

These forms are not a substitute for legal advice.

By law, no member of the Law Library staff may give any patron legal advice.

Accordingly, staff may not interpret legal materials for patrons, advise them as to how the law might apply to their particular situation, or assist them in preparing and filling out legal forms of any kind. Staff can provide patrons legal assistance by directing them to topical print materials, sections, and subject headings that might be helpful in answering a particular question.

PROCEDURES FOR ANNULMENT

This form packet contains these documents:

1. Original Petition for Annulment of Marriage
2. Waiver of Citation
3. Order Setting Hearing Date
4. Certificate of Service
5. Decree of Annulment
6. Sample Prove Up

*****DO NOT FILE THIS ENTIRE PACKET*****
*****FOLLOW ALL INSTRUCTIONS IN ORDER*****

Steps to Follow:

1. Prepare the Original Petition for Annulment of Marriage. If the form provided fits your set of circumstances you may use it as a "fill in the blank." If these forms do not fit your set of circumstances, you may re-type or re-write the forms, changing them to fit your set of circumstances, using the forms as a format to follow deleting that which does not apply and adding that which does apply. You will be assigned a case number and court when you file the Petition. *It is perfectly all right to hand-write the forms.*
2. Make two additional copies of the prepared Petition to take with you when you file.
3. File the original and two copies of the **Original Petition** in the District Clerk's office of the county in which you reside. If you reside in Collin County, file it with the District Clerk's office on the first floor of the courthouse located at 2100 Bloomdale Drive in McKinney. You will be expected to pay a filing fee to the Clerk at this time. **DO NOT** file this entire packet of papers - **ONLY** file the copies of the Original Petition for Annulment!!! **Do not sign the Waiver of Citation at this time.** It must be signed by the other party and filed after the Original Petition is filed with the Clerk.
4. Give the Waiver of Citation to the other party along with a copy of the Petition that has been stamped "filed" by the District Clerk. The other party should sign the Waiver of Citation in front of a Notary Public. File the signed Waiver in the District Clerk's office at least 10 days prior to the date of your hearing.

5. If the other party will not sign the Waiver, then you must have him/her served by a Constable; the District Clerk's office can arrange this for you. Once the other party has been served, they must then file a written answer with the clerk by 10:00am on the Monday next following the expiration of twenty days after they were served by the Constable. After this time period has elapsed, contact the District Clerk's office to ask whether the other party has filed a written answer.

6. If a written answer has not been filed by the other party, then you may call the court that you have been assigned to and request a hearing date to "prove up" your divorce.

7. If a written answer has been filed by the other party, then you must present the District Clerk with the Order Setting Hearing Date form. The Clerk will arrange to get a hearing date set for you. Send a certified copy (a copy stamped by the Clerk) of the Order Setting Hearing Date to the other party via certified mail, return receipt requested. This constitutes giving the other party notice of when the hearing will take place. Complete the Certificate of Service form and attach the completed return receipt to it. File these with the District Clerk.

8. Prepare the Decree of Annulment, changing it to fit your set of circumstances. This document is not filed. Instead, you take it to court for the judge to sign. Make sure that it reflects the issues that you are concerned with now and in the future. Mark through what does not apply to your set of circumstances. *Decrees are court orders; once they are signed by a judge, they require a hearing to be changed.* Make sure that the document represents your facts.

9. On your hearing date, bring all three copies of your prepared Decree with you to court. Give these papers to the District Clerk; the Clerk will arrange to take your file up to the courtroom. Once you have given your papers to the Clerk, go to the courtroom to which you have been assigned and wait for the Bailiff to open the room. Check in with the Bailiff to let him/her know that you are there to prove up your annulment.

10. At the hearing, to prove up your annulment, you will state the facts of your petition as shown on the Sample Prove Up sheet. The judge will not help or ask questions. Give the judge the Decree of Annulment to sign. If you feel that you will be nervous, sit in on a few cases to observe other prove ups before you go before the judge yourself.

Annulments -- READ this FIRST!

Few people who want an annulment actually qualify for one. Before filing the forms (and paying the fee), read the Texas laws about annulment.

