STEPS TO FINALIZE DIVORCE WHEN SPOUSE CANNOT BE LOCATED

where Complaint was filed and served and parties have been separated one year

- 1. File Affidavit under Section 3301(d) with blank Counter-Affidavit (Form 8).
- File "Motion to Waive Service of Affidavit under Section 3301(d) and Notice of Intention to Request Entry of Decree". Put a motion cover sheet on top.
- 3. Get Order allowing waiver of service.
- 4. File Notice of Intention to Request Entry of Decree with blank Counter-Affidavit (Form 9).
- 5. Wait twenty days.
- File Praecipe to Transmit Record (Form 12) and proposed decree (form 13), include one self-addressed (to you) envelope. (On Praecipe, manner of service of Affidavit (line 3(b)(2)) is "waived" and Notice of Intention, date served and manner of service (lines 5(a)(1) and (2)) are both "waived".)

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

,

_,

: NO.

:

P1	nin	tiff

vs.

: : : CIVIL ACTION - LAW : IN DIVORCE :

Defendant

<u>Motion to Waive Service of Affidavit under Section 3301(d) and Notice of</u> <u>Intention to Request Entry of Decree</u>

1. Plaintiff,		(name), is an adult individu	al	
residing at		(address	s).	
2. Plaintiff filed	a Complaint in Divorce on	(date).		
3. Check either	(a) or (b):			
(a) the G	Complaint was served by publicatio	on on(dat	te).	
ac	Complaint was served on cceptance of service ertified mail ersonal service	(date) by		
3. Plaintiff cann	ot locate Defendant in order to serv	ve the Affidavit Under Section		
3301(d) or the N	otice of Intention to Request Entry	of Decree.		
4. Plaintiff has made the following efforts to locate Defendant:				

WHEREFORE, Plaintiff requests this Court issue an Order waiving the requirement of service of the Affidavit Under Section 3301(d) and the Notice of Intention to Request Entry of Decree

Respectfully submitted,

(signature of Plaintiff)

VERIFICATION

I, ______, state that I am the Plaintiff in the foregoing matter and that the facts set forth in the foregoing Motion are true and correct to the best of my knowledge, information and belief. I further understand that false statements made herein are subject to the penalties of 18 Pa.C.S. Section 4904, relating to unsworn falsification to authorities.

(signature of Plaintiff)

LYCOMING COUNTY COURT OF COMMON PLEAS MOTION COVER SHEET

,	: Docket No:		
Plaintiff	:		
VS.	: Case Assigned to Judge		
	: \Box None		
	: 🗆 Family Court Hearing Officer		
Defendant			
Name of Filing Party:			
Filing Party's Attorney:			
Type of Filing: Motion to Waive Requirement of Service of	Affidavit Under Section 3301(d)		
4. The following is/are requested:	6. Name and addresses of all counsel of record and		
Argument	unrepresented parties:		
x Evidentiary Hearing			
Court Conference			
Rule to Show Cause			
Entry of Uncontested Order			
(attach supporting documentation)			
Expedited Consideration. State the basis:			
Video conferencing requested. Request form has			
been submitted. See Lyc. Co. R.G.C.B. L8.			
Attach this cover sheet to original motion			
previously filed on:			
5. Time Required:	Continued on a Separate Sheet.		
	RDER		
1 An argument _x_ factual hearing co	ourt conference is scheduled for		
at o'clock . M., in courtroom No.	, Lycoming County Courthouse, Williamsport, PA.		
2Briefs are to be filed by the following dates:	Briefs are to be filed by the following dates:		
Filing Party			
Responding party (ies)			
Responding party (ies)	·		
3 A rule is issued upon Respondent to show ca	A rule is issued upon Respondent to show cause why the Petitioner is not entitled to the relief requested.		
4. A response to the Motion/Petition shall be fi	A response to the Motion/Petition shall be filed as follows:		
·	·		
5 See order attached See separate order	er issued this date.		
6Other:	·		
Jud	lge Date		

c: ALL PARTIES OR OTHERS TO BE SERVED WITH NOTICE MUST BE DESIGNATED IN "6" ABOVE.

NOTICE: The parties are directed to confer for the purpose of resolving any issue raised in the motion/petition. If a resolution is reached prior to the scheduled date, the moving party shall immediately notify the court scheduling technician, the judge or hearing officer assigned to hear the matter, and all counsel of record or parties if unrepresented. Such notice may be in writing or by email.

INSTRUCTIONS FOR COMPLETING MOTION COVER SHEET

- 1. Write your name on the line above the word "Plaintiff".
- 2. Write your spouse's name on the line above the word "Defendant"
- 3. Write the case number of your divorce case on the line after the words" Docket No".
- 4. Write your name on the line in Paragraph 1, "Name of Filing Party".
- 5. Write "pro se" on the line in Paragraph 2, "Filing Party's Attorney". (This means you are "for yourself".)
- 6. Write your name and address in the box numbered 6.

Leave the rest of the form blank.