

**SEPARATE MAINTENANCE ANSWER AND
COUNTERCLAIM HOW TO FILE YOUR RESPONSE**

Use this form if you were served with a Complaint for Separate Maintenance without Minor Children. You may select the Counterclaim if you want the Court to address issues such as spousal support, division of property and debt.

1. Double check that you have signed all of your documents.
2. A notary is available at the Clerk's office and you should wait until you are in front of a notary before you sign these documents.
3. Make 2 copies of all your signed documents.
4. Go to the clerk of Superior Court and have the clerk stamp all 3 copies of your Answer, Verification and Certificate of Service.
5. The clerk will keep the originals. One copy is yours to keep.
6. Mail a copy of the Answer to the other side. You may send it by regular 1st class mail, U.S. Postal Service.
7. Wait for notice of a court date or request for additional information from the court or from the other side.

Courthouse Information

Gwinnett Justice and Administration Center
ATTN: Clerk of Superior Court
75 Langley Drive
Lawrenceville, GA 30046
Tel: (770) 822-8100

SUPERIOR COURT OF GWINNETT COUNTY
STATE OF GEORGIA

_____,
Plaintiff,
vs. _____
Civil Action
Case Number _____
_____,
Defendant.

**ANSWER TO COMPLAINT FOR SEPARATE MAINTENANCE
 AND COUNTERCLAIM**

ANSWER

My name is _____
and I am representing myself in this annulment action. In response to each of the
numbered paragraphs of the Plaintiff's *Complaint for Annulment*, I state as follows:

*[Check only one answer to match each paragraph of the Complaint; whenever you choose the
"partly true" answer, you must explain on the lines about what is true and what is false.]*

1. The allegations of Paragraph One are: admitted as true denied as untrue
 neither admitted nor denied because I do not have enough information to know
the truth of the matter partly true and partly untrue, specifically as follows:

2. The allegations of Paragraph Two are: admitted as true denied as untrue
 neither admitted nor denied because I do not have enough information to know
the truth of the matter partly true and partly untrue, specifically as follows:

3. The allegations of Paragraph Three are: admitted as true denied as untrue
 neither admitted nor denied because I do not have enough information to know
the truth of the matter partly true and partly untrue, specifically as follows:

4. The allegations of Paragraph Four are: admitted as true denied as untrue
 neither admitted nor denied because I do not have enough information to know
the truth of the matter partly true and partly untrue, specifically as follows:

5. The allegations of Paragraph Five are: admitted as true denied as untrue
 neither admitted nor denied because I do not have enough information to know
the truth of the matter partly true and partly untrue, specifically as follows:

6. The allegations of Paragraph Six are: admitted as true denied as untrue
 neither admitted nor denied because I do not have enough information to know
the truth of the matter partly true and partly untrue, specifically as follows:

7. **Defenses** - In addition to my specific responses above, I have the following
affirmative defenses to this action:

COUNTERCLAIM

8. **Subject Matter Jurisdiction:** I am the Defendant in this action and:

[Check only one of the following, either (a) or (b).]

(a) I have been a resident of the State of Georgia for more than six (6) months immediately prior to filing this action.

(b) I am not a resident of the State of Georgia, but my spouse has been a resident of the State of Georgia for at least six (6) months immediately prior to filing this action.

9. **Venue:** My spouse is the Plaintiff in this action, and has consented to venue and personal jurisdiction by filing the *Complaint for Annulment*.

10. **Service:** The Plaintiff shall be served as provided under OCGA § 9-11-5(b), by delivering or mailing to the address listed on the *Summons*.

11. **Date of Marriage:**

[Check and complete only one of the following, either (a) or (b).]

(a) The Plaintiff and I were lawfully married on _____.

(b) The Plaintiff and I are married by common law because we lived together and held ourselves out as husband and wife as of _____, which date was prior to January 1, 1997.

12. **Date of Separation:** The Plaintiff and I last separated on _____, and we have remained in a true state of separation since that date.

13. **Settlement Agreement:**

[Check only if there is a signed agreement.]