SUBCHAPTER B. GROUNDS FOR ANNULMENT

Excerpt Source: Texas Family Code, 2008, chapter 6. Read the entire chapter at

<http://www.statutes.legis.state.tx.us/Docs/FA/htm/FA.6.htm#6.102>

§ 6.102. ANNULMENT OF MARRIAGE OF PERSON UNDER AGE 18.

(a) The court may grant an annulment of a marriage of a person 16 years of age or older but under 18 years of age that occurred **without parental consent or without a court order** as provided by Subchapters B and E, Chapter 2.

(b) A petition for annulment under this section may be filed by:

- (1) a next friend for the benefit of the underage party;
- (2) a parent; or
- (3) the judicially designated managing conservator or guardian of the person of the underage party, whether an individual, authorized agency, or court.

(c) A suit filed under this subsection by a next friend is barred unless it is filed within 90 days after the date of the marriage.

§ 6.103. UNDERAGE ANNULMENT BARRED BY ADULTHOOD.

A suit to annul a marriage may not be filed under Section 6.102 by a parent, managing conservator, or guardian of a person after the 18th birthday of the person.

§ 6.104. DISCRETIONARY ANNULMENT OF UNDERAGE MARRIAGE.

(a) An annulment under Section 6.102 of a marriage may be granted at the discretion of the court sitting without a jury.

(b) In exercising its discretion, the court shall consider the pertinent facts concerning the welfare of the parties to the marriage, including whether the female is pregnant.

§ 6.105. UNDER INFLUENCE OF ALCOHOL OR NARCOTICS.

The court may grant an annulment of a marriage to a party to the marriage if:

- (1) at the time of the marriage the petitioner was under the influence of alcoholic beverages or narcotics and as a result did not have the capacity to consent to the marriage; and
- (2) **the petitioner has not voluntarily cohabited with the other party to the marriage since the effects of the alcoholic beverages or narcotics ended.**

§ 6.106. IMPOTENCY.

The court may grant an annulment of a marriage to a party to the marriage if:

- (1) either party, for physical or mental reasons, was permanently impotent at the time of the marriage;
- (2) the petitioner did not know of the impotency at the time of the marriage; and
- (3) **the petitioner has not voluntarily cohabited with the other party since learning of the impotency.**

§ 6.107. FRAUD, DURESS, OR FORCE.

The court may grant an annulment of a marriage to a party to the marriage if:

- (1) the other party used fraud, duress, or force to induce the petitioner to enter into the marriage; and

- (2) **the petitioner has not voluntarily cohabited with the other party since learning of the fraud or since being released from the duress or force.**

§ 6.108. MENTAL INCAPACITY.

(a) The court may grant an annulment of a marriage to a party to the marriage on the suit of the party or the party's guardian or next friend, if the court finds it to be in the party's best interest to be represented by a guardian or next friend, if:

- (1) **at the time of the marriage the petitioner did not have the mental capacity to consent to marriage or to understand the nature of the marriage ceremony because of a mental disease or defect; and**
- (2) **since the marriage ceremony, the petitioner has not voluntarily cohabited with the other party during a period when the petitioner possessed the mental capacity to recognize the marriage relationship.**

(b) The court may grant an annulment of a marriage to a party to the marriage if:

- (1) at the time of the marriage the other party did not have the mental capacity to consent to marriage or to understand the nature of the marriage ceremony because of a mental disease or defect;
- (2) at the time of the marriage the petitioner neither knew nor reasonably should have known of the mental disease or defect; and
- (3) since the date the petitioner discovered or reasonably should have discovered the mental disease or defect, the petitioner has not voluntarily cohabited with the other party.

§ 6.109. CONCEALED DIVORCE.

(a) The court may grant an annulment of a marriage to a party to the marriage if:

- (1) the other party was divorced from a third party within the 30-day period preceding the date of the marriage ceremony;
- (2) at the time of the marriage ceremony the petitioner did not know, and a reasonably prudent person would not have known, of the divorce; and
- (3) since the petitioner discovered or a reasonably prudent person would have discovered the fact of the divorce, the petitioner has not voluntarily cohabited with the other party.

