



Connie Taylor, Clerk of Superior Court
Cobb County, Georgia

IN THE SUPERIOR COURT OF COBB COUNTY
STATE OF GEORGIA

NATHAN WADE,

Plaintiff,

v.

JOYCELYN WADE,

Defendant.

CIVIL ACTION

FILE NO. 21108166

ANSWER TO COMPLAINT FOR DIVORCE
AND COUNTERCLAIM FOR DIVORCE

COMES NOW the Defendant in the above-styled case, Joycelyn Wade, and files this, her Answer to Complaint and Counterclaim for Divorce, and shows the Court as follows:

I.

FIRST DEFENSE OF LAW

Plaintiff's Complaint generally fails to state a claim upon which relief can be granted.

II.

ANSWER

1.

Defendant admits each and every allegation contained in Paragraph 1 of Plaintiff's Complaint.

2.

Defendant admits each and every allegation contained in Paragraph 2 of Plaintiff's

Complaint. Defendant further states that she was served on November 2, 2021.

3.

Defendant admits each and every allegation contained in Paragraph 3 of Plaintiff's Complaint.

4.

Paragraph 4 of Plaintiff's Complaint contains a prayer for relief, not an allegation of fact, which Defendant cannot admit or deny. To the extent same can be admitted or denied, same is denied.

5.

Defendant admits each and every allegation contained in Paragraph 5 of Plaintiff's Complaint. Defendant further avers that the parties' children have reached the age of majority.

6.

Defendant admits each and every allegation contained in Paragraph 6 of Plaintiff's Complaint.

7.

Paragraph 7 of Plaintiff's Complaint contains a prayer for relief, not an allegation of fact, which Defendant cannot admit or deny. To the extent same can be admitted or denied, same is denied.

8.

Paragraph 8 of Plaintiff's Complaint contains a prayer for relief, not an allegation of fact, which Defendant cannot admit or deny. To the extent same can be admitted or denied, same is denied.

9.

Paragraph 9 of Plaintiff's Complaint contains a statement of law, not an allegation of fact, which Defendant cannot admit or deny. To the extent same can be admitted or denied, same is admitted.

10.

Paragraph 10 of Plaintiff's Complaint contains a prayer for relief, not an allegation of fact, which Defendant cannot admit or deny. To the extent same can be admitted or denied, same is denied and Defendant clarifies that both parties shall be bound by Georgia law.

11.

Paragraph 11 of Plaintiff's Complaint contains a prayer for relief, not an allegation of fact, which Defendant cannot admit or deny. To the extent same can be admitted or denied, same is denied.

12.

Paragraph 12 of Plaintiff's Complaint contains a prayer for relief, not an allegation of fact, which Defendant cannot admit or deny. To the extent same can be admitted or denied, same is denied.

13.

Paragraph 13 of Plaintiff's Complaint contains a prayer for relief, not an allegation of fact, which Defendant cannot admit or deny. To the extent same can be admitted or denied, same is denied.

14.

Any allegation of fact not specifically admitted or denied herein is hereby denied.

III.

COUNTERCLAIM FOR DIVORCE

15.

That the Defendant is a resident of Cobb County, Georgia, and is subject to the jurisdiction of this Court.

16.

That the parties hereto are Husband and Wife, having married on or about June 21, 1997.

17.

That the parties hereto are living in a bona fide state of separation.

18.

That the Defendant brings this Counterclaim for Divorce against the Plaintiff on the grounds that the marriage is irretrievably broken, as contemplated by O.C.G.A. § 19-5-3(13). The Defendant reserves the right to add other grounds for divorce.

19.

That there are no minor children as a result of this marriage, as the parties' children have reached the age of majority.

20.

That Defendant is substantially dependent upon the Plaintiff for her support and maintenance and is entitled to receive temporary and permanent alimony and support from the Plaintiff commensurate with her needs as well as other circumstances of this case.

21.

That any and all pre-marital assets and gifts and inheritances of either party should be retained and assigned to the party who owned the asset or property before the marriage or received the gift or inheritance in accordance with the laws of the State of Georgia.

22.

