

IN THE DISTRICT COURT OF HOLT COUNTY, NEBRASKA

JOELLE SUZANN WRIGHT,

Petitioner,

vs.

MATTHEW JOHN WRIGHT,

Respondent.

Case No. CI99-175

**DECREE OF DISSOLUTION
OF MARRIAGE**

On January 20, 2000, this matter came on for final hearing. The petitioner appeared personally and was represented by Thurman Gay, and the respondent appeared personally without counsel. A trial was had to the Court. The matter was taken under advisement.

NOW, on **January 20, 2000** (the date of entry of decree), the Court, being fully advised in the premises, hereby finds, orders, adjudges and decrees as follows:

1. **JURISDICTION:** At filing, the petitioner resided in this county. The petitioner resided in Nebraska for more than one year prior to filing. More than 60 days have passed since personal service was perfected or a voluntary appearance was entered. Neither party is now a party to any other pending action in any court for divorce, legal separation, or dissolution of marriage. Neither party is a member of the Armed Forces of the United States or any of its allies. The Court has jurisdiction of both parties and the subject matter of this action.

2. **MARRIAGE:** The petitioner and the respondent were married on July 12, 1997, in the Village of Ewing, Holt County, Nebraska.

3. **DISSOLUTION:** All reasonable efforts to reconcile have been made and there is no reasonable possibility of reconciliation. The marriage is irretrievably broken and should be, and hereby is, dissolved. This decree becomes final and operative after 30 days from date of entry, except for purposes of appeal and except that neither party may remarry (other than to each other) for six months from date of entry and the parties are deemed as married for health insurance purposes during such six month period. If either

party dies prior to expiration of such time periods, the decree becomes final as of the date of entry.

4. **ISSUES TRIED:** The parties did not submit any written stipulation nor enter into any formal verbal stipulation as to any issues and a trial was had, and the Court determines the matters upon the evidence presented, including certain matters not disputed in the evidence.

5. **PAYMENTS:** All payments of child support ordered in this decree shall be paid to the Clerk of the District Court of Holt County, Nebraska, for disbursement to the person entitled to receive the same. NO CREDIT MAY BE ALLOWED FOR ANY PAYMENT NOT PAID THROUGH THE CLERK OF THIS COURT.

6. **PETITIONER'S PROPERTY:** The petitioner's sole and separate property, subject to encumbrances unless otherwise provided herein, shall consist of:

a. All of the property now in the petitioner's possession except as specifically awarded to the respondent herein.

b. The 1990 Chevrolet Lumina van.

7. **RESPONDENT'S PROPERTY:** The respondent's sole and separate property, subject to encumbrances unless otherwise provided herein, shall consist of:

a. All of the property now in the respondent's possession except as specifically awarded to the petitioner herein.

8. **DEBTS:** The indebtedness of the parties shall be paid as follows:

a. Each party shall pay the debts incurred by them personally since their separation on November 10, 1999.

b. The petitioner shall pay the following: any indebtedness to the bank at Creighton.

c. The respondent shall pay the following: any indebtedness to the bank at Brunswick.

d. Each party shall indemnify and hold the other party harmless of all liabilities such party is required to pay and of all debts encumbering property such party receives.

9. **ALIMONY:** Neither party shall pay any alimony to the other party.

10. **INCOME TAX:** The parties shall file joint income tax returns for tax year 1999, and each shall be responsible for the portion of any tax liability due, and shall be entitled to any refund, to be divided equally between the parties, without regard to any disparity between the adjusted gross income of each. All amounts of income tax withholding and estimated income tax payments made by each party shall be applied to the equal division of the tax liability of such party.

11. **COSTS AND ATTORNEYS FEES:** Each party shall pay such party's own final costs, including attorneys' fees.

12. **CHILDREN:**

a. There is no entry concerning any minor child affected by this action in the Nebraska Child Custody Jurisdiction Act Registry of the Court, and this Court has jurisdiction of the minor child of the parties to this action, as follows:

Taylor Victoria Wright, born on May 15, 1998.

b. The petitioner is awarded the care, custody and control of the minor child of the parties, subject to reasonable rights of reasonable visitation and correspondence in the respondent.

c. Appendix "A," Supplemental Order for Custody, etc., attached is incorporated into this Decree, and the parties are directed to comply therewith.

