

STATE OF MICHIGAN JUDICIAL DISTRICT 31ST JUDICIAL CIRCUIT SAINT CLAIR COUNTY PROBATE	SUMMONS AND COMPLAINT	CASE NO.
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Court address

Saint Clair County 31st Judicial Circuit Court, 201 McMorran Blvd., Port Huron, MI 480

Court telephone no.

(810) 985-2031

Plaintiff's name(s), address(es), and telephone no(s).

Jane Doe, Pro Se
123 Main Street
Yale, MI 48097
(323) 962-8600

v

Defendant's name(s), address(es), and telephone no(s).

John Doe, Pro Se
123 Main Street
Algonac, MI 48001
(323) 962-8600

Plaintiff's attorney, bar no., address, and telephone no.

Jane Doe, Pro Se
123 Main Street
Yale, MI 48097
(323) 962-8600

SUMMONS NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons to **file a written answer with the court** and serve a copy on the other party **or take other lawful action with the court** (28 days if you were served by mail or you were served outside this state). (MCR 2.111[C])
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.

Issued	This summons expires	Court clerk
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*This summons is invalid unless served on or before its expiration date.

This document must be sealed by the seal of the court.

COMPLAINT *Instruction: The following is information that is required to be in the caption of every complaint and is to be completed by the plaintiff. Actual allegations and the claim for relief must be stated on additional complaint pages and attached to this form.*

Family Division Cases

☒ There is no other pending or resolved action within the jurisdiction of the family division of circuit court involving the family or family members of the parties.

☐ An action within the jurisdiction of the family division of the circuit court involving the family or family members of the parties has been previously filed in _____ Court.

The action ☐ remains ☐ is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.
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General Civil Cases

☒ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.

☐ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in _____ Court.

The action ☐ remains ☐ is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.
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VENUE

Plaintiff(s) residence (include city, township, or village) 123 Main Street, Yale, MI 48097	Defendant(s) residence (include city, township, or village) 123 Main Street, Algonac, MI 48001
Place where action arose or business conducted	

Date

Signature of attorney/plaintiff

If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

PROOF OF SERVICE**SUMMONS AND COMPLAINT**

Case No. _____

TO PROCESS SERVER: You are to serve the summons and complaint not later than 91 days from the date of filing or the date of expiration on the order for second summons. You must make and file your return with the court clerk. If you are unable to complete service you must return this original and all copies to the court clerk.

CERTIFICATE / AFFIDAVIT OF SERVICE / NONSERVICE☐ **OFFICER CERTIFICATE**

I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party (MCR 2.104[A][2]), and that: _____ (notarization not required)

OR☐ **AFFIDAVIT OF PROCESS SERVER**

Being first duly sworn, I state that I am a legally competent adult who is not a party or an officer of a corporate party, and that: _____ (notarization required)

☐ I served personally a copy of the summons and complaint,☐ I served by registered or certified mail (copy of return receipt attached) a copy of the summons and complaint, together with _____

List all documents served with the Summons and Complaint

_____ on the defendant(s):

Defendant's name	Complete address(es) of service	Day, date, time

☐ I have personally attempted to serve the summons and complaint, together with any attachments, on the following defendant(s) and have been unable to complete service.

Defendant's name	Complete address(es) of service	Day, date, time

I declare that the statements above are true to the best of my information, knowledge, and belief.

Service fee	Miles traveled	Mileage fee	Total fee
\$		\$	\$

Signature _____

Name (type or print) _____

Title _____

Subscribed and sworn to before me on _____, _____ County, Michigan.
Date

My commission expires: _____ Signature: _____
Date Deputy court clerk/Notary public

Notary public, State of Michigan, County of _____

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of the summons and complaint, together with _____
Attachments

_____ on _____
Day, date, time

_____ on behalf of _____
Signature

**STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF SAINT CLAIR
FAMILY DIVISION**

Jane Doe,
Plaintiff,

-vs-

Case No.
Hon.:

John Doe,
Defendant.

