

OTTAWA COUNTY COMMON PLEAS COURT

Bruce Winters, Judge

315 Madison St. Room 301
Port Clinton, Ohio 43452
419 734-6790 • Fax 419 734-6852

DISSOLUTION FILING INSTRUCTIONS

PRO SE DISSOLUTION (with no minor children)

The forms in this packet will allow you to file a Dissolution of Marriage without representation by an attorney. You must follow these instructions and complete all forms thoroughly before you will be scheduled for hearing. The law requires that a hearing be held thirty to ninety days after you file the papers with the Clerk of Courts. Once you correctly complete and file your papers, the Court will schedule a hearing. The date will be sent to the address on your filing. If you change your address, you must notify the Court. If you have questions regarding your hearing date, contact the Magistrate's Office at 419-734-6818. Both parties must appear at the hearing. The party filing with the Clerk must provide a phone number.

DRESS CODE: The court does have a dress code (no shorts, halter tops, hats etc.) and parties will be required to pass through security check before being allowed to enter court.

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INSTRUCTIONS FOR FILING FOR TERMINATION OF MARRIAGE BY DISSOLUTION WITH NO MINOR CHILDREN

You must print clearly or type the information that you fill out for each case. **If the forms are not completely filled out, the Court will not accept the forms for filing.** If you do not know an answer, you must state "unknown". Once the clerk has given your case a case number, you will use that case number in all documents that are filed in this case.

The filing fees for a Dissolution of Marriage are \$ 500. The above filing fee is a deposit toward court costs. Court costs in your case may be more or less than the deposit. The Court will decide who pays the court costs at the end of the case. If you do not have funds to pay the filing fee, you may complete the "Affidavit of Indigency", which must be signed in the presence of a Notary Public. The Court will then determine whether you qualify to have the filing fee waived. It is possible that you will still have to pay the court costs, in whole or part, at the conclusion of the case.

Petition for Dissolution

If you are filing a Petition for Dissolution of Marriage, you must supply the following:

1. The Petition for Dissolution of Marriage, signed by both parties.
2. The Case Designation Sheet.
3. The appropriate affidavits (**choose from a. or b.**):
 - a. Ottawa County DR 2. You must complete the Affidavit of General Information, Income, Monthly Expenses and Financial Disclosure. This Affidavit must be signed in the presence of a Notary Public. **Form DR 2. OR**
 - b. Ohio Supreme Court Forms Affidavit 1-A or 1-B and Affidavit 2. These Affidavits must be signed in the presence of a Notary Public. (Forms are available on the Ohio Supreme Court Website, www.supremecourt.ohio.gov).
4. Waiver of the right to counsel.
5. Waiver of service of summons.
6. A completed Separation Agreement. This Agreement must be signed in the presence of a Notary Public.
7. A proposed final Decree of Dissolution signed by both parties.

You must provide the Clerk of Court with the original and three copies of all the above when you file the Petition.

IN THE COMMON PLEAS COURT OF OTTAWA COUNTY
DOMESTIC RELATIONS DIVISION

Case No. _____

DOB: _____

Petitioner

and

Judge _____

Magistrate _____

**PETITION FOR DISSOLUTION
OF MARRIAGE**

DOB: _____

Petitioner

This day the undersigned parties, state as follows:

1. Both parties have been residents of the State of Ohio for six months immediately before filing this Petition. **OR** _____ (state resident's name) has been a resident of the State of Ohio for six months immediately before filing this Petition.
2. The parties were married at _____ (city and state) on _____ (date) and (no children have been born as a result of this marriage) **or (all children are 18 years of age or more)**.
3. The parties have agreed to all matters regarding the division of their assets and liabilities of the marriage and have signed the attached Separation Agreement, and the Separation Agreement is incorporated into this Petition as if fully set forth herein. Each party is satisfied with the terms of the Separation Agreement.
4. The parties are each over eighteen years of age, competent, of sound mind and not under any mental impairment. Each party states that they each have received a copy of this Petition and voluntarily enter their appearance in this court. Each party waives service of summons in accordance with Ohio Rules of Civil Procedure.
5. Each party waives their right to be represented by counsel in this matter and advises the Court that they will be proceeding in this Dissolution of Marriage action without counsel.
6. Each party is seeking a dissolution of their marriage.
7. Wife states she is not pregnant.

