

1a At the Matrimonial/IAS Part \_\_\_\_\_ of the New York State Supreme Court at the Courthouse, \_\_\_\_\_ County, on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_.

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF \_\_\_\_\_

X

Index No.: \_\_\_\_\_

Plaintiff,

**JUDGMENT OF DIVORCE**

-against-

1b

Present:

Hon. \_\_\_\_\_

J.S.C./ Special Referee/ J.H.O.

Defendant.

X

A) This action was submitted to the Supreme Court this date.

The Defendant was served  personally  within the

pursuant to court order dated \_\_\_\_\_  outside

State of New York with  the Summons and Verified Complaint.

the Summons with Notice.

The Defendant has

not appeared and is in default.

appeared and waived his or her right to answer or respond.

filed an answer or amended answer withdrawing any prior pleadings and neither admitting nor denying the allegations in the complaint and consenting to the entry of judgment.

B)

Plaintiff presented

written proof

oral proof at inquest / hearing held on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_.

Any ancillary issues were

not presented for determination .

determined by the Court.

settled by  written settlement/separation agreement.

oral settlement agreement.

C)

The Court accepted  written  oral proof of military status.

The Plaintiff's address is \_\_\_\_\_, and social security number is \_\_\_\_\_.

The Defendant's address is \_\_\_\_\_,

and social security number is \_\_\_\_\_.

Now on motion of \_\_\_\_\_, the  Plaintiff,  Attorney for Plaintiff,  Defendant  Attorney for Defendant it is:

**ORDERED AND ADJUDGED** that the Referee's Report, *if any*, is hereby confirmed, and it is further;

**ORDERED, ADJUDGED AND DECREED** that the marriage between \_\_\_\_\_ Plaintiff, and \_\_\_\_\_, Defendant, is hereby dissolved by reason of:

- (a) the cruel and inhuman treatment of  Plaintiff by Defendant pursuant to **DRL §170(1)**,  
 Defendant by Plaintiff
  - (b) the abandonment of  Plaintiff by Defendant pursuant to **DRL §170(2)**,  
 Defendant by Plaintiff
  - (c) the confinement of  Plaintiff in prison pursuant to **DRL §170(3)**,  
 Defendant
  - (d) the commission of an act of adultery by  Plaintiff pursuant to **DRL §170(4)**,  
 Defendant,
  - (e) the parties having lived separate and apart according to the terms of a Decree or Judgment of Separation pursuant to **DRL §170(5)**,
  - (f) the parties having lived separate and apart according to the terms of a Separation Agreement pursuant to **DRL §170(6)**,
- and it is further;

**ORDERED AND ADJUDGED** that:

A)  Pursuant to the  agreement of the parties the  Plaintiff shall pay  
 Court's decision  Defendant

to  Plaintiff the sum of \$ \_\_\_\_\_  per week  
 Defendant  bi-weekly as and for maintenance:  
 per month  
 \_\_\_\_\_

payments to be made as set forth in the agreement;  
 commencing on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and continuing until the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_;  
month year month year

Payment shall be  a direct payment,  
 by an Income Deduction Order issued simultaneously herewith,

**OR**

B)  that the existing \_\_\_\_\_ County, \_\_\_\_\_ Court order(s) under  Index No. \_\_\_\_\_ as to maintenance, a copy of which is attached  Docket No. \_\_\_\_\_ hereto, shall continue. The maintenance payments shall continue unless subsequently modified by any court of competent jurisdiction.

A copy of this judgment shall be served by  Plaintiff upon the Clerk of  Defendant  
the \_\_\_\_\_ County \_\_\_\_\_ Court within 10 days after the date hereof,

**OR**

C)  that there is no award of maintenance,

and it is further;

**ORDERED AND ADJUDGED** that

A)  the marital property and debts of the parties shall be distributed and allocated pursuant to the terms of the *oral/written* settlement agreement dated \_\_\_\_\_.

OR

B)  after considering the testimony, the Court makes an award of equitable distribution on the following issues:  
 Exclusive occupancy of the marital residence  
 Pension / Retirement Plans  
 Distribution of property and other relief

OR

C)  *there is no award of equitable distribution,* and it is further;

**ORDERED AND ADJUDGED** that  *Plaintiff*  *Defendant* is hereby awarded exclusive occupancy of the marital residence located at \_\_\_\_\_,  
 as set forth in the parties settlement agreement,

OR

as set forth in the Court's decision as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

OR

*there is no award of exclusive occupancy,* and it is further;

**ORDERED AND ADJUDGED** that:  
the following retirement plan(s) that have been determined to be marital property:

\_\_\_\_\_  
The Court has determined that said plan(s) shall be equitably distributed as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

OR

*this section is not applicable,*  
and it is further;

**ORDERED AND ADJUDGED that:**

*Plaintiff* is (are) hereby awarded equitable distribution of the marital property as follows:  
 *Defendant*

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

**OR**

*this section is not applicable,*  
and it is further;

**ORDERED AND ADJUDGED that:**

A)  the Settlement/Separation Agreement entered into between the parties on the \_\_\_\_\_

day of \_\_\_\_\_, \_\_\_\_\_,  *the original*  
 *a copy* of which is submitted herewith and  
 *the transcript*

incorporated in this judgment by reference,  *shall survive and shall not be merged* into this  
 *shall not survive and shall merge*

judgment, and the parties hereby are directed to comply with all legally enforceable terms and conditions of said agreement as if such terms and conditions were set forth in their entirety herein, and this Court retains jurisdiction of this matter concurrently with the Family Court for the purposes of specifically enforcing such of the provisions of said agreement as are capable of specific enforcement to the extent permitted by law with regard to *maintenance* and of making such further judgment as it finds appropriate under the circumstances existing at the time application for that purpose is made to it, or both,

**OR**

B)  *there is no Settlement/Separation Agreement between the parties,*

**ORDERED AND ADJUDGED** that,  
 A)  pursuant to the  *parties' Settlement/Separation Agreement*  
 *the Court's decision,*  
 a separate(Qualified)Domestic Relations Order shall be issued simultaneously herewith or  
 as soon as practicable,  
 \_\_\_\_\_ **OR** \_\_\_\_\_  
 B)  *there are no Domestic Relations Orders to be submitted in this case,*  
 and it is further;

**ORDERED AND ADJUDGED** that  *Plaintiff* may resume the use of the former  
 *Defendant*  
 surname (*maiden name*) to wit: \_\_\_\_\_, and either party may resume the use of  
 any other former surname, and it is further;

**ORDERED AND ADJUDGED** that  *Plaintiff* shall provide for service of a copy  
 *Defendant*  
 of this judgment, with notice of entry, upon the  *Plaintiff*  
 *Defendant*

DATED: \_\_\_\_\_

ENTER:

HON. \_\_\_\_\_  
 J.S.C / SPECIAL REFEREE / J.H.O.  
 \_\_\_\_\_