(b) A suit may not be brought under this section after the first anniversary of the date of the marriage.

§ 6.110. MARRIAGE LESS THAN 72 HOURS AFTER ISSUANCE OF LICENSE.

(a) The court may grant an annulment of a marriage to a party to the marriage if the marriage ceremony took place in violation of Section 2.204 during the 72-hour period immediately following the issuance of the marriage license.

(b) A suit may not be brought under this section after the 30th day after the date of the marriage.

Cause Number: _____

(The Clerk's office will fill in the Cause Number and Court Number when you file this form.)

In the Matter of the Marriage of

Petitioner _____

Print first, middle and last name of the spouse who filed for annulment.

and

In the _____
(Court Number)

- ☐ District Court
☐ County Court at Law

Respondent _____ County, Texas
Print first, middle and last name of other spouse.

Original Petition to Annul Marriage

Print your answers.

My name is: _____
First Middle Last

I am the **Petitioner**. I am filing this Original Petition to Annul Marriage.

The last three numbers of my driver's license number are: _____

My driver's license was issued in (State) _____
or ☐ I do not have a driver's license number.

The last three numbers of my social security number are: _____
or ☐ I do not have a social security number.

My spouse's name is: _____
First Middle Last

My spouse is the **Respondent**.

1. Discovery Level

The discovery level in this case, if needed, is level 2.

2. Legal Notice (Check one box.)

Your spouse has the right to be notified that you have filed for an annulment of your marriage.

- ☐ I think my spouse will sign a Waiver of Service (or Answer). Do not send a sheriff, constable, or process server to serve my spouse with a copy of this Petition to Annul Marriage at this time.
- ☐ I will have a sheriff, constable, process server or clerk serve my spouse with this Petition to Annul Marriage here:

Street Address City State Zip

If this is a work address, name of business: _____

I ask the clerk to issue a Citation of Service (the form necessary to provide legal notice to my spouse by "Official Service of Process"). I understand that I will need to **pay the fee** (or file a Statement of Inability to Afford Payment of Court Costs if am unable to pay the fee) and **arrange for service**.

- ☐ I cannot find my spouse. I ask that my spouse be served by posting or publication. I understand I must file an Affidavit for Citation by Posting or Affidavit for Citation by Publication depending on my case. If my spouse and I have property, I understand I must also hire a lawyer to serve as attorney ad litem for my spouse.

3. Jurisdiction

3A. County Residence Requirement

(Check all boxes that apply.)

- ☐ I have lived in this county for the last 90 days.
- ☐ My spouse has lived in this county for the last 90 days.
- ☐ I am serving in the armed forces or other government service outside of Texas, but this county has been the home county of either my spouse or me for at least 90 days.
- ☐ I have accompanied my spouse who is serving in the armed forces or other government service outside of Texas, but this county has been the home county of either my spouse or me for at least 90 days.

Note: You cannot file for annulment in Texas until you **or** your spouse has lived in the county where you are asking for a divorce for at least the last 90 days and in Texas for at least the last six months.

There are special rules for military families and others who are absent from the state due to government service.

Get more information at
www.TexasLawHelp.org.

3B. Texas Residence Requirement

(Check all boxes that apply.)

- ☐ I have lived in Texas for the last six months.
- ☐ My spouse has lived in Texas for the last six months.
- ☐ I am serving in the armed forces or other government service outside of Texas, but Texas is the home state of either my spouse or me and has been for at least 6 months.
- ☐ I have accompanied my spouse who is serving in the armed forces or other government service outside of Texas, but Texas is the home state of either my spouse or me and has been for at least 6 months.

3C. Personal Jurisdiction over Spouse

(Check one box.)

- ☐ My spouse lives in Texas.
- ☐ My spouse does not live in Texas.

(If your spouse does not live in Texas, check any boxes that apply below.)

- ☐ My spouse agrees that a Texas court can make orders in this annulment. My spouse will file a Waiver of Service (or Answer).
- ☐ Texas is the last state where we lived together as a married couple. This Petition to Annul Marriage is filed less than two years after we separated.

