

IN THE COURT OF COMMON PLEAS
Domestic Relations Division
MONTGOMERY COUNTY, OHIO

Plaintiff	:	Case No.	
	:		
Street Address	:		
	:	Judge	
City, State and Zip Code	:		
	:		
vs.	:	Magistrate	
	:		
Defendant	:		
	:		
Street Address	:		
	:		
City, State and Zip Code	:		

JUDGMENT ENTRY – DECREE OF LEGAL SEPARATION (w/o children)

This matter came on for final hearing on _____ Before ☐ Judge ☐ Magistrate
_____ upon the Plaintiff's Complaint for Legal Separation 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, 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, and a copy of the Complaint.
- ☐ Defendant filed a Counterclaim.
- ☐ Plaintiff filed a Reply to Defendant's Counterclaim.
- ☐ Plaintiff failed to reply to the Defendant's Counterclaim.

B. ☐ Plaintiff was present at the Hearing.

☐ appeared as counsel for the Plaintiff.

☐ Plaintiff failed to appear.

☐ Defendant was present at the Hearing.

☐ appeared as counsel for the Defendant.

☐ Defendant failed to appear.

C. 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.

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

E. Plaintiff and Defendant were married on _____ (date of marriage)
in _____ (city or county, and state).

F. The legal separation is ☐ the date of final hearing or ☐ the date specified: _____

G. Children:

☐ There is/are no child(ren) from this marriage or relationship.

☐ Neither party is pregnant OR ☐ a party is pregnant.

☐ The following child(ren) was/were born of the parties' relationship prior to the marriage:

Name of Child

Date of Birth

☐ The following child(ren) was/were born from or adopted during this marriage:

Name of Child

Date of Birth

☐ The following child(ren) was/were born from or adopted during this marriage or relationship and is/are mentally or physically disabled and will be incapable of supporting or maintaining themselves:

Name of Child

Date of Birth

☐ The following child(ren) is/are subject to an existing order of parenting or support of another Court or agency:

Name of Child

Date of Birth

Name of Court or Agency

☐ One party is not the parent of the following child(ren) who was/were born during the marriage:

Name of Child

Date of Birth

H. 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.

I. The Legal Separation 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 Spouse 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.

J. ☐ 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.

K. 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

The parties have the following marital assets:

Asset	Value

The parties have the following marital debts:

Debt	Balance

The Court makes the following findings regarding the spousal support factors set forth in R.C. 3105.18:

-
- ☐ The parties did not present the Court with a written Shared Parenting Plan or Parenting Plan or read a settlement of their parental rights into the record. Based upon the evidence presented by the parties who appeared, the Court makes the following findings relating to the factors set forth in R.C. 3109.04 and/or 3109.051 upon which it allocates the parties' parental rights and responsibilities in the child(ren)'s best interest:

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- L. The Court finds that Plaintiff incurred attorney fees and litigation expenses in the amount of \$_____ and Defendant incurred attorney fees and litigation expenses in the amount of \$_____. It is equitable that: (*select one*)

- ☐ Each party pay his or her attorney fees and litigation expenses, if any.
- ☐ Plaintiff pay all or part of Defendant's attorney fees and litigation expenses as follows:

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

-
- M. The Court further finds that:
-

JUDGMENT

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

FIRST: LEGAL SEPARATION GRANTED

- ☐ Plaintiff ☐ Defendant is/are granted a legal separation 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 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 the ☐ Plaintiff ☐ Defendant in the amount of \$_____ per month commencing on _____.
This spousal support shall continue ☐ for a period of _____ months OR ☐ until further order of this Court.

C. Termination of Spousal Support

Spousal support shall terminate sooner than the above stated date upon the Plaintiff's or the Defendant's death or in the event of the following (check all that apply):

- ☐ The cohabitation of the person receiving support in a relationship comparable to marriage.
☐ The remarriage of the person receiving support.
☐ Other (specify): _____

D. Method of Payment of Spousal Support:

- ☐ Spousal support payments shall be made directly to ☐ Plaintiff ☐ Defendant.
☐ The spousal support payment, plus 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 at the party's place of employment.

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 will survive this judgment entry.
- ☐ Any temporary spousal support arrearage or overpayment will not survive this judgment entry.
- ☐ Other:

FIFTH: TAX RETURN OPTIONS

[Current Tax Year]

- ☐ The parties acknowledge that they have filed their tax returns for the CURRENT tax year.
- ☐ The parties acknowledge that they have NOT filed their tax returns for the CURRENT tax year and that they will file their tax returns as follows:

[Prior Tax Years]

☐ The parties acknowledge that they have filed their tax returns for ALL PRIOR tax years.

☐ The parties acknowledge that they have NOT filed their tax returns for ALL PRIOR tax years and that they will file their tax returns as follows:

[Tax Refunds/Deficiencies]

☐ The parties acknowledge that there are NO TAX DEFICIENCIES OWING on prior tax returns, that they do not owe any interest or penalties with respect hereto, and no tax deficiency proceeding is pending or threatened against them and that they do not know of any audit with respect to any such prior returns.

☐ The parties acknowledge that there are TAX DEFICIENCIES OWING for prior tax years and that they are disposing of the prior tax delinquency as follows:

☐ The parties acknowledge that there is NO TAX REFUND for prior tax years which needs to be divided between the parties.

☐ The parties acknowledge that there is a TAX REFUND for prior tax years and which shall be divided between the parties as follows:

SIXTH: OTHER ORDERS

SEVENTH: COURT COSTS

Court costs shall be (select one):

☐ Taxed to the deposit. Court costs due above the deposit to be paid as follows:

☐ Other (specify):

EIGHTH: CLERK OF COURTS

☐ The Clerk of Courts shall provide:

☐ a certified copy to: _____

☐ a file stamped copy to: _____

NOTICE. Pursuant to Civil Rule 58(B), the Clerk is directed to serve upon the parties a notice of the filing of this Judgment Entry and of the date of entry upon the Journal.

DATE

JUDGE

PLAINTIFF' SIGNATURE

PLAINTIFF'S PHONE NUMBER

DEFENDANT'S SIGNATURE

DEFENDANT'S PHONE NUMBER

NOTICE OF FINAL APPEALABLE ORDER

Copies of foregoing order, which may be a final appealable order, shall be served upon the parties by the Clerk in a manner prescribed by Civ.R. 5(B) within three days of entering this judgment upon the journal. The Clerk shall then note the service in the appearance docket pursuant to CIV.R. 58(B). Service shall then be deemed complete.