Instructions for Annulment – Without Children

Until such time as the Kansas Judicial Council publishes annulment forms, only Pro-Se forms from our website will be accepted.

www.dc18.org or http//www.kansasjudicialcouncil.org/

Read instructions completely- Please type or print neatly in blue ink. Documents completed in pencil will not be accepted.

COURT STAFF CANNOT PROVIDE ASSISTANCE OR ADVICE IN COMPLETING FORMS.

NOTICE: A volunteer attorney will be available to assist with the Domestic Relations Affidavit on Monday and Wednesday afternoons beginning at 1:00 p.m. They will only be able to assist a limited number of people during each session.

Only single-sided documents are accepted. DO NOT print double sided.

CONTENTS (Part 1):

- 1. Instructions (4 pages)
- 2. Civil Cover Sheet (2 pages)
- 3. Petition (4 pages)
- 4. Rule 401 Affidavit (1 page)
- 5. Domestic Relations Affidavit (5 pages)
- 6. Entry of Appearance and Waiver of Summons (1 page)
- 7. Temporary Order (6 pages)
- 8. Notice of Intent to Appear (1 page)
- 9. Summons (1 page)

(Part 2)

- 1. Affidavit of Petitioner (1 Page)
- 2. Journal Entry and Decree of Annulment (5 pages) and
- 3. Certificate of Divorce or Annulment (1 Page)

CAUTION: By using these forms, you are choosing to represent yourself. Use of forms without the assistance of a lawyer could harm your legal rights. You may want to have a lawyer review your completed forms before you file them with the court. These are basic forms and may not cover every situation.

Step 1: Petitioner: Complete the Civil Information sheet (Person filing Petition will always be designated the Petitioner; Respondent is person who has been filed against and will always be designated the Respondent) **All selfrepresented parties must have included an email address.** No line can be left blank. If it states "____Husband ____Wife" you must check whatever is applicable.

Step 2: Petitioner: Complete the **Petition**, except for the case number. Sign the Petition before a notary. The Clerk of the District Court can also witness your signature and will assign the case a number.

Step 3: Petitioner: Complete the **Domestic Relations Affidavit**. The DRA can be filled out by the Petitioner or both parties. Sign the DRA before a notary. The Clerk of the District Court can also witness your signature.

Step 4: Petitioner: Complete Rule 401 Affidavit and sign before a notary.

Step 5: Petitioner: Complete the **Temporary Order** and bring for Judge's signature.

Step 6: Petitioner: Complete the case caption only, on the **Notice of Intent to Appear**. Do not fill out the lower part.

Step 8: Petitioner: Fill out the caption on the **Summons**. Do not fill out the lower part.

Step 9: Petitioner: Fill out the caption on the **Entry of Appearance and Waiver of Summons**. Do not fill out the lower part.

Your paperwork must be completely and correctly filled out. Incomplete or incorrect paperwork will be rejected by the Court.

Step 10: File the original of the above listed paperwork (items 2 through 9), with the Clerk in the District Court, located on the 7th floor of the Sedgwick County Courthouse. Copies can be made on the 7th floor for a fee. The filing fee is \$197.00. It can be paid by cash, money order, cashier's check, credit card or personal check. Low income applicants may qualify for a waiver of the filing fee. **IF PAYING IN CASH, YOU MUST HAVE EXACT CHANGE**. At the time you file, a case will be created for you.

Step 11: After you file your case, you **must** serve the other party with copies of **all** documents and give them notice of the annulment proceeding. **You cannot hand or email the papers to the other party.** Service can be accomplished **by one** of the following methods: Entry of Appearance and Waiver of Summons, Service by a Sheriff, Service by Special Process Server, Service by Certified Mail, return receipt requested, or Service by Publication

- a) By Waiver: Respondent completes the Entry of Appearance and Waiver of Summons and signs it in front of a Notary. They can also sign in front of the Clerk of the District Court. The Entry of Appearance can be given to the Petitioner for filing or the Respondent may file it. OR
- b) By Sheriff's Service: Petitioner completes the caption portion of the Summons and the Clerk will issue the summons for inclusion in the packet. If service is to be made by the Sedgwick County Sheriff, the fee is \$15.00 money order, cashier's check payable to the Sedgwick County Sheriff, credit card or cash. If service is made by a Sheriff in a county elsewhere in Kansas or to a Sheriff out of state, Petitioner should call the Sheriff in that County and find out what is the cost for service. Petitioner should prepare a packet containing all paperwork as well as a money order made out to the Sheriff in that county in the amount of the fee they charge. Petitioner should then send that Sheriff in that county the packet containing the items 2 through 9 and the fee in the form that office requires. OR
- c) By Special Process Server: Petitioner should look on line for a process server in the county where service needs to be made. After contacting the Special Process Server, a **Summons** will need to be issued by the Clerk of the District Court. Petitioner should then send the process server the packet containing items 2 through 9 and the required fee **OR**
- d) By Mail: Petitioner, you can mail a packet containing items 2 through 9 to Respondent at his/her last known address, by certified mail, return receipt requested. Upon receipt of the Postal Form (green card) back from the Post Office, Petitioner must file with the Clerk an Affidavit of Service by Certified Mail together with the Postal Form (green card). To accomplish service by mail, the Respondent must have signed the Postal Form. You can mail the documents to the Respondent with "restricted delivery" to make sure the Respondent is the person who signed the Postal Form
- e) By Publication: If the Sheriff/Process Server makes a return on the summons that the Respondent could not be found or if the Postal Form is returned undeliverable, Petitioner may bring the return or the Postal Form to the Clerk of the District Court and complete an Affidavit for Service for Publication and obtain an order from the assigned Judge for service by publication. The Clerk of the District Court with assist Petitioner in completing the Notice of Publication. The Clerk will then place the Notice in the newspaper's box for publication. The Petitioner is responsible for paying the cost of publication in advance. After

the notice of publication is published, Petitioner will receive a copy which should be filed with the Clerk of the District Court.

SECOND PHASE Twenty one days (thirty if the Respondent is out of state) **after** the day service was accomplished by one of the above methods, if the Respondent has filed paperwork to contest the matter, Petitioner may file a completed **Journal Entry and Decree of Annulment** with the Clerk of the District Court. The Petitioner must sign the Decree of Annulment which does not have to be notarized. Respondent may elect to sign the Decree of Annulment but their signature is not required. **Petitioner must keep track of when the twenty one day waiting period expires.**

Step 10. After the twenty one day waiting period has expired, the Petitioner must bring the following, documents to the Self Help Clerk for filing:

a) Affidavit of Petitioner signed in front of a notary or the Clerk of the District Court

- b) Proof of service of process on the Respondent
- c) Competed Journal Entry and Decree of Annulment
- d) Competed Certificate of Divorce or Annulment

Step 11. The documents required in Step 10 may be filed with the Clerk of the District Court on the 7th Floor between 8:00 am and 4:00pm. You may have to wait for the assigned judge to approve the documents. After the judge has approved your Decree of Annulment, and filed it with the Clerk, make two copies of the Decree, one for Petitioner and one for Respondent. You must mail one copy to the Respondent. If there is Title to Real Estate located in Sedgwick County is involved, you must file two extra copies with the Clerk of the District Court. If the real estate is located in another county, you should obtain a certified copy of the Decree of Annulment and record it in the Register of Deeds in that other county.

Additional District Court Clerk Fees That May Apply as follows:

.25 Copies per page

1.00 Certified Copy of Paperwork

NOTICE: If the Annulment is not completed within 120 days of filing, your case may be dismissed after proper notice from the Courts is sent to the address provided by Petitioner at the time of filing or to an updated address if provided.

CIVIL COVER SHEET

The civil cover sheet neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Clerk of the District Court for the purposes of initiating the civil docket sheet. This information will not be available to the public and this document will be stored in a separate location from the case file and then destroyed within a reasonable time. A new case **will not be accepted** without a cover sheet attached. (THIS FORM MUST BE TYPED OR PRINTED LEGIBLY). This form can be found at <u>www.kscourts.org</u>.

<u>CIVIL</u> If a CH. 61: \$ _	(Judgment Demand Amo	ount)	
<u>FORT</u>	CONTRACT	REAL PROPERTY	□ <u>STATE TAX WARRANT</u>
□ Asbestos Product Liability □ Automobile Tort □ Intentional Tort	 Buyer Plaintiff Employment Dispute - Discrimination Employment Dispute - Other 	 Eminent Domain Mortgage Foreclosure Other Real Property 	□ OTHER CIVIL
Legal Malpractice Medical Malpractice	□ Fraud □ Landlord/Tenant - Forcible Detainer	□ Tax Foreclosure	SMALL CLAIMS
 Other Professional Malpractice Premises Liability 	□ Landlord/Tenant □ Forcible Detailer □ Landlord/Tenant Dispute - Other □ Seller Plaintiff (debt collection)	MISCELLANEOUS □ 60-1507	
I Slander/Libel/Defamation I Tobacco Product Liability	□ Other Contract	□ Habeas Corpus □ Other Writs	
Toxic/Other Product Liability	CIVIL APPEALS	Name Change	
⊐ Other Tort	 Administrative Agency Other Civil Appeal Tax Appeal 	 Post Judgment Elevation Transfer Pre-Judgment 	
	DIVORCE	PROTECTION FROM S	STALKING 🗆 UIFSA
	NS NON-DIVORCE SUPPORT, CL ENT (OUT OF COUNTY) DETERMINATION OF DESCEN SEXUALLY VIOLENT PREDATO DECEDENT ESTATE	STODY OR VISITATION	OPTION REATMENT
	NS NON-DIVORCE SUPPORT, CL ENT (OUT OF COUNTY) DETERMINATION OF DESCEN SEXUALLY VIOLENT PREDATO DECEDENT ESTATE REFUSAL TO GRANT LETTERS	STODY OR VISITATION ADOPTION ADOPTION C GARE AND TI TERMINATIG	OPTION REATMENT ON OF JOINT TENANCY
DOMESTIC MARRIAGE DISSOLUTION/E MARRIAGE DISSOLUTION/E OTHER DOMESTIC RELATION DOMESTIC FOREIGN JUDGM DOMESTIC FOREIGN JUDGM PROBATE/ESTATE GUARDIAN/CONSERVATOR GUARDIAN/CONSERVATOR GUARDIAN/CONSERVATOR - Adult Guardianship - Minor Guardian/Conservator - Adult Guardian/Conservator - Minor PROBATE RECORDS Probate Record - Other County Probate Record - Other State	NS NON-DIVORCE SUPPORT, CL ENT (OUT OF COUNTY) DETERMINATION OF DESCEN SEXUALLY VIOLENT PREDATO DECEDENT ESTATE REFUSAL TO GRANT LETTERS	STODY OR VISITATION ADOPTION ADOPTION C GARE AND TI TERMINATIG	OPTION REATMENT
	NS NON-DIVORCE SUPPORT, CL ENT (OUT OF COUNTY) DETERMINATION OF DESCEN DECEDENT ESTATE DECEDENT ESTATE REFUSAL TO GRANT LETTERS DELING WILL AND AFFIDAVIT DOTHER PROBATE/ESTATE	STODY OR VISITATION	DOPTION REATMENT DN OF JOINT TENANCY DN OF LIFE ESTATE

