

IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA  
FAMILY DIVISION

CRYSTAL R. SMITH,  
Petitioner,

vs.

SHAFFER SMITH,  
Respondent.

CIVIL ACTION FILE NUMBER

2022CV368249

**PETITION FOR DIVORCE**

**COMES NOW**, Crystal R. Smith (hereinafter referred to as "Petitioner"), in the above-styled action, and states her claim against, Shaffer Smith (hereinafter referred to as "Respondent"), and states as follows:

1.

Petitioner is a resident of Fulton County in the State of Georgia, and has been a resident of this state for at least six (6) months immediately preceding the filing of this Petition for Divorce.

2.

Respondent, Shaffer Smith, resides at [REDACTED], Alpharetta, Fulton County, Georgia 30005 and has been a resident of the State of Georgia for at least six (6) months prior to the date of filing of this *Petition for Divorce*. Petitioner may be personally served with a copy of this Summons and Petition for Divorce at his place of residence or wherever he may be found.

3.

Petitioner and Respondent were lawfully married on or about February 20, 2016.

4.

The parties separated on or about July 22, 2022 and since that date have continuously lived in a bona fide state of separation.

5.

Petitioner is entitled to a divorce from Respondent upon the ground that the marriage is irretrievably broken with no hope for reconciliation pursuant to O.C.G.A. §19-5-3(13), and Respondent has committed the act of adultery under O.C.G.A. §19-5-3 (6) thereby entitling Petitioner

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to a total divorce under Georgia law. Petitioner reserves the right to further amend her *Petition for Divorce* to aver any and all additional grounds as required by law, should it become necessary.

6.

Petitioner should be awarded temporary and permanent alimony in all forms from Respondent for her support and maintenance.

7.

The parties have three minor children as issue of this marriage, *to wit*, Shaffer Smith, Jr. a male child, born 2016, Roman Smith, a male child, born 2018, and Isabella Smith a female child, born 2021.

8.

The parties have no other children as issue together, living or deceased. There are no further children anticipated to be born or adopted as issue of this marriage, however, Respondent has recently fathered a minor child with his paramour. Petitioner is not currently pregnant.

9.

This is a Petition for the custody of the minor children *to wit*: Shaffer Smith, Jr. a male child, born 2016, Roman Smith, a male child, born 2018, and Isabella Smith a female child, born 2021, and is within the jurisdiction of this Court. Pursuant to the Uniform Child Custody Jurisdiction and Enforcement Act, O.C.G.A. Section 19-9-40, *et seq.*, Petitioner makes the following statements under oath:

- (a) That prior to the separation of the parties, the minor children resided, from birth until the date of the parties' separation herein, with the Petitioner and Respondent;
- (b) The minor children are presently residing with Petitioner;
- (c) Petitioner knows of no individual other than the parties to this action that has any claim of custody or visitation rights concerning said minor children.

10.

Petitioner shows that there is no pending action before this Court concerning custody of the minor children.

11.

It is in the best interests of the minor children that Petitioner be granted primary physical custody of the minor children, and that the parties share joint legal custody of the minor children, on a temporary and permanent basis.

12.

Petitioner shows that a sufficient amount of child support should be set in accordance with the child support guidelines as provided by O.C.G.A. § 19-6-15.

13.

Petitioner shows that she has brought some separate property into the marriage and she seeks an award of all said property.

14.

Petitioner requests that Respondent be solely responsible for any and all debts and obligations independently acquired by Respondent and that Respondent hold Petitioner harmless for any such debts or obligations.

15.

Petitioner shows that the parties have jointly accumulated certain debts and obligations, during the course of this marriage, and Petitioner seeks an equitable division of same.

16.

Petitioner shows that the parties have jointly acquired certain real and personal property, both tangible and intangible, during the course of their marriage and Petitioner desires and requests this property be divided as provided by law.

17.

Petitioner shows and puts Respondent on notice that the law of the State of Georgia (O.C.G.A. § 19-5-7) provides as follows with regard to the transfer or disposition of property:

*“After a Complaint for divorce has been filed, no transfer of property by either party, except a bona fide transfer in payment of preexisting debts, shall pass title so as to avoid the vesting thereof according to the final verdict of the jury in the case...”*

18.

Petitioner shows and puts Respondent on notice that the law of the State of Georgia (O.C.G.A. § 19-6-1(e)) provides as follows with regard to alimony:

*“Pending final determination by the Court of the right of either party to alimony, neither party shall make any substantial change in the assets of the party’s estate, except in the course of ordinary business affairs and except for bona fide transfers for value.”*

19.

Petitioner seeks a total divorce from Respondent, that is, a divorce *a vinculo matrimonii* upon legal principles.

20.

Petitioner insists that Respondent comply with the foregoing statute in all respects; and Respondent is hereby put on notice of not only the law of the State of Georgia, but also of Petitioner's intent to insist on full and absolute compliance of same by Respondent.

21.

It has been necessary for Petitioner to retain an attorney to represent her in these proceedings. Petitioner is hopeful that the parties will be able to amicably resolve the issues of the dissolution of their marriage and enter into a comprehensive Settlement Agreement. However, if the parties are unable to do so, Respondent should be ordered to pay Petitioner's attorney's fees and cost of litigation pursuant to O.C.G.A. § 19-6-2 on a temporary and permanent basis. Additionally, should Respondent engage in abusive litigation and/or if the facts of this case permit such an award, pursuant to any and all applicable statutory authority, including, but not limited to, O.C.G.A. § 9-15-14.

**WHEREFORE**, Petitioner prays:

- a. That she be awarded a total divorce from Respondent, that is to say, a divorce *a vinculo matrimonii*, as contemplated by O.C.G.A. §19-5-3 (13) and O.C.G.A. §19-5-3 (6) on the grounds set forth herein;
- b. That this Court issue a Standing Order and Rule Nisi;
- c. That Petitioner should be awarded temporary and permanent alimony in all forms from Respondent for her support and maintenance;
- d. That Petitioner be awarded primary physical custody of the parties' minor children, on a temporary and permanent basis;
- e. That Respondent be awarded visitation with the minor children, on a temporary and permanent basis;
- f. That the parties share joint legal custody of the minor children;
- g. That Respondent be ordered to pay monthly child support to Petitioner in keeping with the Georgia Child Support Guidelines;
- h. That Petitioner be awarded her separate property;
- i. That Respondent be responsible for any and all debts and obligations independently acquired by him;
- j. That Respondent be required to pay reasonable attorney's fees and costs of litigation to Petitioner should Respondent oppose the reasonable relief sought by Petitioner; and

k. That Petitioner have such other and further relief as this Court may consider equitable and just.

*Respectfully Submitted*, this 1<sup>st</sup> day of August 2022.

*/s/Brittany M. Dixon*

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