

**HO CHI MINH CITY
PEOPLE'S COURT**

SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness

Judgment No. 218/2019/HNGD-ST

Date: 14 March 2019

Re. Divorce

THE JUDGMENT HAS NOT COME INTO FORCE.

**ON BEHALF OF
THE SOCIALIST REPUBLIC OF VIETNAM**

HO CHI MINH CITY PEOPLE'S COURT

- In the presence of the Jury, i.e.

Judge - Chairperson of the trial - Judge: Mr. Nguyen Chi Cao

The People's Jurors:

1. Ms. Le Thi Nhanh
2. Ms. Le Thi Nhung

- Secretary of the trial: Mr. Pham Van Thuy - Secretary of Ho Chi Minh City People's Court,

- Attendant on behalf of Ho Chi Minh City People's Procuracy in this trial: Ms. Hoang Anh Nga -
Procurator

On 14 March 2019, at the courthouse, Ho Chi Minh City People's Court held the public judgment upon case No. 410/2016/TLST-HNGD dated 26 October 2016 regarding divorce pursuant to Judgment Decision No. 311/2019/QDXXST-HNGD dated 24 January 2019 and Adjournment Decision No. 815/2019/QDST-HNGD dated 20 February 2019 regarding this case between:

1. *Petitioner:* Ms. Le Thi Hoa Huong, Year of birth: 1970 (default)
Address: No. 482/31, Le Quang Dinh Street, Ward 11, Binh Thanh District, Ho Chi Minh City
2. *Respondent:* Mr. Hoang Andy Chuan, Year of birth: 1975 (default)
Nationality: American
Address: 2263 Woodranch Road San Jose 95131 California, USA

Ms. Le Thi Hoa Huong claimed for judgment in her default.

CASE DETAILS:

In his petition dated 12 August 2016 and statement in this case judgment, the Petitioner, Ms. Le Thi Hoa Huong, said:

Re. Marriage: Mr. Hoang Andy Chuan and she got married at their own free will, registered their marriage at Ho Chi Minh City People's Committee and were issued Marriage Certificate No. 2175, Volume No. 08, on 16 July 2004. After getting married, Mr. Hoang Andy Chuan returned to the United States for work and she has been staying in Vietnam. Mr. Hoang Andy Chuan applied for his

sponsorship for her immigration under family reunion in the United States but was refused. Due to their distance, their spousal relationship got worse, they have no longer cared for each other and got conflicts. She affirms that their relationship and marital purpose have been broken and so claimed for divorce with Mr. Hoang Andy Chuan to settle her own life.

Re. Children, properties and liabilities: N/A. She claimed for her default till the end of this case judgment due to her business.

The Respondent, Mr. Hoang Andy Chuan, has been attempted service regarding this case acceptance and time of mediation meetings and preliminary judgment trials by the Court to his address provided by the Petitioner for his opinions on Ms. Le Thi Hoa Huong's divorce petition (Judicial Delegation No. 1229/TTTPDS-TA dated 16 November 2016). On the date of this trial notified to the Respondent, Ho Chi Minh City People's Court has received none of notification on service result or her affidavit, document or exhibit and she has been default without any claim for it. On 12 September 2018, the Court sent Letter No. 604/TAND-CV to have the Consulate General of Vietnam in San Francisco, the United States of America to post it in their portal to notify Mr. Hoang Andy Chuan date and time of the mediation meetings and trials. However, Mr. Hoang Andy Chuan has had no feedback to the Court.

At this trial, the Petitioner and the Respondent are default.

Attendant on behalf of Ho Chi Minh City People's Procuracy says: Re. Procedures: The Judge and the Jury have fully in compliance with Code of Civil Procedures in this case judgment. Who were default have been applied with the proceedings in accordance with Code of Civil Procedures. Re. Case details: The Procurator accepts the Petitioner's claim for her divorce with the Respondent and recommends the Jury to approve her petition.

THE COURT'S PROCEDURES:

After consideration of this case documents verified and discussion in this trial, the Jury says:

[1] Re. Dispute and authority of this case judgment:

In consideration of the petition of the Petitioner, Ms. Le Thi Hoa Huong, the Jury judges that Mr. Hoang Andy Chuan and she got married at their own free will, registered their marriage and were issued Marriage Certificate by Ho Chi Minh City People's Committee. Pursuant to Article 9 Law on Marriage and Family 2014, it is lawful and the Court is obliged to consider one of their claims for divorce in accordance with the law.

The Respondent, Mr. Hoang Andy Chuan, has been residing in the United States, this case is so under the judgment of Ho Chi Minh City People's Court pursuant to Section 1 Article 28; Section 3 Article 35 and Section 1 Article 37 Code of Civil Procedures.

[2] Re. Judgment in default:

The Petitioner claimed for his default. The Respondent has been attempted service abroad for judicial delegation has attempted service regarding this case acceptance and date of meetings and preliminary judgment trials. However, she has no reply. Pursuant to Article 227; Section 1, Section 3 Article 228

and Section 5 Article 477 Code of Civil Procedures, the Jury condemns judgment in default of the Petitioner and the Respondent.

