

Filing fee: Complaint \$90.75 Praeipce to Transmit the Record \$9.00

Cash or Money Order payable to Cameron County

Cameron County residents only can ask the Court to waive the filing fees through the Petition to Proceed in Forma Pauperis. You must fill out the forms and send them in with the divorce complaint. The Judge will decide if you can afford to pay based on your income. If the Judge denies your petition, you will have to pay the filing fees before the Prothonotary can file anymore divorce papers.

DIRECTIONS FOR 3301 D DIVORCE

(1 YEAR SEPARATION)

You must be separated 1 year or more to file this divorce

READ THESE INSTRUCTIONS CAREFULLY AND LOOK OVER THE FORMS BEFORE YOU START FILLING OUT THE PAPERS. RECOMMEND THE USE OF BLUE INK FOR VERIFICATION OF ORIGINAL DOCUMENTS.

DO NOT SIGN AND SEND ALL THE PAPERWORK AT ONE TIME

THEY WILL BE RETURNED

COURTHOUSE EMPLOYEES CANNOT GIVE YOU LEGAL ADVICE

If you are not from Cameron County or wish to file by mail please do so at the address below, also remember to send one original document and two copies of everything you file. The copies will be returned to you for you and your spouse's records. You will need these copies to fill in the dates on the Praeipce to Transmit the Record. Send stamped addressed envelopes to return these documents.

Cameron County Courthouse

Attn: Prothonotary

20 East 5th Street

Emporium, PA 15834

If you have Child custody, property or money disagreements with your spouse, you should talk to a lawyer, before filing these documents

EFFECTIVE January 1, 2019 – claims for child support, spousal support and alimony pendente lite cannot be included in the filing of a divorce complaint. These claims must be raised by filing with your local Domestic Relations Office.

We cannot file Marriage Settlement Agreements or QDRO's with the enclosed divorce documents, they must be presented in the correct format for our Judge and we ask you seek legal advice for this procedure. These divorce documents are for a divorce only.

1. If you are the person starting the divorce and filing for the divorce, you are the Plaintiff and your spouse is the Defendant. You will be responsible for taking care of processing the paperwork and getting it to the Courthouse. You or your spouse must have lived in PA for the past 6 months. You must know the address of the Defendant so the Defendant can be mailed a copy of the divorce complaint and other papers. If you do not know the Defendant's address, you should speak with an attorney to learn your options.
2. Print clearly, make sure your names are spelled correctly, also use middle names or middle initials. Make sure you sign and date all forms on the lines for the Plaintiff.
3. Fill out the following documents:

Notice to Defend and Claim Rights (page -1-)

Complaint for Divorce 3301(d) (page -2-)

Affidavit under Section 3301(d) of the Divorce Code (page -3-)

Affidavit of Non-Military Service (page -4-)

Fill in all the blanks of these documents as best you can, make 2 copies of these pages. Send the original and both copies to the Courthouse with a self-addressed stamped envelope; we must have the original you filled out and both copies. We will return the copies with a dated stamp on the side, this is your date of filing. There will also be a case number, please use this number on all divorce documents. Once you receive your stamped copies back from the Courthouse you must mail the copies and include Counter-Affidavit under Section 3301(d) (page 7a-b) and Acceptance of Service (page -6-) (if you do not do the Certified mail) to the defendant as soon as possible. Service can be done two ways, by certified mail or acceptance of service.

4. Certified mail: Go to the post office ask for certified mail, return receipt you will need the defendant's address and need to fill out the green card that the post office provides. The green card must be marked in #3 Service Type: Certified Mail Restricted Delivery and Signature Confirmation Restricted Delivery. Write in big letters beside the green card **RESTRICTED DELIVERY**. Only the defendant can sign for these papers and it **MUST be dated**. Put your address on this card so it comes back to you. An Affidavit of Service (page -5-) must be filled out and the signed green card attached. These must be filed with our Courthouse within 10 days of the date signed by the defendant on the green card.

OR YOU CAN DO THIS

Acceptance of Service: The Acceptance of Service (page -6-) can be mailed with the Complaint for Divorce. Fill out the top with the names and case number. Have the defendant sign and date then return to you, you will have to sign the service document also. You will need to send the original and any copies for your files to us with a return envelope. We will return the documents, these returned documents will help you fill out the final paperwork for the Judge (Praecipe to Transmit the Record).

