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| NORTH CAROLINA  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_    \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,                           PLAINTIFF,                           V.    \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_                           DEFENDANT. | )  )  )  )  )  )  )  )  ) | IN THE GENERAL COURT OF JUSTICE  DISTRICT COURT DIVISION  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_        **DIVORCE JUDGMENT** |

THIS CAUSE COMING ON before the undersigned Judge on motion of the Plaintiff for summary judgment and it appearing to the Court that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law, the Court makes the following:

FINDINGS OF FACT

1.                  Plaintiff and Defendant were lawfully married to each other on \_\_\_\_\_\_\_\_\_\_\_\_\_.

2.                  Plaintiff is a citizen and resident of \_\_\_\_\_\_\_\_\_, North Carolina.

3.                  Defendant is a citizen and resident of \_\_\_\_\_\_\_\_\_\_\_\_, North Carolina.

4.                  Plaintiff has been a resident of the State of North Carolina for six months next preceding the filing of the complaint.

5.                  Plaintiff and Defendant have separated and have lived continuously separate and apart from each other at all times for at least one year next preceding the commencement of this action and at the time of the separation it was the intention of the Plaintiff that the separation be permanent.

6.                  There were no children born of the union and marriage of Plaintiff and Defendant.

7.                  The parties have claims pending in \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ for Equitable Distribution of Retirement Benefits.

            Based upon the foregoing Findings of Fact, the Court makes the following:

CONCLUSIONS OF LAW

            1.         The Court has jurisdiction over the parties and the subject matter herein.

            2.         There is no genuine issue of material fact existing in this matter, so that granting this divorce by Summary Judgment is appropriate.

            3.         Plaintiff is entitled to an absolute divorce from Defendant under the provisions of N.C.G.S. 50-6.

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

1.                  The Plaintiff, \_\_\_\_\_\_\_\_\_\_, be and is hereby granted an absolute divorce from the Defendant, \_\_\_\_\_\_\_\_\_\_\_\_\_\_, and that the bonds of matrimony heretofore existing between Plaintiff and Defendant be, and they are, hereby dissolved.

2.                  The costs of this action shall be taxed to the Plaintiff.

3.                  The Court preserves the claims pending in \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ for later determination by the Court.

4.                  The Court preserves the claims pending in \_\_\_\_\_\_\_\_\_\_\_\_ for later determination by the Court.

            This the \_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

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

                                                                                    Judge Presiding

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of this document has been served by depositing a copy in the US Mail in a properly addressed, postpaid envelope to:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, North Carolina 27512

This is the \_\_\_\_\_\_\_\_\_day of \_\_\_\_\_\_\_\_\_.

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

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, NC 27607

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