

IN THE SUPERIOR COURT OF COBB COUNTY
STATE OF GEORGIA



Connie Taylor, Clerk of Superior Court
Cobb County, Georgia

NATHAN WADE
Plaintiff,

vs.

JOYCELYN WADE
Defendant.

CIVIL ACTION FILE NUMBER

COMPLAINT FOR DIVORCE

COMES NOW Plaintiff, NATHAN WADE(hereinafter referred to as "Plaintiff"), by and through his undersigned attorney shows this Honorable Court the following:

1.

Plaintiff is a resident of Cobb County, Georgia. Defendant is a resident of Cobb County Georgia and has been a resident of Cobb County within the last six (6) months. Parties have been residents of Georgia for a period of six (6) months or more immediately preceding the filing of this Complaint for Divorce.

2.

Defendant, JOYCELYN WADE (hereinafter the "Defendant"), is a resident of the State of Georgia, County of Cobb. Defendant may be served at her place of residence **3754 HONEY POT WAY, MARIETTA, GA 30066**. Once served, Defendant is subject to the jurisdiction of this Court, and venue is proper in the Superior Court of Cobb County pursuant to Article 6, Section 2, Paragraph 1 of the Constitution of the State of Georgia.

3.

Plaintiff and Defendant were lawfully married on or about June 21, 1997 and since that date lived together as husband and wife until August 15, 2021 at which time they were separated and since have lived in a bona fide state of separation.

4.

Differences have arisen between the parties, causing their marriage to be irretrievably broken and thereby entitling Plaintiff to a divorce under Georgia law, as provided in O.C.G.A. § 19-5-3 (13). Plaintiff further shows he is entitled to a divorce from Defendant upon other grounds; however, he chooses to reserve his right to amend her Complaint at a later time during these proceedings, if necessary.

5.

Plaintiff shows that there no minor children as issue of this marriage.

6.

Plaintiff shows that the parties have accumulated certain real or personal property during the course of their marriage and seeks an equitable division of same.

7.

Plaintiff shows that he brought certain separate property to the marriage, and seeks an award of same.

8.

Plaintiff shows that there should be an award of exclusive, temporary and permanent use and possession of the marital residence located at 3754 Honey Pot Way, Marietta, GA 30066

9.

Plaintiff shows that the law of Georgia (O.C.G.A. § 19-5-7) provides as follows with regard to the transfer or disposition of property:

“After a Complaint 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”

Further, O.C.G.A. § 19-6-1(e) provides as follows:

“Pending the 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.”

10.

Plaintiff insists that Defendant comply with the foregoing statutes in all respects and Defendant is hereby put on notice of not only the law of the State of Georgia, but also Plaintiff's intent to insist on full and absolute compliance with same by Defendant.

11.

Plaintiff shows that the parties have accumulated certain debts and obligations during the course of their marriage, and Plaintiff seeks an equitable division of the same.

12.

Plaintiff shows to this Honorable Court that the parties hereto are attempting to reach an Agreement resolving all matters and controversies between them and any and all other rights that each may have against the other. Said Settlement Agreement, when signed by both parties, shall be filed in this action and the Court will be asked to approve that Agreement and to make such Agreement a part of the Final Judgment and Decree of Divorce to be entered in this action with the Court ordering both parties to comply with all terms of said Agreement as provided by law. If the parties are unable to reach such an Agreement, Plaintiff reserves the right to amend this Complaint so as to add hereto all of the issues to be determined by this action that would have otherwise been resolved in such an Agreement.

13.

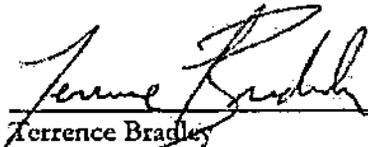
Plaintiff shows that he has needed to hire an attorney in this matter, and that she is entitled to an award of reasonable and necessary attorneys' fees and expenses of litigation.

WHEREFORE, Plaintiff prays:

- a) That Summons and Process issue as required by law and Defendant be served with same;
- b) That Plaintiff be awarded a total divorce, that is to say a divorce, *a vinculo matrimonii*, on the grounds that the marriage is irretrievably broken, as well as upon such other grounds as may be proved at trial;
- c) That Plaintiff be awarded an equitable division of all marital debt;
- d) That Plaintiff be awarded her separate property;
- e) That should the parties reach a Settlement Agreement that said Agreement be made a part of the Final Judgment and Decree of Divorce to be entered in this action with the Court ordering both parties to comply with all terms of said Agreement as provided by law;
- f) That Plaintiff be awarded reasonable and necessary attorney's fees and expenses of litigation;
- g) That the Court issue a Standing Order
- h) That a Rule Nisi issue; and,
- i) That this Court award Plaintiff such other and further relief as this Court deems just and proper.

This 2 day of November 2021.

Respectfully submitted,



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