5. You must wait a minimum of 20 days after service to proceed with the divorce. After 20 days have passed since the defendant received the Complaint for Divorce, as noted on the service document, you must mail the Defendant:

Notice of Intention to Request Entry of Divorce Decree (page -8-) fill in the blanks, date will be 20 days after the date you mail to defendant. Make a copy to send to the Courthouse for filing. OR YOU CAN SKIP THIS AND DO THE NEXT STEP (one or the other both not necessary.)

Waiver of Notice of Intention to Request Entry of a Divorce Decree (page -10- have defendant sign and return to you)

6. Once you receive back the Waiver of Notice of Intention to Request Entry of a Divorce Decree from the defendant you also must fill one out. (Plaintiff's Waiver of Notice of Intention to Request Entry of a Divorce Decree page -9-) Fill out the Praecipe to Transmit the Record (page -11a-b) using the time

stamped copies of the documents we returned. This document is for 2 different kinds of divorces, answer the questions relating to 3301(d).

Please return all the completed documents:

Plaintiff and Defendants Waiver of Notice of Intention to Request Entry of a Divorce Decree (page 9-10) if page 8 was not done
Defendant's Counter-Affidavit (if it was signed) (page 7a-b)
Copy of the Notice of Intention to Request Entry of Divorce Decree (page 8)
Praecipe to Transmit the Record (page 11a-b)
Divorce Decree (fill in names and case number only)
\$9.00 money order if you did not pay that when you filed.
Self-addressed stamp envelopes for each party

We also have an Affidavit to Retake Maiden Name Form, if requesting this there is an additional \$10. Fee. Fill this out and return anytime.

Barring any issues your final Decree in Divorce will be mailed to you in 2-4 weeks. Only the Plaintiff will receive a certified decree, other certified copies are \$10.00 each.

IN THE COURT OF COMMON PLEAS OF THE FIFTY-NINTH
JUDICIAL DISTRICT OF PENNSYLVANIA

Plaintiff	*	County Branch - Cameron
	*	
vs.	*	Civil Action - Law
	*	
Defendant	*	No.

NOTICE TO DEFEND AND CLAIM RIGHTS

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take prompt action. You are warned that if you fail to do so, the case may proceed without you and a decree in divorce or annulment may be entered against you by the court. A judgment may also be entered against you for any other claim or relief requested in these papers by the plaintiff. You may lose money or property or other rights important to you, including custody or visitation of your children.

When the ground for the divorce is indignities or irretrievable breakdown of the marriage, you may request marriage counseling. A list of marriage counselors is available in the Office of the Prothonotary at the

Cameron County Courthouse
20 E. 5th Street, Emporium, PA 15834
(814) 486-3349

IF YOU DO NOT FILE A CLAIM FOR ALIMONY, DIVISION OF PROPERTY, LAWYER'S FEES OR EXPENSES BEFORE A DIVORCE OR ANNULMENT IS GRANTED, YOU MAY LOSE THE RIGHT TO CLAIM ANY OF THEM. YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Prothonotary's Office
Cameron County Courthouse
20 E. 5th Street, Emporium, PA 15834
(814) 486-3349

IN THE COURT OF COMMON PLEAS OF THE FIFTY-NINTH
JUDICIAL DISTRICT OF PENNSYLVANIA

Plaintiff * COUNTY BRANCH ELK/CAMERON
*
vs. * CIVIL ACTION - LAW
*

Defendant * NO.

COMPLAINT FOR DIVORCE 3301(d)

1. Plaintiff is _____ who currently
resides at _____ since _____.
First Name Middle Initial Last Name
Street Town County
State Zip Date
2. Defendant is _____ who currently
resides at _____ since _____.
First Name Middle Initial Last Name
Street Town County
State Zip Date
3. _____ (Plaintiff and/or defendant)
has/have been a bona fide resident(s) in the Commonwealth for at
least six (6) months previous to the filing of this Complaint.
4. The plaintiff and defendant were married on _____
at _____
Date
Town County State
5. There have been no prior actions of divorce or for annulment
between the parties except _____.
6. The marriage is irretrievably broken.
7. Plaintiff has been advised that counseling is available and that
plaintiff may have the right to request that the court require the
parties to participate in counseling.
8. Plaintiff requests the court to enter a decree of divorce.

I verify that the statements made in this Complaint are true and
correct. I understand that false statements herein are made subject
to the penalties of 18 Pa.C.S.A. 4904 relating to unsworn falsification
to authorities.

