

Filing fee: Complaint ***90.75** Praecepte 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 3301D 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 BLUE INK.

DO NOT SIGN 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 Praecepte 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.

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 or your spouse must have lived in PA for the past six (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, use a BLUE ink pen, make sure your name and the Defendant's name are spelled correctly and 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
 - Complaint for Divorce 3301(d)
 - Affidavit under Section 3301(d)
 - Affidavit of Non-Military Service

Fill in all the blanks of these documents as best you can, make two (2) copies of these pages. Send all documents to the Courthouse with a stamped, address envelope; we must have the original you filled out and both copies. We will return the copies with a dated stamped on them, this is your date of filing. This will also be the date you will start counting to have the divorce served on the other party before 30 days are up. There will also be a case number, please use this number on all divorce documents.

If the defendant does not live in Pennsylvania, you have up to 90 days to make service.

4. Once you receive your stamped copies back from the Courthouse you must mail the copy of the Divorce Complaint and also include Counter-Affidavit under Section 3301(d) to the defendant within the 30 days of the date stamp. Service can be done two ways, by certified mail or acceptance of service.
5. Certified mail: Go to the post office and ask for certified mail, you will need the defendant's address and need to fill out the green card that the post office gives you. The green card must be marked in #3 Service Type: Certified Mail Restricted Delivery and Signature Confirmation Restricted Delivery. **Only the Defendant can sign for these papers and it must be dated.** Put your address on this card also so it comes back to you. This is what we show the Judge to prove you served the Complaint for Divorce.

Fill out the form Affidavit of Service and attach this green card to it, mail it to the office for filing.

Acceptance of Service: You can mail this with the Complaint for Divorce and if the defendant will fill it out and send it back to you this would work for service without doing it certified. Mail that original to the Courthouse and any copies you want for your records.

6. After twenty (20) days have passed since the defendant received the Complaint for Divorce, as noted on the Service document, you must mail the Defendant the Notice of Intention to Request Entry of Divorce Decree, Waiver of Notice of Intention To Request Entry of a Divorce Decree and another copy of the Counter-Affidavit by regular mail. The date on the Notice of Intention should be twenty (20) days ahead from the date you mail it. Make a copy of the Notice of Intention to mail to the Courthouse.
7. After the twenty (20) days have passed since you mailed the Notice of Intention and Counter-Affidavit to the Defendant, you can fill out the Praecipe to Transmit the Record and the top portion of the Decree in Divorce, the date will be filled in by the Judge. Mail these documents and any copies with the \$9.00 fee to the Courthouse, along with stamp addressed envelopes.
8. We also have an Affidavit of Intention to Retake Maiden Name Form, if so needed, this is an additional \$10. fee for certification.

Barring any issues your final Decree in Divorce will be mailed to you in 2-4 weeks

Only the Plaintiff will receive a certified copy of the decree, additional copies are \$10 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

vs.

Defendant

* COUNTY BRANCH ELK/CAMERON
*
*
* CIVIL ACTION - LAW
*
*
* 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

Plaintiff
vs.

Defendant

* COUNTY BRANCH - ELK/ CAMERON
*
*
* CIVIL ACTION - LAW
*
*
* 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. Check (a) or (b):
 (a) The date of separation was prior to December 5, 2016, and the parties have continued to live separate and apart for a period of at least two years.
 (b) The date of separation was on or after December 5, 2016, and 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) (DEFENDANT)

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.

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.

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**

PLAINTIFF

vs.

DEFENDANT

COUNTY BRANCH- CAMERON

CIVIL ACTION – LAW

CASE NUMBER: -----

ACCEPTANCE OF SERVICE AND WAIVER OF VENUE – SECTION 3301 (D) DIVORCE

I, the undersigned, Defendant herein, personally received and accepted service of a true and correct copy of the following:

**Complaint in Divorce under Section 3301(d) of the Divorce Code
Notice to Defend and Claim Rights
Affidavit Under 3301(d) of the Divorce Code
Affidavit of Non-Military Service**

on _____.
Date received

I have been informed that I have a constitutional right to trial by judge or jury in the county of my residence and that I expressly waive that right and that I personally agree to the jurisdiction of Cameron County.

TODAYS DATE

DEFENDANT

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

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. Grounds for divorce: (check one)

_____ Section 3301(c) of the Divorce Code (mutual consent)

_____ Section 3301(d) of the Divorce Code (two-year separation)

2. (a) Date complaint filed: _____

(b) Date of service of the complaint: _____

(c) If service 30 days after date of filing, date complaint
reinstated: _____

(d) Manner of service of the complaint: (check one)

_____ Certified mail, restricted delivery to and return receipt signed by
defendant

_____ First-class mail-not returned, certified mail refused, 15 days have
elapsed

_____ By publication pursuant to Order of Court (Copy of Order attached)

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

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 filed _____

Date defendant's consent filed _____

Complete Section 3(b) if you filed a two-year separation divorce:

- (b) Plaintiff's affidavit required by Section 3301(d) of the Divorce Code:

Date of execution: _____

Date of filing: _____

Date of service upon defendant: _____

Manner of service: _____

4. Related claims pending: _____

5. (a) Date of service of the notice of intention to file praecipe to transmit, a copy of which is attached: _____

Manner of service: _____

- (b) Date plaintiff's waiver of notice to file praecipe to transmit was filed with the Prothonotary: _____

Date defendant's waiver of notice to file praecipe to transmit was filed with the Prothonotary: _____

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.

DECREE IN DIVORCE

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

Any existing spousal support order shall hereafter be deemed an order for
alimony *pendente lite* if any economic claims remain pending.

BY THE COURT:

Richard A. Masson 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)