

4.

Plaintiff and Defendant separated in July 2008, and since then have continuously lived in a state of separation.

5.

There is one minor child as a result of this marriage, to wit: Londyn A. Reese, age 11 months. No proceeding other than this action has ever been initiated concerning the custody of said child, and Defendant knows of no individual other than the parties to this action who has any claim of custody or visitation rights concerning said child. The minor child is presently in the custody and control of the Plaintiff and Defendant. The Defendant is entitled to joint legal and physical custody of the child.

6.

Defendant shows that there is marital property which is subject to equitable division.

7.

Defendant brings this his Counterclaim on the grounds that the marriage is irretrievably broken as defined by the laws of the State of Georgia, O.C.G.A. §19-5-3 (13) and Defendant further shows that there are irreconcilable differences between the parties and these differences are such that the marriage is irretrievably broken and there is no hope of reconciliation.