

# VOLUNTARY DISMISSAL

The forms and instructions in this Packet are to be used only by the Plaintiffs/Petitioners who want to dismiss a case that they have already filed. These forms cannot be used by Defendants/Respondents.

**NOTE: You cannot file a dismissal of your case if the opposing party has filed a counterclaim to your petition.**

## **VOLUNTARY DISMISSAL INSTRUCTIONS**

You can use the form attached to these instructions if you are the Petitioner/Plaintiff and you have decided that you do not want to continue with your petition. **You cannot use this form if the opposing party has already filed a written counterclaim to your petition.**

### **STEPS FOR FILING THE VOLUNTARY DISMISSAL:**

1. Insert your name as the Petitioner.
2. Insert the opposing party's name as Respondent.
3. Insert the civil action number assigned to your case.
4. In the first blank under the title "**VOLUNTARY DISMISSAL**," insert the type of petition that you filed. (Examples: "Divorce", "Legitimation", "Contempt".)
5. Insert the date.
6. **WAIT TO SIGN YOUR DOCUMENT IN FRONT OF A NOTARY PUBLIC.**
7. Then print your name, address, and telephone number in the space provided.
8. Complete the **Certificate of Service Form**. This form is needed to show proof to the court that you have mailed a copy of your dismissal to the opposing party.

### **FILLING OUT THE CERTIFICATE OF SERVICE FORM:**

- a) On the first line, insert "Voluntary Dismissal."
  - b) Insert in the second blank the word "Respondent."
  - c) Check the box that applies. (For example, check the first box if the opposing party does not have an attorney. Then insert the opposing party's name and complete address. If the opposing party does have an attorney, check the second box and then insert that attorney's name and complete address.)
  - d) Insert the date that you are mailing a copy of your dismissal to the opposing party.
  - e) Sign your name, and then print your name and address in the space provided.
9. Make two copies of all your documents and file the original with the Clerk of Superior Court on the first floor.
  10. Have the clerk stamp your copies.
  11. Mail one of your stamped copies along with the Certificate of Service form to the opposing party, and keep the other copy for your records.

IN THE SUPERIOR COURT OF CLAYTON  
COUNTY  
STATE OF GEORGIA

Petitioner: \_\_\_\_\_,

and

Respondent: \_\_\_\_\_.

Civil Action

File No: \_\_\_\_\_

**VOLUNTARY DISMISSAL**

COMES NOW the Petitioner in the above-styled action and hereby voluntarily dismisses his/her \_\_\_\_\_ filed in the above-styled action pursuant to O.C.G.A. §9-11-41 of the Civil Practice Act without prejudice.

This \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_  
(Sign in front of Notary)

Name (*print or type*): \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_  
Telephone Number: \_\_\_\_\_

Sworn to and Subscribed before  
me, this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_  
NOTARY  
PUBLIC (Seal)

IN THE SUPERIOR COURT OF CLAYTON  
COUNTY  
STATE OF GEORGIA

**Petitioner:** \_\_\_\_\_,

and

**Respondent:** \_\_\_\_\_.

**Civil Action File No:** \_\_\_\_\_

Certificate of Service

This is to certify that I have served the \_\_\_\_\_ [Insert name of document] upon the \_\_\_\_\_ [Insert either **Petitioner** or **Respondent**]

- a) by placing a copy in the United States Postal Service, with postage prepaid, or
- b) by hand delivering a copy
  - 1. to the opposing party who is representing him/herself without an attorney

OR

- 2. to the attorney for the opposing party at this address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
(Sign here)

Print your name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_