

## OVERSEAS DIVORCE

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### 1. Residence and Grounds:

You can file for a divorce in North Carolina. We will be happy to help you. Let us try to explain the process to you:

There has been a separation for at least one year with the intention that the separation be permanent. This means that you and your spouse have resided apart from each other in different living quarters for at least a year.

One party has been a legal resident of North Carolina for at least six months before filing a divorce. This means that you or your spouse must have done all the things necessary to claim NC as your home. Be very careful regarding this issue, since we will need to ask you very specific questions to satisfy ourselves (and the court) that you're really a North Carolina resident, such as: Where do you vote? Are you registered to vote in NC? When did you register? Are you paying NC income taxes and filing a return every April 15 on Form D-400 (the state tax return form)? Do you have NC taxes withheld from your pay each month? Are your vehicles titled and registered here? What about your driver's license? Do you own any property in NC? Do you pay property taxes here? Are you eligible for in-state tuition in this state? Where are your bank accounts located? What other evidence is there that you intend to return to NC?

### 2. Where to File:

The proper venue (place where you may file) for a divorce case is the county of residence for the husband or the wife. If neither party is residing in Wake County, where Raleigh is located, or has legal residence there while on active duty elsewhere, then we can still file here for divorce if the other party does not object to the divorce being heard here. If the does object, then the case will have to be moved to the county of residence and there will be an additional charge for travel.

### 3. Cost:

Our charge for an uncontested divorce is \$1,000 to be deposited to the firm's trust account plus the initial consultation. In addition, the filing cost with the Wake County clerk's office is \$167, and we will require \$15 as costs for serving your spouse if he or she is in the U.S. and can be served by certified mail.

### 4. Time:

It usually takes 45-60 days to complete the divorce from date of serving papers on your spouse to the date when your decree is granted by the judge. We must have your spouse's full name and a correct address.

**5. Contract:**

Once you are ready to proceed and have the funds ready, we will send you a contract. You will need to sign this for the above services and send us the money after your initial consultation and fees (can be done by phone). Then you will be sent (or faxed) a copy of the complaint. Please review it to make sure it is correct. You will need to sign the complaint in front of a notary public and return it to us by express mail. This cannot be done before one year and one day of separation from each other.

**6. What Does the Divorce Do?**

The effect of a divorce is to make you single again and, if requested, grant a wife the resumption of her maiden name.

**7. What Doesn't It Do?**

It does not resolve child support, alimony, property division, custody, visitation paternity or military pension division. In fact, if the issues of property division and alimony haven't been settled already between you and your wife, a divorce judgment would extinguish these rights and the court would no longer have the power to decide them.

**8. What Does That Mean for Me?**

We will assume for the moment that these issues have been resolved in a separation agreement. If not, and if any of these above items comes up when the other side files an answer contesting our complaint or counterclaiming for custody, alimony, etc., then we will need to advise you on a new retainer to deposit with the firm to handle the new matter. A divorce is the only matter that has a flat fee in our firm. All other services, because of the unpredictable nature of the time and costs involved, are handled with an initial deposit to our trust account and regular additional installments paid until the case is complete.

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***Thank you for asking about our helping you. Please let us know if you want a copy of "Yours for the Asking..." which is a list of our client handouts which will help explain specific domestic topics that might come up in your case. We'll be happy to send this to you. And, if you want any of these handouts, please send us a self-addressed, stamped envelope and circle the ones you want; we'll send them back to you free of charge.***