

**VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF CHESAPEAKE**

\_\_\_\_\_ ,

**Plaintiff,**

vs.

**Civil No.:** \_\_\_\_\_

\_\_\_\_\_ ,

**Defendant.**

**FINAL DECREE OF DIVORCE**

This cause came on this day, in accordance with Virginia Code § 20-106, to be heard upon:

- Affidavits of the moving party and a corroborating witness
- Depositions of the moving party and a corroborating witness
- Evidence heard *ore tenus* by the Court upon proper notice to the opposing party

The Court finds that the defendant was properly served with process:

- By personal service pursuant to Virginia Code § 8.01-296(1)
- By substituted service pursuant to Virginia Code § 8.01-296(2)(a)
- By posted service pursuant to Virginia Code § 8.01-296(2)(b)
- By notarized waiver of service pursuant to Virginia Code § 20-99.1:1
- By notarized acceptance of service within the Commonwealth of Virginia pursuant to Virginia Code § 20-99.1:1
- By signing the proof of service before an officer authorized to administer oaths, pursuant to Virginia Code § 20-99.1:1
- By personal service outside the Commonwealth, and jurisdiction may be exercised over the defendant pursuant to Virginia Code § 8.01-328.1
- Service is not necessary because defendant entered a general appearance
- Other: \_\_\_\_\_

The Court further finds that the defendant:

- Has failed to plead, answer, or demur
- Has filed an Answer
- Has filed an Answer and Counterclaim, to which the plaintiff  has /  has not filed an Answer
- Has signed a waiver
- Has endorsed this decree
- Other: \_\_\_\_\_

UPON CONSIDERATION WHEREOF, the Court further finds from the evidence, independently of any admissions of the parties in the pleadings or otherwise, as follows:

- (1) That the parties are over the age of eighteen, *sui juris*, and neither party is incarcerated in a mental or penal institution
- (2) That the parties were lawfully married in the  City /  County of \_\_\_\_\_, \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_
- (3) That at least one party was domiciled in and has been an actual bona fide resident of the Commonwealth of Virginia for a period of at least six months immediately preceding the commencement of this suit, to wit:  plaintiff and/or  defendant
- (4) That the plaintiff and defendant last cohabitated in the  City /  County of: \_\_\_\_\_, \_\_\_\_\_
- (5)  There are no minor children born of the parties, born of either party and adopted by the other, adopted by both parties, or expected of the parties  
 Other: \_\_\_\_\_
- (6) The parties have lived separate and apart without any cohabitation and without interruption since the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

- (7)  The defendant is not an active duty member of the armed forces of the United States of America  
 The defendant is an active duty member of the armed forces of the United States of America and has signed a notarized waiver under the Servicemembers Civil Relief Act (50 U.S.C. app § 501 et seq.)  
 The defendant is an active duty member of the armed forces of the United States of America, and has endorsed this decree  
 Other: \_\_\_\_\_
- (8)  The parties entered into a written and signed separation agreement, dated the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_  
 The parties entered into a written and signed addendum to the separation agreement, dated the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_  
 The parties have not entered into a separation agreement
- (9)  Pursuant to Virginia Code § 20-121.02, the \_\_\_ plaintiff; \_\_\_ defendant has moved to proceed with this action on the grounds set forth in Virginia Code § 20-91(A)(9)(a) and said motion is hereby granted  
 Not Applicable

Accordingly, it is ADJUDGED, ORDERED and DECREED that the \_\_\_ plaintiff / \_\_\_ defendant is granted a divorce A VINCULO MATRIMONII from the \_\_\_ plaintiff / \_\_\_ defendant on the grounds that:

- The parties have lived separate and apart without any cohabitation and without interruption for more than one year, pursuant to Virginia Code § 20-91(A)(9)(a)  
 The parties have lived separate and apart without any cohabitation and without interruption for more than six months, the parties having entered into a separation agreement and there being no minor children born of the parties, born of either party and adopted by the other, or adopted by both parties, pursuant to Virginia Code § 20-91(A)(9)(a)

- and,  The Counterclaim of the defendant is dismissed  
 The Complaint of the plaintiff is dismissed  
 Not applicable



Spousal support is further  Denied /  Reserved to the  plaintiff /  defendant.  
The statutory notices required pursuant to Virginia Code § 20-107.1(H) are provided below.