Jane Doe, Plaintiff
123 Main Street
Yale, MI 48097
(323) 962-8600

John Doe, Defendant
123 Main Street
Algonac, MI 48001
(323) 962-8600

COMPLAINT FOR DIVORCE

There is no other pending or resolved action within the jurisdiction of the family division of the circuit court involving the family or family members of the persons who are the subject of the complaint or petition.

The Plaintiff alleges and states:

1. The Plaintiff has resided in the State of Michigan for at least one hundred eighty (180) days, and of the County of Saint Clair for at least ten (10) days, prior to filing this action.
2. Plaintiff, Jane Doe, resides at 123 Main Street, Yale, MI 48097. Her date of birth is December 17, 1968. Plaintiff is currently employed at XYZ LLC located at 456 Circle Ave, Fort Gratiot, MI 48059.
3. Defendant, John Doe, resides at 123 Main Street, Algonac, MI 48001. His date of birth is September 21, 1965. Defendant is currently employed at ABC, LLC, located at 456 Circle Ave, Detroit, MI 48207.
4. The parties were married January 14, 2007 in Saint Clair Shores, Michigan.
5. The parties separated on or about May 1, 2008.
6. There has been a breakdown of the marriage relationship to the extent that the objects of matrimony have been destroyed and there remains no reasonable likelihood that the marriage can be preserved.
7. No children are born or adopted of this marriage.
8. Jane Doe is not pregnant.

9. No spousal support is requested.
10. The parties have executed a Marital Settlement Agreement.

WHEREFORE, Plaintiff requests this Court issue an order

1. That the marriage is dissolved and the parties are divorced from the bonds of marriage.
2. That no spousal support is awarded to either party.
3. That the court incorporates the parties' Marriage Settlement Agreement to include distribution of assets and real and personal property.

I declare that the information in my complaint is true to the best of my information knowledge and belief,

Date:

Jane Doe, Plaintiff, Pro Se

**STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF SAINT CLAIR
FAMILY DIVISION**

Jane Doe,
Plaintiff,

-vs-

Case No.
Hon.:

John Doe,
Defendant.

Jane Doe, Plaintiff
123 Main Street
Yale, MI 48097
(323) 962-8600

John Doe, Defendant
123 Main Street
Algonac, MI 48001
(323) 962-8600

MARITAL SETTLEMENT AGREEMENT

This agreement made this ____ day of _____, 20__, by and between Jane Doe, Plaintiff, and John Doe, Defendant.

WHEREAS, an action for divorce is now pending between the parties, and the parties desire to resolve various matters as part of said divorce action, the parties agree to the following:

I. DIVISION OF PROPERTY AND DEBTS

A. REAL PROPERTY

The parties agree that they do not own any real property.

B. PERSONAL PROPERTY

The parties shall retain the personal property, furniture, furnishings, clothing and personal effects each brought into the marriage. Any property not specifically awarded herein shall be equitably divided by the parties.

Plaintiff is awarded the following property free from any right, title or interest of Defendant:

1. Any and all personal property, tangible and intangible, in Plaintiff's possession.
Defendant is awarded the following property free from any right, title or interest of Plaintiff:

1. Any and all personal property, tangible and intangible, in Defendant's possession.

C. DEBTS

Plaintiff shall be responsible for the following debts and shall hold Defendant harmless thereon:

1. Any debts held in Plaintiff's name alone.

Defendant shall be responsible for the following debt and shall hold Plaintiff harmless thereon:

1. Any debts held in Defendant's name alone.

II. SPOUSAL SUPPORT

No spousal support shall be awarded to either party.

Date:

Date:

Jane Doe, Plaintiff
123 Main Street
Yale, MI 48097
(323) 962-8600

John Doe, Defendant
123 Main Street
Algonac, MI 48001
(323) 962-8600

**STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF SAINT CLAIR
FAMILY DIVISION**

Jane Doe,
Plaintiff,

-vs-

Case No.
Hon.:

John Doe,
Defendant.

