District Court_____ County, Colorado Court Address: In re the Marriage of: Petitioner: and Co-Petitioner/Respondent:	▲ **COURT USE ONLY** ▲
Attorney or Party Without Attorney (Name and Address): Phone Number: E-mail: FAX Number: Atty. Reg. #:	Case Number: Division Courtroom

AFFIDAVIT FOR DECREE WITHOUT APPEARANCE OF PARTIES (MARRIAGE)

Please complete the appropriate information in Numbers 1 – 6 prior to filing with the Court.

The ❑Petitioner and/or ❑Co-Petitioner/Respondent files this Affidavit in support of a request for issuance of a Decree of Dissolution of Marriage or a Decree of Legal Separation without appearance of the parties.

1. The Petition for Dissolution of Marriage/Petition for Legal Separation was filed on _____ (date). On that date, ❑Petitioner and/or ❑Co-Petitioner/Respondent _____ (name) had been domiciled in Colorado for more than 91 days immediately before the Petition for Dissolution of Marriage/Petition for Legal Separation was filed.

2. The Petition and Summons were served by: **(check one)**

❑A Co-Petitioner filing. (When both parties sign the Petition – JDF 1101)

❑Personal service (service by Return of Service/Affidavit of Service) on _____ (date).

❑Waiver of service (Respondent signs Waiver to accept service) signed on _____ (date).

❑Publication/Certified Mail (**Note:** Service by either of these methods is only allowed by Court Order.) The publication occurred on _____ (date) **OR** the return receipt for Certified Mail was signed by the Respondent on _____ (date).

3. ❑**There are no minor child(ren) and wife is not pregnant.**

Or

❑**There are minor child(ren) <u>and each party</u> is represented by counsel**. The parties have completed a Parenting Plan that provides for the allocation of parental responsibilities (decision-making responsibilities and parenting time) and have reached an agreement with respect to child support, and medical/dental insurance of the child(ren) of the marriage. The Parenting Plan is in the best interests of the child(ren). ***(The Parenting Plan must be filed with the Court.)***

4. Check only one.

❑**The parties have signed a written Separation Agreement.** The parties have completed a Separation Agreement that provides for the division of all marital property and marital debts, and addresses spousal support/maintenance. The parties agree that the Separation Agreement is fair and not unconscionable. ***(The Separation Agreement must be signed and notarized by both parties and filed with the Court.)***

Or

❑**There is no marital property to be divided and there are no marital debts and neither party requests spousal support/maintenance.**

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5. ❑There are no genuine issues of material fact and the marriage is irretrievably broken.

6. ❑The ❑Petitioner ❑Co-Petitioner/Respondent wishes to have the prior full name of _____ restored. The restoration of the prior name will not defraud any creditors or injure third parties.

7. Other:

_____

_____

_____

The ❑Petitioner and/or ❑Co-Petitioner/Respondent request that the attached Decree of Dissolution of Marriage/Decree of Legal Separation be entered after the statutory waiting period has elapsed.

Petitioner:

_____
Signature Date

_____
Address

_____
City State Zip Code

_____
Home Phone # Cell #

_____
Attorney Signature, if any

❑Co-Petitioner ❑Respondent (check one):

_____
Signature Date

_____
Address

_____
City State Zip Code

_____
Home Phone # Cell #

_____
Attorney Signature, if any

Subscribed and affirmed, or sworn to before me in the County of _____, State of _____, this _____ day of _____, 20 _____.
My Commission Expires: _____

_____
Notary Public/Clerk

Subscribed and affirmed, or sworn to before me in the County of _____, State of _____, this _____ day of _____, 20 _____.
My Commission Expires: _____

_____
Notary Public/Clerk

CERTIFICATE OF SERVICE

(If only one party signs this Affidavit, you must complete the Certificate of Service below.)

I certify that on _____ (date) a true and accurate copy of the ***AFFIDAVIT FOR DECREE WITHOUT APPEARANCE OF PARTIES (MARRIAGE)*** was served on the other party by:
❑Hand Delivery, ❑E-filed, ❑Faxed to this number _____, **or**
❑by placing it in the United States mail, postage pre-paid, and addressed to the following:

To: _____

_____

_____

_____
(Your signature)

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