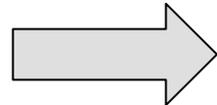


Instructions for:

Form 12

Praecipe to Transmit the Record



Form 12 - Praecipe to Transmit the Record

The numbers on these instructions correspond with the numbers in the arrowboxes on the form. Use the form with the arrowboxes to guide you through filling out the blank form.

1. Write the name of the county you are filing in by arrowbox 1. Write exactly what you wrote on Form 1, by arrowbox 1.
2. Write the name of the Plaintiff by arrowbox 2. Write it exactly as it appears on Form 1, by arrowbox 2.
3. Write the name of the Defendant by arrowbox 3. Write it exactly as it appears on Form 1, by arrowbox 3.
4. Write the docket number by arrowbox 4. The docket number is the number that the Prothonotary's Office wrote on Form 1, by arrowbox 4 at the time of filing.
5. Circle either 3301(c) or 3301(d), depending on the type of divorce you are seeking.
6. Write the date that Form 1 was served by arrowbox 5. This date will be on either Form 3-A (the date your spouse signed the Acceptance), 3-B (the date your spouse signed the green card), or 3-C (the date a third party handed your spouse Form 1), depending on which form you used for service.
7. Write the method of service by arrowbox 7:
 - If your spouse accepted Form #1 from you and signed Form 3-A, write: "acceptance" by arrowbox 6.
 - If you mailed Form #1 to your spouse by certified, restricted delivery, and filed Form 3-B, write: "certified, restricted, return receipt requested United States mail" by arrowbox 6.
 - If a third party, not you (ex/ the Sheriff), handed Form #1 to your spouse and completed Form 3-C, write: "personal service" by arrowbox 6.

If you are doing a 3301(c) consent divorce, complete the following:

8. Write the date Plaintiff (the person by arrowbox 2) signed Form 5-A (Affidavit of Consent) by arrowbox 8.
9. Write the date Defendant (the person by arrowbox 3) signed Form 5-B (Affidavit of Consent) by arrowbox 9.
10. Leave arrowbox 10 blank.
11. Leave arrowbox 11 blank.
12. If you have no other pending claims (such as a Petition for Special Relief or any other economic claim), write “no claims pending” by arrowbox 12.
If you have completed, signed, and filed an agreement between the two parties settling your economic claims, and within the document itself it states that the parties wish to incorporate, but not merge, the agreement, then by arrowbox 12 write: the name of the document, the date it was signed, that the parties wish to “incorporate but not merge” the document, and the paragraph number within the document or other indication of location requesting the incorporation.
If you have a Petition for Special Relief pending, write the name of your petition and a brief description of the claim by arrowbox 9 and attach a copy of your petition to the Praecipe.

A

OR

B

If filing Waivers -

If serving a Notice of Intention -

- | | |
|--|--|
| 13. Leave line 13 blank. | 13. Write the date you served Form 7 (Notice of Intention to Request Entry of Section 3301(c) Divorce Decree/Counter-Affidavit) by arrowbox 13. (See Form 11 for date of service.) |
| 14. Leave line 14 blank. | 14. Write how you served Form 7 by arrowbox 14 – “First Class Mail.” |
| 15. Write the date the Plaintiff (the person on line 2) <u>filed</u> (time stamped) Form 6-A (Waiver of Notice) in the Prothonotary’s Office by arrowbox 15. | 15. Leave arrowbox 15 blank. |
| 16. Write the date the Defendant (the person on line 3) <u>filed</u> (time stamped) Form 6-B (Waiver of Notice) in the Prothonotary’s Office by arrowbox 16. | 16. Leave arrowbox 16 blank. |
| 17. Write the date you sign this document by arrowbox 17. | |
| 18. Sign your name by arrowbox 18, indicate whether you are the Plaintiff or Defendant. | |
| 19. File this form with the Prothonotary. | |

If you are doing a 3301(d) non-consent divorce (2 years of separation), complete the following:

8. Leave arrowbox 8 blank.
9. Leave arrowbox 9 blank.
10. Write the date you signed Form 8 (Affidavit Under Section 3301(d)) by arrowbox 10.
11. Write the date you served Form 8 by arrowbox 10. (See Form 11 for date of service.)
12. If you have no other pending Petitions (such as a Petition for Special Relief), write “no claims pending” by arrowbox 12.
If you have completed, signed, and filed an agreement between the two parties settling your economic claims, within the document itself it states that the parties wish to incorporate, but not merge, the agreement, then by arrowbox 12 write: the name of the document, the date it was signed, that the parties wish to “incorporate but not merge” the document, and the paragraph number within the document or other indication of location requesting the incorporation.
If you have a Petition for Special Relief pending, write the name of your petition by arrowbox 9 and attach a copy of your petition to the Praecipe.
13. Write the date you served Form 9 (Notice of Intention to Request Entry of Section 3301(d) Divorce Decree) by arrowbox 13. (See Form 11 for date of service.)
14. Write how you served Form 9 by arrowbox 14 – “First Class Mail.”
15. Leave arrowbox 15 blank.
16. Leave arrowbox 16 blank.
17. Write the date you sign this document by arrowbox 16.
18. Sign your name by arrowbox 17 and indicate whether you are the Plaintiff or Defendant.
19. File this form with the Prothonotary.

IN 1 COURT OF COMMON PLEAS OF
 COUNTY, PENNSYLVANIA

2 _____,
 PLAINTIFF

vs.

3 _____,
 DEFENDANT

: CIVIL ACTION – LAW
 :
 :
 : Case No. 4 _____
 :
 :
 : IN DIVORCE

PRAECIPE TO TRANSMIT RECORD

To the Prothonotary:

Transmit the record, together with the following information, to the Court for entry of a divorce decree:

- 5
1. Ground for divorce: Irretrievable breakdown under Section 3301(c) or 3301(d) of the Divorce Code.
 2. Date and method of service of the Complaint: 6 _____ (date of service);
7 _____ (method of service).
 3. Complete either paragraph (a) or (b).
 - (a) Date of execution of the Affidavit of Consent required by Section 3301(c) of the Divorce Code: by Plaintiff 8 _____
 (date Plaintiff signed); by Defendant 9 _____ (date Defendant signed).
 - (b) Date of execution of Plaintiff's Affidavit required by Section 3301(d) of the Divorce Code: 10 _____ (date Plaintiff signed); Date of service 11 of Plaintiff's Affidavit upon Defendant: _____ (date of service).

4. Related claims pending: _____ 

5. Complete either (a) or (b).

(a) Date and manner of service of the Notice of  on to file Praecipe, a copy of  is attached: _____ (date of service); _____ (method of service).

(b) Date  Plaintiff's Waiver of Notice was filed with the Prothonotary: _____ (date filed). Date Defendant's Waiver of Notice was filed with the Prothonotary:  (date filed).

Dated:  _____

 _____
() Plaintiff
() Defendant

IN THE COURT OF COMMON PLEAS OF
_____ COUNTY, PENNSYLVANIA

_____	:	CIVIL ACTION – LAW
PLAINTIFF	:	
	:	
vs.	:	Case No. _____
	:	
_____	:	
DEFENDANT	:	IN DIVORCE

PRAECIPE TO TRANSMIT RECORD

To the Prothonotary:

Transmit the record, together with the following information, to the Court for entry of a divorce decree:

1. Ground for divorce: Irretrievable breakdown under Section 3301(c) or 3301(d) of the Divorce Code.

2. Date and manner of service of the Complaint: _____ (date of service);
_____ (method of service).

3. Complete either paragraph (a) or (b).
 - (a) Date of execution of the Affidavit of Consent required by Section 3301(c) of the Divorce Code: by Plaintiff _____ (date Plaintiff signed); by Defendant _____ (date Defendant signed).
 - (b) Date of execution of Plaintiff's Affidavit required by Section 3301(d) of the Divorce Code: _____ (date Plaintiff signed); Date of service of Plaintiff's Affidavit upon Defendant: _____ (date of service).

4. Related claims pending: _____.

5. Complete either (a) or (b).

(a) Date and manner of service of the Notice of Intention to file Praeceptum, a copy of which is attached: _____ (date of service);
_____ (method of service).

(b) Date Plaintiff's Waiver of Notice was filed with the Prothonotary: _____ (date filed). Date Defendant's Waiver of Notice was filed with the Prothonotary: _____ (date filed).

Dated: _____

_____ () Plaintiff

_____ () Defendant