Wake County
Legal Support
Center

DIVORCE
INFORMATION PACKET

Wake County
Legal Support
Center

THE WAKE COUNTY LEGAL SUPPORT CENTER

CAN:

- ✓ **Tell you how court works**
- ✓ **Offer you forms to assist you with your case**
- ✓ **Provide lawyer referral information to you**
- ✓ **Refer you to other agencies or resources to assist you**

CANNOT:

- ❖ **Give you legal advice**
- ❖ **Represent you in court**

  Remember you are filing ***pro se*** which means you are representing yourself and acting as your own attorney
- ❖ **Fill out the forms for you**
- ❖ **Tell you what to say or write**
- ❖ **Guarantee confidentiality**

What is the purpose of this packet?

This packet of information is provided for individuals who wish to pursue a case without the assistance of an attorney. This is called a **pro se or self-represented case**. If you are not sure that you want or need to go to court, please ask the Legal Support Center staff to direct you to numbers for **lawyer referral services** or the list of local attorneys willing to provide **"unbundled services"** (*willing to represent you for a limited portion of your case on an hourly basis).*

How will the information guide and packet help me?

If you do not plan to use an attorney, this packet will guide you through the process by providing the **forms and filing instructions** that you will need. Since you are representing yourself, it is **YOUR** responsibility to ensure that these are the correct and current forms for the nature of your case. Therefore, you should review and research the *applicable laws* and *rules of procedure* that apply to your type of case**. If you are not able to do this or wish to proceed with the help of an attorney**, contact the Wake County Bar Association Referral Service at **(919) 677-9903**, the North Carolina State Bar at **(919) 828-4620.** You may also contact the Lawyer Referral Service at **(919) 677-8574** for referral to an attorney for a **$50.00 initial 30-minute consultation**. The Legal Support Center also maintains a list of attorneys willing to provide "unbundled services."

You may also submit a legal question online at https://nc.freelegalanswers.org if you meet the following qualifications:

- Your income is low for a family the size of yours.
- The value of your checking account, savings account, stocks, or bonds is low.
- You aren't in jail or prison.
- Your legal problem isn't related to a criminal charge.
- You don't already have a lawyer to help you with your legal problem.
- You are an adult.

Please note that certain legal terms will be used throughout your proceedings. A complete **legal glossary** is available at the back of this instruction guide. If you still do not understand the terms, consult a legal dictionary or the Legal Support Center staff. Staff **CANNOT** provide legal advice but can provide procedural information and definitions of legal terms.

STATE OF NORTH CAROLINA

_____ County

File No.

In The General Court Of Justice
District Court Division

Name And Address Of Plaintiff 1

Name And Address Of Plaintiff 2

DOMESTIC
CIVIL ACTION COVER SHEET

☐ INITIAL FILING ☐ SUBSEQUENT FILING

Rule 5(b), Rules of Practice For Superior and District Courts

VERSUS

Jury Demanded In Pleading? ☐ No ☐ Yes

Name Of Defendant 1

Name And Address Of Attorney Or Party, If Not Represented (complete for initial appearance or change of address)

Summons Submitted ☐ Yes ☐ No

Name Of Defendant 2

Telephone No. | Cellular Telephone No.

NC Attorney Bar No. | Attorney E-Mail Address

☐ Initial Appearance in Case ☐ Change of Address

Summons Submitted ☐ Yes ☐ No

Name Of Firm

Counsel for
☐ All Plaintiffs ☐ All Defendants ☐ Only *(List party(ies) represented)*

FAX No.

TYPE OF PLEADING

(check all that apply)

- ☐ Amended Answer/Reply (AMND-Response)
- ☐ Amended Complaint (AMND)
- ☐ Answer/Reply (ANSW-Response)
- ☐ Complaint (COMP)
- ☐ Confession Of Judgment (CNFJ)
- ☐ Contempt (CNTP)
- ☐ Continue (CNTN)
- ☐ Compel (CMPL)
- ☐ Counterclaim vs. (CTCL) *Assess Counterclaim Costs*
- ☐ Extend Time For An Answer (MEOT-Response)
- ☐ Modification Of Alimony (MALI)
- ☐ Modification Of Custody (MCUS)
- ☐ Modification Of Support in non-IV-D cases (MSUP)
- ☐ Modification Of Visitation (MVIS)
- ☐ Rule 12 Motion In Lieu Of Answer (MDLA)
- ☐ Sanctions (SANC)
- ☐ Show Cause (SHOW)
- ☐ Transfer (TRFR)
- ☐ Vacate/Modify Judgment or Order (VCMD)
- ☐ Other (OTHR):

