

IN THE CHANCERY COURT OF _____ COUNTY, MISSISSIPPI

PLAINTIFF

VS.

CIVIL ACTION NO.: _____

DEFENDANT

COMPLAINT FOR DIVORCE AND OTHER RELIEF

COMES NOW the Plaintiff, _____ (hereinafter “_____”), by and through his attorneys and files this his Complaint for Divorce -Irreconcilable Differences against the Defendant, _____ (hereinafter “_____”), and in support thereof, would respectfully show unto this Honorable Court the following matters and facts, to-wit:

1.

That the parties are both bona fide adult resident citizens of the State of Mississippi, and have been so for a period of more than six (6) months next preceding the filing of this Complaint for Divorce, and that _____ continues to reside in the former marital domicile located at _____, and _____ also resides in the former marital domicile, where she may be served with process of this Honorable Court, unless she chooses to execute a Waiver of Process, thereby entering her appearance in this cause.

2.

The parties hereto are both members of the Caucasian race and were heretofore lawfully married to each other on _____ in _____, and _____ (____) children were born of their marriage union, namely: _____, a female child, age _____ (____), having been born _____ and _____, a male child, age _____ (____), having been born _____

_____ would show that to the best of his knowledge no other children are to be born of this marriage union, for _____ is not now pregnant. _____ would further show that he has not participated as a party, witness, or in any capacity in any other litigation concerning the custody of said minor children in this or in any other state; that _____ has no information of any custody proceeding concerning the minor children pending in any Court of this or any other State; and _____ does not know of any person, not a party to these proceedings, who has physical custody of the minor children or who claims to have custody or visitation rights with respect to said minor children.

3.

_____ would show that he shall keep _____ informed of his full address, including state, city, street, house number, and telephone number, if available, unless excused in writing by the Court. Pursuant to Uniform Chancery Rule 8.06, _____ shall, within five (5) days of changing his address, so long as the children remain minors, notify in writing the Clerk of the Court which has entered any Order providing for custody or visitation of his full new address and should furnish _____ a copy of such notice, with said notice including the court file number, and with the Clerk docketing and filing such notice in this cause. In the event of a threat, disaster, or other emergency, such as a hurricane, which causes an emergency evacuation, _____ shall notify _____ of the location and well-being of the children as soon as reasonably possible.

4.

The Plaintiff now charges and alleges that during the aforesaid period of the married life of these parties and just immediately preceding the date on which these parties separated within their home on or about _____, in _____ County, Mississippi, irreconcilable differences and other disputes arose between them, and they can no longer live together as husband and wife.

Plaintiff has been fully advised and believes that he is entitled to a divorce on the ground of irreconcilable differences, as provided by Miss. Code Ann. 93-5-2 (Rev. 2004).

5.

The Plaintiff would further show unto the Court that he will attempt to enter into a written agreement with respect to the care, custody, control and maintenance of the minor children, and for the settlement of all property rights between the parties, which agreement will be fair, adequate and satisfactory. A true and correct copy of said agreement will be presented to the Court for consideration with the Final Judgment of Divorce; said agreement should be approved by the Court and made a part of any Final Judgment rendered herein. The Plaintiff alone is being represented by _____.

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully prays that this, his Complaint for Divorce-Irreconcilable Differences be received and filed, and that upon a final consideration of said Complaint, that this Court issue its Judgment, granting the following relief:

- (A) A final and absolute divorce and dissolution of the marriage of the parties on the ground of irreconcilable differences;
- (B) That the Court find that the Child Custody and Property Settlement Agreement to be negotiated between the parties, which will be attached to the Final Judgment of Divorce and marked as Exhibit "A", adequately and sufficiently provides for the settlement of all property rights and any and all other rights and obligations existing between the parties as a result of their marriage contract and relationship, and that the Court will approve the same, ordering that said parties duly perform each act and thing agreed to therein, and that said Agreement be made a part of this Court's Final Judgment;
- (C) That upon the expiration of sixty (60) days from the date of filing of this Complaint

that it be taken as confessed and that a Final Judgment be entered herein without proof or testimony in term time or in vacation; and,

(D) That the Court grant such other relief, either general or special, to which the Plaintiff hereto may be entitled in a Court of Equity.

As in duty bound, Plaintiff will ever so pray, this the ____ day of _____, 2014.

FULL NAME OF PLAINTIFF

Prepared by:

(Insert Attorney Information)

ATTORNEYS FOR _____

STATE OF MISSISSIPPI
COUNTY OF _____

PERSONALLY CAME AND APPEARED BEFORE ME, the undersigned authority in and for the jurisdiction aforesaid, the within named _____ who, after being by me first duly sworn, on his oath stated that each allegation in the above Complaint for Divorce-Irreconcilable Differences is true and correct as therein stated.

FULL NAME OF PLAINTIFF

SWORN TO AND SUBSCRIBED BEFORE ME, this the ____ day of _____, 2014.

NOTARY PUBLIC

My Commission Expires: