

IN THE COURT OF COMMON PLEAS

DIVISION

COUNTY, OHIO

Name Case No. _____

Street Address Judge _____

City, State and Zip Code Magistrate _____

Plaintiff

vs.

Name

Street Address

City, State and Zip Code

Defendant

JUDGMENT ENTRY – DECREE OF DIVORCE WITHOUT CHILDREN

This matter came on for final hearing on _____ before Judge Magistrate
_____ upon Plaintiff's Complaint for Divorce without Children filed on
_____ and/or Defendant's Counterclaim filed on _____ and upon
the following: _____.

FINDINGS

Upon a review of the record, testimony, and evidence presented, the Court makes the following findings:

- A. Check all that apply:
- Defendant was properly served with Summons, a copy of the Complaint, and both parties received Notice of Hearing.
 - Defendant filed a Waiver of Service.
 - Defendant filed an Answer to Plaintiff's Complaint.
 - Defendant failed to file an Answer to Plaintiff's Complaint or plead, despite being properly served with Summons, a copy of the Complaint.

- Defendant filed a Counterclaim.
- Plaintiff filed a Reply to Defendant's Counterclaim.
- Plaintiff failed to file a Reply to Defendant's Counterclaim.

- B. Plaintiff was present at the Hearing.
- _____ appeared as counsel for Plaintiff.
- Plaintiff failed to appear.
- Defendant was present at the Hearing.
- _____ appeared as counsel for Defendant.
- Defendant failed to appear.

C. Plaintiff was a resident of the State of Ohio for at least six (6) months immediately before the Complaint and/or Counterclaim was/were filed.

- D. At the time the Complaint and/or Counterclaim was/were filed:
- Plaintiff was a resident of this county for at least ninety (90) days immediately before the filing.
 - Defendant was a resident of this county.
 - Venue is proper based upon: _____

E. This Court has jurisdiction and venue is proper to determine all of the issues raised by the pleadings and motions.

F. Plaintiff and Defendant were married on _____ (date of marriage)
 i
 n _____ (city or county, and state).

G. The termination of marriage is the date of Final Hearing or the date specified:

H. Children:
 Neither party is pregnant OR a party is pregnant.

Any child(ren) born from or adopted during this marriage or relationship, is/are now adults and none are mentally or physically disabled and incapable of supporting or maintaining themselves.

I. Military Service:
 Neither Plaintiff nor Defendant is an active-duty servicemember of the United States military.
 Plaintiff and/or Defendant is an active-duty servicemember of the United States military; however, active-duty service did not impact the member's ability to prosecute or defend this action.

J. The divorce should be granted on the following ground(s):
 Plaintiff and Defendant are incompatible.
 Plaintiff and Defendant have lived separate and apart without cohabitation and without interruption for one (1) year.
 Plaintiff or Defendant had a Husband or Wife living at the time of the marriage.

- Plaintiff or Defendant has been willfully absent for one (1) year.
- Plaintiff or Defendant is guilty of adultery.
- Plaintiff or Defendant is guilty of extreme cruelty.
- Plaintiff or Defendant is guilty of fraudulent contract.
- Plaintiff or Defendant is guilty of gross neglect of duty.
- Plaintiff or Defendant is guilty of habitual drunkenness.
- Plaintiff or Defendant was imprisoned in a state or federal correctional institution at the time the Complaint was filed.
- Plaintiff or Defendant procured a divorce outside this state by virtue of which Plaintiff or Defendant has been released from the obligations of the marriage, while those obligations remain binding on Plaintiff or Defendant.

K. Plaintiff and/or Defendant through testimony or affidavit made full and complete disclosure of all marital property, separate property, and any other assets, debts, income, and expenses.

L. The Court finds that:
 the parties presented the Court with a written Separation Agreement or read a settlement of all issues into the record. The written Separation Agreement is attached hereto as Exhibit A. The Court finds the agreement to be a fair and equitable division of property and debts and an appropriate resolution of all issues, knowingly and voluntarily entered into by the parties.

- a Magistrate's Decision was filed on: _____.
 no objections having been filed, the Court accepts the Magistrate's findings of fact and adopts the recommendations, making them the order of the Court.
 the Court ruled upon all objections to the Magistrate's Decision by a separate Judgment Entry.

the parties did not present the Court with a written Separation Agreement or read a settlement of all issues into the record. Based upon the evidence presented by the parties who appeared, the Court makes the findings set forth herein upon which it makes a fair and equitable division of property and debts and an appropriate resolution of all issues of the parties.

The parties have the following separate assets:

Party	Asset	Value

The parties have the following separate debts:

Party	Debt	Balance

Defendant pay all or part of Plaintiff's attorney fees and litigation expenses as follows:

N. The Court further finds that: _____

JUDGMENT

Based upon the findings set forth above, it is, therefore, **ORDERED, ADJUDGED and DECREED** that:

FIRST: DIVORCE GRANTED

Plaintiff Defendant is/are granted a divorce on the grounds set forth above. Both parties are released from the obligations of their marriage except for those obligations listed below or as set forth in the attached Separation Agreement Magistrate's Decision which is incorporated in this Judgment Entry as if fully rewritten and/or as is set forth herein.

SECOND: PROPERTY

The parties' property shall be divided as follows:

A. Plaintiff is awarded the following separate property: _____

B. Defendant is awarded the following separate property: _____

C. Each party is awarded all of the household goods, furniture, furnishings, and other personal property currently in their respective possession, free and clear of any claim of the other party, except as specifically set forth in Sections D, E, and F below.

D. Plaintiff is awarded the following real estate and items of personal property, free and clear from all claims of Defendant: _____

E. Defendant is awarded the following real estate and items of personal property, free and clear from all claims of Plaintiff:

F. Other orders regarding property: _____

G. The parties shall take all necessary steps to transfer legal title and possession of property and take appropriate actions to implement and effectuate the division of retirement accounts within thirty (30) days of this Judgment Entry. The Court reserves jurisdiction over the completion, filing, qualification and/or approval of any document necessary to transfer assets.

H. Other orders regarding transfers: _____

THIRD: DEBT

The parties' debts shall be divided as follows:

A. Plaintiff shall pay the following debts and hold Defendant harmless from all claims:

B. Defendant shall pay the following debts and hold Plaintiff harmless from all claims:

- C. Bankruptcy
The Court has continuing jurisdiction to determine whether a debt assigned to a party qualifies as an exception to discharge in bankruptcy according to federal law.
- D. Neither party shall incur liabilities against the other party in the future.

FOURTH: SPOUSAL SUPPORT

- A. Spousal Support Not Awarded
 - Neither Plaintiff nor Defendant shall pay spousal support to the other, subject to any jurisdiction reserved in Section E below.
- B. Spousal Support Awarded
 - Plaintiff Defendant shall pay spousal support to Plaintiff Defendant in the amount of \$_____ per month commencing on _____. Spousal support shall continue for a period of _____ months OR until further order of this Court.
- C. Method of Payment of Spousal Support
 - Spousal support payments shall be made directly to Plaintiff Defendant.
 - Spousal support payments, plus two percent (2%) processing charge, shall be made to the Ohio Child Support Payment Central, P. O. Box 182372, Columbus, Ohio 43218-2372, as administered through the _____ County Child Support Enforcement Agency by: income withholding or other _____.
- D. Termination of Spousal Support
Spousal support shall terminate earlier than the above stated date upon Plaintiff's or Defendant's death or in the event of the following:
 - The cohabitation of the person receiving support in a relationship comparable to marriage.
 - The remarriage of the person receiving support.
 - Other: (*specify*) _____
- E. Reservation of Jurisdiction
Under all circumstances, the Court shall retain jurisdiction over the issue of spousal support to hear and determine a Motion for Relief from Judgment pursuant to Civ.R. 60(B).
On other matters involving spousal support: (*check all that apply*)
 - The Court shall retain jurisdiction to modify the amount of the spousal support order.
 - The Court shall NOT retain jurisdiction to modify the amount of the spousal support order.
 - The Court shall retain jurisdiction to modify the duration of the spousal support order.
 - The Court shall NOT retain jurisdiction to modify the duration of the spousal support order.
 - The Court shall retain jurisdiction to establish or modify the amount and/or duration of spousal support in the event either party files bankruptcy.
- F. Other orders regarding spousal support: _____

G. Arrearage or Overpayment

- Any temporary spousal support arrearage or overpayment shall survive this Judgment Entry.
- Any temporary spousal support arrearage or overpayment shall not survive this Judgment Entry.
- Other: _____

FIFTH: NAME

_____ is restored to the former name of _____

SIXTH: OTHER ORDERS

SEVENTH: TEMPORARY ORDERS

All temporary orders in this case are terminated.

EIGHTH: PAYMENT OF ATTORNEY FEES AND LITIGATION EXPENSES (*select one*)

- Each party shall pay his/her own attorney fees and litigation expenses, if any.
- Plaintiff shall pay _____ of attorney fees and litigation expenses incurred by Defendant. The same shall be paid as follows: _____
- Defendant shall pay _____ of attorney fees and litigation expenses incurred by Plaintiff. The same shall be paid as follows: _____

NINTH: COURT COSTS

Court costs are:

- Taxed to the deposit. Court costs due above the deposit shall be paid as follows: _____
- Other: (*specify*) _____

TENTH: CLERK OF COURTS

The Clerk of Courts shall provide:

a certified copy to: _____

a file stamped copy to: _____

WAIVER OF OBJECTIONS TO MAGISTRATE’S DECISION

Having been fully and completely advised that:

1. Rule 53 of the Ohio Rules of Civil Procedure provides for the appointment of a Magistrate to hear issues in Domestic Relations cases. Wood County follows this procedure and a Magistrate has heard the pending issues presented in my case.
2. Rule 53 (E) (1) requires the Magistrate to prepare a Decision of the referred matter and to file it with the Clerk, who shall serve copies on all the parties or their attorneys.
3. Rule 53 (E) (2) provides that each party has the right to object to the Magistrate’s Decision within fourteen days of the filing of the Decision. If any party timely files objections, any other party may also file objections not later than ten days after the first objections are filed. If a party makes a request for Findings of Fact and Conclusions of Law under Civil Rule 52, the time for filing objections begins to run only when the Magistrate files a Decision including Proposed Findings of Fact and Conclusions of Law.

I hereby waive the preparation and filing of a separate Magistrate’s Decision and the right to object to said Decision. Instead, I am requesting the Judge and the Magistrate to approve my agreement, and to sign and file the form, Order or Judgment Entry approved by me and/or my attorney and to accept said Entry in satisfaction of the requirements of Rule 53.

MAGISTRATE

JUDGE

Plaintiff Signature

Defendant Signature

Printed Name

Printed Name

Plaintiff’s Attorney Signature

Defendant’s Attorney Signature

Printed Name

Printed Name

Supreme Court Reg No.

Supreme Court Reg No.

NOTICE. This is a final appealable order. The Clerk is directed to serve upon all parties notice of this Judgment Entry and its date of entry upon the journal in accordance with Civ.R. 5(B), in the manner provided in Civ.R. 58(B).