

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and address): Melissa Swalwell 4863 Swinford Ct TELEPHONE NO.: 240-305-3898 Dublin CA 94568 FAX NO. (Optional):		8443203* FOR COURT USE ONLY
ATTORNEY FOR (Name): SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA STREET ADDRESS: Gale/Schenone Hall of Justice MAILING ADDRESS: 5672 Stoneridge Drive CITY AND ZIP CODE: Pleasanton, California 94588 BRANCH NAME:		FILED ALAMEDA COUNTY MAY 04 2010 CLERK OF THE SUPERIOR COURT 21- M. J. [Signature]
MARRIAGE OF PETITIONERS HUSBAND: Eric Michael Swalwell WIFE: Melissa Jane Maranda Swalwell		CASE NUMBER: VF 09483327
REQUEST FOR JUDGMENT, JUDGMENT OF DISSOLUTION OF MARRIAGE, AND NOTICE OF ENTRY OF JUDGMENT		

1. The *Joint Petition for Summary Dissolution of Marriage* (form FL-800) was filed on (date): 5/4/10 11/5/10
2. No notice of revocation has been filed and the parties have not become reconciled.
3. I request that judgment of dissolution of marriage be
 - entered to be effective now.
 - entered to be effective (nunc pro tunc) as of (date):
for the following reason:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 5/4/10

Melissa Jane Maranda Swalwell Eric Swalwell
(TYPE OR PRINT NAME) (SIGNATURE OF HUSBAND OR WIFE)

4. Husband, Wife, who did not request his or her own former name be restored when he or she signed the joint petition, now requests that it be restored. The applicant's former name is:

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY WISHING TO HAVE HIS OR HER NAME RESTORED)

(For Court Use Only)

JUDGMENT OF DISSOLUTION OF MARRIAGE

5. THE COURT ORDERS

- A judgment of dissolution of marriage will be entered, and the parties are restored to the status of unmarried persons.
- The judgment of dissolution of marriage will be entered nunc pro tunc as of (date):
- Wife's former name is restored (specify): Melissa Jane Maranda
- Husband's former name is restored (specify):

e. Husband and wife must comply with any agreement attached to the petition.

Date: MAY 04 2010

Eric Swalwell
JUDGE OF THE SUPERIOR COURT

NOTICE: Dissolution may automatically cancel the rights of a spouse under the other spouse's will, trust, retirement benefit plan, power of attorney, pay on death bank account, transfer on death vehicle registration, survivorship rights to any property owned in joint tenancy, and any other similar thing. It does not automatically cancel the rights of a spouse as beneficiary of the other spouse's life insurance policy. You should review these matters, as well as any credit cards, other credit accounts, insurance policies, retirement benefit plans, and credit reports to determine whether they should be changed or whether you should take any other actions.

HUSBAND: <u>Eric Michael Swalwell</u>	CASE NUMBER: _____
WIFE: <u>Melissa Jane Maranda Swalwell</u>	

NOTICE OF ENTRY OF JUDGMENT

6. You are notified that a judgment of dissolution of marriage was entered on (date):

Date:

MAY 04 2010

Clerk, by _____, Deputy

MAY 04 2010

[Signature]

CLERK'S CERTIFICATE OF MAILING

I certify that I am not a party to this cause and that a true copy of the *Notice of Judgment* was mailed first class, postage fully prepaid, in a sealed envelope addressed as shown below, and that the notice was mailed

at (place): **PLEASANTON**
on (date): **MAY 06 2010**

California,

[Signature]

Date:

MAY 06 2010

Clerk, by _____

, Deputy

HUSBAND'S ADDRESS

6253 Dougherty Rd
6304
 Dublin CA 94568

WIFE'S ADDRESS

4863 Swinford Ct
Dublin CA 94568

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number and address):

Eric Michael Swalwell
Melissa Jane Maranda Swalwell 61
TELEPHONE NO: 925-361-8409 FAX NO. (Optional): 4863 SWING ct.
E-MAIL ADDRESS (Optional): Deb171CA94588

ATTORNEY FOR (Name): SUPERIOR COURT OF CALIFORNIA 94588

SUPERIOR COURT OF CALIFORNIA, COUNTY OF:

STREET ADDRESS: Gale/Schenone Hall of Justice
MAILING ADDRESS: 5672 Stoneridge Drive
CITY AND ZIP CODE: Pleasanton, California 94588
BRANCH NAME:

MARRIAGE OF
HUSBAND: Eric Michael Swalwell
WIFE: Melissa Jane Maranda Swalwell

JOINT PETITION FOR SUMMARY DISSOLUTION OF MARRIAGE



FILED
ALAMEDA COUNTY

NOV 5 2009

CLERK OF THE SUPERIOR COURT
By Debra Martin Deputy

CASE NUMBER:

UE09483327

We petition for a summary dissolution of marriage and declare that all the following conditions exist on the date this petition is filed with the court:

1. We have read and understand the *Summary Dissolution Information* booklet (form FL-810).
2. We were married on (date): 5/19/07
(A summary dissolution of your marriage will not be granted if you file this petition more than five years after the date of your marriage.)
3. One of us has lived in California for at least six months and in the county of filing for at least the three months preceding the date of filing.
4. There are no minor children who were born of our relationship before or during our marriage or adopted by us during our marriage. The wife, to her knowledge, is not pregnant.
5. Neither of us has an interest in any real property anywhere. (You may have a lease for a residence in which one of you lives. It must terminate within a year from the date of filing this petition. The lease must not include an option to purchase.)
6. Except for obligations with respect to automobiles, on obligations incurred by either or both of us during our marriage, we owe no more than \$6,000.
7. The total fair market value of community property assets, not including what we owe on those assets and not including automobiles, is less than \$38,000.
8. Neither of us has separate property assets, not including what we owe on those assets and not including automobiles, in excess of \$38,000.
9. We each have filled out and given the other an *Income and Expense Declaration* (form FL-150).
10. We each have filled out and given the other copies of the worksheets on pages 8, 10, and 12 of the *Summary Dissolution Information* booklet (form FL-810) used in determining the value and division of our property. We have told each other in writing about any investment, business, or other income-producing opportunities that came up after we were separated based on investments made or work done during the marriage and before our separation. This meets the requirements of preliminary declaration of disclosure.
11. (Check whichever statement is true.)
 - We have no community assets or liabilities.
 - We have signed an agreement listing and dividing all our community assets and liabilities and have signed all the papers necessary to carry out our agreement. A copy of our agreement is attached to this petition.
12. Irreconcilable differences have caused the irretrievable breakdown of our marriage, and each of us wishes to have the court dissolve our marriage without our appearing before a judge.
13. The wife desires to have her former name restored. Her former name is (specify name): Melissa Jane Maranda
 The husband desires to have his former name restored. His former name is (specify name):

HUSBAND: <i>Eric Michael Swalwell</i>	CASE NUMBER:
WIFE: <i>Melissa Jane Maranda Swalwell</i>	

14. Upon entry of judgment of summary dissolution of marriage, we each give up our rights to appeal and to move for a new trial.
15. Each of us forever gives up any right to spousal support from the other.
16. We agree that this matter may be determined by a commissioner sitting as a temporary judge.

17. Mailing address of husband
 Name: *ERIC SWALWELL*
 Address: *4863 SWINFORD CT.*

City: *DUBLIN*
 State: *CA*
 Zip Code: *94568*

18. Mailing address of wife
 Name: *Melissa Swalwell*
 Address: *4863 Swinford Ct*

City: *Dublin*
 State: *CA*
 Zip Code: *94568*

19. Number of pages attached: _____

I declare under penalty of perjury under the laws of the State of California that the foregoing and all attached documents are true and correct.

Date: *11/5/09*

► *Eric Swalwell*
 (SIGNATURE OF HUSBAND)

I declare under penalty of perjury under the laws of the State of California that the foregoing and all attached documents are true and correct.

Date: *11/5/09*

► *Melissa Swalwell*
 (SIGNATURE OF WIFE)

NOTICES

Your divorce will not be final until husband or wife files a *Request for Judgment, Judgment of Dissolution of Marriage, and Notice of Entry of Judgment* (form FL-820) and receives a stamped copy back from the court. Either husband or wife can file form FL-820 with the court six months after you file this petition. Until husband or wife files form FL-820, either one of you can stop the divorce by filing a *Notice of Revocation of Petition for Summary Dissolution* (form FL-830).

Dissolution may automatically cancel the rights of a spouse under the other spouse's will, trust, retirement plan, power of attorney, pay-on-death bank account, transfer-on-death vehicle registration, survivorship rights to any property owned in joint tenancy, and any other similar thing. It does not automatically cancel the rights of a spouse as beneficiary of the other spouse's life insurance policy. You should review these matters, as well as any credit card accounts, other credit accounts, insurance policies, and credit reports to determine whether they should be changed or whether you should take any other actions. However, some changes may require the agreement of your spouse or a court order. (See Fam. Code, §§ 231-235.)

SUMMARY DISSOLUTION

PROPERTY SETTLEMENT AGREEMENT

I. INTRODUCTION

We are Eric Michael Swalwell, hereafter called husband, and Melissa Jane Maranda Swalwell, hereafter called wife. We were married on May 19, 2007 and separated on July 31, 2009. Because irreconcilable differences have caused the permanent breakdown of our marriage, we have made this agreement together to settle once and for all what we owe to each other and what we can expect from each other.

