

**IN THE DISTRICT COURT OF CHERRY COUNTY, NEBRASKA**

**CONNIE J. MARKUS, now known as  
CONNIE J. COLAICOVO,**

Petitioner,

vs.

**RICHARD E. MARKUS,**

Respondent.

Case No. 10128

**ORDER MODIFYING DECREE**

**DATE OF HEARING:** September 3, 1999.

**DATE OF DECISION:** September 3, 1999.

**APPEARANCES:**

For the petitioner: petitioner pro se.

For the respondent: respondent pro se.

**SUBJECT OF HEARING:** petitioner's application for modification of decree to decrease child support.

**DECREE INVOLVED:**

Date of original decree: November 5, 1993.

Date last modified: May 24, 1996.

**FINDINGS:** The court finds:

1. There has been a material change of circumstances since the decree was entered or last modified. The court does not base the determination of a change in circumstances upon the change in support calculated under the Nebraska Child Support Guidelines. The petitioner's application alleged that there was a material change. The respondent was personally served with summons, but failed to file any responsive pleading. Even at the hearing, when advised by the court of the effect of the failure to file a responsive pleading (acceptance by the court of the pleaded facts as true), the respondent declined to file a responsive pleading. Therefore, the court finds the existence of a change in circumstances as a matter of law upon the pleading of the petitioner and the default of the respondent.

2. The child support should be modified retroactively to the date of service of summons, June 16, 1999.

3. The monthly net incomes of the parties are set forth on Appendix "B" attached hereto and incorporated by reference. The child support amounts determined pursuant to the Nebraska Child Support Guidelines are computed on Appendix "B."

**ORDER:** IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that:

1. The application is granted to the extent of the relief set forth below and is otherwise denied. The decree previously entered in this case (and as previously modified, if applicable) shall remain in full force and effect except as expressly modified by this order.

2. The child support obligation of the petitioner is reduced to \$134.00 per month until the obligation of support terminates or until further order, effective with the installment due on July 1, 1999. All support shall be paid through the Clerk of the District Court of Cherry County, Nebraska.

3. The support obligation for each child continues until such child reaches majority under Nebraska law (presently age 19), becomes emancipated, becomes self-supporting, marries, or dies, or until the further order of the court.

4. Delinquent support accruing after this date shall bear interest at the rate of 6.224% per annum from the time and in the manner provided by law.

5. The court clerk shall adjust the child support records accordingly to reflect the retroactive application of this order.

6. Each party shall be required to furnish the clerk of this court, in writing, with such party's address (including specific street address or other physical location, in addition to mailing address), telephone number, and social security number, the name and address of such party's employer, whether or not such person has access to employer-related health insurance coverage and, if so, the health insurance policy information, and any other information that the Court shall deem relevant until the judgment is paid in full. Each party shall also be required to advise the Clerk of any changes in such information between the time of entry of this order and payment of the judgment in full. Failure to comply with the provisions of this section shall be punishable by contempt.

7. The income of the any party obligated to pay support hereunder shall be subject to income withholding, which shall be implemented pursuant to the Income Withholding for Child Support Act. Within thirty (30) days after the date of entry of this order, any such party shall accurately prepare and sign a Notice to Withhold Income (Form DC-005), and deliver the notice to such party's current employer and provide a copy of such notice to the court clerk. Within thirty (30) days after any change of employment, a new Notice to Withhold Income shall be prepared, signed, and delivered, and a copy provided to the court clerk in the same manner. In the event that any such party obligated to pay support fails to pay any child, medical, or spousal support payments, as such failure is certified each month by the District Court Clerk in cases where court-ordered support is delinquent in an amount equal to the support due and payable for a one-month period of time, such party may be required to appear before this Court on a date to be determined by the Court and show cause why such payment was not made. In the event such party fails to pay and appear as so ordered, a warrant shall be issued for such party's arrest.

8. Judgment is hereby entered accordingly. Each party shall be required to pay their own respective costs and attorney fees.

ENTERED: September 3, 1999.

If checked, the Court Clerk shall:

- : Mail a copy of this order to all counsel of record and to any pro se parties.  
Done on \_\_\_\_\_, 19\_\_ by \_\_\_\_\_.
- : Enter **modification of judgment** on the judgment record.  
Done on \_\_\_\_\_, 19\_\_ by \_\_\_\_\_.
- : Mail postcard/notice required by § 25-1301.01 within 3 days.  
Done on \_\_\_\_\_, 19\_\_ by \_\_\_\_\_.
- : Note the decision on the trial docket as: **9/3/99 Signed "Order Modifying Decree" entered; judgment modified accordingly.**  
Done on \_\_\_\_\_, 19\_\_ by \_\_\_\_\_.

Mailed to:

BY THE COURT:

\_\_\_\_\_  
William B. Cassel  
District Judge

CHILD SUPPORT GUIDELINES WORKSHEETS 1 (Basic), 4 (Number of Children), & 5 (Deviations) (1999)																																										
1 = # of Children	# in custody >	0	MOTHER	COMBINED	FATHER	1																																				
<b>INCOME:</b>																																										
1a/b	Last Two Years Schedule C/F income	2,880.00	2,880.00	from pr. calc. =	51,200.00	(36,216.00)																																				
2a/b	Last Two Years Depreciation claimed	0.00	0.00		14,425.00	2,149.00																																				
3	MONTHLY S. E. INCOME ((L1a+1b+2a+2b)/24)		240.00		1,314.92																																					
4	MONTHLY SALARY INCOME		747.50		0.00																																					
5	MONTHLY VALUE of Fringe Benefits		0.00		0.00																																					
6	MONTHLY INCOME ALL SOURCES (sum L3..L5)		987.50		1,314.92																																					
<b>DEDUCTIONS:</b>																																										
7	Filing Status (1=Single;2=HH)		1			2																																				
8	No. of Exemptions		1			2																																				
9	Annual Gross Inc (((L1a+1b)/2)+(L4x12))	11,850.00				7,492.00																																				
10	Standard Ded. (S:\$4300;HH:\$6350)	4,300.00				6,350.00																																				
11	Exemptions (\$2750 each)	2,750.00				5,500.00																																				
12	Fed Taxable Inc. (L9-L10-L11)	4,800.00				0.00																																				
13	Annual Fed Income Tax (from table)	720.00				0.00																																				
14	Child Credit (\$500/ch in parent's custody)	0.00				0.00																																				
15	Federal Income Taxes ((L13-L14) / 12)		60.00		0.00																																					
16	St Taxable Inc (L9-L10)	7,550.00				1,142.00																																				
17	State Tax Before Credits (from table)	239.98				28.66																																				
18	State Exemption Credit (L8 x \$89)	89.00				178.00																																				
19	Annual State Income Tax (L17 - L18)	150.98				0.00																																				
20	State Income Taxes (L19 / 12)		12.58		0.00																																					
21	FICA/Medicare: 7.65% Sal; 15.3% SE		93.90		95.52																																					
22	Child(ren)'s Health Insurance Premiums		0.00		0.00																																					
23	Mandatory Retirement		0.00		0.00																																					
24	Child Support Previously Ordered for Other Children		0.00		0.00																																					
25	TOTAL DEDUCTIONS (sum L15 + L20 to L24)		166.49		95.52																																					
26	MONTHLY NET INC Bef Othr Chldrn Dedtn (L6 - L25)		821.02		1,219.39																																					
27	Deduction for Children Not Subject of Order		0.00		0.00																																					
28	MONTHLY NET INCOME (L26-L27)		821.02	2,040.41	1,219.39																																					
29	Percentage of Combined Income		40%	(unrounded)	60%																																					
<b>MONTHLY SUPPORT, from table</b>																																										
30	One Child		196.00	485.89	290.00																																					
31	Two Children		NA	NA	NA																																					
32	Three Children		NA	NA	NA																																					
33	Four Children		NA	NA	NA																																					
34	Five Children		NA	NA	NA																																					
35	Six Children		NA	NA	NA																																					
36	GUIDELINE R LIMITATION (rounded down):		134.00		532.00																																					
<b>DEVIATION (Specify):</b>																																										
37			+/- 0.00		+/- 0.00																																					
<b>MONTHLY SUPPORT NET OF DEVIATIONS:</b>																																										
38	One Child		134.00		290.00																																					
39	Two Children		NA		NA																																					
40	Three Children		NA		NA																																					
41	Four Children		NA		NA																																					
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43	Six Children		NA		NA																																					
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APPENDIX "B" Support Worksheet; Markus v. Murkus; Cherry County, Case No. 10128