

**William L. Hoge, III**  
Ext. 101

*Fellow of the  
American Academy  
of Matrimonial Lawyers*

*Mediator and  
Collaborative Law Professional*

Law Offices of  
**William L. Hoge, III**

200 South Seventh Street, Suite 506  
Republic Plaza (formerly the Legal Arts Building)  
Louisville, Kentucky 40202-2721

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Ext. 107

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**Lois M. Mauk,**  
Ext. 104

**DivorceInKentucky.com**

## ANNULMENT DATAPACK

Dear Prospective Family Law Client:

We understand that you are seeking an **annulment of your marriage**. Though an annulment is not usually as complex as the dissolution of a long-term marriage, many of the elements and steps required are similar, if not the same. The end result, however, is quite different in that an annulment treats the marriage as though it never happened.

For some people, divorce carries a stigma and they would rather their marriage be annulled. Others want an annulment because it may be make it possible for them to remarry within their faith. In such instances, a *religious annulment* may also be required. You need to consult with your minister, priest, rabbi or imam if you have questions on that point.

An issue to consider in deciding whether to seek an annulment or a divorce is that, in some cases, if there is an annulment, there can be no duty of spousal support ("maintenance" or "alimony") since the parties were "never married".

Kentucky law permits the annulment of a marriage only in certain very specific circumstances:

1. If the marriage was obtained by *force or fraud* [KRS 402.030(1)]; **OR**
2. If the parties are *more closely related by blood than second cousins* [KRS 402.010(1)] (considered incest in Kentucky); **OR**
3. If one of the parties has been *adjudged mentally disabled* by a court of competent jurisdiction [KRS 402.020(1)(a)]; **OR**
4. If one of the parties has a *husband or wife living*, from whom the person marrying has not been divorced [KRS 402.020(1)(b)]; **OR**
5. If the subject marriage was *not solemnized or contracted in the presence of an authorized person or society* [KRS 402.020(1)(c)]; **OR**
6. If *one party was under eighteen (18) but over sixteen (16) years of age at the time of the marriage, and the marriage was without the consent* required by KRS 402.020(1)(f) and has *not been ratified by cohabitation after that age* [KRS 402.030(2)]; **OR**
7. If *one party was under sixteen (16) years of age at the time of the marriage, if the marriage was not conducted with the permission of a District Judge as required by KRS 402.020(1)(f)(3) in the form of a written court order, and if the marriage has not been ratified by cohabitation after the person reached eighteen (18) years of age* [KRS 403.030(3)].

**Fraud** is the most frequently cited basis for filing a Petition for Annulment. Such an element would include:

- One spouse failing to disclose to the other spouse critical information about important matters such as a previous marriage or a criminal record;
- A spouse's desire to have or to not have children which is inconsistent with the other spouse's desires and understanding;
- A spouse lying about his or her capacity to have children;
- A party lying about his or her having reached the age of consent
- A party lying about his or her degree of blood relationship to the other spouse;
- A spouse concealing an addiction to alcohol or drugs;
- A spouse failing to disclose the existence of children from a prior relationship;
- A spouse failing to disclose a sexually transmitted disease or impotency;
- A spouse's refusal or inability to consummate the marriage (*i.e.*, having sexual intercourse with the other spouse);
- Etc.

Most annulments take place after a marriage of a very short duration -- a few weeks or months, so there are usually no assets or debts to divide, or children for whom custody, visitation and child support are a concern.

There are specific time limits which must be satisfied. One must file for annulment within 90 days of discovering that grounds for an annulment exist. That's not within 90 days of the marriage, but within 90 days of discovering, for instance, that your spouse is a bigamist.

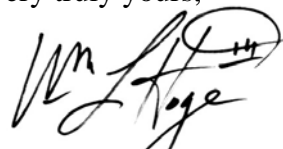
Your case will require an initial personal consultation so that we can understand the facts of your case and advise you on your rights and duties. We provide an initial consultation for \$300, after which, in most cases, we can give you a good idea of what will happen in your annulment action.

Before we can begin representing you, the Bar Association and this firm require (1) a signed contract which explains our respective obligations and (2) a legal engagement fee plus initial costs prior to instituting any action except the initial consultation. The size of the engagement fee required will be determined after our initial consultation and will be based on my estimation of the amount of my time needed to resolve your case. My hourly rate in most cases is \$300 per hour.