CLAIMS FOR RELIEF

(check all that apply)

- ☐ Alimony (ALIM)
- ☐ Annulment (ANUL)
- ☐ Child Support (CSUP)
- ☐ Custody (CUST)
- ☐ Divorce (DIVR)
- ☐ Divorce From Bed And Board (DIVB)
- ☐ Domestic Violence (DOME)
- ☐ Equitable Distribution (EQUD)
- ☐ Medical Coverage (MEDC)
- ☐ Paternity (PATR)
- ☐ Possession Of Personal Property (POPP)
- ☐ Post Separation Support (PSSU)
- ☐ Reimbursement For Public Assistance (RPPA)
- ☐ Visitation (VIST)
- ☐ Other: *(specify and list separately)*

Date

Signature Of Attorney/Party

NOTE: *All filings in civil actions shall include as the first page of the filing a cover sheet summarizing the critical elements of the filing in a format prescribed by the Administrative Office of the Courts and the Clerk of Superior Court shall require a party to refile a filing which does not include the required cover sheet. For subsequent filings in civil actions, the filing party must include a Domestic (AOC-CV-750), Motions (AOC-CV-752), or Court Action (AOC-CV-753) cover sheet.*

AOC-CV-750, Rev. 1/14
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STATE OF NORTH CAROLINA

COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
FILE No. _____

_____)
Plaintiff,)
v.) COMPLAINT FOR ABSOLUTE DIVORCE
_____)
Defendant.)

The Plaintiff, complaining of the Defendant, alleges:

1. That the Plaintiff is a citizen and resident of _____ County, State of _____.
2. That the Defendant is a citizen and resident of _____ County, State of _____.

3. That ☐ Plaintiff ☐ Defendant has been a citizen and resident of the State of North Carolina for more than six (6) months next preceding the commencement of this action.

4. That upon personal knowledge, the Defendant ☐ is ☐ is not a member of the uniformed services under 50 USC App. § 511 (1) (Army, Navy, Air Force, Marine Corps, or Coast Guard). *List Facts supporting the statement above about the Defendant's military service*:
_____
_____.

5. That the Plaintiff and Defendant were married on or about _____ (*month, day, year of date of marriage*) and thereafter they lived together as husband and wife until on or about _____ (*month, day, year of date of separation*) when they separated from each other.
6. At the time of the separation, at least one of the parties intended that the separation be permanent.
7. Since the date of separation, the parties have lived continuously separate and apart from each other, and at no time have they resumed the marital relationship that formerly existed between them.

8. That there were (*check only one box*) ☐ no minor children of the marriage of the parties;

☐ _____ minor children of the marriage of the parties namely:

_____
_____
_____
(*names and birth dates of children*)

9. A. ☐ (*check only one box*) The Plaintiff acknowledges that he/she is not asking the Defendant for alimony or equitable distribution, and that he/she understands and acknowledges that claims for alimony or equitable distribution may be forever barred after the absolute divorce is entered.

OR

B. ☐ (*check only one box*) The parties have pending claims for alimony and/or equitable distribution of property that need to be preserved.

10. ☐ (*check if applicable*) The Plaintiff requests that he/she be allowed to resume the use of a maiden or pre-marriage surname, to wit: _____ (*print maiden or pre-marriage surname*).

WHEREFORE, the Plaintiff respectfully requests that the bonds of matrimony, which have existed between the parties, will be dissolved and that he/she be granted an absolute divorce from the Defendant.

This the ___ day of _____. (*month and year*)

_____
(*Signature of Plaintiff*)

_____
(*Address of Plaintiff*)

_____
(*City, State, Zip Code*)

_____
(*Plaintiff's Telephone Number*)

VERIFICATION

_____ (*Plaintiff's Name*), being first duly sworn, deposes and says that he/she is the Plaintiff in the foregoing action; that he/she has read the foregoing Complaint for Absolute Divorce and knows the contents thereof; that the same is true of his/her knowledge, except as to matters therein stated upon information and belief, and as to those matters he/she believes them to be true.

This the ___ day of _____, 20___.

_____
(*Signature of Plaintiff*)

Sworn to and subscribed before me
This the ____, day of _____.

_____
Notary Public
My Commission expires: _____

Rule 4: How do I serve the other party with my Divorce Summons and Complaint?

