

IN THE DISTRICT COURT OF HOLT COUNTY, NEBRASKA

**STATE OF NEBRASKA on behalf of
Jenna N. Walton, minor child,**
Petitioner,

vs.

**JEFFREY D. CARR and KELLI
WALTON,**
Respondents.

Case No. CI02-174

**ORDER AMENDING
JUDGMENT**

DATE OF HEARING: August 25, 2003.
DATE OF RENDITION: October 14, 2003.
DATE OF ENTRY: See court clerk's file-stamp date per § 25-1301(3).
APPEARANCES:
For petitioner: Thomas P. Herzog, Holt County Attorney.
For respondent:
Carr: John P. Heitz.
Walton: No appearance.
SUBJECT OF ORDER: Respondent Carr's motion for new trial.
PROCEEDINGS: See journal entry rendered following hearing.
FINDINGS: The court finds and concludes that:

1. The court construes the respondent's motion for new trial as a motion to alter or amend the judgment. The motion should be granted to the extent of the relief set forth below and otherwise denied.
2. At the original trial, the petitioner conceded that the respondent's income at the present time is \$1,000 per month. The guideline calculations attached to the decree prepared by petitioner's counsel erroneously utilized a previous, higher income amount which the respondent no longer earns.
3. The parties did not cite any authority, nor has this court found any, for the county court juvenile case order of continuing support after dismissal of the juvenile case. Accordingly, this court does not allow any deduction for that juvenile case order.

4. The calculations under the guidelines are attached and incorporated as Appendix "B."

5. The judgment and decree of paternity and support previously entered on July 21, 2003, should be amended retroactively.

ORDER: IT IS THEREFORE ORDERED that:

1. The respondent's motion is granted to the extent of the following relief and otherwise denied.

2. The "Judgment and Decree of Paternity and Support" entered on July 21, 2003, is amended to change the amount of support in paragraph 7B thereof to \$129.20 per month, retroactive to and including the installment due on July 1, 2003, and all subsequent installments.

3. In all other respects, the said judgment and decree remains in full force and effect.

Signed in chambers at **Ainsworth**, Nebraska, on **October 14, 2003**;

DEEMED ENTERED upon file stamp date by court clerk.

If checked, the court clerk shall:

Mail a copy of this order to all counsel of record and any pro se parties.
Done on _____, 20____ by _____.

Note the decision on the trial docket as: [date of filing] **Signed "Order Amending Judgment" entered.**
Done on _____, 20____ by _____.

Mail postcard/notice required by § 25-1301.01 within 3 days.
Done on _____, 20____ by _____.

Enter **the modification of judgment** on the judgment record.
Done on _____, 20____ by _____.

Mailed to:

BY THE COURT:

William B. Cassel
District Judge