Though some of the questions or situations set out in the enclosed **Annulment Datapack** may not apply to your situation, your effort to fill it out and to provide us with copies of any information or documents pertinent to this matter (including copies of all prior court papers, marriage license or application, proof of essential elements such as fraud, etc.) will go a long way to help us quickly evaluate your family law situation and to contain your legal expense.

Any information provided by you will, of course, be kept confidential and you are under no obligation until we each execute a written Engagement Agreement.

Very truly yours,



WILLIAM U. HOGE, III

# William Lacy Hoge, III

Attorney at Law  
200 South 7<sup>th</sup> Street  
Republic Plaza, Suite 506  
Louisville, Kentucky 40202

E-mail: [BillHoge@usa.net](mailto:BillHoge@usa.net)  
Website: [www.DivorceInKentucky.com](http://www.DivorceInKentucky.com)  
Fax: (502) 583-1223  
Phone: (502) 583-2005

**Concentrating in Complex Family Law Representation**  
Dedicated to providing honest, caring, affordable, quality legal services

## *Education*

**University of Louisville**  
Bachelor of Science Degree (1969)  
Juris Doctorate (1972)

**Divorce Mediation Training with Zena Zumeta, J.D.**  
Mediator Certification (2002)

**American Academy of Matrimonial Lawyers' Arbitration Training**  
Arbitrator Certification (2004)

## **Extensive Continuing Legal Education Awards and Teaching:**

- Family Law
- Collaborative Family Law
- Alcohol and Drug Abuse
- Mediation Training
- Arbitration Training
- Domestic Violence
- Ethics
- Psychology
- Trial Technique & Demonstrative Evidence

## *Organizations*

**American Academy of Matrimonial Lawyers:**  
President, Kentucky Chapter (2003-2004)  
Continuing Education Chair (1999-2005)

**Family Law Solutions, PLLC:**  
Founding Member

**Kentucky Bar Association:**  
Lawyers Helping Lawyers Committee (1981)  
Family Law Section Chair (1997-1998)  
Child Protection & Domestic Violence Committee (2000-2003)

**Kentucky Collaborative Family Law Network, Inc.:**  
Founding Member and past President

**International Academy of Collaborative Professionals:**  
Member

**International Alliance of Holistic Lawyers:**  
Member

## **Louisville Bar Association:**

Family Law Section Chair (1999)  
Family Law Section Member  
ADR Section Member

## **American Bar Association:**

Commission on Lawyer Assistance Programs  
Family Law Section Member

## **Jefferson County Family Court:**

Family Support Center Advisory Committee  
Family Court Advisory Committee (Divorce Rules Committee Chair)  
Family Court Mediator Review Committee

## **Kentucky Academy of Trial Attorneys:**

KATA Member  
Family Law Editor for KATA *Advocate*

## *Special Recognition*

Recipient of the LBA's 1999 Judge Richard A. Revell Family Law Practitioner of the Year Award  
Kentucky Bar Association Continuing Legal Education Award (annually 1990-2006)  
Recipient of AAML's 2007 Raising the Bar Award  
Kentucky Super Lawyer 2007

## *Publications and Public Speaking*

Co-author and publisher of  
*Divorce in Kentucky – The Dissolution Resolution System, an Interactive Organizer and Video*, 1997  
Numerous Continuing Legal Education and motivational speaking engagements including ABA, AAML, KBA and LBA  
Author, UK/CLE, *Kentucky Domestic Relations Practice*, 1st Ed., Chapter 14 (2006)

## *Legal Experience*

Assistant Jefferson County Attorney (1972-1976)  
Chief Prosecutor for Jefferson County Attorney (1976-1982)  
General Counsel to International Union of Electrical Workers, Local 761 at General Electric (1975-1988)  
General Counsel to Kentucky State District Council of Carpenters, AFL-CIO (UBCJA) (1988-1991)  
General Private Legal Practice (1972 to Present)

## *Admitted and Practiced before:*

Kentucky Supreme Court	1972	U.S. District Court, Eastern District of Ky.	1975
Sixth Circuit Court of Appeals	1974	U.S. Supreme Court	1975
U.S. District Court, Western District of Ky.	1973		

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Ext. 104

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## ANNULMENT DATAPACK

Please Print

Today's Date: \_\_\_\_\_

YOUR FULL LEGAL NAME:

\_\_\_\_\_  
{First Name} {Middle Name} {Last Name} {Jr., Sr., etc.}

PRESENT ADDRESS:

\_\_\_\_\_  
{Street Address or P. O. Box}

\_\_\_\_\_  
{City} {County} {State} {Zip}

How long at the above address? \_\_\_\_\_

TELEPHONE:

Home -- \_\_\_\_\_ Work -- \_\_\_\_\_

Mobile Phone -- \_\_\_\_\_

E-MAIL ADDRESS: \_\_\_\_\_

THE SPACE BELOW IS FOR OFFICE USE ONLY  
Please complete the remaining pages of this form

Date of Initial Interview: \_\_\_\_\_ Interviewed by: \_\_\_\_\_

Engagement Agreement signed? \_\_\_\_\_ Date Signed: \_\_\_\_\_ Engagement Fee Paid: \$ \_\_\_\_\_

Initial Documents Required: \_\_\_\_\_ Draft *Petition for Annulment of Marriage*  
Service by: [ ] Sheriff [ ] Certified Mail [ ] Other: \_\_\_\_\_  
\_\_\_\_\_ Draft Response to Petition for Annulment of Marriage

Initial Motions: \_\_\_\_\_ Motion for Temporary Restraining Order with Client's Affidavit  
\_\_\_\_\_ Outline for Petition for EPO/DVO  
\_\_\_\_\_ Other: \_\_\_\_\_

Discovery: \_\_\_\_\_ Interrogatories \_\_\_\_\_ Request for Admissions  
\_\_\_\_\_ Request for Production of Documents  
\_\_\_\_\_ Notice of Deposition of \_\_\_\_\_

Scheduled Execution Date: \_\_\_\_\_ BY [ ] VIDEO OR [ ] COURT REPORTER?  
Other: \_\_\_\_\_

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How did you learn about us?

- Referral from another attorney: \_\_\_\_\_
- Personal referral from: \_\_\_\_\_
- Our website at [www.DivorceInKentucky.com](http://www.DivorceInKentucky.com)
- Other: \_\_\_\_\_

## PERSONAL INFORMATION ON YOU

YOUR AGE ON LAST BIRTHDAY: \_\_\_\_\_

MAIDEN NAME (if Wife): \_\_\_\_\_

YOUR DATE OF BIRTH: \_\_\_\_\_ RACE\*: \_\_\_\_\_  
\* Required for State's Vital Statistics Form

SOCIAL SECURITY NUMBER: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

YOUR PLACE OF BIRTH: \_\_\_\_\_

YOUR OCCUPATION: \_\_\_\_\_

YOUR EMPLOYER: \_\_\_\_\_

NATURE OF INDUSTRY: \_\_\_\_\_

RESIDENT OF KENTUCKY SINCE: \_\_\_\_\_

PREVIOUS ADDRESS: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

How long at that address? \_\_\_\_\_

NUMBER OF TIMES MARRIED: \_\_\_\_\_

## PERSONAL INFORMATION ON YOUR SPOUSE

SPOUSE'S FULL LEGAL NAME: \_\_\_\_\_  
{First Name} {Middle Name} {Last Name} {Jr., Sr., etc.}

MAIDEN NAME (if spouse is Wife): \_\_\_\_\_

SPOUSE'S PRESENT AGE: \_\_\_\_\_

SPOUSE'S DATE OF BIRTH: \_\_\_\_\_ RACE\*: \_\_\_\_\_  
\* Required for State's Vital Statistics Form

PLACE OF BIRTH: \_\_\_\_\_

SPOUSE'S SOCIAL SECURITY NUMBER: \_\_\_\_\_

SPOUSE'S TELEPHONE NUMBER: \_\_\_\_\_

SPOUSE'S PRESENT ADDRESS: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

How long at that address? \_\_\_\_\_

PREVIOUS ADDRESS: \_\_\_\_\_

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\_\_\_\_\_

How long at that address? \_\_\_\_\_

SPOUSE'S OCCUPATION: \_\_\_\_\_

NATURE OF INDUSTRY: \_\_\_\_\_

SPOUSE'S EMPLOYER: \_\_\_\_\_

SPOUSE'S EMPLOYER'S ADDRESS: \_\_\_\_\_

RESIDENT OF KENTUCKY SINCE: \_\_\_\_\_

NUMBER OF TIMES MARRIED: \_\_\_\_\_

## YOUR MARRIAGE

### MARRIAGE:

DATE OF MARRIAGE: \_\_\_\_\_

WHERE WERE YOU MARRIED? \_\_\_\_\_  
{City} {County} {State}

WAS A **PRE-NUPTIAL AGREEMENT** EXECUTED OR DRAFTED PRIOR TO THE MARRIAGE?  
 Yes  No ***If YES, please provide us with a copy of that document.***

