

**Notice of Intention to
Request Entry of
Section 3301(d) Divorce Decree**

and

Counter-Affidavit

Form 9

**Form 9 - Notice of Intention to Request
Entry of Section 3301(d) Divorce Decree
and Counter-Affidavit**

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 given to the case at the time of filing.

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

Box 5: Print your spouse's name.

Box 6: Count 20 calendar days from the date that you will be mailing this form to your spouse. Day 1 is the day the form is mailed to your spouse.

Box 7: Print the same information that appears on Form 1, Notice to Defend.

Box 8: Print the name of the county in which you filed exactly as you wrote on Form 1.

Box 9: Print the name of the Plaintiff exactly as it appears on Form 1.

Box 10: Print the docket number given to the case at the time of filing.

Box 11: Print name of the Defendant exactly as it appears on Form 1.

Leave the rest of this document blank.

Note: This form MUST be properly served on the other party.

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. Case No. _____
:
:
:
_____,
DEFENDANT : IN DIVORCE

**NOTICE OF INTENTION TO REQUEST ENTRY OF
§ 3301(d) DIVORCE DECREE**

TO: _____ (spouse’s full name)

You have been sued in an action for divorce. You have failed to answer the complaint or file a counter-affidavit to the § 3301(d) affidavit. Therefore, on or after _____, 20____, the other party can request the court to enter a final decree in divorce.

If you do not file with the prothonotary of the court an answer with your signature notarized or verified or a counter-affidavit by the above date, the court can enter a final decree in divorce. A counter-affidavit which you may file with the prothonotary of the court is attached to this notice.

Unless you have already filed with the court a written claim for economic relief, you must do so by the above date or the court may grant the divorce and you will lose forever the right to ask for economic relief. The filing of the form counter-affidavit alone does not protect your economic claims.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

**PHILADELPHIA BAR ASSOCIATION LAWYER
REFERRAL AND INFORMATION SERVICE
1101 MARKET ST - 11TH FLOOR
PHILA, PA 19107
215-238-6333**