PET T ONER/SUBJECT INFORMATION (ATTACH ADDITIONAL SHEET, IF NECESSARY)	<u>R</u> (A	ESPONDENT/OTHER TTACH ADDITIONAL SHEET, IF NEC	PARTY INFORMATION ESSARY)
NAME:	N	AME:	
ADDRESS:	A	DDRESS:	
PHONE: SEX:	PI	HONE:	SEX:
CELL PHONE:	CI	ELL PHONE:	
E-MAIL:	E·	-MAIL:	
SSN: DOB:	S	SN:	DOB:
DL OR STATE ID NO:	D	L OR STATE ID NO:	State and Number
ALIAS NAMES USED:		LIAS NAMES USED:	
<u>ATTORNEYS</u> (Firm Name, Address, Telephone Number and Sup Court ID Number)	reme (F	TTORNEYS Firm Name, Address, Telepl purt ID Number)	hone Number and Supreme
<u>FOR DOMESTIC CASES - </u> NAME, DATE OF DEPENDENT CHILD:			JMBER OF EACH
(Name)	(Date of Birth) (Social Se	ecurity Number)

The requirement that Social Security numbers be included on domestic cases is mandatory, and authorized by the Supreme Court and federal law. On non-domestic cases, the Social Security number is not mandatory. The number is used for purposes of identification and may be disclosed as permitted by law. This form is not considered to be a public record.

IN THE EIGHTEENTH JUDICIAL DISTRICT SEDGWICK COUNTY, KANSAS FAMILY LAW DEPARTMENT IN THE MATTER OF THE MARRIAGE OF

and

Case No. _____

Pursuant to K.S.A Chapter 23

PETITION FOR ANNULMENT WITHOUT CHILDREN

COMES NOW, the Petitioner and for his/her petition for annulment alleges and states:

- 1. **Petitioner** has been an actual resident of Sedgwick County, Kansas for more than sixty (60) days before the filing of the petition.
- 2. <u>Respondent</u> is a resident of (City/State)______.
- Marriage. The parties were married on the _____ day of _____20__, in _____ and have been since that time husband and wife.
- Military Service. The non-filing spouse □<u>is □ is not</u> now on active duty with the United States Military. If the non-filing spouse is on active duty, the requirements of the Service members Civil Relief Act (SCRA) □<u>have □haven't</u> been met.
- 5. Personal and Subject Matter Jurisdiction; Venue. The Court has personal jurisdiction over the parties and jurisdiction over the subject matter in this action. Venue has been properly placed.
- An annulment should be granted to Petitioner for the following reason(s):

 a.____ Because the marriage is void for the reason that at the time of the marriage:

_____ One of the parties did not have the capacity to marry.

_____ One of the parties was under the influence of drugs or alcohol at the time of the marriage

_____ The marriage was induced by fraud.

b.____Because the marriage is **voidable** for the reason that at the time of the marriage:

_____The contract of marriage was induced by a mistake of fact.

_____The contract of marriage was induced by lack of knowledge of a material fact.

_____ Any other reason justifying recission of a contract of marriage.

- 7. Respondent and Petitioner have no minor children together. Neither party is pregnant.
- 8. Property and Debt :
 - a. The parties have signed the attached agreement dividing all of their property and debts. The agreement is approved by the court. **OR**
 - b. □Petitioner shall keep the following property: All personal property in their possession. Other: attach list
 - c.
 □Respondent shall keep the following property: All personal property in their possession. Other: attach list
 - d. The parties have no joint debts. **OR**
 - e. Respondent shall be responsible for the following debts: Creditor ______Amount \$_____ Creditor _____Amount \$_____ Creditor _____Amount \$_____
 - f. □Petitioner shall be responsible for the following debts:

Creditor _	Amount \$
Creditor _	Amount \$
Creditor _	Amount \$

- Petitioner
 Respondent should be awarded the following described real property, free and clear of any claim of the other: (Insert Street Add. and City &State)____
- 10. Spousal Maintenance: □Neither party should pay spousal maintenance to the other. **OR**

 $\Box Petitioner \ \Box$ Respondent should pay spousal maintenance of \$_____ to

 \Box Petitioner \Box Respondent, on the first day of each month beginning

_____(mo/day/yr). Spousal maintenance payments shall be subject to an Income Withholding Order and all payments shall be paid to the Kansas Payment Center but shall **not** be subject to a court trustee fee. Spousal maintenance will **end** on the first of the following events to occur:

- a. the death of either party, or;
- b. the remarriage of the recipient, or;
- c. the cohabitation (as defined by the then-current Kansas law) of the spouse receiving spousal support with a non-relative adult (regardless of gender) in a marriage-like relationship or a civil union or same-sex marriage, **or**;
- d. on the following date: _____(specify month/day/year of termination).
- 11. \Box Petitioner \Box Respondent should be restored to the former name of:

WHEREFORE, the Petitioner prays that the Court grant the annulment and the other relief sought in the Petition.

Petitioner VERIFICATION

STATE OF KANSAS (COUNTY OF SEDGWICK) ss.

_____, of lawful age, being first duly sworn, upon oath deposes and says: That he/she is the Petitioner above named; that he/she has read the above and foregoing Petition for Annulment and knows the contents thereof; and that the statements and allegations made therein are true.

	Petitioner	
	SUBSCRIBED AND SWORN to before me	
by	, on this day of	, 20

Notary Public

IN THE 18TH JUDICIAL DISTRICT, DISTRICT COURT SEDGWICK COUNTY, KANSAS FAMILY LAW DEPARTMENT

IN THE MATTER OF THE MARRIAGE OF

and

Case No. _____

RULE 401 AFFIDAVIT FOR EX PARTE TEMPORARY ORDER (without children)

_____, of lawful age, states under oath:

- 1. _____That I have moved out of the marital residence
 - _____That the Respondent has moved out of the marital residence
 - _____That neither party has moved out of the marital residence
- 2. _____That I have alternative housing available
 - _____That the Respondent has alternative housing available
 - _____That neither party has alternative housing available
 - _____That both parties have alternative housing available
- That I do not have financial resources to obtain alternative housing
 - _____That the Respondent does not have financial resources to obtain alternative housing.
 - _____That both parties have financial resources to obtain alternative housing
- 4. _____That I have the following health conditions:_____
 - _____That the Respondent has the following health conditions:
 - _____That neither party has health conditions
- 5. That I am:
 - ____employed full time
 - ____employed part-time
 - ____a stay at home parent
 - ____unemployed

Petitioner

That my spouse is:

unemployed

____employed full time

_____employed part-time _____a stay at home parent

STATE OF KANSAS, SEDGWICK COUNTY

BE IT REMEMBERED that on this _____day of ______, 20___, before me a Notary Public, in and for said County and State, personally appeared, who is personally known to me to be the same person who executed the foregoing instrument, and duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year last above written.