3D. Personal Jurisdiction over Spouse

- ☐ My marriage took place in Texas.

4. Marriage

My spouse and I got married on: _____
Month Day Year

We were married in _____ in _____ County, _____
City County Name State

5. Grounds

At the time of the marriage:

(Check one box.)

- ☐ I was under the influence of alcoholic beverages or narcotics, and as a result, did not have the capacity to consent to the marriage. I have not voluntarily lived with the Respondent since the effects of the alcoholic beverages or narcotics ended.

- ☐ Either the Respondent or I, for physical or mental reasons, was impotent (unable to have sexual intercourse). I did not know of the impotency at the time of the marriage, and I have not voluntarily lived with the Respondent since learning of the impotency.
- ☐ Respondent used fraud, duress, or force to induce me to marry and I have not voluntarily lived with the Respondent since learning of the fraud or being released from the duress or force.
- ☐ I did not possess the mental capacity to consent to marriage or to understand the nature of the marriage ceremony because of mental disease or defect. Since the marriage ceremony, I have not voluntarily lived with the Respondent during a period when I possessed the mental capacity to recognize the marriage relationship.
- ☐ Respondent did not possess the mental capacity to consent to marriage or to understand the nature of the marriage ceremony because of mental disease or defect. At the time of the marriage, I did not know of the Respondent's mental disease or defect, and I have not voluntarily lived with the Respondent since I discovered the Respondent's mental disease or defect.
- ☐ Respondent concealed a divorce that took place within the 30 day period before the marriage ceremony. At the time of the marriage ceremony, I did not know about the divorce and I have not lived with the Respondent since I found out about the divorce. It has been less than 1 year since the marriage occurred.
- ☐ The Respondent and I were married less than 72 hours after the marriage license was issued. A court did not sign an order waiving the 72-hour waiting period and none of the exceptions set out in Texas Family Code 2.204(b) apply. (At the time of the marriage, I was not a member of the U.S. armed forces on active duty, I did not perform work for the U.S. Department of Defense as an employee or under a contract with the Department, and I did not seek a waiver based upon completion of a premarital course as set out in Texas Family Code 2.204(b)(4).) And, it has been less than 30 days since the marriage took place.

6. No Child of Marriage

No child was born or adopted during the marriage.

7. Is the Wife Pregnant?

(Check one box.)

- ☐ The wife in this marriage **is not** pregnant.
- ☐ The wife in this marriage **is** pregnant. I understand that I cannot finish the divorce until after the child is born.

(If the wife is pregnant, also check one box below.)

- ☐ The husband **is** the father of this child. I ask the court to include orders for custody, visitation, child support and medical support for the child in the Final Decree of Divorce.
- ☐ The husband **is not** the father of this child. I understand that paternity of the child must be established before I can finish the divorce. (Get information about establishing paternity at www.TexasLawHelp.org.)

8. Property

No community property was accumulated by the parties during the marriage other than personal effects, which should be awarded to the person having possession.

9. Confirmation of Name

(Check all boxes that apply.)

☐ Petitioner's name before the ceremony was: _____
Print First Middle Last

This former name should be confirmed by the Court as Petitioner's lawful name.

☐ Respondent's name before the ceremony was: _____
Print First Middle Last

This former name should be confirmed by the Court as Respondent's lawful name.

10. Protective Order Statement

(Check the appropriate boxes below. Fill in the requested information.)

Note: You must provide information about any protective order or pending application for protective order involving you and your spouse or a child of either you or your spouse. This includes information about any: (1) family violence protective order, (2) sexual assault, sexual abuse, trafficking, or stalking protective order; or (3) emergency protective order issued after an arrest. You must also attach to this petition a copy of any protective order (even if it's expired) in which one spouse or child of either spouse was the applicant or victim and the other spouse was the respondent or defendant. If your divorce petition does not accurately reflect whether there is a protective order against either spouse, the Court may require you to file an amended petition.

10A. No Protective Order

- ☐ I **do not** have a protective order against my spouse and I have not asked for one.
☐ My spouse **does not** have a protective order against me and has not asked for one.

