

Divorce without Minor Children
Basic Instructions

Disclaimer: Librarians are not lawyers nor law experts

According to clerks at the courthouse, in order to start and finish a divorce case you will need the following forms (at a minimum – there may be more needed depending on your individual case):

- **Summons and Complaint: pages 2 & 3**
- **Complaint for Divorce: pages 4**
- **Default: page 5**
- **Motion to Enter Default Judgment of Divorce: page 6**
- **Judgment of Divorce: page 7 & 8**

NOTE: There may be additional forms that you will need depending on your individual case

Additional and Optional forms available to be copied at Help Desk.

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY	SUMMONS	CASE NUMBER
Court address		Court telephone number

Plaintiff's name, address, and telephone number
Plaintiff's attorney bar number, address, and telephone number

v

Defendant's name, address, and telephone number

Instructions: Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (MC 21). The summons section will be completed by the court clerk.

Domestic Relations Case

- ☐ There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.
- ☐ There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. I have separately filed a completed confidential case inventory (MC 21) listing those cases.
- ☐ It is unknown if there are pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

Civil Case

- ☐ This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.
- ☐ MDHHS and a contracted health plan may have a right to recover expenses in this case. I certify that notice and a copy of the complaint will be provided to MDHHS and (if applicable) the contracted health plan in accordance with MCL 400.106(4).
- ☐ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- ☐ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has

been previously filed in ☐ this court, ☐ _____ Court, where

it was given case number _____ and assigned to Judge _____

The action ☐ remains ☐ is no longer pending.

Summons section completed by court clerk.

SUMMONS

NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons and a copy of the complaint to **file a written answer with the court** and serve a copy on the other party **or take other lawful action with the court** (28 days if you were served by mail or you were served outside of Michigan).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
4. If you require accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Issue date	Expiration date*	Court clerk
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*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.

PROOF OF SERVICE

TO PROCESS SERVER: You must serve the summons and complaint and file proof of service with the court clerk before the expiration date on the summons. If you are unable to complete service, you must return this original and all copies to the court clerk.

CERTIFICATE OF SERVICE / NONSERVICE

☐ I served ☐ personally ☐ by registered or certified mail, return receipt requested, and delivery restricted to the addressee (copy of return receipt attached) a copy of the summons and the complaint, together with the attachments listed below, on:

☐ I have attempted to serve a copy of the summons and complaint, together with the attachments listed below, and have been unable to complete service on:

Name	Date and time of service
Place or address of service	
Attachments (if any)	

☐ I am a sheriff, deputy sheriff, bailiff, appointed court officer or attorney for a party.

☐ I am a legally competent adult who is not a party or an officer of a corporate party. I declare under the penalties of perjury that this certificate of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Service fee \$	Miles traveled	Fee \$	
Incorrect address fee \$	Miles traveled	Fee \$	TOTAL FEE \$

Signature _____

Name (type or print) _____

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of a copy of the summons and complaint, together with

_____ on _____
Attachments (if any) Date and time

_____ on behalf of _____
Signature

Name (type or print) _____

STATE OF MICHIGAN
Circuit Court - Family Division
COUNTY

DEFAULT
Request, Affidavit, Entry
and Notice of Entry

CASE NO.

Plaintiff (appearing *in propria persona*):

Defendant:

v

REQUEST

1. As shown by the proof of service on file, defendant was served with a summons and complaint on _____, but did not respond to the complaint within 21 days (28 days if served by mail or out of state).

I request the clerk to enter the default of defendant for failure to plead or defend as provided by law.

Date _____

Plaintiff _____

AFFIDAVIT

Plaintiff, being sworn, says:

2. Defendant is not a minor or an incompetent person.

3. Defendant's (non)military status:

- ☐ a. Based on ☐ my personal knowledge, ☐ attached military status report, defendant ☐ is not in active-duty military service ☐ is in active-duty military service, and ☐ has appeared and waived all lawsuit relief rights under the Servicemembers Civil Relief Act and/or MCL 32.517 (or similar military relief law from another state) in the attached appearance and waiver form. ☐ other:

☐ b. I am unable to determine whether or not defendant is in active-duty military service.

Date _____

Plaintiff _____

Subscribed and sworn to before me on _____, _____ County, Michigan

My commission expires _____ Signature _____

Notary public, State of Michigan, County of _____

ENTRY AND NOTICE OF ENTRY

The default of defendant is entered for failure to plead or defend as provided by law.