Jane Doe, Plaintiff
123 Main Street
Yale, MI 48097
(323) 962-8600

John Doe, Defendant
123 Main Street
Algonac, MI 48001
(323) 962-8601

WAIVER OF SERVICE

The Defendant, John Doe, states:

1. The Defendant hereby acknowledges receipt of a copy of the Complaint for Divorce filed in this action, and waives formal service of the Summons and Complaint and the Complaint for Divorce.
2. The Defendant waives notice of the final hearing and agrees that this action may proceed to final hearing.

Respectfully submitted:

Date:

John Doe, Defendant
123 Main Street
Algonac, MI 48001
(323) 962-8601

John Doe, Defendant named in the foregoing Waiver, after being duly sworn, says that he signs the foregoing document voluntarily, and for the intent and purpose expressed therein.

My commission expires: _____ Signature: _____

Notary Public

CERTIFICATE OF SERVICE

I certify that on the ____ day of _____, 20__ I served copies of this Waiver on the appropriate parties or their attorneys by first-class mail addressed to their last-known addresses, pursuant to MCR 2.107(C)(3).

John Doe

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SAMPLE

**STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF SAINT CLAIR
FAMILY DIVISION**

Jane Doe,
Plaintiff,

-vs-

Case No.
Hon.:

John Doe,
Defendant.

Jane Doe, Plaintiff
123 Main Street
Yale, MI 48097
(323) 962-8600

John Doe, Defendant
123 Main Street
Algonac, MI 48001
(323) 962-8601

REQUEST AND AFFIDAVIT

1. I request the clerk to enter the default of the party named above for failure to plead or otherwise defend as provided by law.
2. That Defendant is not an infant or an incompetent adult.
3. Defendant is employed as Industrial Mechanic, and not a member of the United States military.
4. The Defendant acknowledged receipt of the Complaint for Divorce and the Summons and Complaint which was evidenced by him Waiver of Service dated _____. (See Summons attached)
5. The Defendant did not respond to the Complaint within twenty-eight (28) days of the said service.
6. This affidavit is made on my personal knowledge and, if sworn as a witness, I can testify competently to the facts in this affidavit.

Date:

Jane Doe, Plaintiff, Pro Se

Subscribed and sworn to before me on _____, by Jane Doe.

My Commission expires: _____

Signature: _____
Notary Public

DEFAULT ENTRY

The default of Defendant is entered for failure to plead or otherwise defend.

Date:

Court Clerk

CERTIFICATE OF MAILING

I certify that on the ____ day of _____, 20____ I served copies of this default on the appropriate parties or their attorneys by first-class mail addressed to their last-known addresses, pursuant to MCR 2.107(C)(3).

Jane Doe, Plaintiff, Pro Se

**STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF SAINT CLAIR
FAMILY DIVISION**

Jane Doe,
Plaintiff,

-vs-

Case No.
Hon.:

John Doe,
Defendant.

Jane Doe, Plaintiff
123 Main Street
Yale, MI 48097
(323) 962-8610

John Doe, Defendant
123 Main Street
Algonac, MI 48001
(323) 962-8600

NOTICE OF ENTRY OF DEFAULT

TO: John Doe, Defendant

1. On _____, a default was entered against you for your failure to appear or defend in the above referenced matter, as shown by the attached Default.
2. I will be requesting a Default Judgment of Divorce and a hearing on that request is scheduled for _____, 20__ at _____ A.M./P.M. in the courtroom of the judge assigned to this case.
3. At that hearing, the judge may enter a Judgment of Divorce granting the relief requested in the Complaint for Divorce and/or grant other relief.

I declare that the statement above is true to the best of my information, knowledge and belief.

Date:

Jane Doe, Plaintiff, Pro Se

PROOF OF MAILING

I certify that on the ____ day of _____, 20____ I served copies of this default on the appropriate parties or their attorneys by first-class mail addressed to their last-known addresses, pursuant to MCR 2.107(C)(3).