10B. Pending Protective Order

- ☐ I **have** filed paperwork at the courthouse asking for a protective order against my spouse, but a judge has not decided if I should get it. I asked for a protective order on _____
Date Filed
in _____ County, _____. The cause number is _____.
County State Cause Number
If I get a protective order, I will file a copy of it before any hearings in this divorce.

- ☐ My spouse **has** filed paperwork asking for a protective order against me, but a judge has not decided if my spouse will get it. My spouse asked for a protective order on _____
Date Filed
in _____ County, _____. The cause number is _____.
County State Cause Number
If my spouse gets a protective order, I will file a copy of it before any hearings in this divorce.

10C. Protective Order in Place

- ☐ I **do have** a protective order against my spouse. I got the protective order in _____
County State on _____
County State Date Ordered
The cause number for the protective order is _____.
Cause Number
Either I have attached a copy of the protective order to this petition or I will file a copy of it with the court before any hearings in this divorce.
- ☐ My spouse **does have** a protective order against me. The protective order was made in _____
County State on _____
County State Date Ordered
The cause number for the protective order is _____.
Cause Number
Either I have attached a copy of the protective order to this petition or I will file a copy of it with the court before any hearings in this divorce.

Note: You MUST attach a copy of **any** protective order issued for you against your spouse **or** issued for your spouse against you, no matter when the protective order was issued.

11. Request for Judgment

I ask the Court to grant my annulment. I also ask the Court to make the other orders I have asked for in this Petition and any other orders to which I am entitled.

Respectfully,



Petitioner's Signature

Date

Petitioner's Printed Name

()

Phone Number

Mailing Address

City

State

Zip

Email

Address: _____ Fax (if available) _____

Warning: Each Respondent will get a copy of this form. If you are concerned about a Respondent learning your address, call the Hope Line at 800-374-4673(HOPE) for free advice before filing this form with the court.

I understand that I must notify the Court and the Respondent's attorney (or the Respondent if the Respondent does not have an attorney) in writing if my mailing address or email address changes during these proceedings. If I don't, any notices about this case will be sent to me at the mailing address or email address on this form.

Cause Number _____

(The Clerk's office will fill in the Cause Number and Court Number when you file this form.)

In the Matter of the Marriage of

Petitioner _____

Print first, middle and last name of the spouse filing for annulment.

In the _____

Court Number

and

☐ District Court

☐ County Court at Law

Respondent _____

Print first, middle and last name of other spouse.

County,
Texas

Respondent's Answer to Petition to Annul Marriage

WARNING to Respondent: Without the advice and help of an attorney, you may be putting yourself, your property, and your money at risk. For a referral to an attorney, or if you are poor to the nearest Legal Aid Office, call the State Bar of Texas Lawyer Referral Information Service at 800-252-9690. If you are a victim of family violence, or if at any time you feel unsafe, you can get confidential help from the National Domestic Violence Hotline at 800-799-7233 or legal help from the Texas Advocacy Project Family Violence Legal Line at 800-374-4673.

WARNING to Out-of-State Respondent: Filing an Answer with the Court enters your appearance in this case. Talk to an attorney **before** filing an Answer, if you **1) do not live in Texas** and **2) do not** want a Texas court to have the power to make orders that would impose a personal obligation on you. Such orders could include orders dividing your property and debts, ordering you to pay child support, and (if requested by your spouse) ordering you to pay spousal maintenance, court costs and attorney's fees. If you file an Answer (or any other pleading) before filing a Special Appearance, you will give up your right to argue that Texas can't make such orders because you live out-of-state. Ask a Texas attorney to help you determine if Texas has personal jurisdiction over you.

INSTRUCTIONS to Respondent: If you decide to use this form:

- Do not sign it until **at least one day after** the Original Petition to Annul Marriage has been filed (turned in to the court). Your spouse should have given you a copy of the Original Petition to Annul Marriage. The official court stamp on your copy will tell you when it was filed.
- Fill out this form completely.
- File (turn in) the original signed form to the court where your spouse filed the Original Petition to Annul Marriage. Keep a copy for your records. Give a copy to your spouse.
- Get additional information about annulment at www.TexasLawHelp.org.

