

_____ ,	:	IN THE COURT OF COMMON PLEAS OF
Plaintiff	:	LYCOMING COUNTY, PENNSYLVANIA
	:	
vs.	:	CIVIL ACTION - LAW
	:	IN DIVORCE
_____ ,	:	
Defendant	:	NO. _____

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

1. The parties to this action separated on \_\_\_\_\_ (date).
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, costs and expenses, or other important rights if I do not claim them before a divorce is granted.

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. Section 4904, relating to unsworn falsification to authorities.

Respectfully submitted,

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of \_\_\_ Plaintiff \_\_\_ Defendant

\_\_\_\_\_, : IN THE COURT OF COMMON PLEAS OF  
 Plaintiff : LYCOMING COUNTY, PENNSYLVANIA  
 vs. : CIVIL ACTION - LAW  
 : IN DIVORCE  
 \_\_\_\_\_, :  
 Defendant : NO. \_\_\_\_\_

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

1. Check (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 any that apply:

\_\_\_\_\_ The parties to this action have not lived separate and apart for the required separation period: two years for parties who separated prior to December 5, 2016, and one year for parties who separated on or after December 5, 2016.

\_\_\_\_\_ The marriage is not irretrievably broken.

\_\_\_\_\_ 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, costs and expenses, or other important rights 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, costs and expenses, or other important rights.

I UNDERSTAND THAT IN ADDITION TO CHECKING 2(b), I MUST ALSO FILE ALL OF MY ECONOMIC CLAIMS 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 FILE THE PRAECIPE TO TRANSMIT RECORD, THE DIVORCE DECREE OR ORDER APPROVING GROUNDS FOR DIVORCE MAY BE ENTERED WITHOUT FURTHER NOTICE TO ME, AND I MAY 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 herein are made subject to the penalties of 18 Pa.C.S. Section 4904, relating to unsworn falsification to authorities.

Respectfully submitted,

Date: \_\_\_\_\_

\_\_\_\_\_  
 Signature of \_\_\_ Plaintiff \_\_\_ Defendant

**NOTICE: IF YOU DO NOT OPPOSE ENTRY OF A DIVORCE DECREE AND DO NOT WISH TO CLAIM ECONOMIC RELIEF, YOU SHOULD NOT FILE THIS COUNTER-AFFIDAVIT.**

_____	:	IN THE COURT OF COMMON PLEAS OF
Plaintiff	:	LYCOMING COUNTY, PENNSYLVANIA
	:	
vs.	:	CIVIL ACTION - LAW
	:	IN DIVORCE
	:	
_____	:	NO. _____
Defendant	:	

**AFFIDAVIT OF NON-MILITARY SERVICE**  
**PURSUANT TO Pa.R.C.P. 1920.46**

I, \_\_\_\_\_, say that I am the Plaintiff in the above-captioned matter; that I personally know that the Defendant is over the age of eighteen years, and that the Defendant is not in the military service or in any branch of the armed forces of the United States or its allies, or otherwise within the provisions of the Servicemember's Civil Relief Act, formerly the Soldiers' and Sailors' Civil Relief Act of Congress of 1940, and the amendments thereto.

I verify that the statements made in this Affidavit are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. Section 4904, relating to unsworn falsification to authorities.

Respectfully submitted,

Date: \_\_\_\_\_

\_\_\_\_\_  
Plaintiff's signature

_____	:	IN THE COURT OF COMMON PLEAS OF
Plaintiff	:	LYCOMING COUNTY, PENNSYLVANIA
	:	
vs.	:	CIVIL ACTION - LAW
	:	IN DIVORCE
_____	:	
Defendant	:	NO. _____

**ACCEPTANCE OF SERVICE**

\_\_\_\_\_ I accept service of \_\_\_ the Affidavit Under Section 3301(d) with blank Counter-Affidavit and \_\_\_ the Affidavit of Non-Military Service.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of \_\_\_ Plaintiff \_\_\_ Defendant

_____ ,	:	IN THE COURT OF COMMON PLEAS OF
Plaintiff	:	LYCOMING COUNTY, PENNSYLVANIA
	:	
vs.	:	CIVIL ACTION - LAW
	:	IN DIVORCE
_____ ,	:	
Defendant	:	NO. _____

**AFFIDAVIT OF SERVICE BY MAIL**

1. On \_\_\_\_\_ (date) I, \_\_\_\_\_, mailed a copy of \_\_\_ the Affidavit Under Section 3301(d) with blank Counter-Affidavit and \_\_\_ the Affidavit of Non-Military Service to the other party by certified mail, return receipt requested, restricted delivery at their last known address.