The following information is NOT legal advice. This is an informational sheet that may not apply to your specific situation. If you have questions about how to serve the other party in your case, you should consult Rule 4 of the North Carolina Rules of Civil Procedure[1] or a competent attorney in North Carolina.

Once you have filed your Divorce Summons and Complaint, you will need to "**serve**" a copy of the paperwork to your spouse and provide "**proof of service**" for the court file. North Carolina law does not permit you to personally serve your spouse with the Summons and Complaint. You may not deliver the Summons and Complaint to your spouse by hand unless you also use one of the appropriate service methods specified in Rule 4 of the North Carolina Rules of Civil Procedure.

SERVICE IN THE UNITED STATES

➢ If the Defendant lives in the United States, the Summons and Complaint may be served in any one of the following ways:

1. **Personal service:** You may go to the Sheriff's Office in the county in which the person lives and request personal service of your spouse. There is a fee for this service. If the Sheriff is unable to serve your spouse and service is returned "unserved," or if the person to be served lives outside of North Carolina, you may hire a process server. The process server must be authorized by law to serve, over 21 years of age, not a party to the action, and not related by blood or marriage to either of the parties.

2. **Service by registered or certified mail, return receipt requested or signature confirmation:** You may go to the post office and mail a copy of the Summons and Complaint to your spouse by registered or certified mail, return receipt requested or by signature confirmation. The Summons and Complaint must be addressed to and delivered to your spouse at his or her home. There is a small fee for this service.

3. **Service by designated delivery service:** You may use an authorized designated delivery service (26 U.S.C. §7502(f)(2)) such as Federal Express, UPS, or DHL. If you use this method, you must use the delivery service to send the Summons and Complaint addressed to your spouse at his or her home, and you must obtain a receipt for delivery.

4. **Service by publication:** If you have tried the other methods of service and are unable to serve or locate your spouse, you may serve him or her by publication. This is a **last resort** method of service. Before you can use this method of service, you will be required to prove to the Judge that you have searched diligently for the other party and tried other methods of service prior to publication. To use this method, you must first do everything reasonable to locate your spouse's address, such as searching the internet, asking family and friends, contacting the department of motor vehicles, checking law enforcement websites, or hiring a private investigator to do a search. If you are unable to locate your spouse after the steps referred to above, you may publish a notice in the paper in the county in which your spouse was last known to reside. The notice must comply with Rule 4 of the North Carolina Rules of Civil Procedure and must be published once a week for a period of three consecutive weeks. The cost of publication can be very high, sometimes several hundred dollars. This alternative method of service is complicated and may be difficult to do without the assistance of an attorney. You will not be able to schedule your divorce hearing until 41 days following the date of the first publication.

Service in a Foreign Country

Service outside the United States is governed by North Carolina General Statutes, §1A-1, Rule 4 (j3). This method of service depends on the country in which your spouse resides. You will have to review Rule 4(j3) and the appropriate methods for service in the specific foreign country. This is beyond the scope of this information sheet. Consider consulting an attorney if your spouse resides outside of the United States.

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[1]The text of Rule 4 may be found at http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_1A/GS_1A-1,_Rule_4.html.

PROOF OF SERVICE

➢ Once the Summons and Complaint have been served, there must be **proof of service** in the court file. If this proof is not in the file before your court date, you will not be able to show the Judge that your spouse has been properly served with your Summons and Complaint and you will not be allowed to proceed with your divorce.

1. **Personal service:** If you used a deputy sheriff in Wake County to deliver the Summons and Complaint to your spouse, the deputy sheriff will fill out the "Return of Service" section on the back of the Summons and return the document to the Clerk of Court. This "Return of Service" will contain a statement showing how and when your spouse received the paperwork. You should also receive a notification card that your spouse has been served. The "Return of Service" form on the back side of the Summons will be placed in the court file by the Clerk of Court upon receiving it from the Sheriff's office. If a deputy sheriff from another North Carolina County or a law enforcement officer in another state delivered the Summons and Complaint, the Return of Service may be sent directly to the Clerk of Court or may be sent directly to you as the requesting party. If the law enforcement officer's Return of Service was sent directly to you, then it will then be up to you to file the Return of Service documents with the Clerk of Court prior to your divorce hearing.

