

IN THE DISTRICT COURT OF BROWN COUNTY, NEBRASKA

**STATE OF NEBRASKA o/b/o MARCUS
DYLAN SEARS; STATE OF
NEBRASKA o/b/o KENDY LEE SEARS;
STATE OF NEBRASKA, in its own
right,**

Petitioner,

vs.

WILLIAM GERALD BUECHLE,

Respondent.

Case No. 6716

ORDER MODIFYING DECREE

DATE OF HEARING: October 13, 1999.

DATE OF DECISION: October 14, 1999.

APPEARANCES:

For the petitioner:

State: David M. Streich, Brown County Attorney.

Kendy Sears: Mark Kozisek with Kendy Lee Sears.

For the respondent: respondent pro se.

SUBJECT OF HEARING: respondent's application for modification of decree.

DECREE INVOLVED:

Date of original decree: October 1, 1997.

Date last modified: January 22, 1999.

FINDINGS: The court finds:

1. The Brown County Attorney entered a voluntary appearance on behalf of the State of Nebraska, waived issuance and service of process, and joined in the answer filed by Kendy Lee Sears. The matter proceeded thereafter to trial.

2. There has been a material change of circumstances since the decree was entered or last modified.

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 respondent shall be required to pay child support to the court clerk for distribution to Kendy Lee Sears, the mother of the child, effective as of the payment due on November 1, 1999, to \$95.00 per month for the months of September through May, inclusive, and \$241.00 per month for the months of June through August, inclusive.

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 shall bear interest at the rate of 6.285% per annum from the time and in the manner provided by law.

5. Because there is no retroactive application of this order, the support accrued for the months of September and October of 1999 are not affected by 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: October 14, 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 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: 10/14/99 Signed "Order Modifying Decree" entered; judgment entered accordingly.
Done on _____, 19__ by ____.

Mailed to:

BY THE COURT:

William B. Cassel
District Judge