Wherefore, the parties request the Court issue a Decree of Dissolution of Marriage incorporating the attached Separation Agreement.

Petitioner, Wife

Print name

Date

Petitioner, Husband

Print name

Date

Separation Agreement

This agreement is made between _____ Husband,
and _____ Wife, who state as follows:

The parties were married on _____ at _____
(city and state) and no children have been born of this marriage and wife is not pregnant
OR all children are 18 years old or more.

As a result of the disputes and irreconcilable differences that presently exist, the parties intend to live separate and apart. In view of their intention to live separate and apart, the parties desire to settle their respective rights and obligations. The agreement of the parties is as follows:

1. The parties shall live separate and apart for the rest of their lives.
2. The parties have already divided their personal property to their mutual satisfaction. From this day forward, each of them shall own and enjoy, independently of any claim or right of the other, all items of real and personal property in their individual possession of every kind, whether now or hereafter owned, with full power to dispose of effectually as if he or she were unmarried. The parties have waived an appraisal of the property each party has received, and each party is satisfied that the agreed division of property is equitable and fair
3. Neither party shall be responsible in any manner whatsoever for the support and maintenance of the other. This provision is intended and shall operate as a waiver of the right to spousal support that either spouse may have against the other. Each of the parties is able to support themselves without any contribution from the other. This is nonmodifiable. **OR** _____ shall pay spousal support to _____ in the amount of \$ _____ per _____ for _____ (period of time).
4. Each party mutually releases the other from any and all claims and demands, except as otherwise provided. There are no joint debts. **OR** The following are joint debts that are owing. Husband agrees to pay the following debts, and Shall hold Wife harmless as to these debts:

Wife agrees to pay the following debts and shall hold Husband harmless as to these debts:

Neither party shall from this day forward, affect the credit of the other.

5. There are no joint bank accounts. Each party shall receive, free and clear of any claim of the other all bank accounts in their individual name. **OR** _____ shall be awarded the _____ bank account and _____ shall be awarded the _____ bank account. Free and clear of all claims of the other.
6. Each party waives and relinquishes any and all rights that each may now or hererafter have to share as spouse in the other party's estate, or to act as the legal representative thereof. It is the intention of the parties that this provision shall serve as a mutual waiver of the right of election to take against each other's last will and testament under the present or future laws of the State of Ohio or any other jurisdiction.
7. The parties own no joint real estate. **OR** _____ Shall be awarded the real estate located at _____. The legal description is attached as Amendment 1. The parties shall execute all documents to transfer this property as agreed. _____ shall assume all liability for this property and shall hold _____ harmless thereto.
8. Each party shall keep their own retirement benefits, free and clear of any claim of the other.
9. If either party or both parties should file an action for divorce, legal separation or dissolution of marriage in this state or elsewhere, this entire Agreement shall be disclosed and presented to the Court in such proceeding, with the request that it be found by the Court to be fair, just and proper, and this Agreement and all its terms and provisions shall then be adopted by said Court and embodied in, and made part of the Order of said Court in the final Decree entered in such court action.
10. The parties acknowledge that they have knowingly, voluntarily and intelligently waived their right to counsel. Each party is entering into this Agreement voluntarily. Each party has made a full disclosure of the assets and liabilities the parties have accrued during the marriage. Each party states the above agreement is fair and equitable.
11. _____

12. The above is the entire agreement of the parties and there are no "side agreements."
13. Court costs shall be paid out of the deposit. Any refund or balance owed shall be paid by _____.