   If you used a process service to deliver the Summons and Complaint to your spouse, the person who served the paperwork will need to prepare an Affidavit of Service for you to place in the court file. The affidavit must contain the place, time, and date your spouse was served, a statement that the process server knew the person to be served, the manner in which your spouse was served, and the qualifications, identity and contact information for the process server. The affidavit must be signed by the process server in the presence of a notary public. You must file the Affidavit of Service with the Clerk of Court before your divorce hearing.

2. **Service by registered or certified mail, return receipt requested:** If you mailed the Summons and Complaint to your spouse by registered or certified mail, or signature confirmation, you will need to prepare an Affidavit of Service. The affidavit must state that you mailed your spouse a copy of the Summons and Complaint US Mail, when and how you mailed the Summons and Complaint, and it must contain the address at which the Defendant was served. The green card or electronic proof of service, or the signature confirmation, must be attached, and the affidavit must be signed by you in the presence of a notary public. You must file the Affidavit of Service with the Clerk of Court before your divorce hearing.

3. **Service by designated delivery service:** If you used a designated delivery service to deliver the Summons and Complaint to your spouse, you will need to prepare an Affidavit of Service. The affidavit must contain the name of the delivery service used to deliver the Summons and Complaint and the address to which the Summons and Complaint were delivered. The delivery receipt containing your spouse's signature must be attached, and the affidavit must be signed by you in the presence of a notary public. You must file the Affidavit of Service with the Clerk of Court before your divorce hearing.

4. **Service by publication:** If you chose to serve by publication, you will need to prepare and file an Affidavit of Due Diligence. This affidavit must state all of the methods of service you tried before attempting publication. It must also state all the attempts you made to locate your spouse prior to attempting publication. You must sign this affidavit in the presence of a notary public.

   Once you have published the appropriate notice in the newspaper, you will also need to obtain an Affidavit of Publication from the newspaper. This affidavit must contain a copy of the notice that was published and a list of the dates the notice was published. The Affidavit of Publication must be signed by an authorized agent who works for the newspaper and signed by that agent in the presence of a notary public.

   Both the Affidavit of Due Diligence and the Affidavit of Publication must be filed with the Clerk of Court before your divorce hearing.

STATE OF NORTH CAROLINA

_____ County

File No.

In The General Court Of Justice
☐ District ☐ Superior Court Division

Name Of Plaintiff	
Address	**CIVIL SUMMONS** ☐ **ALIAS AND PLURIES SUMMONS (ASSESS FEE)**
City, State, Zip	
VERSUS	G.S. 1A-1, Rules 3 and 4
Name Of Defendant(s)	Date Original Summons Issued
	Date(s) Subsequent Summons(es) Issued

To Each Of The Defendant(s) Named Below:

Name And Address Of Defendant 1	Name And Address Of Defendant 2

IMPORTANT! You have been sued! These papers are legal documents, DO NOT throw these papers out! You have to respond within 30 days. You may want to talk with a lawyer about your case as soon as possible, and, if needed, speak with someone who reads English and can translate these papers!

¡IMPORTANTE! ¡Se ha entablado un proceso civil en su contra! Estos papeles son documentos legales. ¡NO TIRE estos papeles!
Tiene que contestar a más tardar en 30 días. ¡Puede querer consultar con un abogado lo antes posible acerca de su caso y, de ser necesario, hablar con alguien que lea inglés y que pueda traducir estos documentos!

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)	Date Issued	Time ☐ AM ☐ PM
	Signature	
	☐ Deputy CSC ☐ Assistant CSC ☐ Clerk Of Superior Court	

☐ ENDORSEMENT (ASSESS FEE)
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	Time ☐ AM ☐ PM
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 $25,000 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.*

(Over)

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RETURN OF SERVICE

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

DEFENDANT 1

Date Served	*Time Served* ☐ AM ☐ PM	*Name Of Defendant*

☐ 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

Date Served	*Time Served* ☐ AM ☐ PM	*Name Of Defendant*

☐ 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:

Service Fee Paid	*Signature Of Deputy Sheriff Making Return*
$	
Date Received	*Name Of Sheriff (type or print)*
Date Of Return	*County Of Sheriff*

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STATE OF NORTH CAROLINA

File No.