That the parties hereto own certain real property, occupied as the marital residence, which is located at 3754 Honey Pot Way, Marietta, Cobb County, Georgia 30066; and Defendant shows that she should be awarded the exclusive use and possession of this real property on a temporary and permanent basis.

23.

That there are various household goods, furniture, furnishings, kitchen equipment, appliances, television sets, audio and video equipment, and other items of personal property located in the marital residence and elsewhere; and Defendant shows that she should be awarded an equitable portion of this property on a temporary and permanent basis.

24.

That there should be an equitable division of all of the marital property of the parties between the parties.

25

That with regard to the transferring or other disposition of property after the filing of a petition for divorce, O.C.G.A. § 19-5-7 provides in pertinent part as follows, to wit:
"After a petition for divorce has been filed, no transfer of property by either party, except

a bona fide transfer in payment of preexisting debts, shall pass title so as to avoid the vesting thereof according to the final verdict of the jury in the case;..."

That O.C.G.A. § 19-6-1(e) provides as follows, to wit: *Pending final determination by the court of the right of either party to alimony, neither party shall make any substantial change in the assets of the party's estate except in the course of ordinary business affairs and except for bona fide transfers for value."*

That Defendant insists that the Plaintiff comply with the foregoing statutes in all respects, and Plaintiff is hereby specifically put on notice of such law and of Defendant's demand for strict compliance therewith.

26.

That there are policies of insurance on the marital residence, the household goods within the marital residence, the vehicles that the parties have been driving or otherwise own, and possibly other type insurance policies which should be kept in force by the Plaintiff pending the final trial of this case; and these policies should be granted to the Defendant upon the final trial of this case.

27.

That there presently exist policies of insurance upon the parties' lives; and the Defendant shows that the Plaintiff should be required to make and retain these policies of insurance, without change of beneficiaries, on a temporary basis pending the final trial of this case; and the Defendant shows that she should be awarded an equitable ownership of any such policies.

28.

That the parties should be restrained and enjoined from changing the beneficiaries

or other terms of any such life insurance policies in order to preserve the pre-separation status of such policies pending the final trial of this case.

29.

That the parties have a health insurance policy, either through employment or otherwise, and that they should be required to keep these policies in force, pay all premiums thereon, and retain any dependent coverage that may presently exist for the benefit of the parties.

30.

That at the time of the filing of this Counterclaim for Divorce, the Defendant has the use of the 2014 Infiniti QX60 automobile. The Defendant shows that she should be awarded all of the Plaintiff's right, title, and interest in and to said vehicle on a temporary and permanent basis.

31.

That there are various and sundry debts of the parties which should be equitably allocated between the parties.

32.

That prior to the separation of the parties, the Plaintiff and Defendant had various individual and/or joint checking accounts, savings accounts, retirement accounts, and other funds; and shows that the parties should be restrained and enjoined from closing, transferring, confiscating, hiding, manipulating or dissipating any of these assets, except in the normal course of business, and that the parties should be required to make an accounting of all such accounts and funds, which should be made available for the use of the parties for support, payment of debts, and otherwise as this Court deems fit and

proper.

33.

That this Court should issue an order restraining and enjoining the parties from physically or verbally harming, harassing, threatening, molesting, intimidating or abusing the other party, on a temporary and permanent basis.

34.

That the Defendant should be awarded a reasonable sum as attorney's fees for the filing and prosecution of this Counterclaim for Divorce.

35.

Defendant shall, in good faith, attempt to reach an agreement with Plaintiff resolving all matters and controversies between them. When signed by both parties, the Court will be asked to approve said Agreement and make said Agreement an order of this Court.

WHEREFORE, the Defendant prays:

- (a) That the Plaintiff be served with a copy of this lawsuit as provided by law;
- (b) That any and all pre-marital assets and gifts and inheritance of either party before or after the marriage, be awarded to the party owning the asset before marriage or receiving the gift or inheritance in accordance with the laws of the State of Georgia;
- (c) That she be awarded all of the Plaintiff's right, title, and interest in and to said real property, located at 3754 Honey Pot Way, Marietta, Cobb County, Georgia 30066, on a temporary and permanent basis;
- (d) That Defendant be awarded temporary and permanent alimony and support from the Plaintiff;

(e) That she be awarded an equitable portion of the household goods, furniture, furnishings, kitchen equipment, appliances, television sets, audio and video equipment, and other personal property located in the marital residence or elsewhere on a temporary and permanent basis.

