

Rule 1920.72. Form of Complaint. Affidavit under § 3301(c) or § 3301(d) of the Divorce Code. Counter-affidavit. Waiver of Notice of Intention to Request Decree under § 3301(c) and § 3301(d).

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(d) The affidavit required by § 3301(d) of the Divorce Code and **[Rule]Pa.R.C.P. No.** 1920.42(a)(2) shall be substantially in the following form:

(Caption)

NOTICE

If you wish to deny any of the statements set forth in this affidavit, you must file a **[counteraffidavit]counter-affidavit** within **[twenty]20** days after this affidavit has been served on you or the statements will be admitted.

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

1. The parties to this action separated on _____ ^{insert date} **[and have continued to live separate and apart for a period of at least two years].**

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.

[2]3. The marriage is irretrievably broken.

[3]4. I understand that I may lose rights concerning alimony, division of property, lawyer's fees or expenses 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. § 4904 relating to unsworn falsification to authorities.

Date: _____

[Plaintiff/Defendant](PLAINTIFF) (DEFENDANT)

(e)(1) The counter-affidavit prescribed by **[Rule]Pa.R.C.P. No. 1920.42(d)(2) for a divorce under § 3301(c) of the Divorce Code** shall be substantially in the following form[in a § 3301(c) divorce]:

(Caption)

COUNTER-AFFIDAVIT UNDER § 3301(c)
OF THE DIVORCE CODE

I wish to claim economic relief which may include alimony, division of property, lawyer’s fees or expenses or other important rights.

I understand that I must file my economic claims with the prothonotary 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 Request Divorce Decree, the divorce decree may be entered without further notice to me, and I shall be unable thereafter to file any economic claims.

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. § 4904, relating to unsworn falsification to authorities.

Date: _____

(PLAINTIFF) (DEFENDANT)

[NOTICE: IF YOU DO NOT WISH TO CLAIM ECONOMIC RELIEF, YOU SHOULD NOT FILE THIS COUNTER-AFFIDAVIT.]

NOTICE: IF YOU DO NOT WISH TO CLAIM ECONOMIC RELIEF, YOU SHOULD NOT FILE THIS COUNTER-AFFIDAVIT.

(2) The counter-affidavit prescribed by **[Rule]§ 3301(d) of the Divorce Code and Pa.R.C.P. No. 1920.42(d)(2)** shall be substantially in the following form[in a § 3301(d) divorce]:

(Caption)

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

- 1. Check either (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 (i), (ii), (iii) or all)]:

Check (i), (ii), (iii) or all:

(i) The parties to this action have not lived separate and apart for [a period of at least two years]the required separation period: two years for parties that separated prior to December 5, 2016, and one year for parties that separated on or after December 5, 2016.

(ii) The marriage is not irretrievably broken.

(iii) 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 or expenses 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 or expenses or other important rights.

I UNDERSTAND THAT IN ADDITION TO CHECKING (b) ABOVE, I MUST ALSO FILE ALL OF MY ECONOMIC CLAIMS WITH THE PROTHONOTARY 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 REQUEST DIVORCE DECREE, THE DIVORCE DECREE MAY BE ENTERED WITHOUT FURTHER NOTICE TO ME, AND I SHALL 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. § 4904 relating to unsworn falsification to authorities.

Date: _____

(PLAINTIFF) (DEFENDANT)

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

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