(4) **Equitable Distribution:**

- Denied to both parties except as specified in the final decree
- Denied to both parties except as specified in the separation agreement (including any addenda) and the final decree
- Reserved to both parties, as the Court has determined that such action is clearly necessary pursuant to Virginia Code § 20-107.3(A)
- As provided on page 8-A, attached at this end of this decree
- Other: \_\_\_\_\_

(5) **Health Care:**

- There is no order for health care coverage for either party
- Health care coverage is ordered as follows: \_\_\_\_\_  
\_\_\_\_\_

(6) **Transfer Pursuant to Virginia Code § 20-79(c):**

- Not decreed
- Enforcement of the Court's order(s) pertaining to spousal support and maintenance is transferred to the \_\_\_\_\_  
Juvenile and Domestic Relations District Court
- Upon motion of the  plaintiff /  defendant, all matters pertaining to modification of spousal support and maintenance are transferred to the \_\_\_\_\_  
Juvenile and Domestic Relations District Court

(9) **Transfer Pursuant to Virginia Code § 20-107.3(L):**

- Not applicable or not decreed
- Upon motion of the  plaintiff /  defendant, and it appearing that neither party resides in the City of Chesapeake, the authority to make additional orders pursuant to Code § 20-107.3(K) or to carry out or enforce any stipulation, contract, or agreement between the parties that has been affirmed, ratified, and incorporated by reference pursuant to Code §20-109.1 is hereby transferred to the \_\_\_\_\_  
Circuit Court, which is the jurisdiction in which the  plaintiff /  defendant currently resides

**Statutory Notices Required by Virginia Code § 20-107.1(H)**

(1)

**Plaintiff:**

Name: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

SSN: In Addendum, Code § 20-121.03

Residential Address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Mailing Address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Tel. Number: \_\_\_\_\_

Driver's License No.: \_\_\_\_\_

Name and Address of Employer:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Employer Tel. No.: \_\_\_\_\_

**Defendant:**

Name: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

SSN: In Addendum, Code § 20-121.03

Residential Address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Mailing Address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Tel. Number: \_\_\_\_\_

Drive's License No.: \_\_\_\_\_

Name and Address of Employer:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Employer Tel. No.: \_\_\_\_\_

\_\_\_ A Protective order has been issued or the Court otherwise finds reason to believe that a party is at risk of physical or emotional harm from the other party, therefore only the name of the party shall be included in the order pursuant to Virginia Code § 20-107.1(H)(1)

- (2) The amount of periodic spousal support expressed in fixed sums: \$ \_\_\_\_\_  
Payment interval of spousal support: \_\_\_\_\_  
The date support payments are due: \_\_\_\_\_  
The date the first support payment is due: \_\_\_\_\_

- (3) There \_\_\_ is / \_\_\_ is not an order for health care coverage for a party, as stated above.
- (4) \_\_\_ No support arrearage currently exists  
 \_\_\_ A support arrearage exists which is owed to the \_\_\_ plaintiff / \_\_\_ defendant in the amount of: \$ \_\_\_\_\_.  
 The period of time for which the arrearage is calculated is:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 All payments are to be credited to current spousal support obligations first, with any payment in excess of the current obligation applied to arrearages.
- (5) If spousal support payments are ordered to be paid directly to the obligee, and unless the Court for good cause shown orders otherwise, the parties shall give each other and the Court at least thirty (30) days' written notice, in advance, of any change of address and any change of telephone number within thirty (30) days after the change.
- (6) In determination of a spousal support obligation, the support obligation as it becomes due and unpaid creates a judgment by operation of law.

**Statutory Notice Required by Virginia Code § 20-111.1**

**Beneficiary designations for any death benefit, as defined in subsection B of § 20-111.1 of the Code of Virginia, made payable to a former spouse may or may not be automatically revoked by operation of law upon the entry of a final decree of annulment or divorce. If a party intends to revoke any beneficiary designation made payable to a former spouse following the annulment or divorce, the party is responsible for following any and all instructions to change such beneficiary designation given by the provider of the death benefit. Otherwise, existing beneficiary designations may remain in full force and effect after the entry of a final decree of annulment or divorce.**

THERE BEING nothing remaining to be done herein, it is hereby ORDERED that this cause is removed from the docket and placed in the ended causes.

IT IS SO ORDERED.

ENTER:

---

Judge

I ASK FOR THIS:

---

---

---

---

---

Counsel for Plaintiff;  Plaintiff  
 Counsel for Defendant;  Defendant

SEEN AND AGREED:

---

---

---

---

---

Counsel for Plaintiff;  Plaintiff  
 Counsel for Defendant;  Defendant  
 Defendant Signed a Waiver  
 Endorsement of Defendant Not Required