_____ County

In The General Court Of Justice

Name And Address Of Plaintiff	**SERVICEMEMBERS CIVIL RELIEF ACT DECLARATION**
VERSUS	
Name And Address Of Defendant	G.S. Ch. 127B, Art. 4; 50 U.S.C. 3901 to 4043

NOTE: *Though this form may be used in a Chapter 45 Foreclosure action, it is not a substitute for the certification that may be required by G.S. 45-21.12A.*

DECLARATION

I, the undersigned Declarant, under penalty of perjury declare the following to be true:

1. As of the current date: *(check one of the following)*
   - ☐ a. I have personal knowledge that the defendant named above is in military service.*
   - ☐ b. I have personal knowledge that the defendant named above is **not** in military service.*
   - ☐ c. I am unable to determine whether the defendant named above is in military service.*
2. As of the current date, I ☐ have ☐ have not received a copy of a military order from the defendant named above relating to State active duty as a member of the North Carolina National Guard or service similar to State active duty as a member of the National Guard of another state. *See* G.S. 127B-27 and G.S. 127B-28(b).
3. I ☐ used ☐ did not use the Servicemembers Civil Relief Act Website (https://scra.dmdc.osd.mil/) to determine the defendant's federal military service.
   ☐ The results from my use of that website are attached.
   (**NOTE:** *The Servicemembers Civil Relief Act Website is a website maintained by the Department of Defense (DoD). If DoD security certificates are not installed on your computer, you may experience security alerts from your internet browser when you attempt to access the website. Members of the North Carolina National Guard under an order of the Governor of this State and members of the National Guard of another state under an order of the governor of that state will* ***not*** *appear in the SCRA Website database.*)
4. The following facts support my statement as to the defendant's military service: *(State how you know the defendant is or is not in the military. Be specific.)*

***NOTE:** *The term "military service" includes the following: active duty service as a member of the United States Army, Navy, Air Force, Marine Corps, or Coast Guard; service as a member of the National Guard under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days for purposes of responding to a national emergency; active service as a commissioned officer of the Public Health Service or of the National Oceanic and Atmospheric Administration; any period of service during which a servicemember is absent from duty on account of sickness, wounds, leave, or other lawful cause. 50 U.S.C. 3911(2). The term "military service" also includes the following: State active duty as a member of the North Carolina National Guard under an order of the Governor pursuant to Chapter 127A of the General Statutes, for a period of more than 30 consecutive days; service as a member of the National Guard of another state who resides in North Carolina and is under an order of the governor of that state that is similar to State active duty, for a period of more than 30 consecutive days. G.S. 127B-27(3) and G.S. 127B-27(4).*

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct.

Date	Signature Of Declarant	Name Of Declarant (type or print)

NOTE TO COURT: ***Do not proceed to enter judgment in a non-criminal case in which the defendant has not made an appearance until a Servicemembers Civil Relief Act affidavit or declaration (whether on this form or not) has been filed, and if it appears that the defendant is in military service, do not proceed to enter judgment until such time that you have appointed an attorney to represent him or her.***

(Over)

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Information About Servicemembers Civil Relief Act Affidavits And Declarations

1. **Plaintiff to file affidavit/declaration**
   In any civil action or proceeding, including any child custody proceeding, in which the defendant does not make an appearance, the court, before entering judgment for the plaintiff, shall require the plaintiff to file with the court an affidavit—
   (A) stating whether or not the defendant is in military service and showing necessary facts to support the affidavit; or
   (B) if the plaintiff is unable to determine whether or not the defendant is in military service, stating that the plaintiff is unable to determine whether or not the defendant is in military service.
   50 U.S.C. 3931(b)(1).

2. **Appointment of attorney to represent defendant in military service**
   If in a civil action or proceeding in which the defendant does not make an appearance it appears that the defendant is in military service, the court may not enter a judgment until after the court appoints an attorney to represent the defendant. If an attorney appointed to represent a service member cannot locate the service member, actions by the attorney in the case shall not waive any defense of the service member or otherwise bind the service member. 50 U.S.C. 3931(b)(2). State funds are not available to pay attorneys appointed pursuant to the Servicemembers Civil Relief Act. To comply with the federal Violence Against Women Act and in consideration of G.S. 50B-2(a), 50C-2(b), and 50D-2(b), plaintiffs in Chapter 50B, Chapter 50C, and Chapter 50D proceedings should not be required to pay the costs of attorneys appointed pursuant to the Servicemembers Civil Relief Act. Plaintiffs in other types of actions and proceedings may be required to pay the costs of attorneys appointed pursuant to the Servicemembers Civil Relief Act. The allowance or disallowance of the ordering of costs will require a case-specific analysis.