Date: _____

Plaintiff's signature

IN THE COURT OF COMMON PLEAS OF THE FIFTY-NINTH
JUDICIAL DISTRICT OF PENNSYLVANIA

_____	*	COUNTY BRANCH - ELK/ CAMERON
Plaintiff	*	
	*	
vs.	*	CIVIL ACTION - LAW
	*	
_____	*	
Defendant	*	NO.

NOTICE

If you wish to deny any of the statements set forth in this Affidavit, you must file a Counter-Affidavit within twenty (20) days after this Affidavit has been served on you, or the statements will be admitted.

**AFFIDAVIT UNDER SECTION 3301(d)
OF THE DIVORCE CODE**

1. The parties to this action separated on _____.
2. The parties have continued to live separate and apart for a period of at least one year.
3. The marriage is irretrievably broken.
4. I understand that I may lose rights concerning alimony, division of property, lawyer's fees or expenses if I do not claim them before a divorce is granted.

I verify that the statements in this document are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

Date: _____

(PLAINTIFF)

IN THE COURT OF COMMON PLEAS OF THE FIFTY-NINTH
JUDICIAL DISTRICT OF PENNSYLVANIA

Plaintiff

vs.

Defendant

* COUNTY BRANCH – ELK/CAMERON
*
*
* CIVIL ACTION – LAW
*
*
* NO.

AFFIDAVIT OF NON-MILITARY SERVICE

I, _____, state that I know of my own
Plaintiff's name
knowledge that the Defendant, _____, is not in the
Defendant's name
military service as defined in the Soldiers' & Sailors' Relief Act of 1940 and its
amendments thereto, to the following reasons:

Plaintiff further says that the obligation sought to be enforced in this suit is
not an obligation against a surety, guarantor, endorser, or other person liable,
primarily or secondarily for a party in the military service.

Plaintiff's signature

I verify that the statements made in this Affidavit are true and correct. I
understand that false statements herein are made subject to the penalties of 18
Pa.C.S.A. 4904 relating to unsworn falsification to authorities.

Date: _____

Plaintiff's Signature

IN THE COURT OF COMMON PLEAS OF THE FIFTY-NINTH
JUDICIAL DISTRICT OF PENNSYLVANIA – CAMERON COUNTY

	:	County of Cameron
Plaintiff	:	
	:	Civil Action – Law
Vs.	:	
	:	Case No.
	:	
Defendant	:	

ACCEPTANCE OF SERVICE – 3301(D)

TO THE PROTHONOTARY:

I, Defendant in this divorce action, hereby accept service of a true and correct Complaint in Divorce and Affidavit of Separation filed in the above captioned matter.

I further acknowledge that I have received a true and correct copy of the Notice to Defend and Claim Rights, and that I was advised of my right to obtain marriage counseling should I so desire.

Both Plaintiff and Defendant hereby waive the service requirement of the complaint and the filing of service requirement in accordance with P.R.C.P. 1003 and further agree to waive any venue requirements under P.R.C.P. 1920.2 and agree to the entry of a divorce decree by the Court of Common Pleas of the 59th Judicial District of Pennsylvania, County Branch of Cameron.

I verify that the statements made in this Acceptance of Service are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. 4904 relating to unsworn falsification to authorities.

Date: _____

Defendant

Plaintiff

IN THE COURT OF COMMON PLEAS OF THE FIFTY-NINTH
JUDICIAL DISTRICT OF PENNSYLVANIA

_____	*	COUNTY BRANCH – ELK/CAMERON
Plaintiff	*	
	*	
vs.	*	CIVIL ACTION – LAW
	*	
_____	*	NO.
Defendant		

AFFIDAVIT OF SERVICE

I, _____, served a true and correct copy of
(Plaintiff)
the Divorce Complaint filed in this matter by certified/registered mail, return
receipt requested, addressee only (restricted delivery) to the Defendant and by
regular mail at _____
(Defendant's address)
on _____). The return receipt signed by the
(date) Defendant is evidence of delivery to him/her and is attached hereto OR the
regular mail has not been returned and more than 15 days have passed since
the mailing of the same and the certified/registered mail was refused.

Plaintiff's Signature

I verify that the statements made in this Affidavit are true and correct. I
understand that false statements herein are made subject to the penalties of 18
Pa.C.S.A. 4904 relating to unsworn falsification to authorities.