2. \_\_\_ On \_\_\_\_\_ (date) the other party received these documents. The certified mail return receipt signed by the other party is attached to this Affidavit.

\_\_\_ The other party refused to accept the certified mail. It has been at least 15 days since mailing and the regular mail has not been returned. The envelope showing their refusal is attached to this Affidavit.

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. Section 4904, relating to unsworn falsification to authorities.

Respectfully submitted,

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of \_\_\_ Plaintiff \_\_\_ Defendant

_____ ,	:	IN THE COURT OF COMMON PLEAS OF
Plaintiff	:	LYCOMING COUNTY, PENNSYLVANIA
	:	
vs.	:	CIVIL ACTION - LAW
	:	IN DIVORCE
_____ ,	:	
Defendant	:	NO. _____

**AFFIDAVIT OF PERSONAL SERVICE**

I, \_\_\_\_\_, hereby depose and say that I am 18 years or older and am not a party to the action, nor an employee or relative of a party.

On \_\_\_\_\_ (date) I personally served \_\_\_\_\_ with a copy of

\_\_\_\_\_ the Affidavit Under Section 3301(d) with blank Counter-Affidavit

\_\_\_\_\_ the Affidavit of Non-Military Service

by handing it to him or her.

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. Section 4904, relating to unsworn falsification to authorities.

Respectfully submitted,

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Person who Served Documents

_____, Plaintiff	:	IN THE COURT OF COMMON PLEAS OF
	:	LYCOMING COUNTY, PENNSYLVANIA
vs.	:	
	:	CIVIL ACTION - LAW
	:	IN DIVORCE
_____, Defendant	:	NO. _____

**NOTICE OF INTENTION TO FILE  
THE PRAECIPE TO TRANSMIT RECORD  
UNDER SECTION 3301(d) OF THE DIVORCE CODE**

To: \_\_\_\_\_

You have been sued in an action for Divorce. You have failed to answer the Complaint or file a counter-affidavit to the Affidavit Under Section 3301(d) of the Divorce Code. Therefore, on or after \_\_\_\_\_, the other party can request the court to enter a final decree in divorce or, if there are unresolved ancillary claims, an order approving grounds for divorce.

If you do not file an answer with your signature notarized or verified by the above date, the court can enter a final decree in divorce or, if there are unresolved ancillary claims, an order approving grounds for divorce.

Unless you have already filed with the court a written claim for economic relief, you must do so by the above date, or the court may grant the divorce or an order approving grounds for divorce, and you may 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.**

Pennsylvania Bar Association  
 Lawyer Referral Service  
 100 South Street (P.O. Box 186)  
 Harrisburg, PA 17108  
 (800) 692-7375

\_\_\_\_\_, : IN THE COURT OF COMMON PLEAS OF  
 Plaintiff : LYCOMING COUNTY, PENNSYLVANIA  
 vs. : CIVIL ACTION - LAW  
 : IN DIVORCE  
 \_\_\_\_\_, :  
 Defendant : NO. \_\_\_\_\_

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

1. Check (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 any that apply:

\_\_\_\_\_ The parties to this action have not lived separate and apart for the required separation period: two years for parties who separated prior to December 5, 2016, and one year for parties who separated on or after December 5, 2016.

\_\_\_\_\_ The marriage is not irretrievably broken.

\_\_\_\_\_ 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, costs and expenses, or other important rights 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, costs and expenses, or other important rights.

I UNDERSTAND THAT IN ADDITION TO CHECKING 2(b), I MUST ALSO FILE ALL OF MY ECONOMIC CLAIMS 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 FILE THE PRAECIPE TO TRANSMIT RECORD, THE DIVORCE DECREE OR ORDER APPROVING GROUNDS FOR DIVORCE MAY BE ENTERED WITHOUT FURTHER NOTICE TO ME, AND I MAY 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 herein are made subject to the penalties of 18 Pa.C.S. Section 4904, relating to unsworn falsification to authorities.