Date:

Jane Doe, Plaintiff

**STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF SAINT CLAIR
FAMILY DIVISION**

Jane Doe,
Plaintiff,

-vs-

Case No.
Hon.:

John Doe,
Defendant.

Jane Doe, Plaintiff
123 Main Street
Yale, MI 48097
(323) 962-8600

John Doe, Defendant
123 Main Street
Algonac, MI 48001
(323) 962-8600

DEFAULT JUDGMENT OF DIVORCE

At a session of court held in the courthouse in
City of Port Huron County of Saint Clair, Michigan,
on _____.
Present: Honorable _____
Circuit Court Judge

Plaintiff filed a complaint for divorce. Proofs were taken in open court in support of the complaint. The court is satisfied that the material factual allegations in the complaint are true and that there has been a breakdown of the marriage relationship to the extent that the objects of matrimony have been destroyed and it is unlikely that the marriage can be preserved.

IT IS ORDERED:

1. **DIVORCE:** The parties are divorced.
2. **PROPERTY DIVISION:** Personal Property: Each party shall retain the personal property, furniture, furnishings, clothing and personal effects each brought into the marriage. Any property not specifically awarded herein shall be equitably divided by the parties.

Plaintiff is awarded the following property free from any right, title or interest of Defendant:

- A. Any and all personal property, tangible and intangible, in Plaintiff's possession.

Defendant is awarded the following property free from any right, title or interest of Plaintiff:

A. Any and all personal property, tangible and intangible, in Defendant's possession.

3. DEBT DISTRIBUTION:

Plaintiff is solely responsible for the following debt and she shall hold Defendant harmless thereon:

A. Any and all debts held in Plaintiff's name alone.

Defendant is solely responsible for the following debt and he shall hold Plaintiff harmless thereon:

A. Any and all debts held in Defendant's name alone.

4. MINOR CHILDREN: There are no children born or adopted of this marriage and Jane Doe is not pregnant.
5. NAME CHANGE: Neither party requests a name change.
6. SPOUSAL SUPPORT: Spousal support is not granted to either party.
7. STATUTORY RIGHTS: All interest of the parties in the property of the other, now owned or later acquired, under MCL 700.281 - 700.292, are extinguished, including those known as dower under MCL 558.1 - 558.29.
8. BENEFICIARY RIGHTS: The rights each party has to the proceeds of policies or contracts of life insurance, endowments, or annuities upon the life of the other as a named beneficiary or by assignment during or in anticipation of marriage are extinguished.
9. PENSION RIGHTS: Any rights of either party in any pension, annuity, or retirement plan benefit of the other, whether vested or unvested, accumulated or contingent are provided for herein under paragraph two, Property Division.
10. REAL ESTATE: The parties do not own any real property, either jointly or individually.
11. DOCUMENTATION: Each party shall promptly and properly execute and deliver to the other appropriate documents required to carry out the terms of this judgment. A certified copy of this judgment may be recorded with the register of deeds in any county of this state where property may be located.
12. INTERIM ORDERS: Except as otherwise provided in this judgment, all interim orders and injunctions entered in this action are terminated.

IT IS FURTHER ORDERED:

13. EMPLOYMENT INFORMATION: Plaintiff is currently employed by XYZ LLC and Defendant is currently employed by ABC LLC.

IT IS FURTHER ORDERED:

That the Marital Settlement Agreement filed in this action is hereby approved and incorporated by reference into this Judgment of Divorce, and the parties are ordered to abide by it.

☐ Approved as to form. ☐ Notice and hearing on entry waived. ☐ I stipulate to entry.

Date:

Jane Doe, Plaintiff

Date:

Circuit Court Judge

Bar No.

CERTIFICATE OF MAILING

I certify that on this date copies of this judgment were served upon all parties and/or their attorneys by personal service or ordinary mail to their address of record.

Date:

Plaintiff/Defendant signature

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SAMPLE

These are sample documents for the State of Michigan. Actual content differs by state and may vary based on your answers to the LegalZoom questionnaire.

Your answers to the LegalZoom questionnaire have not been applied to these sample documents so they are not fit for use.

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