	(P) \$No (R) \$1,250.00
2)Lowes Credit Card	Anne & John	Household purchases	Over past two yrs	(P) \$900.14 (R) \$900.14	(P) \$450.14 (R) \$450.14	(P) \$450. (R) \$No
3)Loan on Honda	Anne & John	Purchase car	July 2000	(P) \$2,751.34 (R) \$2,751.34	(P) \$1,547.65 (R) \$1,547.65	(P) \$1,203.69 (R) \$No
4)Loan on Trailblazer	Anne & John	Purchase care	Nov 2002	(P) \$4,401.88 (R) \$4,401.88	(P) \$2,912.04 (R) \$2,912.04	(P) \$No (R) \$1,489.84
5)				(P) \$ (R) \$	(P) \$ (R) \$	(P) \$ (R) \$
6)				(P) \$ (R) \$	(P) \$ (R) \$	(P) \$ (R) \$
7)				(P) \$ (R) \$	(P) \$ (R) \$	(P) \$ (R) \$
8)				(P) \$ (R) \$	(P) \$ (R) \$	(P) \$ (R) \$
9)				(P) \$ (R) \$	(P) \$ (R) \$	(P) \$ (R) \$
10)				(P) \$ (R) \$	(P) \$ (R) \$	(P) \$ (R) \$
11)				(P) \$ (R) \$	(P) \$ (R) \$	(P) \$ (R) \$
12)				(P) \$ (R) \$	(P) \$ (R) \$	(P) \$ (R) \$
13)				(P) \$ (R) \$	(P) \$ (R) \$	(P) \$ (R) \$
14)				(P) \$ (R) \$	(P) \$ (R) \$	(P) \$ (R) \$
15)				(P) \$ (R) \$	(P) \$ (R) \$	(P) \$ (R) \$
16)				(P) \$ (R) \$	(P) \$ (R) \$	(P) \$ (R) \$
17)				(P) \$ (R) \$	(P) \$ (R) \$	(P) \$ (R) \$
18)				(P) \$ (R) \$	(P) \$ (R) \$	(P) \$ (R) \$



Respondent will complete this page.

**RESPONDENT'S EXPENSE INFORMATION**

V. List monthly expenses (1/12 of actual payments made during the preceding twelve (12) months), including any expenses that have recently changed or are expected to change in the near future.

Item	Current Expenses	Estimated Expenses
Rent	\$0	\$0
Mortgage (taxes, insurance and escrow)	\$980.00	\$980.00
Water	\$24.00	\$24.00
Sewer	\$16.00	\$16.00
Electric	\$160.00	\$160.00
Gas	\$0	\$0
Oil	\$0	\$0
Garbage	\$18.00	\$18.00
Cable Television	\$65.00	\$65.00
Telephone	\$85.00	\$85.00
Household items	\$30.00	\$30.00
Household maintenance and repairs ( <i>list</i> )		
Item: New Roof	\$	\$100.00
Item:	\$	\$
Groceries	\$100.00	\$100.00
Clothing	\$25.00	\$25.00
Health Insurance (COBRA)	\$34.00	\$34.00
Out-of-pocket medical and dental expenses for self	\$36.00	\$60.00
Medical and dental expenses for children	\$0	\$0
Work-related child care	\$0	\$0
School tuition for children of the parties	\$0	\$0
School tuition for other children	\$0	\$0
Laundry and dry cleaning	\$25.00	\$25.00
Toys and presents	\$35.00	\$35.00
Cosmetics and toiletries	\$10.00	\$10.00
Hobbies	\$95.00	\$95.00
Barber and Hairdresser	\$15.00	\$15.00
Newspaper, magazine subscriptions	\$12.00	\$0
Charitable and/or religious donations	\$0	\$0
Vacation	\$60.00	\$60.00
Entertainment and miscellaneous	\$35.00	\$35.00
Transportation (other than auto)	\$0	\$0
<i>Automobile</i>		
Monthly Payment	\$250.00	\$250.00
Repairs and Maintenance	\$10.00	\$10.00
Insurance	\$112.00	\$112.00
Gasoline	\$55.00	\$55.00
Life Insurance	\$19.00	\$19.00
<i>Other:</i>		
Item:	\$	\$
Item:	\$	\$
Item:	\$	\$
Item:	\$	\$
Item:	\$	\$
Item:	\$	\$
Item:	\$	\$
Item:	\$	\$
Item:	\$	\$
Item:	\$	\$
<b>TOTAL</b>	<b>\$2306.00</b>	<b>\$2364.00</b>

STATE OF Delaware

**The Petitioner will fill in the County where you have this form notarized and the date you have it notarized.**

COUNTY OF Kent

**BE IT REMEMBERED** that on this 1<sup>st</sup> day of August, 2004  
appeared before me, a Notary Public for the State and County aforesaid,

Anne C. Smith, who being by me duly sworn according to law, did depose  
(Name of Petitioner)

and say that the foregoing answers are true and correct to the best of his/her knowledge and belief.

*Anne C. Smith*



**Only sign this form in the presence of a notary or court staff.**

PETITIONER

*Wanda Notary*

NOTARY PUBLIC OR CLERK OF COURT

N/A

COUNSEL FOR PETITIONER, IF ANY

August 1, 2004

DATE

STATE OF Delaware

**The Respondent will fill in the County where you have this form notarized and the date you have it notarized.**

COUNTY OF New Castle

**BE IT REMEMBERED** that on this 26<sup>th</sup> day of August, 2004  
appeared before me, a Notary Public for the State and County aforesaid,

John D Smith, who being by me duly sworn according to law, did depose  
(Name of Respondent)

and say that the foregoing answers are true and correct to the best of his/her knowledge and belief.

*John D Smith*



**Only sign this form in the presence of a notary or court staff.**

RESPONDENT

*Marianne Public*

NOTARY PUBLIC OR CLERK OF COURT

N/A

COUNSEL FOR RESPONDENT, IF ANY

August 26<sup>th</sup>, 2004

DATE



# The Family Court of the State of Delaware

In and For  New Castle  Kent  Sussex County

**Petitioner**

**Respondent**

Name <b>Anne C Smith</b>	Name <b>John D Smith</b>	File Number <b>CK04-12111</b>
Street Address (include apartment) <b>10 Oak Street Apt.#123</b>	Street Address (include apartment) <b>490 Pine Street</b>	Petition Number <b>04-36000</b>
P.O. Box Number	P.O. Box Number <b>Wilmington, DE 19801</b>	Type of Filing <b>DIVORCE</b>
City/State/Zip <b>Dover, DE 19901</b>	City/State/Zip	
Attorney Name <b>N/A</b>	Attorney Name <b>N/A</b>	

### AFFIDAVIT OF MAILING

A proceeding involving the above-captioned case having been previously filed in this court, I, the:

- (Check **ONE**)       Petitioner/Movant       Attorney for Petitioner/Movant  
 Respondent/Movant       Attorney for Respondent/Movant

affirm that a true and correct copy of this: *(Check ONE and complete as appropriate.)*

- Answer to Petition       Ancillary Financial Disclosure Report  
 Motion or       Response to Motion \_\_\_\_\_  
*(Type of Motion)*
- Other: \_\_\_\_\_  
*(Other type of document mailed to opposing party/attorney)*

was placed in the U.S. Mail on this date, August 1, 2004, and sent first class postage pre-paid to the: *(Check ONE and complete as appropriate.)*

- Opposing party at the address listed above  
 Attorney for opposing party at the address listed below

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

SWORN TO AND SUBSCRIBED before  
me this date, August 1, 2004.

Wanda Notary  
Notary Public or Clerk of Court

Anne C Smith  
Party/Movant/Attorney

# The Family Court of the State of Delaware

Check the county in which you are filing.

In and For  New Castle  Kent  Sussex County

Anne C. Smith

Petitioner,

and

John D. Smith

Respondent,

File No.: CK04-12111

Petition No.: 04-36000

Fill in the date you have the form notarized.

## AFFIDAVIT OF APPEARANCE IN DIVORCE/ANNULMENT AND NOTICE OF INJUNCTION

BE IT REMEMBERED, that on this 20th day of March, 2004 personally appeared before me, a Notary Public for the State and County aforesaid, John D. Smith, ("affiant"), who, being by me duly sworn according to law, did dispose and say:

1. That affiant is the respondent named in the above-captioned action for divorce/annulment: and
2. That affiant has received a copy of the petition in such action and this affidavit hereby enters an appearance in the action and submits to the jurisdiction of Family Court of the State of Delaware in all respects as if affiant had been served personally within the State of Delaware, with process and copies of any pleadings: and
3. That affiant understands that if he/she does not serve a response to the petitioner or the petitioner's attorney, whose name(s) appear(s) on the petition within 20 days after the date thereof, the action will be tried at the Family Court location indicated below. The parties will be sent notice of the day and time of the hearing; and
4. That affiant understands the terms of the "Notice to Parties" which appears on the second page of this affidavit, and that affiant understands that he/she is bound by the terms of Preliminary Injunction Order cited in that notice.

Sign in the presence of a notary.

