

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).
2. 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.
6. File Praeceptum to Transmit Record (Form 12) and proposed decree (form 13), include one self-addressed (to you) envelope. (On Praeceptum, 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.
Plaintiff	:	
	:	
vs.	:	CIVIL ACTION - LAW
	:	IN DIVORCE
_____ ,	:	
Defendant	:	

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

1. Plaintiff, _____ (name), is an adult individual residing at _____ (address).

2. Plaintiff filed a Complaint in Divorce on _____ (date).

3. Check either (a) or (b):

___ (a) the Complaint was served by publication on _____ (date).

___ (b) the Complaint was served on _____ (date) by

___ acceptance of service

___ certified mail

___ personal service

3. Plaintiff cannot locate Defendant in order to serve the Affidavit Under Section 3301(d) or the Notice 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)

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.