(Print your answers)

My name is: _____
First Middle Last

I am the Respondent in this case.

The last three numbers of my driver's license number are: ____ _ _.

My driver's license was issued in (State) _____.

Or ☐ I do not have a driver's license number.

The last three numbers of my social security number are: ____ _ _.

Or ☐ I do not have a social security number

1. General Denial

I enter a general denial. I want to be notified of all hearings in this case.

2. Contact Information

My mailing address is: _____
Mailing Address City State Zip

My phone number is: _____

My email address is _____

I understand I must notify the Court and my spouse's attorney or my spouse (if my spouse does not have an attorney) in writing if my mailing address or email address changes during this case. If I don't, I understand that all information about this case, including the date and time of hearings, will be sent to me at the mailing address or email address on this form.

3. Confirmation of Prior Name

Prior to the marriage ceremony, my full name was:

PRINT: First Middle Last

The Court should confirm this former name as my lawful name.

4. Discovery Level

The discovery level in this case, if needed, is: (Check one box.)

- ☐ Level 1. (Check here if you and your spouse have more than \$0 and less than \$250,000 in property.)
☐ Level 2. (All other couples check here.)

5. Required Initial Disclosures

I understand that spouses in an annulment must usually exchange **initial disclosures** of the information and material described in Texas Rules of Civil Procedure, Rule 194.2.

Check all that apply.

- ☐ I believe my spouse and I will agree to waive the exchange of initial disclosures.
☐ This action involves domestic violence and is exempt from the required initial disclosure requirement.

6. Prayer

I ask the Court for general relief.

Respondent's Signature	Date
Respondent's Printed Name	Phone Number
Mailing Address	City State ZIP
Email Address	Fax # (if available)

Certificate of Service

I will give a copy of this document to my spouse's attorney or my spouse (if my spouse does not have an attorney) on the same day this document is filed with (turned in to) the Court as follows:

If I file this document electronically, I will send a copy of it to my spouse or my spouse's attorney through the electronic file manager if possible. If not possible, I will give a copy to my spouse or my spouse's attorney in person, by mail, by commercial delivery service, by fax, or by email.

If I file a paper copy of this document, I will give a copy of it to my spouse or my spouse's attorney in person, by mail, by commercial delivery service, by fax, or by email.



Respondent's signature

Date

Cause Number: _____

(The Clerk's office will fill in the Cause Number and Court Number when you file this form.)

In the Matter of the Marriage of:

Petitioner: _____

Print first, middle and last name of the filing spouse.

In the _____

(Court Number)

☐ District Court

☐ County Court at Law

and

Respondent: _____

Print first, middle and last name of other spouse.

County _____

Texas

Waiver of Service Only (Specific Waiver)

INSTRUCTIONS to Respondent. If you decide to use this form:

- Do not sign it until **at least one day after** the Original Petition to Annul Marriage has been filed (turned in to the court). If you sign this form before then, you will have to redo it. Your spouse should have given you a copy of the Original Petition. The official court stamp on your copy will tell you when it was filed.
- Fill out this form completely. You **MUST** include your mailing address.
- **Sign this form in front of a notary.** Do not sign until you are standing in front of the notary.
- File (turn in) the original signed form to the court where your spouse filed the Original Petition. Keep a copy for your records. Give a copy to your spouse.
- Get additional information about annulments and suits to declare marriage void at www.TexasLawHelp.org.

The person who signed this affidavit appeared, in person, before me, the undersigned notary, and stated under oath:

"I am the Respondent in this case.

"My name is: _____
First Middle Last

"My mailing address is: _____
Mailing Address City State Zip

"My phone number is: _____.

"My email address is: _____.

"My fax number (if available) is: _____.

"The last three numbers of my driver's license number are: _____. My driver's license was issued in (state): _____.

or ☐ I do not have a driver's license number.

"The last three numbers of my social security number are: _____.
or ☐ I do not have a social security number.