NOTARY PUBLIC My appointment expires:

Rule 401 Aff 1

ΙΝΤ	HE MATTER OF THE	MARRIAGE OF		
and		Petitioner	Case No	
		Respondent		
Pur	suant to K.S.A. Chap	oter 23		
<u>To </u>	be used in a	WITHOUT	CHILDREN:	
DO	MESTIC RELATIONS	AFFIDAVIT OF _		(name)
1.	Petitioner's Residence			
	Petitioner's	Birth Month/Year	XXX-XX Social Security Number	Telephone
2.	Respondent's Residen	ce		
	Respondent's	Birth Month/Year	XXX-XX Social Security Number	Telephone
3.	Date of Marriage:			
4.	Number of Marriages:	Mother	Father	
5.	Petitioner is employed	by		
	Respondent is employ	ed by		
(Inclue	de name and address of e	mployers)		
Mon	thly income as follows:			
Α.	Wage Earner		Petitioner Res	pondent
	 Gross Income Other Income Subtotal Gross Federal Withhor (Claiming) Federal Incom 	olding exemptions)	\$\$ \$\$ \$\$ \$\$	

- 5. 6.
- OASDHI Kansas Withholding Subtotal Deductions 7.
- 8.
- 9. Net Income

DRA: Annulment Without Children

\$

\$

\$ \$ \$

\$ \$

\$



В.	Self-E	mployed		Petitioner	Respondent	
	1.	Gross Income from self-employment	\$_		\$	
	2.	Other Income	\$ <u></u>		\$	
	3.	Subtotal Gross Income	\$ <u></u>		<u>\$</u>	
	4.	Reasonable Business Expense	s \$_		<u>\$</u>	
		(Itemize on attached exhibit)				
	5.	Self-Employment Tax	\$ <u></u>		\$	
	6.	Estimated Tax Payments	\$ <u></u>		<u>\$</u>	
		(Claim exemptions)				
	7.	Federal Income Tax	\$ <u></u>		<u>\$</u>	
	8.	Kansas Withholding	\$ <u></u>		\$	
	9.	Subtotal Deductions	\$ <u></u>		<u>\$</u>	
	10.	Net Income	\$		<u>\$</u>	
	11.	(Line B.3. minus Line B.9.)				
Pay pe	riod:					
		Petitioner			Respondent	
6.	The lie	quid assets of the parties are:			Joint or Individual	
		Item	Amoun	t	(Specify)	
A. Checkin		Checking Accounts (Do not list	•	5):		
	В.	Savings Accounts (Do not list account numbers):				
		C (•			
			\$			
	C.	Cash	•			
		Petitioner	\$			
		Respondent	\$			
	D.	Other	-			
			\$			
			\$			

The monthly expenses of each party are: (Please indicate with an asterisk all figures which are estimates rather than actual figures taken from records.) 7.

A.	Item	Petitioner (Actual or E	Respondent stimated) (Actual or Estimated)
1.	Rent (if applicable)	\$	\$
2.	Food	\$	\$
3.	Utilities/services		
	Trash Service	\$	\$
	Newspaper	\$	\$
	Telephone	\$	\$
	Mobile Phone	\$	\$
	Cable	\$	\$
	Gas	\$	\$
	Water	\$	\$
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	Lights	\$ \$
	Other	\$ \$
4.	Insurance	
	Life	\$ \$
	Health	\$ \$
	Car	\$ \$
	House/Rental	\$ \$
	Other	\$ \$
5.	Medical and dental	\$ \$
6.	Prescriptions drugs	\$ \$
7.	Clothing	\$ \$
8.	School expenses	\$ \$
9.	Hair cuts and beauty	\$ <u> </u> \$
10.	Car repair	\$ \$
11.	Gas and oil	\$ <u> </u> \$
12.	Personal property tax	\$ \$
13.	Miscellaneous (Specify)	
		\$ \$
		\$ <u> </u>
		\$ \$
14.	Debt Payments (Specify)	
		\$ \$
	TOTAL	\$ \$

*Show house payments, mortgage payments, etc., in Section 10.B. B. Monthly payments to banks, loan companies or on credit accounts: (Indicate actual or estimated monetary amount in each column; use asterisk for secured.) DO NOT LIST ANY PAYMENTS INCLUDED IN PART 10.A ABOVE.

Creditor	When Incurred	Amount of Payment	Date of Last Payment	Balance	Respor Petitioner	nsibility Respondent
				<u>\$</u>	\$	<u>\$</u>
				_\$	\$	_\$
				_\$ ¢	\$ \$	_\$
					<u>Գ</u> \$	9 \$
				\$	\$	\$
			Subtotal of Pay	ments	\$	_\$
			Total		\$	_\$
a. Total Liv	ving Expenses					
	Sourc	e	Petiti Actual or	ioner Estimated)		spondent or Estimated)
	1. Total funds (from No. s		\$		\$	

DRA: Annulment Without Children

2.	Total needed (from No. 8.A and B)	\$ \$
3.	Net Balance	\$ \$

b. Payments or contributions received, or paid, for support of others. Specify source and amount.

Source	Petitioner	Respondent
(+/-)	\$	\$
(+/-)	\$	\$
(+/-)	\$	\$

FURNISH THE FOLLOWING INFORMATION IF APPLICABLE.