[3] Regarding Ms. Le Thi Hoa Huong's claim for his divorce with Mr. Hoang Andy Chuan, the Jury judges: With reference to Ms. Le Thi Hoa Huong's statement (she affirmed to accept full responsibility for it), their marriage is unhappy. After getting married, Mr. Hoang Andy Chuan and she have stayed together for a short time. Due to their distance, their spousal relationship has got worse. They have been staying in different countries and cannot reunite and their marital purpose has been broken. Therefore, this is to approve Ms. Huong's petition for her divorce with Mr. Hoang Andy Chuan.

That the attendant on behalf of Ho Chi Minh City People's Procuracy recommends the Jury to approve Ms. Huong's petition for her divorce with Mr. Hoang Andy Chuan is appropriate and the Jury so approves it.

[4] Re. Children, properties and civil liabilities: Ms. Le Thi Hoa Huong said none and the Court has no consideration.

[5] Re. Preliminary marriage charge: VND 200,000, paid by Ms. Le Thi Hoa Huong.

Correspondingly thereon,

DECIDES:

Pursuant to Section 1 Article 28, Section 3 Article 35, Section 1 Article 37, Article 147, Article 227, Article 228, Section 5 Article 477 and Article 479 Code of Civil Procedures;

Pursuant to Article 9, Article 51, Article 56, Article 121 and Article 127 Law on Marriage and Family 2014;

Pursuant to Ordinance No. 10/2009/UBTVQH12 dated 27 February 2009 by the National Assembly Standing Committee regarding legal and trial fees and charges,

To sentence:

1. This is to approve Ms. Le Thi Hoa Huong's petition.

1.1.Re. Marriage: Ms. Le Thi Hoa Huong is entitled to get divorced with Mr. Hoang Andy Chuan.

Marriage Certificate No. 2175, Volume No. 08, issued on 16 July 2004 by Ho Chi Minh City People's Committee for Ms. Le Thi Hoa Huong and Mr. Hoang Andy Chuan gets invalidity.

1.2.Re. Children, properties and civil liabilities: Ms. Le Thi Hoa Huong said none and the Court has no consideration.

2. Re. Preliminary civil charge: VND 200,000, paid by Ms. Le Thi Hoa Huong and deducted in her advance of VND 200,000 with reference to Receipt No. AA/2016/0031381 dated 17 October 2016 by Ho Chi Minh City Department of Civil Enforcement. Ms. Le Thi Hoa Huong has fully paid it.

3. Ms. Le Thi Hoa Huong is entitled to appeal against this judgment in 15 days and Mr. Hoang Andy Chuan in 01 month after its legal service. The Procuracy is entitled to protest in accordance with Code of Civil Procedures.



Recipients:

- Supreme People's Court;
- HCMC Superior People's Court;
- HCMC Superior People's Procuracy;
- HCMC People's Procuracy;
- HCMC Department of Civil Enforcement;
- HCMC People's Committee;
- Parties;
- Case and office files.

**ON BEHALF OF THE JURY
JUDGE - CHAIRPERSON OF THE TRIAL**

(Signed and sealed)

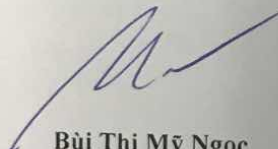
Nguyen Chi Cao

I, **Bui Thi My Ngoc**
Resident Card No: 079188004412
Date of issue: 17 February 2017,
Place of issue: Ho Chi Minh City,
undertake that I have translated accurately
this document from Vietnamese to English.

Tôi, **Bùi Thị Mỹ Ngọc**
Căn cước công dân số: 079188004412
cấp ngày 17/02/2017 tại TP. Hồ Chí Minh
cam đoan đã dịch chính xác nội dung của giấy tờ/
văn bản này từ tiếng Việt sang tiếng Anh.

Ngày 28 tháng 03 năm 2019

Người dịch


Bùi Thị Mỹ Ngọc

28 March 2019

(The Twenty eighth day of March, Two thousand nineteen)
At the People's Committee of District 10, Ho Chi Minh City

I,
Phan Thị Cẩm Ngọc
am Deputy Head of the Justice Division of District 10

THIS IS TO CERTIFY THAT

Ms. **Bui Thi My Ngoc** is the person who signed this translation.

Ngày 28 tháng 03 năm 2019

(Ngày Hai mươi tám, tháng Ba, năm hai nghìn mười chín)
Tại Ủy ban nhân dân quận 10, TP Hồ Chí Minh

Tôi,
Phan Thị Cẩm Ngọc
Là Phó Trưởng phòng Tư Pháp Quận 10

CHỨNG THỰC

Bà **Bùi Thị Mỹ Ngọc** là người đã ký vào bản dịch này.

Số chứng thực: **39653-03** Quyển số: SCT/CKND

Ngày 28 tháng 03 năm 2019



Phan Thị Cẩm Ngọc