13. **CHILD SUPPORT:**

a. The respondent is ordered to pay child support to the court clerk for distribution to the petitioner at the rate of \$355.00 per month. Such payments shall commence on February 1, 2000, and continue in a like amount on the first day of each month thereafter until each child reaches majority under Nebraska law, becomes emancipated, becomes self-supporting, marries, or dies, or until the further order of the Court.

b. Delinquent child support installments shall bear simple interest from thirty (30) days after date of delinquency until paid at the rate of 6.997% per annum.

c. The child support amount has been determined pursuant to the Nebraska Child Support Guidelines, and the findings of the parties' incomes and calcula-

tions under the guidelines used in determining the amount of support are set forth on Appendix "B" attached hereto.

14. WITHHOLDING & ENFORCEMENT (MANDATORY):

a. The respondent's income 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 decree, 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.

b. In the event that such party 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.

15. INCOME TAX EXEMPTION: The respondent, if such party pays child support as ordered herein, shall be entitled to claim the minor child for dependency exemption purposes for federal and state income taxes. The petitioner is ordered to sign a written relinquishment of the petitioner's claim to the dependency exemption separately for each child for each year including and following the date of the decree (which does not include tax year 1999) until the obligation of support for such child terminates. The petitioner is ordered to deliver such relinquishment to the respondent for the next preceding calendar year on or before January 31 of each year, but only if all child support payments due are paid as of such date. The respondent is ordered not to claim any dependency exemption at any time when such party has not paid all child support payments which have become due. The Court retains jurisdiction to enter such orders as may be necessary, including contempt proceedings or modification of support, in the event such party

claims a dependency exemption at a time when such party has not paid all child support payments which have become due.

16. **HEALTH INSURANCE:**

a. The petitioner shall provide health insurance coverage on each minor child until the obligation of support terminates as above set forth, so long as such coverage is provided through such party's employment.

b. Any reasonable and necessary medical expenses incurred for a minor child for whom the obligation of support has not terminated and which are not reimbursed by insurance, including any deductible, shall be paid 46% by the petitioner and 54% by the respondent.

c. The health insurance policy information necessary to comply with the reporting requirement hereinafter set forth shall include, at a minimum, the following: (1) insurance company name and address; (2) policy number (for group policy, both group number and individual identifying number); (3) policy holder name (for group policy, both group name and individual name); (4) policy holder's social security number; and, (5) name, address, and telephone number of any person or entity (such as an employer) with which claims are to be filed or reported.

17. **REPORTS:** Each party shall be required to furnish the Clerk of the District Court of Holt County, Nebraska, 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 any judgment for alimony, child support, property settlement, attorneys fees, and/or costs, herein made are 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 Decree and payment of the judgment in full, within ten (10) days after the effective date of such change. Failure to comply with the provisions of this section shall be punishable by contempt.

18. **DOCUMENTATION:** Each party is ordered to execute and deliver to the other party such documents as will be necessary to transfer all of the interest of the party not receiving the property to the party who shall receive the particular property under this Decree. In the event that any party fails to execute and deliver such documents within thirty (30) days of this Decree, this Decree shall have the effect of a conveyance and/or release under NEB. REV. STAT. § 25-1304, as amended, with the same effect as though the appropriate documents of conveyance or release had been executed and delivered in conformity with this Decree.

19. **JUDGMENT:** Judgment is hereby entered against respondent and in favor of petitioner for child support as above set forth.

IT IS THEREFORE ORDERED that the parties to this action shall fully comply with the above findings and orders.

Dated and entered on January 20, 2000.

If checked, the Court Clerk shall:

- : Mail copy of decree to all counsel of record and to any pro se parties.
Done on _____, 20__ by _____.
- : Enter judgment on the judgment record.
Done on _____, 20__ by _____.
- : Mail postcard/notice required by § 25-1301.01 within 3 days.
Done on _____, 20__ by _____.
- : Note the decision on the trial docket as: Signed "Decree of Dissolution of Marriage" entered; judgment entered accordingly.
Done on _____, 20__ by _____.

Mailed to:

BY THE COURT:

William B. Cassel
District Judge