8. All other personal property including retirement benefits (including but not limited to qualified plans such as profit-sharing, pension, IRA, 401(k), or other savings-type employee benefits, nonqualified plans, and deferred income plans), and ownership thereof (joint or individual), including policies of insurance, identified as to nature or description, ownership (joint or individual), and actual or estimated value.

Amount	Joint or Individual (Specify)
 \$ \$	
\$	
 \$	

THE FOLLOWING NEED NOT BE FURNISHED IN POST JUDGMENT PROCEDURES.

9. List real property identified as to description, ownership (joint or individual) and actual or estimated value.

Ownership	Actual/Estimated Value
	Ownership

10. Identify the property, if any, acquired by each of the parties prior to marriage or acquired during marriage by a will or inheritance.

Property Description	Ownership	Source of Ownership	Actual/ Estimated Value

11. List debt obligations, including maintenance, not listed in Section 10.A or 10.B above, identified as to name or names of obligor or obligors and obligees, balance due and rate at which payable; and, if secured, identify the encumbered property.

Debt Obligation	n Obligor Obligee		Balance Due	Payment Rate	Encumbered Property

12. List health insurance coverage and the right, pursuant to ERISA §§ 601-608, 29U.S.C. §§ 1161-1168 (1986), to continued coverage by the spouse who is not a member of the covered employee group.

Health Insurance	COBRA Continuation					
	Yes	No	Unknown			

SIGNATURE OF PERSON SUBMITTING THIS DRA (Under Oath)

/s/

VERIFICATION

State of _____, County of _____,

I swear or affirm under penalty of perjury that this affidavit and attached schedules are true and complete.

/s/

Subscribed and sworn this _____day of ______, 20____.

/s/ Notary Public My Appointment Expires:

IN THE 18TH JUDICIAL DISTRICT, DISTRICT COURT SEDGWICK COUNTY, KANSAS FAMILY LAW DEPARTMENT

IN THE MATTER OF THE MARRIAGE OF

and

Case No. _____

Pursuant to K.S.A. Chapter 23

ENTRY OF APPEARANCE AND WAIVER OF SERVICE

COMES NOW the Respondent and voluntarily enters an appearance in this action. Respondent states that service of summons is waived and that Respondent acknowledges receipt of the Petition filed in this case, together with a copy of the proposed Decree of Annulment. Respondent agrees that this annulment action may be heard by the Court without any further notification to Respondent.

> Respondent's signature (Must be signed in presence of notary)

(Please print): Street Address:_____ City, State, ZIP:_____ Telephone number:_____

ACKNOWLEDGEMENT

STATE OF KANSAS) COUNTY OF SEDGWICK) ss.

BE IT REMEMBERED that on this ______ day of ______, 20____, before me, a Notary Public, in and for said county and state, personally appeared the Respondent in this action, known by me to be the identical person who executed the foregoing instrument and acknowledged to me that he/she executed same as a voluntary act and deed for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have set my hand and affixed my seal, the day and year last written.

Notary Public My appointment expires:



Entry/ Waiver of Service 1

IN THE EIGHTEENTH JUDICIAL DISTRICT DISTRICT COURT, SEDGWICK COUNTY, KANSAS FAMILY LAW DEPARTMENT IN THE MATTER OF THE MARRIAGE OF

And

Case No.

Respondent.

Petitioner.

PURSUANT TO CHAPTER 23 OF KANSAS STATUTES ANNOTATED

TEMPORARY ORDER

NOW on this _______day of _______, comes the Petitioner,, and hereby requests that the Court issue proper orders so that Petitioner and Respondent. Petitioner and Respondent may temporarily live separate and apart from each other and make orderly provisions for the period of time until dismissal of this action, further order of this Court, or trial of this case. After reviewing the Court file and hearing statements of counsel, the Court orders, adjudges, and decrees:

I.

SPOUSAL MAINTENANCE

_____Neither party shall pay spousal maintenance to the other.

_____During the temporary period \Box Petitioner \Box Respondent shall pay to \Box Petitioner

□ Respondent Temporary Spousal Maintenance, the sum of \$_____ per month on the first day of the month.

Temp Order 1

II.

ADDRESS FOR PAYMENTS AND ROLE OF COURT TRUSTEE

The address for any spousal maintenance payments is as follows:

Kansas Payment Center Post Office Box 758599 Topeka, Kansas 66675-8599

The SG and the case number shown at the top of the first page of this order shall be placed on all checks or money orders and said checks or money orders shall be payable to Kansas Payment Center.

The Kansas Payment Center shall forward said payments to \Box Petitioner \Box Respondent at ______. It shall be the responsibility of the recipient to inform the Kansas Payment Center of any change in address. The spousal maintenance payments shall not be subject to a Court Trustee fee.

III.

COLLECTION OF UNPAID SUPPORT

Should either party fail to be current with the any spousal maintenance obligations as set out herein so that there is an arrearage in an amount equal to or greater than the amount of support payable for one month, or two months if only spousal support is ordered, an income withholding order shall be issued by the Court upon proper application. The income withholding order shall require any payor of income to the party in arrearage to withhold income from each pay period in the necessary and lawful amounts to pay the current support obligation and to reduce the accrued arrearage. The above orders for support may be enforced by garnishment, unless the wife requests a hearing to contest the issuance of an order of garnishment within five (5) days after the service of the within order of support upon wife.

IV.

RESIDENCE

- a. \Box The parties are already separated.
- b. □Petitioner □ Respondent shall have the temporary possession of the residence located at______, and the other

party has already vacated the residence. $\boldsymbol{O}\boldsymbol{R}$

- c. Upon service of process, the □Petitioner □ Respondent shall have temporary possession of the residence located at ______.
- d. \Box Petitioner \Box Respondent (vacating party) is given 48 hours from the time of service

of process, to vacate the above described residence with the personal property described in _____Below. \Box Petitioner \Box Respondent (vacating party) is hereby given notice that a return to said residence after the end of the 48 hour period, without the permission or upon the invitation of the party awarded the residence could be considered a Criminal Trespass under K.S.A. 21-3721, which could be prosecuted.

V.

PERSONAL PROPERTY

The Petitioner shall remain in temporary possession of the following items of property:

Their personal clothing, ornaments and effects now in his/her possession; the household goods and furnishings now in his/her possession; (vehicles):______.

The Respondent shall remain in temporary possession of the following items of property:

Their personal clothing, ornaments and effects now in his/her possession; the household goods and furnishings now in his/her possession; (vehicles):______.

VI.

DEBTS

 \Box The parties have no joint debt.

The Petitioner shall be temporarily responsible for the periodic payment of the following joint debts:

Any	debt	he/she	has	incurred	in	his/her	own	name;
Creditor:					\$	l		
Creditor:					\$	l		
Creditor:					\$	l		

The Respondent shall be temporarily responsible for the periodic payment of the following joint debts:

Any	debt	he/she	has	incurred	in	his/her	own	name;
Creditor:					\$			
Creditor:					\$			
Creditor:					\$			

Each party shall be responsible for individual debts and obligations incurred after the date the Petition

herein is filed.

VII.

RESTRAINT

The parties are jointly restrained and enjoined from molesting or interfering with the privacy or rights of each other in any manner. Furthermore, they are restrained from disposing or encumbering any property of the parties or of each of them without prior Court approval other than for reasonable living expenses or attorney fees. In addition, the parties are restrained and enjoined from canceling any utility services and/or deposits or canceling or modifying (including changing beneficiaries) of any existing pension benefits, medical, health, automobile, homeowner's or renter's, life, or disability insurance coverages involving any family members or their property.

VIII.

RECONCILIATION

In the event of a reconciliation of the parties before trial, Petitioner shall obtain from the Clerk of the District Court a Journal Entry of Dismissal (form available from Clerk) of this action, and sign it and file it with the Clerk of the District Court, at which time the case will be dismissed and all orders under this Temporary Order shall be suspended

IX. ENFORCEMENT

Nothing in this Temporary Order shall be construed as a final decision concerning the property or the rights of either party. The ultimate decision relating to all such matters will be made at the time of trial. This Temporary Order shall remain in effect until the trial of this case unless modified by the Court upon the motion of either party. **DISOBEDIENCE OF THIS ORDER OF THE COURT IS PUNISHABLE AS INDIRECT CONTEMPT OF COURT AND MAY BE PUNISHED BY CONFINEMENT IN JAIL.**

Temp Order 5

Rev. 8/2023

VIOLATION OF THIS ORDER MAY BE A CRIMINAL ACT PURSUANT TO K.S.A. 21-3843(a)(3)

1998 Supp.

X.

HEARING

Upon the filing of a motion to modify this temporary order or the notice of intent to appear, a hearing will be scheduled with the assigned judge.

JUDGE

APPROVED:

BY:_____ Petitioner

IN THE 18TH JUDICIAL DISTRICT, DISTRICT COURT SEDGWICK COUNTY, KANSAS FAMILY LAW DEPARTMENT

IN THE MATTER OF THE MARRIAGE OF

and

Case No. _____

Pursuant to K.S.A. Chapter 23

NOTICE OF INTENT TO APPEAR

This is to notify you that I intend to appear to seek modification of the Temporary Order at 9:30 am Monday on the_day of______, 20____, at the fourth floor of the Sedgwick County Courthouse, 525 North Main, Wichita, Kansas, for the following reason(s): (Check all that apply, much check at least one) pursuant to K.S.A. 10-207(b).

____SPOUSAL SUPPORT ____ PROPERTY DIVISION

____OTHER, PLEASE LIST _____

(Respondent)

Address

Telephone

Email

FILE ORIGINAL WITH CLERK OF THE DISTRICT COURT, 7TH FLOOR, SEDGWICK COUNTY COURTHOUSE, AND MAIL A COPY TO:

(NAME OF ATTORNEY FOR PETITIONER OR PETITIONER PRO SE)

(ADDRESS)

CERTIFICATE OF SERVICE

I hereby certify that on the _____ day of_____, 20___, I mailed a copy of the above Notice of Intent to Appear to the Attorney or Petitioner Pro Se named above at the address given above by Certified Mail—Return Receipt Requested.

Respondent (Signature)

IN THE EIGHTEENTH JUDICIAL DISTRICT DISTRICT COURT, SEDGWICK COUNTY, KANSAS FAMILY LAW DEPARTMENT

	_	
Plaintiff (s	5)	
VS.		
	_	
	_	
Defendant (s	3)	CASENO.
	SUMMONS	
To the above-named Defendant: You are hereby summoned and required to serve upon		, plaintiff's attorney,
whose address is		, a pleading to the petition which
is herewith served upon you, within 20 days after service of this summons up the relief demanded in the petition. Your pleading must also be filed with the as a counterclaim any related claim which you may have against the plaintiff REASONABLE ACCOMMODATIONS WILL BE PROVIDED IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT	court. As provided in subsection (a) of K.S.A.	60-213, and amendments thereto, your answer must state uch claim in any other action.
	EAL	
Dated	By	, Deputy
RETURN	I ON SERVICE OF SUMMONS	
I hereby certify that I have served the within summons:		
[1] Persona a copy of the summons and a copy of the petition to each o	· · · <u> </u>	,,
[2] Residence Service. By leaving on the day of	,,	for each of the within-named defendants
a copy of the summons and a copy of the petition at the respective dwelling p therein.	place or usual place of abode of such defendan	ts with some person of suitable age and discretion residing
		_,,
a copy of the summons and a copy of the petition to eac	ch of the following agents authorized by appoin	tment or by law to receive service of process
[4] Residence Service and Mailing. By leaving a copy of the summons each of the following defendants a notice that such copy has been so left		
[5] Certified Mail Service. I hereby certify that I have served the within sum sum- mons and a copy of the petition in the above action as certified mail return receipt mailed as certified mail return receipt requested were as follows:	····	,, a copy of the s; (2) the name and address on the envelope containing the process
	Ву	
[6]	Certified Mail Service Refused. I hereby certif	y that on the
		, I mailed a copy of the summons and petition in the
above action by first-class mail, postage prepaid, addressed to		
[7] No Service. The following defendants were not found in this county:	Бу	
	Dated:	, 20
		Sheriff
1305-43 (Rev. 2/00)	Ву:	Deputy PS-1143

