

INSTRUCTIONS FOR AFFIDAVIT OF PLAINTIFF AND DEFENDANT AS TO JURISDICTION AND REASON FOR DIVORCE & FORM

In South Dakota, both parties must typically agree to use irreconcilable differences as the reasons for divorce. Additionally, the Plaintiff must be a resident of the State of South Dakota when the divorce is started. This Affidavit confirms those facts for the Court. **If the parties sign the Stipulation and Settlement Agreement (Without Minor Children) document, they must also sign this document.**

- **Complete this form in black ink only!**
- Complete the “caption.” This information will be the same as on the Summons and Complaint (Without Minor Children). The Caption is the same on every form.
- Fill in the full legal name of the Plaintiff and Defendant.
- In Paragraph 3, insert the name of the city where the Plaintiff resided when the divorce action was started.
- The Plaintiff must fill in the date with the day, month and year that they sign the Affidavit.
- **The Plaintiff must sign the document in the presence of a notary public or clerk of court. Make sure to bring photo identification to show them. A notary public can usually be found at the bank and sometimes at the courthouse.**
- The Defendant must fill in the date with the day, month and year that they sign the Affidavit.
- **The Defendant must sign the document in the presence of a notary public or clerk of court. Make sure to bring photo identification to show them. A notary public can usually be found at the bank and sometimes at the courthouse.**

If the Defendant refuses to sign the form, the Plaintiff should still file the Affidavit with their signature.

- **Make a copy for each of you and file the original with the Clerk of Court.**

WARNING: by signing your name, you are telling the court that you are telling the truth and that you have a good faith reason for your requests. If you are not telling the truth, if you are misleading the court, or if you are serving or filing this document for an improper purpose, the court could find you in contempt or you could be prosecuted for not telling the truth.

STATE OF SOUTH DAKOTA

IN CIRCUIT COURT

COUNTY OF _____

_____ JUDICIAL CIRCUIT

<div>_____ Plaintiff</div> <div>vs</div> <div>_____ Defendant</div>	<div>FILE NO: _____</div> <div>AFFIDAVIT OF PLAINTIFF & DEFENDANT AS TO JURISDICTION AND REASON FOR DIVORCE</div>
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_____, Plaintiff and _____,
Defendant, being first duly sworn upon their oath, depose and state as follows:

1. That they are the Plaintiff and the Defendant in the above-entitled divorce action.
2. This affidavit is made pursuant to the provisions of SDCL 25-4-17.3 so that the divorce may be granted without requiring the personal appearance in Court by either party.
3. Pursuant to SDCL 25-4-30, the Plaintiff, at the time of the commencement of this divorce action was a bona fide resident of _____ of the State of South Dakota (or stationed in the State of South Dakota while a member of the armed services).
4. Plaintiff and Defendant agree by signing this Affidavit that there are irreconcilable differences between the parties which the parties cannot repair to save the marriage. Both parties consent to the Court's entry of a Decree of Divorce to both parties on the grounds of irreconcilable differences.
5. A written Stipulation and Settlement Agreement (Without Minor Children) has been entered into between the Plaintiff and Defendant setting forth the terms and conditions of the division of property and other matters, which Agreement is presented to the Court with this Affidavit.
6. Both parties authorize the immediate presentation of the Stipulation and Settlement Agreement (Without Minor Children) and of this Affidavit to Jurisdiction and Grounds for Divorce and of the

proposed Judgement and Decree of Divorce to the Court and respectfully request the Court to consider the same without need for any noticed hearing or trial. The parties further waive the entry of formal Findings of Fact and Conclusions of Law.

Dated this _____ day of _____, 20____.

Sworn/affirmed before me this _____ day of _____, 20____.

Notary Public/Clerk of Court
If Notary, my commission expires:

(SEAL)

Plaintiff's Signature
(Date and sign in front of Notary Public/Clerk.)

Name (Print): _____

Address: _____

City/State/Zip: _____

Phone Number: (____) _____

Dated this _____ day of _____, 20____.

Sworn/affirmed before me this _____ day of _____, 20____.

Notary Public/Clerk of Court
If Notary, my commission expires:

(SEAL)

Defendant's Signature
(Date and sign in front of Notary Public/Clerk.)

Name (Print): _____

Address: _____

City/State/Zip: _____

Phone Number: (____) _____