

Filing fee: Complaint \$90.75 Praecept 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 3301C Divorce

(Mutual Consent)

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 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 Praecept to Transmit the Record. Send stamped addressed envelopes to return these documents.

Cameron County Courthouse

Attn: Prothonotary

20 East 5th Street

Emporium, PA 15834

**** 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.**

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. Pull out the following documents:
 - Notice to Defend and Claim Rights
 - Complaint for Divorce 3301C
 - 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 3 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 stamp 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. There is also a case number, please use this number on all divorce documents.

4. Once you receive your stamped copies back you must mail a copy to the defendant within the 30 days of the date stamp. You will have only 30 days for defendants that are in PA and 90 days if the defendant is out of state. Service can be done two ways, by certified mail or acceptance of service.

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 mark 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. One or the other will do.

***** PROOF OF SERVICE (ACCEPTANCE OF SERVICE OR AFFIDAVIT OF SERVICE) MUST BE FILED WITHIN 10 DAYS OF DEFENDANT'S SIGNATURE. IF PAPERWORK IS NOT TIMELY FILED, IT WILL BE RETURNED**

Now you are on hold for 90 days.

5. Use the date that the defendant put on the green card from the post office or the date on the Acceptance of Service form as to when they received the Divorce Complaint, count 90 days, this is the date you can now sign the rest of the paperwork. You only have 30 days after signing to file them in our office.

Do not sign and date until after 90 days or they will be returned and delay the divorce.

6. Send the Defendant the Affidavit of Consent and Waiver of Notice of Intention to Request Entry of a Divorce Decree, have them signed, dated and returned to you.

Sign the Plaintiff's Affidavit of Consent and Waiver of Notice of Intention to Request Entry of a Divorce Decree.

Once you receive the paperwork from the defendant you can fill out the Praecipe to Transmit the Record.

This document is for two different kinds of divorces so only fill in the Section 3301C parts. Some of the file dates you will not know, leave blank and we will fill them in.

7. We also have an Affidavit of Intention to Retake Maiden Name Form if so needed, this is an additional \$10.00 fee for certification.

Send all the documents in for finalization with the Praecepto to Transmit the Record and \$9 money order

Plaintiff's Affidavit of Consent
Plaintiff's Waiver of Notice of Intention to Request Entry of a Divorce Decree.

Defendant's Affidavit of Consent
Defendant's Waiver of Notice of Intention to Request Entry of a Divorce Decree

Praecepto to Transmit the Record (filled out by Plaintiff)

3 – Decrees

self addressed, stamped envelopes for returning paperwork.

Only the Plaintiff will receive a certified copy of the divorce decree any additional copies are \$10 each.

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

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.

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

COUNTY BRANCH- CAMERON

vs.

CIVIL ACTION – LAW

DEFENDANT

CASE NUMBER: -----

ACCEPTANCE OF SERVICE - SECTION 3301(C) DIVORCE

I, _____, accepted service of the *Notice to Defend and Claim Rights,*
(Defendant)
Complaint for Divorce 3301C and Affidavit of Non-Military Service on _____, at
(Date received)

(Location/Address)

Today's 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.

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.

PLAINTIFF'S AFFIDAVIT OF CONSENT

1. A complaint in divorce under §3301(c) of the Divorce Code was filed on _____
Date
2. The marriage of the plaintiff and defendant is irretrievably broken and ninety (90) days have elapsed from the date of _____ service of the Complaint.
3. I consent to the entry of a final decree of divorce after service of notice of intention to request entry of the decree.

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 AFFIDAVIT OF CONSENT

1. A complaint in divorce under §3301(c) of the Divorce Code was filed on _____
Date
2. The marriage of the plaintiff and defendant is irretrievably broken and ninety (90) days have elapsed from the date of _____ service of the Complaint.
3. I consent to the entry of a final decree of divorce after service of notice of intention to request entry of the decree.

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.

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

	*	COUNTY BRANCH –
Plaintiff	*	
	*	
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)