(f) That the Plaintiff strictly comply with the provisions of O.C.G.A. §19-5-7 and O.C.G.A. §19-6-1(e) regarding the transfer of property pending this action;

(g) That the Plaintiff be required to keep in force the policies of insurance on the marital residence, the household goods in the marital residence, and the vehicles which the parties are driving or otherwise own, until the final trial of this case, at which time the Defendant be awarded said policies from the Plaintiff;

(h) That the Plaintiff be required to make and retain all life insurance policies presently in effect, without change of beneficiaries, on a temporary basis pending the final trial of this case; and that the Defendant then be awarded an equitable ownership of these policies;

(i) That the Plaintiff be restrained and enjoined from changing beneficiaries of any such life insurance policies in order to preserve the pre-separation status of such policies pending the final trial of this case;

(j) That the parties be required to keep in force all health insurance coverage presently in effect and retain any dependent coverage that may exist for the benefit of the parties;

(k) That she be awarded all of the Plaintiff's right, title, and interest in and to said 2014 Infiniti QX60 automobile on a temporary and permanent basis;

(l) That there be an equitable allocation of the various and sundry debts of the parties between the parties;

(m) That she be granted a total divorce from the Plaintiff, that is to say, a divorce *a vinculo matrimonii*, as provided by law;

(n) That the parties be restrained and enjoined temporarily and permanently from physically or verbally harming, harassing, threatening, molesting, intimidating, or abusing the other party;

(o) That the parties and their agents be restrained and enjoined temporarily and permanently from selling, encumbering, hiding, dissipating, contracting to sell, or otherwise disposing of, removing from the jurisdiction of this Court, or concealing, any of the property or assets belonging to the parties, or either of them, except in the ordinary course of business, pending the final trial of this case;

(p) That the parties be required to account for all contents of any safe deposit box owned by the parties, or either of them, all cash, bank, stock, retirement or other accounts, all personal items located at the marital residence, or elsewhere, as well as the vehicles presently being driven or owned by the parties, in order to preserve the pre-separation status of said items;

(q) That Defendant have and recover a reasonable sum as attorney's fees for the filing and prosecution of this Counterclaim for Divorce;

(r) That any Agreement executed by the parties in settlement of the issues in this action be made the Final Judgment of this Court;

(s) That a Rule Nisi issue directing the Plaintiff to show cause before this Court on a day certain why the appropriate prayers of the Defendant's Counterclaim for Divorce

should not be granted; and

(t) That Defendant have such other and further relief as the Court may deem just and proper.

Dated this 30th day of November, 2021.

Respectfully Submitted,

WAGGONER HASTINGS LLC

/s/ Andrea Dyer Hastings
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v.

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FILE NO. 21108166

CERTIFICATE OF SERVICE

I hereby certify that I have this day served true and correct copies of the foregoing *Answer and Counterclaim for Divorce* upon the opposing party, by and through his counsel of record, via Statutory Electronic Service and Federal Express properly addressed to:

Terrence Bradley, Esq.
Wade, Bradley, & Campbell
2000 Powers Ferry Road SE, Suite 110
Marietta, Ga 30067
tbradley1@gmail.com

Dated this 30th day of November, 2021.

WAGGONER HASTINGS LLC

/s/ Andrea Dyer Hastings
ANDREA DYER HASTINGS
Georgia Bar No. 929208
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IN THE SUPERIOR COURT OF COBB COUNTY
STATE OF GEORGIA

NATHAN JEROME WADE JR,

Petitioner,

v.

JOYCELYN YVONNE WADE,

Respondent.

CIVIL ACTION

FILE NO. 21108168

VERIFICATION

PERSONALLY APPEARED before the undersigned attesting officer duly authorized to administer oaths in the State and County aforesaid, Joycelyn Yvonne Wade, who, on oath, states that the facts contained in the foregoing document are true and correct to the best of her information and belief.


JOYCELYN YVONNE WADE

Sworn to and subscribed before me,
this 30 day of November, 2021.


NOTARY PUBLIC

My Commission Expires: 08/18/2025