Date _____

County clerk _____

TO DEFENDANT: Please take notice of this entry of default against you.

PROOF OF MAILING

On the date below, I sent a copy of this Default to defendant by ordinary first-class mail at his/her address in the caption above, which is defendant's last known address.

I declare that the statement above is true to the best of my information, knowledge and belief.

Date _____

Plaintiff _____

STATE OF MICHIGAN
Circuit Court - Family Division
COUNTY

MOTION TO ENTER DEFAULT
JUDGMENT OF DIVORCE

CASE NO.

Plaintiff (appearing *in propria persona*):

Defendant:

v

1. After entry of defendant's default on _____, I request the court to enter a default Judgment of Divorce granting the relief I requested in my Complaint for Divorce; ☐ and grant the following new/different relief _____

I declare that the statement above is true to the best of my information, knowledge and belief.

Date _____

Plaintiff _____

NOTICE OF HEARING

A hearing on this motion will be held in the courtroom of the judge assigned to this case, located at (place) _____ on (date) _____ at (time) _____

PROOF OF MAILING

On the date below, I sent a copy of this motion to defendant by ordinary first-class mail at his/her address in the caption above, which is defendant's last known address.

I declare that the statement above is true to the best of my information, knowledge and belief.

Date _____

Plaintiff _____

Plaintiff (appearing in propria persona):

Defendant:

v

Date of hearing _____ Judge _____

After the defendant's default, **IT IS ORDERED:**

1. **DIVORCE:** The parties are divorced.
2. **CHILDREN:** There are no children of the parties or born during their marriage who are under 18 or adult and entitled to support.
- ☐ 3. **NAME CHANGE:** Wife's last name is changed to _____
☐ not granted for ☐ wife. ☐ husband.
4. **SPOUSAL SUPPORT:** Spousal Support is ☐ reserved for ☐ wife. ☐ husband.
☐ granted later in the judgment for ☐ wife. ☐ husband.

A Uniform Spousal Support Order ☐ is not required because spousal support is not being ordered.

☐ shall accompany and be incorporated into this judgment because spousal support is granted.

5. **PROPERTY DIVISION:**

- A. **Real property:** ☐ The parties do not own any real property.
(Land and buildings) ☐ Real property is divided elsewhere in this judgment.

All real property owned by the parties in joint tenancy or tenancy by the entirety is converted to tenancy in common, unless this judgment provides otherwise.

- B. **Personal property:** ☐ Each party is awarded the personal property in his or her possession.
(All other property) ☐ Personal property is divided elsewhere in this judgment.

6. **STATUTORY RIGHTS:** All interests of the parties in the property of the other, now owned or later acquired, under MCL 700.2201-700.2405, are extinguished, including those known as dower under MCL 558.1-558.29.
7. **BENEFICIARY RIGHTS:** The rights each party has to the proceeds or policies or contracts of life insurance, endowments or annuities upon the life of the other as a named beneficiary or by assignment during or in anticipation of marriage, are ☐ extinguished. ☐ awarded later in the judgment.
8. **RETIREMENT BENEFITS:** Any rights of either party in any pension, annuity or retirement plan benefit of the other, whether these rights are vested or unvested, accumulated or contingent, are ☐ extinguished. ☐ awarded later in the judgment.
9. **DOCUMENTATION:** Each party shall promptly and properly execute and deliver to the other documents to carry out the terms of this judgment.
10. **PRIOR ORDERS:** Except as otherwise provided in this judgment, any nonfinal orders or injunctions entered in this action are terminated.
- ☐ 11. **SUSPENDED FEES AND COSTS:** The previously suspended fees and costs in this case of _____ shall be ☐ paid by ☐ plaintiff ☐ defendant to the clerk. ☐ waived finally.
12. **EFFECTIVE DATE OF JUDGMENT:** This judgment shall become effective immediately after it is signed by the judge and filed with the clerk.

STATE OF MICHIGAN
Circuit Court - Family Division
COUNTY

JUDGMENT OF DIVORCE
Final of pages

CASE NO.

Plaintiff:

Defendant:

v

IT IS ALSO ORDERED:

This judgment ☐ resolves ☐ does not resolve the
last pending claim in this case, and ☐ closes ☐ does
not close the case, except to the extent jurisdiction is
retained by law.

Date_____

Judge_____