DATE OF LAST SEXUAL RELATIONS WITH YOUR SPOUSE: \_\_\_\_\_

**HAS THERE BEEN ANY DOMESTIC VIOLENCE BETWEEN THE PARTIES DURING THE MARRIAGE?**  
 Yes  No

If yes, please explain: \_\_\_\_\_  
\_\_\_\_\_

Are any DVOs currently in effect? \_\_\_\_\_

### SEPARATION:

DATE OF SEPARATION: \_\_\_\_\_

Note: The legal definition of the word "separation" refers to the date that one party left the marital home and took up residence elsewhere. A "separation" can include married parties living in the same house, so long as they are not engaging in sexual intercourse with each other. **The resumption of sexual relations between the parties can result in a delay or complication of the annulment process.** [KRS 403.170(1): *No decree shall be entered until the parties have lived apart for 60 days. Living apart shall include living under the same roof without sexual cohabitation.*]

CIRCUMSTANCES OF SEPARATION: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# CHILDREN OF THE MARRIAGE

Is there any possibility the Wife is currently pregnant? \_\_\_\_\_

**Number of children (regardless of age) born of this marriage:** 0 1 2 3 4 5 \_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Date of birth: \_\_\_\_\_ Present Age: \_\_\_\_\_

Date of birth: \_\_\_\_\_ Present Age: \_\_\_\_\_

Child's Social Security Number: \_\_\_\_\_

Child's Social Security Number: \_\_\_\_\_

Place of residence: \_\_\_\_\_

Place of residence: \_\_\_\_\_

Child lives there with: \_\_\_\_\_

Child lives there with: \_\_\_\_\_

Child has lived there since: \_\_\_\_\_

Child has lived there since: \_\_\_\_\_

Previous residence: \_\_\_\_\_

Previous residence: \_\_\_\_\_

Child lived there with: \_\_\_\_\_

Child lived there with: \_\_\_\_\_

Dates child lived at that address: \_\_\_\_\_

Dates child lived at that address: \_\_\_\_\_

Child's present school: \_\_\_\_\_ Grade: \_\_\_\_\_

Child's present school: \_\_\_\_\_ Grade: \_\_\_\_\_

With which parent does this child wish to live? \_\_\_\_\_

With which parent does this child wish to live? \_\_\_\_\_

**IF YOU HAVE MORE THAN TWO CHILDREN FROM THIS MARRIAGE, PLEASE CONTINUE ON A SEPARATE SHEET.**

## Child Custody, Support and Parenting Schedules

Have you and your spouse made any arrangements or agreements concerning custody, parenting schedules or support of the children? If so, please describe.

\_\_\_\_\_

Do you wish to seek child support from your spouse? \_\_\_\_\_

Has any minor child of this marriage ever been involved in a custody dispute? If so, please give details.

\_\_\_\_\_

Does anyone besides you and your spouse have any custody claim on any minor child of this marriage? If so, please identify.

\_\_\_\_\_

Please state who (IN YOUR OPINION) is best suited to have custody of the children and briefly explain your position.

\_\_\_\_\_

What **parenting schedule** (if any) are you and your spouse utilizing at the present time?

\_\_\_\_\_

\_\_\_\_\_

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# RESTORATION OF MAIDEN NAME

Does the Wife want her maiden name restored?  Yes  No  Unknown

## PRIOR MARRIAGES OF THE PARTIES

Have you or your spouse had any prior marriages? If so, please indicate how such marriage(s) ended [death, divorce, annulment, etc.].

\_\_\_\_\_

Were any children born as a result of those prior marriages? \_\_\_\_\_

Children born to which spouse? \_\_\_\_\_

Who has custody of these children? \_\_\_\_\_



### ATTORNEY'S NOTES

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

Please return completed Datapack to:

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