14. _____ shall be restored to her prior name of
_____.

IN WITNESS WHEREOF, the parties have signed this Separation Agreement.

Witness as to signature of Husband:

Witness Date

Husband Date

Witness Date

Witness as to signature of Wife:

Witness Date

Wife Date

Witness Date

Cross out all sections that do not apply.

Each of the party's signatures must be witnessed by two witnesses.

Dissolution – no children

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

Case No. _____

DOB: _____

Petitioner

and

Judge Bruce Winters

Magistrate _____

DOB: _____

Petitioner

DECREE OF DISSOLUTION

On _____, this case came on for hearing before
Judge/Magistrate _____ upon the Petition for Dissolution filed by
both parties. Present before the Court were: Husband _____
Wife _____. Both parties waived their right to
counsel in open court.

The Court finds that this matter is coming on for hearing, more than thirty days
and less than ninety days after the filing of the Petition, and that both parties personally
appeared before the Court and testified before the Court under oath.

The Court further finds that the Petitioner(s) _____
_____ have been residents of the State of Ohio for at least six (6) months
immediately preceding the date of the filing of the Petition herein.

Dissolution – no children

The Court finds the parties have signed a Separation Agreement providing for a division of all assets and liabilities and same is filed herewith.

The Court further finds that the Plaintiff and Defendant were married on _____ in _____ (city and state), and they have no minor children.

The Court further finds that neither party is an active member of the Armed Services of the United States as defined by the Soldiers and Sailors Relief Act of 1940.

The Court further finds that Petitioner _____ is not pregnant.

The Court further finds on this date that both spouses appeared in open court before the Magistrate/Judge and the parties acknowledge under oath that they voluntarily entered into the Separation Agreement, that they are still in agreement as to the terms thereof, and that there has been full disclosure by each of the parties of all his or her assets and liabilities, and that they seek a dissolution of marriage.

The Court further finds that a copy of said Separation Agreement is attached hereto and is incorporated herein as if fully rewritten.

Upon review of the testimony of both petitioners, the Court hereby Orders that spousal support factors have been considered pursuant to RC 3105.18(C)(1) and the parties acknowledge that the Court accepts that it is reasonable and appropriate that each party waives spousal support and this is non-modifiable.

The Court further finds that the Petitioners have lived separate and apart, without interruption, since the signing of the Separation Agreement.

The Court further finds that the Plaintiff and Defendant do not own any real property.

Dissolution – no children

The Court further finds that the parties' household goods, furnishings, and personal property have already been divided in accordance with the Separation Agreement.

The Court further finds that the parties have no marital debts.

It is therefore **ORDERED, ADJUDGED, and DECREED** that the marriage existing between the Plaintiff and Defendant be, and the same hereby is dissolved, and the parties are hereby released from the obligations of their marriage except as hereinafter set forth.

It is further **ORDERED, ADJUDGED, and DECREED AS FOLLOWS:**

The Separation Agreement was entered into by both parties, freely and voluntarily and without coercion, fraud or undue distress and is therefore incorporated into this decree as if fully written herein.

Wife shall be restored to her former name of

_____ (optional).

Court costs shall be paid out of the deposit. Any remaining costs shall be assessed as outlined in the Separation Agreement.

The parties in the above-captioned matter hereby waive the necessity of the Magistrate's making findings of fact and issuing a decision, and further waive the time period for filing objections to said decision as provided by Ohio Rule 53, and consent to the immediate filing of a Judgment Entry in this matter, service of which is hereby acknowledged and waived.

Dissolution – no children

THE PARTIES APPROVE THE FOREGOING AGREEMENT BY THEIR

SIGNATURES BELOW:

Petitioner Husband

Petitioner Wife

Date

Date

Judge Bruce Winters

Magistrate

To the Clerk: Please serve a certified copy of the foregoing upon the parties at the addresses listed above.