

IN THE CHANCERY COURT OF _____ COUNTY, MISSISSIPPI

PLAINTIFF

VS.

CIVIL ACTION NO. _____

DEFENDANT

COMPLAINT FOR DIVORCE-IRRECONCILABLE DIFFERENCES

COMES NOW the Plaintiff, _____, and files this his/her Complaint for Divorce-Irreconcilable Differences against the Defendant, _____, and in support of his/her claim for relief would show unto this Honorable Court the following matters and facts, to-wit:

1.

Your Plaintiff is a bona fide adult resident citizen of the State of Mississippi, and has been so for a period of more than six (6) months next preceding the filing of this Complaint, who resides at _____. Defendant resides at _____ in _____ County, Mississippi, where he/she may be served with process of this Court, unless he/she chooses to execute a Waiver of Process, thereby entering his/her appearance in this cause.

2.

That the parties hereto are both members of the _____ race, and were heretofore lawfully married to each other on _____ in _____, _____. ___ () children were born of this marriage union, namely: _____ (hereinafter “_____”), a _____ child, having been born _____ and _____ (hereinafter “_____”), a _____ child, having been born _____. The Plaintiff would show that no other

children are expected to be born of this marriage union, and that wife is not pregnant. The Plaintiff would further show that he/she has not participated as a party, witness, or in any capacity in any other litigation concerning the custody of the said minor children in this or in any other state; that the Plaintiff has no information of any custody proceeding concerning the minor children pending in any Court of this or any other state; and the Plaintiff 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.

Plaintiff would show that she shall keep the Defendant informed of his/her full address, including state, city, street, house number and telephone number, if available, unless excused in writing by the Court. Within five (5) days of Plaintiff, being subject to Uniform Chancery Rule 8.06, changing his/her address, he/she shall, 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 her full new address and shall furnish the Defendant 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, any party who has custody of a minor child (physical custody or while exercising visitation) has a duty to notify the other parent of the location and well being of the minor(s) 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 on or about the ___ day of _____, 20__, 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/she is entitled to a divorce on the ground of irreconcilable differences, as provided by Miss. Code Ann. § 93-5-2 (Rev. 2002).

5.

The Plaintiff would further show unto the Court that she 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 M. Craig Robertson of ROBERTSON + ASSOCIATES, PLLC.

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully prays that this, his/her 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 _____, 20__.

Respectfully submitted,

PLAINTIFF

Prepared by:

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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 first duly sworn by me, stated on his/her oath that the matters and things contained in the above and foregoing Complaint for Divorce-Irreconcilable Differences are true and correct as therein stated.

PLAINTIFF

SWORN TO AND SUBSCRIBED BEFORE ME, this the ____ day of _____, 20__.

NOTARY PUBLIC

My Commission Expires: _____