IN THE 18TH JUDICIAL DISTRICT, DISTRICT COURT SEDGWICK COUNTY, KANSAS FAMILY LAW DEPARTMENT

IN THE MATTER OF THE MARRIAGE OF

and

Case No. _____

Pursuant to K.S.A. Chapter 23

AFFIDAVIT OF PETITIONER

(Without minor children of this marriage)

STATE OF KANSAS

SEDGWICK COUNTY

I,_____, of lawful age, being first duly sworn on oath state:

- 1. That I am the Petitioner in the foregoing matter;
- 2. That I have read the Petition for Annulment and it is true and correct to the best of my belief and knowledge;

3. That the division of property and debt is fair just and equitable, and that in arriving at this decision I have taken into consideration the value of all assets, length of marriage, and source of property and debt;

- 4. That I am hereby requesting the Court approve the Property division provided therein;
- 5. That I hereby request the Court accept my testimony through this affidavit;
- 6. Further that I herein waive my right to a record.

FURTHER AFFIANT SAITH NAUGHT.

)) ss:

)

	Petitioner	
SUBSCRIBED AND SWORN to before me this_	day of	, 20
	Notary Public	
	My appointment expires:	



Final Pet Affidavit 1

IN THE 18th JUDICIAL DISTRICT DISTRICT COURT OF SEDGWICK COUNTY, KANSAS FAMILY LAW DEPARTMENT IN THE MATTER OF THE MARRIAGE OF

And

Case No. _____

Pursuant to K.S.A Chapter 23

TITLE TO REAL ESTATE Involved ____Yes____No

DECREE OF ANNULMENT WITHOUT CHILDREN

On this _____day of ______, 20 _____ this matter was heard by the court.

Petitioner is **present not present**. Respondent is **present not present**.

After considering the evidence presented, the court makes the following findings and orders.

- Residence. The
 Petitioner
 Respondent was an actual resident of Sedgwick County, Kansas for more than sixty (60) days before the filing of the petition.
- 2. Respondent. The court has jurisdiction over the Respondent because he/she :

□Was served by publication notice.

 \Box Appears in court.

□Was served petition by Sheriff.

□Was served petition by certified mail.

□Has signed and filed a voluntary entry of appearance and waiver of summons.

- 3. That more than twenty one days has passed since service of process was accomplished
- 4. Marriage. a. The parties were married on the _____day of ______, ____in

_____ and have been since that time and now are husband and

wife. OR

The parties were married at common law on the _____ day of _____, ___, in

- Military Service. The non-filing spouse □<u>is □ is not</u> now on active duty with the United States Military. If the non-filing spouse is on active duty, the requirements of the Service members Civil Relief Act (SCRA) □<u>have □haven't</u> been met.
- 6. Personal and Subject Matter Jurisdiction; Venue. The Court has personal jurisdiction over the parties and jurisdiction over the subject matter in this action. Venue has been properly placed.
- 7. An annulment is granted for the following reason(s):
 - a.____ Because the marriage is **void** for the reason that at the time of the marriage:
 - _____ One of the parties did not have the capacity to marry.
 - _____ One of the parties was under the influence of drugs or alcohol at the time of marriage.
 - _____ The marriage was induced by fraud.
 - b.____Because the marriage is **voidable** for the reason that at the time of the marriage:
 - _____The contract of marriage was induced by a mistake of fact.
 - _____The contract of marriage was induced by lack of knowledge of a material fact.
 - _____ Another other reason justifying recission of a contract of marriage.
- 8. Respondent and Petitioner have no minor children together. Neither party is pregnant.
- 9. Personal Property and Debt Divided:
 - a. □The parties have signed an agreement dividing all of their property and debts.
 The agreement is approved by the court. OR
 - b. □Respondent shall keep the following personal property: All personal property in their possession. Other: (attach list)
 - c. Petitioner shall keep the following personal property: All personal property in their possession. Other: (attach list)
 - d. \Box The parties have no joint debts. **OR**
 - e. \Box Respondent shall be responsible for the following debts:

Any	debt	he/she	has	incurred in		his/her	own	name;
Credito	or:					\$_		
Credito	or:					\$_		
Credito	or:					\$_		

f. □Petitioner shall be responsible for the following debts:

Any	debt	he/she	has	incurred	in	his/her	own	name;
Credito	or:					\$_		
Credito	or:					\$_		
Credito	or:					\$_		

10. Real Property: Upon the filing of the Decree of Annulment with the Clerk of the District Court, all Right Title and Interest in the Real Property described below will transfer to the _____ Petitioner____ Respondent:
Street Address including City:_____ Legal Description:

with a value of \$______. For all out of county real estate, the parties are ordered to file a certified copy of this Decree of Annulment in each county were the real property is located. **NOTICE** The transfer of real property does not relieve the non-possessing on any mortgage they are cosigners because the lender is not a party to this proceeding.

- 11. Insurance Policies. Any designation previously made by Respondent or Petitioner that names the other as a beneficiary of any individual or group life insurance or annuity policy, trust instrument, transfer-on-death account, or payable-on-death account, is terminated and may be renewed only by designation made after entry of this decree. Respondent and Petitioner shall make any necessary changes to beneficiary designations by filing the changes according to the terms of the policy, trust or account.
- 12. Spousal Maintenance: DNeither party will pay spousal maintenance to the other.

OR

 \Box Petitioner \Box Respondent will pay spousal maintenance of \$_____ (Enter Dollar Amount) to \Box Petitioner \Box Respondent, on the first day of each month beginning

_____(mo/day/yr). Spousal maintenance payments shall be subject to an Income Withholding Order and all spousal maintenance shall be paid through the Kansas Payment Center, Box 758599, Topeka, Kansas, 66675-8599. **Include SG and case** **number on any payment**. Spousal maintenance payments shall not be subject to a Court Trustee Fee.

Spousal maintenance will end on the first of the following events to occur:

- a. the death of either party;
- b. the remarriage of the recipient;
- c. the cohabitation (as defined by the then-current Kansas law) of the spouse receiving spousal support with a non-relative adult (regardless of gender) in a marriage-like relationship. The spouse receiving spousal support living together in a marriage-like relationship with an adult non-relative regardless of gender (for purposes of this provision a civil union or same-sex marriage obtained in a jurisdiction providing for such an arrangement) shall be considered evidence of living together); or
- d. on the following date: _____(month/day/year.) No more than 121 months of spousal maintenance can be awarded.
- 13. An income withholding order shall be issued immediately for the spousal maintenance herein. The office of the District Court Trustee shall immediately prepare the income withholding order, notice and answer forms for filing and service to the obligor's payor of income. Each party shall inform the Clerk of the District Court, in writing of any change of name, residence address and employer business address within seven (7) days of a change.
- 14. \Box Petitioner \Box Respondent shall be restored to the former name of:
- 15. That upon the filing of this Decree of Annulment the marriage of the parties is annulled and held for naught.
- 16. Both parties are prohibited from remarriage for thirty (30) following the date of filing of this decree.

IT IS SO ORDERED.

Judge of the District Court

Petitioner:

Respondent:

CERTIFICATE OF DIVORCE OR ANNULMENT

CASE NUMBER

1. HUSBAND'S NAME (First,	Middle, Last)							2. DATE C	F BIRTH (Month, Day, Year)
3. RESIDENCE-STATE					4. COUNTY				
5. WIFE'S NAME (First, Middl	le, Last)					6. WIFE'S L	AST NAME PRIC	OR TO FIRST MAR	RIAGE
7. DATE OF BIRTH (Month, D	Day, Year)	8. RESIDENCE	E-STATE			9. COUNTY			
10. PLACE OF THIS MARRIAG OR FOREIGN COUNTRY	E - STATE	11. COUNTY			ATE OF THIS I Ionth, Day, Ye			BER OF CHILDRE ISEHOLD AS OF D	N UNDER 18 IN THIS ATE IN ITEM 17
14. PETITIONER Husband Wife		Other (Speci				15. NAME C	F PETITIONER'S	S ATTORNEY (Typ	e)
16. ATTORNEY'S ADDRESS ((Street and Numb	er or Rural Rout	e, City or Town, Stat	te, Zip C	ode)				
17. DATE DECREE FILED (Month, Day, Year)		Divorc				Y OF DECREE		(Month, Day,	BY STATE REGISTRAR Year)
K.S.A. 65-24228, REQUIRES THE SOCIAL AND REHABILITATION SI	DIVORCE REPO	RT TO INCLUDE		RITY NU	IMBER OF BO	TH PARTIES TO	MAKE SUCH IN	FORMATION AVAIL	ABLE TO THE SECRETARY OF
21. HUSBAND'S SOCIAL SEC	URITY NUMBER				22. WIFE'S	SOCIAL SEC	URITY NUMBER		
23. NUMBER OF THIS MARRIA Second, etc. (Specify below		By Death, Di	vorce, or Annulment			SLY MARRIED	, LAST MARRIAG		
23a. HUSBAND		24a. HUSBA	ND				24b. HUSBANI	C	
23b. WIFE		24c. WIFE					24d. WIFE		
25. HISPANIC ORIGIN (Check t describes whether you are Check the "no" box if you a Latino.)	Spanish, Hispani	c, or Latino.			(Check one or more boxes to indicate what ra HUSBAND			26b. WIFE	
25a. HUSBAND	25b. WIFE		White Black or		Korean Vietnamese Other Asian (Specify)		White Black		Korean Vietnamese
No, not Spanish/ Hispanic/Latino Yes, Mexican/Mexican	,	atino an/Mexican	African Americ American India Alaska Native (Name of the e	an or			Americ Alaska	a American can Indian or Native of the enrolled)	Other Asian (Specify)
American/Chicano Yes, Puerto Rican	American/0 Yes, Puerto		or principal trib					cipal tribes)	
Yes, Cuban	Yes, Cubar	n			Native H	lawaiian	_		Native Hawaiian
Yes, Central American		al American	Asian Indian		Guamar	nian or Chamor	rro Asian I	ndian	Guamanian or Chamorro
Yes, South American Yes, other Spanish/	Yes, South Yes, other		Chinese		Samoan	1	Chines	se .	Samoan
Hispanic/Latino (Specify)		atino (Specify)	Filipino Japanese		Other Pa (Specify	acific Islander)	Filipino		Other Pacific Islander (Specify)
Unknown	Unknown		Other (Specify	1)			Other	(Specify)	
					Unknow	n			Unknown
27. EDUCATION (Check the bo		-	degree or level of sc	chool con		- 401 · · ·		112-31	
27a. HUSBAND'S EDUCATION Unknown	Some	de or less College credit, b 's dearee (e.a., l	ut no degree MA, MS, MEng, MEc	. MSW	As	-	e (e.g., AA, AS)	Bachelor's	l graduate or GED degree (e.g., BA, AB,BS) e.g., MD, DDS, DVM, LLB, JD)
27b. WIFE'S EDUCATION		de or less	,,	, 2 ,		h - 12th grade;			I graduate or GED
Unknown		College credit, b 's degree (e.g., I	ut no degree MA, MS, MEng, MEc	i, MSW,		-	e (e.g., AA, AS) PhD. EdD) or Pro		degree (e.g., BA, AB, BS) e.g., MD, DDS, DVM, LLB, JD)