

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)
)
)
)
_____) Plaintiff(s),)
)
vs.)
)
)
_____) Defendant(s),)
_____)

IN THE FAMILY COURT
NINTH JUDICIAL CIRCUIT

**AFFIDAVIT REQUESTING
APPROVAL OF AGREEMENT**

Docket No. -DR-10-

Personally appeared before me, _____, who first being duly sworn, deposes and says:

(initial when applicable)

- _____ (1) I am a Plaintiff/Defendant (*circle one*) in the above entitled action.
- _____ (2) I am _____ years old as of the date of this affidavit.
- _____ (3) I have _____ years of education and I do read, write and understand the English language.
- _____ (4) I am employed at _____ as a _____ and have been so employed for a period of _____ months/years (*circle one*).
- _____ (5) I have read and understand the settlement agreement dated _____ and which bears my signature and all the terms to which I have agreed are correctly stated thereon.
- _____ (6) I have not agreed to anything that is not in the document mentioned in number (5) above..
- _____ (7) I understand that if this agreement is approved by a presiding judge of the Family Court, it can also be enforced by any judge of the Family Court.
- _____ (8) I have had explained to me and I understand the enforcement powers of the Family Court.
- _____ (9) I do not have any questions concerning the proposed agreement that I have not asked or that I have not received a satisfactory answer to.
- _____ (10) I am entering into this agreement freely and voluntarily and I am not being forced to enter into this agreement in any way.
- _____ (11) I understand I am waiving my right to a full and complete trial on all the issues contained in the agreement knowing that the trial judge may rule differently on the items in the agreement, if we had a trial using direct and cross examination of witnesses and the presentation of evidence.
- _____ (12) I have given the other party to the agreement a copy of a true and correct financial declaration showing all my income, earnings and property; also, I am aware of my own financial circumstances so that I can make an informed and intelligent decision on all financial issues involved in this matter.
- _____ (13) I have received from the other party to the agreement a financial declaration showing that party's income, earnings and property and I believe it is correct. Further, I believe I understand the other party's present financial position well enough so that I can make an informed and intelligent decision on the financial issues in this matter.

- _____ (14) I understand that unless it is permitted in the agreement, or permissible by law, I can not come back into this Court, or any Court, and ask for the terms of the agreement to be changed or modified in any way.
- _____ (15) I am not now under the influence of any types of drugs, medication, stress, alcohol, or other mind altering substance, nor do I have any mental or physical condition which would prevent me from understanding this affidavit, and the same was also true at the time the agreement was read and executed by me.
- _____ (16) I agree to accept any possible tax consequences from any taxing authority that may result if this agreement is approved and made an Order of the Court.
- _____ (17) I have not consulted with anyone about any possible future bankruptcy, nor am I considering such a course of action at the present time.
- _____ (18) The agreement presented to the Court is both fair and equitable to me and to the opposing party.
- _____ (19) I feel competent and capable of performing all acts and deeds to be required of me if the agreement is made an Order of the Court.
- _____ (20) Considering all the facts and circumstances of my particular case, I believe it is in my best interest for the Court to approve the agreement and, if applicable, it is also in my child(ren)'s best interest for the Court to approve the agreement.
- _____ (21) I understand this affidavit will be submitted to the trial judge for the judge's consideration because I can not attend the hearing requesting approval of the agreement.

IF REPRESENTED BY COUNSEL:

- _____ (22) I have authorized my attorney _____ to orally consent for me to a settlement agreement to be presented in open Court and this authorization can only be withdrawn by me if in writing and submitted to the Court prior to the hearing requesting approval of the agreement.
- _____ (23) My attorney has answered all my questions concerning the proposed agreement.
- _____ (24) I believe my attorney has done everything I have asked of my attorney and I am satisfied with the legal services performed by my attorney on my behalf.

IF NOT REPRESENTED BY COUNSEL:

- _____ (25) I do not have an attorney and am submitting this affidavit on my own knowing it will be presented to a presiding judge on my behalf and that the presenter has my authorization to submit it and this authorization can only be withdrawn if in writing and submitted to the hearing judge prior to the hearing requesting approval.

Sworn before me this _____ day of _____, 20____

Notary Public for _____

My Commission Expires: _____

Plaintiff/Defendant (*circle one*)

Date _____, 20____