Each of us states here that nothing has been held back, that we have honestly included everything we could think of in listing the money and goods that we own; and each of us states here that we believe the other one has been open and honest in writing up this agreement. And each of us agrees to sign and exchange any papers that may be needed to complete this agreement.

Each of us also understands that even after a Joint Petition for Summary Dissolution is filed, this entire agreement will be cancelled if either of us revokes the Dissolution Proceeding.

II. COMMUNITY PROPERTY

We divide our community property as follows:

1. Husband transfers to wife as her sole and separate property:

- a. Couch and love seat
- b. Love seat
- c. Queen bed and bedding
- d. Red towels
- e. Television Stand

- f. Coffee table
- g. End table
- h. Decorative table
- i. Bar stools
- j. Hand mixer
- k. Kitchenaid mixer
- l. Food processor
- m. Can opener
- n. Waffle maker
- o. Blender
- p. Deep fryer
- q. Crock pot
- r. Silverware
- s. Pots and pans
- t. Cutting knife
- u. Ceramic bowls
- v. Crystal bowl
- w. Napkin rings
- x. Christmas tree
- y. Halloween decorations
- z. One-half of wine glasses/barware
- aa. One-half of glassware
- bb. One-half of metal bowls
- cc. One-half of Chinaware
- dd. Washer

ee. 2001 Chevrolet Impala

2. Wife transfers to Husband as his sole and separate property:

- a. King bed and bedding
- b. Bar
- c. Flat screen, 42" television
- d. One-half of wine glasses/barware
- e. Dining room table
- f. Coffee maker
- g. Toaster
- h. Plates
- i. One-half of glassware
- j. Warming tray
- k. Roaster
- l. One-half of metal bowls
- m. Glass bowls
- n. Tiffany bowl
- o. Salad spinner
- p. Wine refrigerator
- q. One-half of Chinaware
- r. Table cloths

- s. Napkins

- i. Dehumidifier
- ii. Patio table and chairs
- iii. Dryer

III. DIVISION OF COMMUNITY OBLIGATIONS

Husband will make monthly payments of \$538.46 to Toyota Financial for 2008 Toyota Camry beginning November 1, 2009. By January 31, 2010, Husband shall assume Toyota Financial automobile loan of \$29,588.29 for 2008 Toyota Camry. If Toyota Financial does not allow Husband to assume sole financial obligation of Camry, Husband and Wife will sell the Camry. Should there be remaining debt after the sale of the 2008 Camry, Wife will pay the first \$3,250 of the debt incurred and Husband will pay the remainder. Husband will hold Wife harmless.

Husband will pay the following debts, which is separate property, and will not at any time hold Wife responsible for them.

- a. \$10,000 loan to Paul Mandell

Wife will pay the following debts and will not at any time hold Husband responsible for them.

- a. Debt to Chase Freedom Credit Card \$4,241.82

IV. ACKNOWLEDGMENT OF SEPARATE PROPERTY

1. Husband's Separate Property:

- a. Alameda County Employees Retirement Association (ACERA) pension

2. Wife's Separate Property:

- a. Engagement and Wedding rings
- b. MedAmerica 401K
- c. IRA and Roth IRA Account

V. WAIVER OF SOUSAL SUPPORT

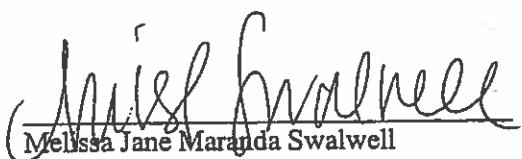
Each of us waives any claim for spousal support now and for all time.

VI. SIGNATURES



Eric M. Swalwell

11/5/09
Date



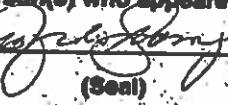
Melissa Jane Maranda Swalwell

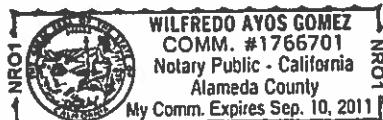
11/5/09
Date

State of California County of
Alameda

Subscribed and sworn to (or affirmed)
before me on this 05 day of Nov 2009 by
ERIC M. SWALLELL and MELISSA J. SWALLELL
proved to me on the basis of satisfactory evidence
to be the person(s) who appeared before me.

Signature


(Seal)



State of California County of

(b)(6)(A) or more by name (or initials)

and 30 to 30 to 30 for 30 or more stated

concerning 30 to 30 or more of 30 or more
stated 30 or more (a) 30 or more stated

Signature

(Inc2)