Respectfully submitted,

Date: \_\_\_\_\_

\_\_\_\_\_  
 Signature of \_\_\_ Plaintiff \_\_\_ Defendant

**NOTICE: IF YOU DO NOT OPPOSE ENTRY OF A DIVORCE DECREE AND DO NOT WISH TO CLAIM ECONOMIC RELIEF, YOU SHOULD NOT FILE THIS COUNTER-AFFIDAVIT.**



_____ ,	:	IN THE COURT OF COMMON PLEAS OF
Plaintiff	:	LYCOMING COUNTY, PENNSYLVANIA
	:	
vs.	:	CIVIL ACTION - LAW
	:	IN DIVORCE
_____ ,	:	
Defendant	:	NO. _____

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this date a true and correct copy of the following has/have been served by first class mail or as otherwise noted:

\_\_\_\_\_ Notice of Intention to File the Praecipe to Transmit Record Under Section 3301(c)(1) of the Divorce Code and blank Counter-Affidavit under Section 3301(c)(1)

\_\_\_\_\_ Affidavit under Section 3301(d) of the Divorce Code and blank Counter-Affidavit under Section 3301(d)

Method of Service (Document attached):

\_\_\_\_\_ Acceptance of Service

\_\_\_\_\_ Service by Mail

\_\_\_\_\_ Personal Service

\_\_\_\_\_ Affidavit of Non-Military Service

\_\_\_\_\_ Notice of Intention to File the Praecipe to Transmit Record Under Section 3301(d) of the Divorce Code and blank Counter-Affidavit under Section 3301(d)

The above documents were served to the following:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Respectfully submitted,

Date: \_\_\_\_\_

\_\_\_\_\_  
 Signature of \_\_\_ Plaintiff \_\_\_ Defendant

\_\_\_\_\_, : IN THE COURT OF COMMON PLEAS OF  
 Plaintiff : LYCOMING COUNTY, PENNSYLVANIA  
 :  
 vs. : CIVIL ACTION - LAW  
 : IN DIVORCE  
 :  
 \_\_\_\_\_, :  
 Defendant : NO. \_\_\_\_\_

**PRAECIPE TO TRANSMIT 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: irretrievable breakdown under:
  - \_\_\_\_\_ Section 3301(c)(1)
  - \_\_\_\_\_ Section 3301(d)
  
2. Service of the Complaint:
  - (a) Date served: \_\_\_\_\_.
  - (b) Manner of service: \_\_\_\_\_.
  
3. Complete either (a) or (b):
  - (a) Section 3301(c)(1) of the Divorce Code – Insert the date each party signed the Affidavit of Consent:
    - Plaintiff: \_\_\_\_\_
    - Defendant: \_\_\_\_\_
  - (b) Section 3301(d) of the Divorce Code:
    - (1) Date the Affidavit Under Section 3301(d) was signed: \_\_\_\_\_.
    - (2) Date the Affidavit Under Section 3301(d) was filed: \_\_\_\_\_.
    - Manner of service: \_\_\_\_\_.
  
4. Related ancillary claims pending: \_\_\_\_\_.
  
5. Complete either (a) or (b):
  - (a) Notice of Intention to File the Praecipe to Transmit Record:
    - (1) Date served: \_\_\_\_\_.
    - (2) Manner of Service: \_\_\_\_\_.
  - (b) Date of filing of the Waivers of Notice of Intention to File the Praecipe to Transmit Record:
    - (1) Plaintiff’s Waiver: \_\_\_\_\_.
    - (2) Defendant’s Waiver: \_\_\_\_\_.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of \_\_\_ Plaintiff \_\_\_ Defendant

_____	:	IN THE COURT OF COMMON PLEAS OF
Plaintiff	:	LYCOMING COUNTY, PENNSYLVANIA
	:	
vs.	:	CIVIL ACTION - LAW
	:	IN DIVORCE
_____	:	
Defendant	:	NO. _____

**DECREE OF DIVORCE**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_,

it is Ordered and Decreed that \_\_\_\_\_, Plaintiff, and  
 \_\_\_\_\_, Defendant, are divorced from the bonds of matrimony.

BY THE COURT,

\_\_\_\_\_  
 Judge