|  |  |  |
| --- | --- | --- |
| **STATE OF NORTH CAROLINA****COUNTY OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |  | **IN THE GENERAL COURT OF JUSTICE****DISTRICT COURT DIVISION****FILE NO.: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |
| **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,** **Plaintiff,** **Vs.****\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,** **Defendant.** | **)****)****)****)****)****)****)****)****)** | **JUDGMENT FOR****ABSOLUTE DIVORCE**  |

THIS CAUSE coming on to be heard and being heard in the General Court of Justice, District Court Division, before the undersigned Judge presiding on Motion of the Plaintiff for Summary Judgment for absolute divorce pursuant to Rule 56 of the Rules of Civil Procedure; and, from the verified pleadings the Court finds as fact:

1. The Plaintiff is a citizen and resident of \_\_\_\_\_\_\_\_\_\_\_\_\_ County, North Carolina;
2. The Defendant is a citizen and resident of \_\_\_\_\_\_\_\_\_\_\_\_\_ County, North Carolina and has been a resident of North Carolina for more than six months preceding the filing of this action.
3. That the Defendant was properly served with a copy of the Complaint and Civil Summons on \_\_\_\_\_\_\_\_\_\_\_\_\_.
4. The time for answering or otherwise pleading has expired and Defendant has filed no Answer or other pleading.
5. The Plaintiff and the Defendant were married on \_\_\_\_\_\_\_\_\_\_\_\_\_ in \_\_\_\_\_\_\_\_\_\_\_\_\_ County, \_\_\_\_\_\_\_\_\_\_\_\_\_, and lived together as husband and wife; and have lived continuously separate and apart from each other since on or about \_\_\_\_\_\_\_\_\_\_\_\_\_, for a period of more than one year preceding the initiation of this action.
6. The separation was intended to be permanent by at least one of the parties.
7. The parties executed Deed of Separation and Property Settlement Agreement on \_\_\_\_\_\_\_\_\_\_\_\_\_ and it shall be incorporated in this Order.
8. There was one child born to the marriage of the Plaintiff and the Defendant, namely \_\_\_\_\_\_\_\_\_\_\_\_\_ (DOB \_\_\_\_\_\_\_\_\_\_\_\_\_).
9. That all property rights have been settled.
10. That there are no pending claims for alimony or equitable distribution before the Court;
11. Neither the plaintiff nor the defendant is a minor or has been adjudicated incompetent;
12. The Plaintiff has requested to use the Plaintiff’s former name, to wit: \_\_\_\_\_\_\_\_\_\_\_\_\_.

BASED UPON the foregoing findings of facts and pursuant to Plaintiff’s Motion for Summary Judgment, Plaintiff is entitled to a judgment as a matter of law:

1. This Court has jurisdiction over the subject matter and the parties, and the Plaintiff is entitled to a divorce based on one year’s separation;
2. There are no genuine issues as to any material fact.

**IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that:**

1. The bonds of matrimony heretofore existing between the Plaintiff and Defendant be and they are hereby dissolved, and the Plaintiff is granted an absolute divorce from Defendant;
2. That the Deed of Separation and Property Settlement Agreement executed on \_\_\_\_\_\_\_\_\_\_\_\_\_ attached hereto and incorporated herein for reference, become an order of the court;
3. The Plaintiff is allowed to resume the Plaintiff’s former name set forth above.

 This the \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_.

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

Judge Presiding