Date: _____

Plaintiff's Signature

IN THE COURT OF COMMON PLEAS OF THE FIFTY-NINTH
JUDICIAL DISTRICT OF PENNSYLVANIA

_____	*	COUNTY BRANCH ELK/CAMERON
Plaintiff	*	
	*	
vs.	*	CIVIL ACTION - LAW
	*	
_____	*	
Defendant	*	NO.

COUNTER-AFFIDAVIT UNDER SECTION 3301(d)
OF THE DIVORCE CODE

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

_____ (a) I do not oppose the entry of a divorce decree.

_____ (b) I oppose the entry of a divorce decree because (check (i), (ii),
(iii) or all:

_____ (i) the parties to this action have not lived separate and apart
for a period of at least two (2) years.

_____ (ii) the marriage is not irretrievably broken.

_____ (iii) there are economic claims pending.

2. Check (a), (b) or (c):

_____ (a) I do not wish to make any claims for economic relief. I
understand that I may lose rights concerning alimony, division of property,
lawyer's fees or expenses if I do not claim them before a divorce is
granted.

_____ (b) I wish to claim economic relief, which may include alimony,
division of property, lawyer's fees or other important rights.

I UNDERSTAND THAT IN ADDITION TO CHECKING (B) ABOVE, I
MUST ALSO FILE ALL OF MY ECONOMIC CLAIMS WITH THE
PROTHONOTARY IN WRITING AND SERVE THEM ON THE OTHER
PARTY. IF I FAIL TO DO SO BEFORE THE DATE SET FORTH ON THE
NOTICE OF INTENTION TO REQUEST DIVORCE DECREE, THE
DIVORCE DECREE MAY BE ENTERED WITHOUT FURTHER NOTICE

TO ME, AND I SHALL BE UNABLE THEREAFTER TO FILE ANY ECONOMIC CLAIMS.

____ (c) Economic claims have been raised and are not resolved.

I verify that the statements made in this counter-affidavit are true and correct. I understand that false statements are made subject to the penalties of 18 Pa.C.S.A. 4904 relating to unsworn falsification to authorities.

Date: _____

Defendant's signature

NOTICE

IF YOU DO NOT WISH TO OPPOSE THE ENTRY OF A DIVORCE DECREE AND YOU DO NOT WISH TO MAKE ANY CLAIM FOR ECONOMIC RELIEF, YOU SHOULD NOT FILE THIS COUNTER-AFFIDAVIT.

IN THE COURT OF COMMON PLEAS OF THE FIFTY-NINTH
JUDICIAL DISTRICT OF PENNSYLVANIA

_____	*	COUNTY BRANCH ELK/CAMERON
Plaintiff	*	
	*	
vs.	*	CIVIL ACTION - LAW
	*	
_____	*	
Defendant	*	NO.

NOTICE OF INTENTION TO REQUEST ENTRY
OF 3301(d) DIVORCE DECREE

TO: _____
Defendant

You have been sued in an action for divorce. You have failed to answer the complaint or file a counter-affidavit to the 3301(d) affidavit. Therefore, on or after _____, 2_____, the other party can request the court to enter a final decree in divorce.

If you do not file with the Prothonotary of the court an answer with your signature notarized or verified or a counter-affidavit by the above date, the court can enter a final decree in divorce. A counter-affidavit which you may file with the Prothonotary of the court is attached to this notice.

Unless you have already file with the court a written claim for economic relief, you must do so by the above date or the court may grant the divorce and you will lose forever the right to ask for economic relief. The filing of the form counter-affidavit alone does not protect your economic claims.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Prothonotary's Office
CAMERON COUNTY COURTHOUSE
20 EAST 5TH STREET, EMPORIUM, PA 15834
(814) 486-3349

IN THE COURT OF COMMON PLEAS OF THE FIFTY-NINTH
JUDICIAL DISTRICT OF PENNSYLVANIA

_____	*	COUNTY BRANCH ELK/CAMERON
Plaintiff	*	
	*	
vs.	*	CIVIL ACTION - LAW
	*	
_____	*	
Defendant	*	NO.

PLAINTIFF'S WAIVER OF NOTICE OF INTENTION
TO REQUEST ENTRY OF A DIVORCE DECREE

1. I consent to the entry of a final decree of divorce without notice.
2. I understand that I may lose rights concerning alimony, division of property, lawyer's fees or expenses if I do not claim them before a divorce is granted.
3. I understand that I will not be divorced until a divorce decree is entered by the Court and that a copy of the decree will be sent to me immediately after it is filed with the Prothonotary.

I verify that the statements made in this Complaint are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S.A. 4904 relating to unsworn falsification to authorities.

Date: _____

Plaintiff's signature

IN THE COURT OF COMMON PLEAS OF THE FIFTY-NINTH
JUDICIAL DISTRICT OF PENNSYLVANIA

_____	*	COUNTY BRANCH ELK/CAMERON
Plaintiff	*	
	*	
vs.	*	CIVIL ACTION - LAW
	*	
_____	*	
Defendant	*	NO.

DEFENDANT'S WAIVER OF NOTICE OF INTENTION
TO REQUEST ENTRY OF A DIVORCE DECREE

1. I consent to the entry of a final decree of divorce without notice.
2. I understand that I may lose rights concerning alimony, division of property, lawyer's fees or expenses if I do not claim them before a divorce is granted.
3. I understand that I will not be divorced until a divorce decree is entered by the Court and that a copy of the decree will be sent to me immediately after it is filed with the Prothonotary.

I verify that the statements made in this Complaint are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S.A. 4904 relating to unsworn falsification to authorities.

Date: _____

Defendant's signature

IN THE COURT OF COMMON PLEAS OF THE FIFTY-NINTH
JUDICIAL DISTRICT OF PENNSYLVANIA

COUNTY BRANCH – CAMERON

PLAINTIFF

CIVIL ACTION – LAW

VS.

CASE NO.

DEFENDANT

PRAECIPE TO TRANSMIT THE RECORD

To the Prothonotary:

Transmit the record, together with the following information, to the court for entry of a divorce decree:

1. Section 3301(C) of the Divorce Code (mutual consent)
 Section 3301(D) of the Divorce Code (one-year separation)

2. (a) Date complaint filed: _____
(b) Date of service of the Complaint for Divorce: _____
(c) If service is over 30 days,
date Complaint was reinstated: _____
date Complaint was Amended: _____

(d) Manner of service of the Complaint in Divorce: (check one)
 Acceptance of Service
 Certified mail, restricted delivery to and return receipt signed by defendant and hereto attached.
 First-class mail-not returned, certified mail refused, 15 days have elapsed
 Affidavit of Service by Sheriff or Personal service.

Complete Section 3(a) if you filed a 3301(c) divorce (mutual consent):

3. (a) Affidavit of Consent required by Section 3301(c) of the Divorce Code:
Date consent signed by plaintiff _____
Date consent signed by defendant _____
Date plaintiff's consent was filed _____
Date defendant's consent was filed _____

Complete Section 3(b) if you filed a one-year separation divorce 3301(d):

- (b) Plaintiff's Affidavit Under Section 3301(d) of the Divorce Code:

Date of signature _____

Date of filing _____

Date of service upon the defendant _____

Manner of service _____

4. Related claims pending _____

5. (a) Date of service of the Notice of Intention to Request Entry of 3301(d) Divorce Decree, with copy attached: _____
Manner of Service _____

OR Date of filing the Waiver of Notice of Intention to Request Entry of a Divorce Decree **3301(d)**

Plaintiff _____

Defendant _____

- (b) Date of filing the Waiver of Notice of Intention to Request Entry of a Divorce Decree **3301(c)**

Plaintiff _____

Defendant _____

Plaintiff's signature

**IN THE COURT OF COMMON PLEAS OF THE
FIFTY-NINTH
JUDICIAL DISTRICT OF PENNSYLVANIA**

PLAINTIFF

vs.

DEFENDANT

COUNTY BRANCH-CAMERON

CIVIL ACTION – LAW

CASE NO. _____

DECREE IN DIVORCE

AND NOW, _____, IT IS ORDERED AND
DECREED that plaintiff and defendant are divorced from the bonds of
matrimony.

BY THE COURT:

SHAWN T. MCMAHON

PRESIDENT JUDGE

IN THE COURT OF COMMON PLEAS OF THE FIFTY-NINTH
JUDICIAL DISTRICT OF PENNSYLVANIA

Plaintiff * COUNTY BRANCH –
 *
 *
v. * CIVIL ACTION – LAW
 *
 *
Defendant * NO.

AFFIDAVIT OF INTENTION TO RETAKE MAIDEN (OR PRIOR) NAME

_____ (name), being duly sworn according to
law, deposes and says that a divorce action was filed on _____ (date)
in Elk/Cameron County in which she is the _____ (plaintiff or
defendant) in the above suit; that _____ (name) elects to retake
and hereafter use her maiden name (or prior name) _____
(name to be used) and therefore gives this written notice avowing said intention in
accordance with the provisions of 54 Pa.C.S.A. § 704(a).

Signature

To be known as: _____
(Print name to be known as)

(Sign name to be known as)