

**Affidavit under Section 3301(d)
of the Divorce Code**

Form 8

Form 8 – Affidavit under Section 3301(d) of the Divorce Code

The numbers on these instructions correspond with the numbers in the boxes on the form. Use the form with the boxes to guide you through filling out the blank form.

Box 1: Print the name of the county in which you filed exactly as you wrote on Form 1.

Box 2: Print the name of the Plaintiff exactly as it appears on Form 1.

Box 3: Print the docket number that the Prothonotary's Office wrote on Form 1 at the time of filing.

Box 4: Print the name of the Defendant exactly as it appears on Form 1.

Box 5: Print the day, month, and year that you and your spouse separated. *For example: March 25, 2016.*

Box 6: Check box (a) if 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 two years.

Box 7: Check box (b) if 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.

Box 8: Write the date you are signing.

Box 9: Sign your name.

Note: BOTH THE AFFIDAVIT AND COUNTER AFFIDAVIT MUST be properly served on the other party.

IN THE COURT OF COMMON PLEAS OF 1 COUNTY, PENNSYLVANIA
CIVIL ACTION

2

PLAINTIFF

4 vs.

DEFENDANT

Case No. 3

IN DIVORCE

NOTICE

If you wish to deny any of the statements set forth in this affidavit, you must file a counter-affidavit within 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 5.

2. Check (a) or (b):

6 (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.

7 (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.

3. The marriage is irretrievably broken.

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 in this document 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: 8

9

(PLAINTIFF) (DEFENDANT)

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY, PENNSYLVANIA
CIVIL ACTION

_____,
PLAINTIFF

vs.

_____,
DEFENDANT

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Case No. _____

IN DIVORCE

NOTICE

If you wish to deny any of the statements set forth in this affidavit, you must file a counter-affidavit within 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 _____ .
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.
3. The marriage is irretrievably broken.
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 in this document 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)

IN THE COURT OF COMMON PLEAS OF 8 COUNTY, PENNSYLVANIA
CIVIL ACTION

9
PLAINTIFF _____,

11 vs.
DEFENDANT _____,

Case No. 10
IN DIVORCE

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):

- (i) The parties to this action have not lived separate and apart for 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 either (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.

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY, PENNSYLVANIA

CIVIL ACTION

_____,
PLAINTIFF
vs.
_____,
DEFENDANT

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Case No. _____

IN DIVORCE

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):
 - (i) The parties to this action have not lived separate and apart for 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 either (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.