IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT

IN AND FOR COLLIER COUNTY, FLORIDA

IN RE: THE MARRIAGE OF:

NAME

Petitioner,

vs. CASE NO.

Domestic Relations

NAME

Respondent

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

**FINAL JUDGMENT OF DISSOLUTION OF MARRIAGE**

**(Adopting Recommended Order Dated {INSERT DATE})**

THIS CAUSE came before the Court upon the Recommended Order of the Magistrate entered on {INSERT DATE}. The Court, having reviewed and considered the findings of the Report, it is:

ORDERED AND ADJUDGED:

1. The Recommended Order of the Magistrate dated {INSERT DATE} and attached hereto is hereby ratified and approved.
2. The Court adopts each and every finding and recommendation contained in the Recommended Order of the Magistrate as the Order and Judgment of this Court, as if fully set forth herein and made a part hereof.
3. FINAL JUDGMENT: The marriage between the above parties is irretrievably broken. Therefore, a judgment of divorce shall be entered, the marriage between the parties is dissolved and the parties are restored to the status of being single.
4. RESTORATION OF MAIDEN NAME: The Wife’s former name shall be restored to: **XXX**.
5. The Court reserves jurisdiction to modify and enforce this Final Judgment.
6. Any Motion to Vacate must be filed in accordance with Rule 12.490(e), Florida Family Law Rules of Procedure.

DONE AND ORDERED at Naples, Collier County, Florida this \_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_.

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

Circuit Court Judge

**Electronic Service per e-Portal Service List:**

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the above and foregoing has been provided this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 20\_\_\_\_, to the following:

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Judicial Assistant

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT

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{NAME}

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\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_/

**RECOMMENDED ORDER OF THE MAGISTRATE ON FINAL JUDGMENT OF DISSOLUTION OF MARRIAGE WITH NO PROPERTY OR DEPENDENT OR MINOR CHILDREN**

ATTENDANCE:

Petitioner   Attorney for Petitioner

Respondent  Attorney for Respondent

Court Reporter: Court Smart  Clerk of Court

THIS CAUSE came before this Honorable Court, the Magistrate, {NAME} presiding, on {DATE} for a **Final Hearing on a Petition for Dissolution of Marriage**. The Court, having reviewed the file and heard the testimony, makes these Findings of Fact and reaches the following Conclusions of Law:

1. The Court has jurisdiction over this case and proceeding pursuant to an Order of Referral to the Magistrate, dated {DATE}. No objections were filed in connection therewith within the time period allowed by Rule 12.490 of the Florida Family Law Rules of Procedure. The Magistrate has jurisdiction pursuant to *Florida Family Law Rule*, 12.490, *et seq*.
2. The Court has jurisdiction over the subject matter and the parties. The Petitioner was present in the Courtroom/via Zoom and was self-represented/represented by counsel. The Respondent was present in the Courtroom/via Zoom and was self-represented/represented by counsel. [OR] The Respondent filed an Answer on \_\_\_\_\_\_\_\_\_\_\_\_. [OR] The Respondent was served with the Summons on \_\_\_\_\_\_\_\_\_\_\_\_ in \_\_\_\_\_\_\_\_\_\_\_\_, FL. The Respondent did not file an Answer or other responsive pleading and a Default was entered against the Respondent on \_\_\_\_\_\_\_\_\_\_\_\_. The Order for Non-Jury Trial was mailed to the Respondent at the address where he/she was served.

OR

The Court has jurisdiction over the subject matter and the Petitioner but not over the Respondent. The Petitioner was present in the Courtroom/via Zoom and was self-represented/represented by counsel. The Respondent was served by posting/publication pursuant to the Affidavit filed on \_\_\_\_\_\_\_\_\_\_\_\_. The Respondent did not appear at the final hearing. The Respondent has failed to serve any response to the Petition for Dissolution of Marriage. The Clerk of Court entered a Default against the Respondent on \_\_\_\_\_\_\_\_\_\_\_\_. Personal jurisdiction over the Respondent is not necessary in order to dissolve the marriage. ***Hurlock v. Hurlock***, 703 So.2d 535 (Fla. 4th DCA 1997).

1. At least one party has been a resident of the State of Florida for more than 6 months immediately before filing the Petition for Dissolution of Marriage.
2. The parties have no minor or dependent children in common, and the Wife is not pregnant.
3. The parties were married on {DATE OF MARRIAGE}. The Parties separated {DATE OF SEPERATION}. The Petition for Dissolution of Marriage was filed on {DATE OF FILING}. Said Petition shall be GRANTED. Competent substantial evidence supports a determination that the marriage between the parties is irretrievably broken. Therefore, a judgment of divorce shall be entered, the marriage between the parties is dissolved and the parties are restored to the status of being single.
4. **MARITAL SETTLEMENT AGREEMENT**:
5. The parties entered into a Marital Settlement Agreement on \_\_\_\_\_\_\_\_\_\_\_\_and it was filed with the Court on \_\_\_\_\_\_\_\_\_\_\_\_ (“the Agreement”). The Petitioner/Parties testified to the following:
   * + - 1. The Agreement settles all of the issues in this case, including alimony and equitable distribution.
         2. The parties believe the Agreement is fair, with due regard to the circumstances and notwithstanding it may represent a compromise of previously disputed issues.
         3. The Agreement was signed freely and voluntarily.
6. The Agreement should be ratified and made part of the Final Judgment. The Parties shall obey all of the provisions.
7. The Court lacks jurisdiction to address Alimony and Equitable Distribution because the Respondent was served out of state, and the Petition did not allege long arm jurisdiction per Fla. Stat. § 48.193.

OR

The Court lacks jurisdiction to address Equitable Distribution and Alimony because the Respondent was constructively served. Furthermore, the Petition and the Notice of Action did not allege any request for equitable distribution of property.

OR

**EQUITABLE DISTRIBUTION:** There is no marital property or marital debts to divide, as the parties have previously divided all of their personal property. Therefore, each is awarded the personal property he or she presently has in his or her possession. Each party shall be responsible for any debts in his or her own name. OR The Petitioner/Parties testified all marital assets and liabilities are listed in the Marital Settlement Agreement and there are no other items of personal property that need to be divided.

1. **ALIMONY:** Alimony has been waived, and therefore is denied with prejudice.
2. **NAME RESTORATION**: The Wife’s maiden name shall be/shall not be restored.
3. **ATTORNEY’S FEES AND COSTS**:
4. Attorney’s fees and costs are GRANTED/DENIED

Findings of Fact

OR

* 1. RESERVED: The Court reserves jurisdiction to determine entitlement and/or amount of attorney(s)’ fees and costs.

1. The Court reserves jurisdiction to modify and/or enforce this Final Judgment.

**DATED** at Naples, Collier County, Florida, this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_, 2022.

BY: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

{Insert Name of Magistrate}

Magistrate Twentieth Judicial Circuit