

You must use black ink to fill out this form.

Your Name: _____

Mailing Address: _____

Telephone: _____ Message phone: _____

Email: _____

I authorize the court to email me court documents in this case to this email address.

NOTE: If you do not want the other party to know your physical address, you must still provide a mailing address where you can receive mail.

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

AT _____
City or Town where the Court is located

| | | |
|------------|---|---------------------|
| _____ |) | |
| |) | |
| Plaintiff, |) | |
| v. |) | |
| |) | |
| |) | |
| _____ |) | Your Case No. _____ |
| Defendant. |) | |
| _____ |) | |

**ANSWER AND COUNTERCLAIM
To Legal Separation Without Children**

I, _____, submit my response to plaintiff's
(Print your name here)

Complaint, and state the following:

A. ANSWER

1.

I agree with all of the statements in the *Complaint*.

I agree with the statements in the *Complaint*, except I disagree with statements in paragraph(s) No(s). _____
_____*(state paragraph number(s) you disagree with).*

I am not sure if I agree or disagree with the statements in the *Complaint* in paragraph Nos. _____

B. AFFIRMATIVE DEFENSES

(An affirmative defense is facts and arguments that attack the plaintiff's legal right to bring the court case. The affirmative defense might win for the defendant even if everything in the plaintiff's Complaint is true.)

I have no affirmative defenses. *(Go to Section C.)*

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I state the following affirmative defense(s) (*check below if appropriate*):

1.

I have never resided or been present in the State of Alaska. It is my position that the Alaska court does not have jurisdiction over any of the property or debt of the marital estate. I want the Alaska court to dismiss this case because I will be prejudiced if the court issues a legal separation before the property division occurs in another state.

I have attached to this Answer a *Motion to Dismiss* (*find [motion forms](#)*).

2.

The location of this case is not the correct and should have been filed at the courthouse in

City or Town

I have attached to this Answer a *Motion To Change Venue* (*find [motion forms](#)*).

3.

Other _____

C. COUNTERCLAIMS

(A counterclaim is where the defendant states what he/she wants to happen regarding the issues in the case.)

I have no counterclaims. (*Go to Section D.*)

I have stated above that the case should be dismissed because the Alaska court does not have jurisdiction over the marital estate. If this court does not dismiss the case, I submit the following counterclaim(s) without waiving my claim about the court's lack of jurisdiction:

I state the following counterclaim(s):

1. Facts of the Marriage:

Date of marriage: _____ Place of marriage: _____

Date of separation: _____

Plaintiff's date of birth: _____ Defendant's date of birth: _____

2. Basis for Legal Separation

I agree that there is a breakdown in the marriage and I want to separate but stay legally married to protect significant religious, financial, social or legal interests. I understand that:

- a legal separation is not a required step before getting a divorce;
- if either spouses want a divorce, the court will grant that instead of a legal separation and the marriage will end;
- if the legal separation is granted, we will
 - stay legally married; and

You must use black ink to fill out this form.

- divide the property and debt earned or received during the marriage until the date of the legal separation, or date ordered by the court.

I do NOT agree to a legal separation because I want the marriage to end in a divorce.

Other: _____

3. Children

We have NO minor children together and neither spouse is pregnant.

We have minor children or one spouse is pregnant. *(If pregnant, there are children, or paternity needs to be disestablished for any child(ren) born or conceived during the marriage, this form will NOT work for you. Use Answer & Counterclaim to Legal Separation With Minor Children, SHC-094).*

4. Property and debt

4A. We have already divided all marital property and debt so there is none for this court to divide. We can each keep what we have in our possession or control.

4B. There is marital property and debt for the court to divide in a fair and equitable manner. I have attached a *Property & Debt Worksheet*, SHC-1000 [Word](#) | [PDF](#).

I am aware of the following property and debt earned or received during the marriage:

Home(s) value: \$ _____
 Mortgage amt: \$ _____

Raw land value: \$ _____
 Loan amt: \$ _____

Car / truck: value \$ _____
 Loan amt: \$ _____

Car / truck: value \$ _____
 Loan amt: \$ _____

Motorcycle _____

Snow machine

4-wheeler

Boat

Gun(s)

Tools

Furniture and household goods

Bank / credit union account(s)

Other property: _____

Plaintiff Retirement Account
 401(k) / 403(b) account(s)

IRA account(s)

Pension – PERS, TRS, FERS, other

SBS

Military Retirement

Other retirement funds

Defendant Retirement Account

401(k) / 403(b) account(s)

IRA account(s)

Pension – PERS, TRS, FERS, other

SBS

Military Retirement

Other retirement funds

Credit card debt(s)

Medical bills

Utility bills / cell phone bill

Student loans

You must use black ink to fill out this form.

Other debt(s): _____

5. **Other:** (For example attorney's fees, spousal support, etc. If you want the court to award you attorney's fees or spousal support before the end of the case, you must file a separate motion in addition to writing it in this section. See <http://www.courts.alaska.gov/shc/family/motions.htm> for forms.

REQUEST FOR RELIEF

I REQUEST that the court:

- 1. issue a *Decree of Legal Separation*; *Decree of Divorce*
- 2. enter a *Final Order and Judgment* regarding property and debt as requested in section 4 of this *Answer*;
- 3. Other: _____

- 4. For such other and further relief as the Court deems fit and proper.

I have attached the following documents:

- Property & Debt Worksheet, SHC-1000** [Word](#) | [PDF](#)
- Other _____

_____ *Date*

_____ *Your Signature* (In blue ink if possible)

Certificate of Service

I certify that on _____ a copy of this *Answer* and all documents attached as indicated above was/were mailed hand delivered to:

Plaintiff _____ Plaintiff's Lawyer _____

Other _____

Your signature: _____

Copies for the plaintiff: You must serve the plaintiff with a copy of this form and all of its attachments by first class US mail or hand delivery (if there is no court ordered restriction on contact like a domestic violence protective order). **Fill out the Certificate of Service above.**