*John D. Smith*

Respondent ("Affiant")

SWORN TO AND SUBSCRIBED before me the day and year aforesaid.

One of these boxes will be checked by court staff telling you in which county your divorce will be held.

Signed by a notary or court staff.

*Jane Notary*

Notary Public or Clerk of Court

500 N. KING STREET  
WILMINGTON, DE 19801  
(302) 255-0234

400 COURT STREET  
DOVER, DE 19901  
(302) 672-1009

22 THE CIRCLE  
GEORGETOWN, DE 19947  
(302) 855-7444

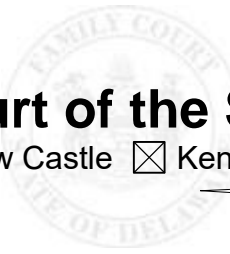
A copy of this notice will be served on the Petitioner. You should retain a copy for your records.

## **NOTICE TO PARTIES IN DIVORCE OR ANNULMENT ACTION**

Pursuant to the Order of the Chief Judge of the Family Court of the State of Delaware, on the filing of this divorce or annulment action, each party is prohibited by statute (13 Del. C., § 1509) from:

- (a) Transferring, encumbering, concealing, or in any other way disposing of any property except in the usual course of business or for the necessities of life, and each is required to notify the other of any proposed extraordinary expenditures and to account to the Court for all extraordinary expenditures after the preliminary injunction becomes effective;
- (b) Molesting or disturbing the peace of the other party;
- (c) Removing any natural or adopted child of the parties then residing in Delaware from the jurisdiction of this Court without the prior written consent of the parties or the permission of the Court;
- (d) Utilizing credit cards or otherwise incurring debt for which the other party is or may be liable except in connection with this litigation or necessities of life for the benefit of the party or the parties, minor children.

These statutory prohibitions are effective against the petitioner upon the filing of the petition and upon the respondent upon service of a copy of the petition.



# The Family Court of the State of Delaware

In and For  New Castle  Kent  Sussex County

Check the County in which you are filing.

Anne C. Smith  
Petitioner,  
  
v.  
  
John D. Smith  
Respondent.

File No.: CK04-12111

Peti. No.: 04-36000

## STIPULATION TO INCORPORATE SEPARATION AGREEMENT

IT IS HEREBY STIPULATED and agreed by and between the Parties that the attached

Separation Agreement, signed by both parties on March 14, 2004, be incorporated into the Final Decree of Divorce.

Fill in the date you have the form notarized.

Anne c. Smith  
Petitioner  
  
Date: March 14, 2004  
  
Sworn to and subscribed before  
3/14/2004  
  
Jane Notary  
Notary Public or Clerk of Court

Each party must sign in the presence of a notary or court staff. The other party does not have to be present when you sign. The Petitioner and the Respondent do not have to have their signatures notarized by the same notary.

John D. Smith  
Respondent  
  
Date: March 14, 2004  
  
Sworn to and subscribed before me this date,  
3/14/2004  
  
Jane Notary  
Notary Public or Clerk of Court

IT IS SO ORDERED this day \_\_\_\_\_

Dated and signed by the Judicial Officer.

\_\_\_\_\_  
Judge/Commissioner

Check the  
County in which  
you are filing.

# The Family Court of the State of Delaware

In and For  New Castle  Kent  Sussex County



Anne C. Smith  
Petitioner,  
and  
John D. Smith  
Respondent,

File No.: CK04-12111  
Petition No.: 04-36000

## WAIVER OF RIGHTS UNDER THE "SERVICEMEMBERS CIVIL RELIEF ACT"

STATE OF DELAWARE )  
 )  
Kent COUNTY )

ss.

Fill in the date you have the  
form notarized.

BE IT REMEMBERED, that on this date, March 25, 2004, personally appeared  
before me, a Notary Public for the State of Delaware in the County declared above,  
John D. Smith, ("Affiant"), who, being duly sworn by me according to law,  
did depose and say:

Only sign this form in  
the presence of a notary  
or court staff.

1. That Affiant is the Respondent in the above captioned case;
2. That Affiant is active duty in the United States military; and
3. The Affiant waives his/her rights under the "Servicemembers Civil Relief Act" and in doing so acknowledges that he/she, or his/her attorney, will be required to timely respond to and appear at all legal proceedings associated with the above captioned case.

The "Affiant" is the Respondent. ONLY the Respondent may complete this form. If you are the Petitioner in this proceeding, you may not complete this form.

John D. Smith  
Respondent ("Affiant")

SWORN TO AND SUBSCRIBED before me this date, March 25, 2014

Ms. Marianne Notary  
Notary Public or Clerk of Court

