

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF VIRGINIA BEACH

SAMPLE SAMPLE WIFE,

Plaintiff,

v.

CASE NO.: CL_____

SAMPLE WIFE,

Defendant.

ANSWERAND COUNTERCLAIM

COMES NOW Defendant, Sample Wife, and for her answer and counterclaim states:

ANSWER

1. Defendant admits the allegations contained in paragraphs 1-5 of Sample Husband's (Plaintiff) Complaint.

2. Admit that Plaintiff and Defendant lived separately and apart, without any cohabitation and without interruption, and with the intent of permanently dissolving the marital relationship, for a period of one (1) year or more, to-wit: July 8, 2015. Admit that reconciliation is not possible. Further, Sample Wife left the marital home because Sample Husband committed adultery with C.B., Wife's (now former) best friend.

WHEREFORE Sample Wife asks that the Court dismiss Plaintiff's Complaint and grant her the relief sought in her Counterclaim.

COUNTERCLAIM

3. Plaintiff and Defendant married on July 8, 2014 in Virginia Beach, Virginia.

4. Plaintiff has been an actual bona fide resident of, and has been domiciled in, the Commonwealth of Virginia for more than six (6) months next preceding the institution of this suit.

5. Plaintiff and Defendant last cohabited as husband and wife in Virginia Beach, Virginia.

6. Plaintiff and Defendant are over the age of 18 years and are of sound mind. Plaintiff is an active duty member of the United States Military; Defendant is not an active duty

member of the United States Military. Neither party is incarcerated in any penal or mental institution.

7. There were no minor children born of either party and adopted by the other, or adopted by both parties, and Defendant is not currently pregnant with Plaintiff's child.

8. Plaintiff and Defendant have lived separately and apart, without any cohabitation and without interruption, with the intent of permanently dissolving the marital relationship, for a period of one (1) year or more, to-wit: July 8, 2015.

9. On July 8, 2015, Defendant arrived at the marital home after a long day of work to find Plaintiff in the act of committing adultery with her then-best friend, C.B.

10. After getting partially dressed, C.B. fled the marital home. Then, Plaintiff packed a bag of clothes, told Defendant to "have a nice life," and left the home.

11. The following day, Plaintiff called Defendant and told her he wanted a divorce. Plaintiff also told Defendant that he would never return to the home and that he wanted to leave her for some time.

12. To this day, Plaintiff never returned to the home.

13. Husband's conduct in paragraph 9 constitutes adultery.

14. Husband's conduct, as described in 10-12, constitutes desertion.

15. Reconciliation between the parties is unlikely.

16. This Court has jurisdiction over the parties to hear and determine this suit.

WHEREFORE, Defendant prays that she be granted a divorce *a mensa et thoro*, pursuant to Virginia Code Section 20-95, on the grounds of willful abandonment and desertion to be merged at the proper time into a divorce *a vinculo matrimonii*; that additionally and alternatively Defendant be granted a divorce *a vinculo matrimonii* on the grounds of adultery pursuant to Virginia Code Section 20-91; that the Court deny Plaintiff spousal support; that the Court award spousal support to Defendant or in the alternative a reservation of the right to spousal support; that the Court grant Defendant all rights and remedies afforded by Virginia Code Section 20-107.3; that Defendant be

awarded her attorney fees and court costs expended in this suit; that Plaintiff be denied any attorney's fees or court costs; and that Defendant have such other and further relief as the nature of his case may require.

Respectfully submitted,
SAMPLE WIFE

By: _____
SAMPLE WIFE

COMMONWEALTH OF VIRGINIA,
CITY OF VIRGINIA BEACH, to-wit:

The foregoing instrument was acknowledged before me this ____ day of _____, 2016, by Sample Wife, personally known by me, or identified by me through satisfactory evidence of identity, and whose signature was voluntarily affixed by the individual for the purposes stated.

NOTARY PUBLIC

My commission expires: _____
My commission no.: _____