3. **Defendant's military status not ascertained by affidavit/declaration**
   If based upon the affidavits filed in such an action, the court is unable to determine whether the defendant is in military service, the court, before entering judgment, may require the plaintiff to file a bond in an amount approved by the court. If the defendant is later found to be in military service, the bond shall be available to indemnify the defendant against any loss or damage the defendant may suffer by reason of any judgment for the plaintiff against the defendant, should the judgment be set aside in whole or in part. The bond shall remain in effect until expiration of the time for appeal and setting aside of a judgment under applicable Federal or State law or regulation or under any applicable ordinance of a political subdivision of a State. The court may issue such orders or enter such judgments as the court determines necessary to protect the rights of the defendant under this Act. 50 U.S.C. 3931(b)(3).

4. **Satisfaction of requirement for affidavit/declaration**
   The requirement for an affidavit above may be satisfied by a statement, declaration, verification, or certificate, in writing, subscribed and certified or declared to be true under penalty of perjury. 50 U.S.C. 3931(b)(4). The presiding judicial official will determine whether the submitted affidavit is sufficient.

5. **Penalty for making or using false affidavit/declaration**
   A person who makes or uses an affidavit permitted under 50 U.S.C. 3931(b) (or a statement, declaration, verification, or certificate as authorized under 50 U.S.C. 3931(b)(4)) knowing it to be false, shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both. 50 U.S.C. 3931(c).

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NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
FILE NO. _____

_____,
Plaintiff,

v.

_____,
Defendant.

AFFIDAVIT OF SERVICE OF PROCESS

Pursuant to North Carolina Rules of Civil Procedure Rule 4(j), I hereby certify that I am the Plaintiff herein and that I served the Defendant in this action with a copy of the Complaint and Summons in this case. The Defendant has been served by (*check one of the following*) [ ] **depositing the documents in the post office for mailing by REGISTERED/CERTIFIED MAIL, RETURN RECEIPT REQUESTED** or **SIGNATURE CONFIRMATION OR** [ ] **by depositing with a DESIGNATED DELIVERY SERVICE** *(such as FedEx, DHL,* UPS) at the following address:

_____
_____
_____
_____

Further, that the Complaint and Summons were in fact received by the Defendant on _____ *(insert date of receipt)* as evidenced by the attached genuine receipt. *(Attach the original green return receipt or electronic proof of signature confirmation.)*

This the _____ day of _____, 20_____.

_____
☐ Plaintiff
☐ Attorney for Plaintiff

Sworn to and Subscribed before me
this _____ day of _____, 20_____.

OFFICIAL SEAL

_____
Notary Public

My commission expires: _____

CERTIFICATE OF SERVICE

I hereby certify that a copy of this Affidavit of Service of Process has been served on the Defendant/Defendant's 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

NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
FILE NO. ___

_____,
Plaintiff,

v.

_____,
Defendant.

AFFIDAVIT OF DUE DILIGENCE (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 locate the Defendant such as internet search, calling family or friends, DMV search, phone book, private investigator, background checks, etc.)*:

   _____
   _____
   _____
   _____

3. That based upon my due diligence, it is my belief that Defendant's last known location was in _____ County (*insert name of County)*, in the State of _____ *(insert name of State)*

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 Newspaper or 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 and incorporated herein by reference. *(Attach Affidavit provided by the newspaper/publication.)*

_____
Plaintiff

STATE OF NORTH CAROLINA

COUNTY OF _____

Sworn to and subscribed before me this day by _____ (☐ I have personal knowledge of the identity of the principal(s), or ☐ I have seen satisfactory evidence of the principal's identity, in the form of a current state or federal identification with the principal's photograph).

This the _____ day of _____, 20_____.

My Commission Expires:_____

_____Notary Public

CERTIFICATE OF SERVICE

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

Date: ___ _____

☐ Plaintiff
☐ Defendant

STATE OF NORTH CAROLINA

COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
FILE No. _____

_____)
Plaintiff,)
v.) JUDGMENT FOR ABSOLUTE DIVORCE
_____)
Defendant.)

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 parties, if present, makes the following:

FINDINGS OF FACT

1. At least one of the parties 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 nor 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 verified, 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. ☐ Plaintiff / Defendant included in their pleading a request to resume the use of their maiden or pre-marriage surname.

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.

☐ Plaintiff / Defendant is entitled to resume the use of their maiden or pre-marriage surname.

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. ☐ Plaintiff / Defendant is allowed to resume the use of their maiden or pre-marriage surname which is _____ (*Please list full name*).

This the ___ day of _____, 20____.

_____
District Court Judge Presiding