The Plaintiff and I have entered into a *Settlement Agreement*, which we both want to be incorporated into the *Final Judgment and Decree for Divorce*. The *Settlement Agreement* has been signed by each of us in front of a notary public, and I am filing the *Settlement Agreement* with the Court, together with this *Answer and Counterclaim*.

14. **Alimony:**

[Check only one of the following, either (a) or (b).]

(a) I am financially dependent on the Plaintiff and need the Court to order the Plaintiff to pay alimony for my support.

(b) I am not asking for alimony.

15. **Marital Property:**

[Check only one of the following, either (a), (b) or (c).]

(a) The Plaintiff and I have already divided our marital property, and we are both satisfied with the division.

(b) The Plaintiff and I have not obtained any property during our marriage.

(c) The Plaintiff and I have obtained the following property during our marriage, and I am asking for a fair division of this property:

House located at _____

Other real estate, located at _____

Mobile home (model: _____, year: _____)

Pension (mine, worth \$ _____; Plaintiff's, worth \$ _____)

Motor vehicles listed here:

Model/year: _____

Model/year: _____

Model/year: _____

Furniture:

Listed here: _____

Listed on separate paper attached to this *Counterclaim*

Bank accounts and/or other investments:

Listed here: _____

Listed on separate paper attached to this *Counterclaim*

Other property:

Listed here: _____

Listed on separate paper attached to this *Counterclaim*

16. Joint or Marital Debts:

[Check only one of the following, either (a) or (b).]

(a) The Plaintiff and I do not have any outstanding joint or marital debts.

(b) The Plaintiff and I have the following outstanding joint or marital debts, and responsibility for paying them should be as listed below:

<u>Creditor</u>	<u>Balance</u>	<u>Who Should Pay</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Listed on separate paper attached to this *Counterclaim*.

17. Restraining Order Where Violence Has Occurred:

[Read instructions carefully and check only if applicable.]

There is a history of physical violence by the Plaintiff toward me, and I am afraid that the Plaintiff will engage in further acts of violence or harassment toward me unless the Court enters a temporary and permanent restraining order.

18. Reasons for Separation: [Check one.]

(a) The separation between the Defendant and I was by mutual agreement

(b) The separation between the Defendant and I was due to misconduct on the part of the Defendant which is described as follows:

19. There is no pending action for divorce between the Plaintiff and me.

FOR THESE REASONS, I REQUEST THE FOLLOWING RELIEF:

[Check *all* that apply.]

- (a) That the *Settlement Agreement* signed by the parties be incorporated into the *Final Judgment*.
- (b) That a Rule Nisi be scheduled by the Court, to decide on the relief I have requested;
- (c) That the Court order the parties to participate in mediation, to try to resolve this matter; and
- (d) That the Court order any and all other relief that the Court finds appropriate.

Dated: _____

Defendant *Pro se* [signature]

Name: _____

Address: _____

City, State ZIP

Phone: _____

Email: _____

IN THE SUPERIOR COURT OF GWINNETT COUNTY
STATE OF GEORGIA

Plaintiff,
v.

Civil Action
File No.: _____

Defendant.

VERIFICATION

The Defendant personally appeared before the undersigned officer duly authorized to administer oaths, and did swear or affirm that he/she read the foregoing *Answer and Counterclaim* and that the information contained therein is true and correct.

Signature, Defendant *Pro se*

SWORN AND AFFIRMED before me this

____ day of _____ 20____.

NOTARY PUBLIC

IN THE SUPERIOR COURT OF GWINNETT COUNTY
STATE OF GEORGIA

v. Plaintiff,

Defendant.

Civil Action
File No.: _____

CERTIFICATE OF SERVICE

This certifies that I sent copies of the foregoing *Answer and Counterclaim* to the opposing party by first class mail certified mail, return receipt requested. They were addressed to the opposing party or their attorney as follows:

Opposing Party/Attorney's Name

Address

Address Line 2

City, State, ZIP

Dated: _____

Defendant *Pro se* [signature]

Name: _____

Address: _____

City, State ZIP

Phone: _____

Email: _____