"I have been given a copy of the Original Petition to Annul Marriage filed in this case. I have read the Original Petition to Annul Marriage and understand what it says. I do not give up my right to review a different Petition to Annul Marriage if it gets changed (amended).

"I understand that I have the right to be given a copy of the Original Petition for Annulment by a constable, sheriff or other official process server (legal notice). I do not want to be given legal notice. I give up my right to legal notice.

"I ask that the Court not enter any orders in this case unless the order is signed by me or unless I have received prior written notice of the date, time, and place of hearing.

"If I reach an agreement and sign a Final Decree of Annulment, the court can enter the Decree without me being present and without giving me notice. If I sign an agreed Final Decree of Annulment, I do not want a court reporter to make a record of the testimony.

"I understand that by signing this form I am entering an appearance in this case. I agree that a judge or associate judge in the county and state where this case is filed may make decisions about it, even if it should have been filed in another county.

"I understand that I must let the Court and my spouse's attorney (or my spouse if my spouse is not represented by an attorney) know in writing if my mailing address or email address changes during this case. If I do not, then I understand that any notices about this case will be sent to me at the mailing address or email address on this form.

Military Status (Check one box.)

☐ I am not in the military.

☐ I am in the military. I agree to the provisions stated above and I waive only the rights, privileges, and exemptions I have under the Servicemember's Civil Relief Act that are contrary to those provisions.

Name Change (Check one box.)

☐ I am NOT asking the court to change my name."

☐ I ask the Court to change my name back to a name I used before my marriage. I am not asking the court to change my name to avoid criminal prosecution or creditors."

First

Middle

Last

Signature of Respondent

(Do NOT sign until you are in front of a notary.)

Date

Notary fills out below.

State of

(Print name of state where this Affidavit is notarized)

County of

(Print the name of the county where this Affidavit is notarized)

Sworn to and subscribed before me, the undersigned notary, on this date:

at _____ a.m./p.m.
Time circle one

Month Day Year

by

(Print name of person who is signing this Affidavit. NOT the notary's name.)

[Notary Stamps Here]

Notary's Signature

Case No. _____

In the District Court

Collin County, Texas

_____ Judicial District

ORDER SETTING HEARING DATE

IT IS ORDERED that the hearing on the _____ [Petition OR Motion] be set for _____ o'clock on the _____ day of _____, 20____ in the courtroom of the _____ Court, in the County of Collin in McKinney, Texas.

SIGNED this the _____ day of _____.

JUDGE PRESIDING

CERTIFICATE OF SERVICE

I certify that a true copy of the above _____ [title of motion or petition] has this day been:

_____ delivered by courier with receipted delivery
_____ sent by certified mail, return receipt requested
_____ sent via facsimile with confirmation

To:

_____ [name of other party] at:

_____ [address of other party].

On this _____ day of _____.

[Signature]

[Typed or Printed Name]

[Address and Telephone No.]

Cause Number: _____

In the Matter of the Marriage of:

Petitioner: _____
Print first, middle and last name of spouse filing for annulment.

In the _____
(Court Number)

☐ District Court ☐ County Court of:

And

Respondent: _____
Print first, middle and last name of other spouse.

County,
Texas

Decree of Annulment

A hearing took place today, and the following people were present. There was no jury because neither party asked for one.

1. Appearances

Petitioner

The Petitioner's name is: _____
First Middle Last

(Check one box.)

- ☐ The Petitioner **was present**, self-represented, and has agreed to the terms of this Decree of Annulment.
- ☐ The Petitioner **was not present**, but has signed below, agreeing to the terms of this Decree of Annulment.

Respondent

The Respondent's name is: _____
First Middle Last

(Check one box.)

- ☐ The Respondent **was present**, self-represented, and agrees to the terms in this Decree.
- ☐ The Respondent **was not present** but was served, filed an Answer, or signed a Waiver of Citation, and: **(Check all that apply.)**
- ☐ has signed below, agreeing to the terms in this Decree of Annulment.
- ☐ agreed in the Waiver that the judge can finalize the annulment, without giving the Respondent notice of this hearing.
- ☐ has defaulted. The Petitioner has filed a Certificate of Last Known Address and an Affidavit of Non-Military Status.

2. Record

A court reporter (Check one):

- ☐ did not record today's hearing because the parties and judge agreed not to make a record.
☐ recorded today's hearing.

3. Jurisdiction

The Court received evidence and finds that it has jurisdiction over this case and the parties, that the residency and notice requirements have been met, and that the Petition meets all legal requirements.

4. Findings

The Court finds the material allegations (grounds for annulment) in the Original Petition to Annul Marriage are true and that the marriage should be annulled.

The Court finds that no child was born to or adopted by Petitioner and Respondent, and no child is expected.

The Court finds that Petitioner and Respondent did not accumulate any community property during the marriage, other than personal effects.

5. Annulment Granted

IT IS ORDERED that the marriage between Petitioner and Respondent is null and void.

6. Family Violence Statement

It has been represented to the Court that: (Check ONLY the option that applies to the situation.)

- ☐ There has been no family violence during this lawsuit, while the divorce was pending, or during the two years prior to the filing of this lawsuit.
or
☐ There has been family violence during this lawsuit, while the divorce was pending, or during the two years prior to the filing of this lawsuit.

7. Property

IT IS ORDERED that Petitioner take as his or her sole and separate property all the property that is presently in Petitioner's possession and that Respondent take as his or her sole and separate property all the property that is presently in Respondent's possession.

8. Name Confirmation

IT IS ORDERED that the name of (check one): ☐ Petitioner ☐ Respondent is the name used before marriage, as it appears below:

First

Middle

Last

9. Court Costs

The costs of court shall be paid by the spouse who incurred them to the extent the party is required to pay such costs. A spouse who filed an Affidavit of Indigency or Declaration of Indigency that was not successfully contested is not required to pay court costs.

10. Other Orders

The court has the right to make other orders, if needed, to clarify or enforce the orders above. Any orders requested that do not appear above are denied.

Date of Judgment

Judge's signature

Judge's printed name

By signing below, the Petitioner agrees to the form and substance of this decree of annulment.

Petitioner's Name (print)

Phone number

→

Petitioner's Signature

Date

Petitioner's
Mailing Address:

city

state

zip

Petitioner's Email
Address:

Petitioner's Fax (if
available):

By signing below, the Respondent agrees to the form and substance of this decree of annulment.

Respondent's Name (print)

Phone number

→

Respondent's Signature

Date

Respondent's
Mailing Address:

city

state

zip

Respondent's Email:

Respondent's Fax
(if available):

Declaration for Prove-Up of Annul Marriage

My name is _____. I am above the age of eighteen years, and I am fully competent to make this declaration. The facts stated in this declaration are within my personal knowledge and are true and correct.

I am presently married to _____ on _____
(date of marriage)

1. The marriage took place in Texas
2. I am/my spouse domiciled in Texas.

At the time of marriage:

State the ground(s) for annulment as stated in your petition:

There were no children born during the period of marriage

There were no adopted children

I am not Or My wife is not expecting a child

There are no court ordered conservatorships, guardianships, or other court ordered relations between my spouse and I.

Select one of the following:

1. ____ No community property was accumulated by the parties during the marriage other than personal effects
2. ____ The parties during their marriage accumulated property that should be divided in an equitable manner.

____ Name change check this and complete this section ONLY If you, the person completing this affidavit, are changing your name in this annulment

The Petitioner/Respondent (circle one) is requesting a name change to _____, a name they had before marriage

____ Check this box ONLY IF you, the person completing this affidavit, are changing your name in this annulment.

I am **not** asking the court to change my name to avoid payment of debt.

Verification (sign below.. this statement must be true, because it signed "under penalty of perjury," and it is a crime make a false unsworn declaration under penalty of perjury in Texas. See Texas Penal Code 37.02)

I am the [Petitioner/Respondent] (circle one). I swear under oath that the facts stated in this declaration are true and correct

My current legal name is _____

My date of birth is _____

My address is _____

I declare under penalty of perjury that the foregoing is true and correct

Executed in _____, County, State of _____ on _____ day of _____ (month)

Declarant's Signature (sign here)