

FILED

OCT - 9 2013

Layton District Court

Name: **Marrienne Hood**
Address: **1399 W 2100 S Apt 200**
West Haven, UT 84401-
Phone: **(801) 628-5385**
Email: **marrienne_1@hotmail.com**
Pro Se **I am the Petitioner**

IN THE SECOND JUDICIAL DISTRICT COURT
OF DAVIS COUNTY, STATE OF UTAH
Second District Court, 800 West State Street, P.O. Box 769, Farmington UT 84025

Marrienne Hood,
Petitioner,

vs.

James Matthew Hood,
Respondent.

**DECREE OF DIVORCE
AND JUDGMENT**

Case No. 134701009

Commissioner: _____

Judge: Hamilton

This divorce came before the court on an AFFIDAVIT OF JURISDICTION AND GROUNDS FOR DIVORCE in accordance with Rule 104, Utah Rules of Civil Procedure. The parties have completed the classes entitled, "Divorce Orientation Course" and "Shared Parenting for Divorcing Parents" or have a signed order waiving the classes on file with the Court. The Court has reviewed the file in this matter and has determined that based upon the documents, **James Matthew Hood** has been properly served with a copy of the relevant petition for divorce, that his default has been entered based upon his consent or default, and that the court has jurisdiction to enter a final DECREE OF DIVORCE. The Court, having found and entered its Findings of Fact and Conclusions of Law and being otherwise fully advised, orders, adjudges and decrees as follows:

DIVORCE

1. **Marrienne Hood** is awarded a Decree of Divorce from **James Matthew Hood**, to become final upon signature and entry.

CHILDREN

2. The parties are the legal mother and legal father of the following children under Utah's Uniform Parentage Act, Utah Code 78B-15-101 et seq. This court has jurisdiction to determine the issues related to these children in this divorce action because the parties became the legal parents of the children prior to or during the time the parties were married, or if the mother is pregnant at the time of the divorce, their child will be born within 300 days of the entry of the DECREE OF DIVORCE. Pursuant to Rule 4-202.02 of the Utah Code of Judicial Administration the names and birth dates of the minor children are being submitted to the court on the NON-PUBLIC INFORMATION – MINORS form. The initials, birth month, and birth year of each minor child are listed below.

- a. **JTH Born: October 1995**
- b. **PIH Born: October 1997**

CHILDREN – CUSTODY

3. The parties are awarded the Joint Legal and Joint Physical Custody of their children. The Court approves the parenting plan set out in full in the Findings of Fact and Conclusions of Law for this case.

INCOME: MARRIANNE HOOD

4. Pursuant to Utah Code 78B-12-203 **Marrienne Hood's** total countable gross monthly income for child support purposes is **\$1,647.00**. **Marrienne Hood** receives the following gross monthly income from all sources:

- a. **Marrienne Hood** is employed at **Convergys** and grosses **\$1,646.67** per month working the equivalent of one full-time 40-hour a week job or less.

INCOME: JAMES MATTHEW HOOD

5. Pursuant to Utah Code 78B-12-203 **James Matthew Hood's** total countable gross monthly income for child support purposes is **\$5,310.00**. **James Matthew Hood** receives the following gross monthly income from all sources:

- a. **James Matthew Hood** is employed at **Department of Defense** and grosses **\$4,150.00** per month working the equivalent of one full-time 40-hour a week job or less.
- b. **James Matthew Hood** has income in the amount of **\$1,160.00** from the following

source:

VA disability, VA retirement

CHILD SUPPORT

6. Pursuant to Utah Code 78B-12-202 et seq., **James Matthew Hood** is ordered to pay the following amount of child support to **Marrienne Hood**, which deviates from the Utah's Uniform Child Support Guidelines:

- a. A sum of not less than **\$400.00** per month as base support. Unless the Court orders otherwise, support for each child terminates at the time (1) a child becomes 18 years of age, or has graduated from high school during the child's normal and expected year of graduation, whichever occurs later, or (2) a child dies, marries, becomes a member of the armed forces of the United States, or is emancipated in accordance with Utah Code 78A-6-801.
- b. Child support payments shall begin the month immediately following the entry of the order for child support. The monthly child support shall be paid one half on or before the 5th day of each month, and the other half on or before the 20th day of each month, unless the custodial parent uses the Office of Recovery Services to collect support. Child support due and not paid on or before the 5th day of the month is delinquent on the 6th day of the month. Child support due and not paid on or before the 20th day of the month is delinquent on the 21st day of the month.
- c. The issue of child support arrearages may be determined by further judicial or administrative process.
- d. Each of the parties is under mutual obligation to notify the other within thirty (30) days of any change in monthly income.
- e. The parties shall adhere to the following for child related support or expenses:
 - i. **Each party will maintain a life insurance policy with a minimum value of \$10,000 with the children listed as the beneficiaries.**

ii. **The parties agree to evenly split the costs of mutually agreeable activities in which their sons participate. If one party disagrees with the activity then the other party will be solely responsible for the cost of the activity. They will make every effort to not infringe on the other parent's parent time.**

iii. **In 2014 their oldest son will graduate and will no longer qualify for child support. At that time, the child support will change to \$300 per month which is above the calculated amount for one child on the joint custody child support worksheet.**

TAX DEDUCTION FOR DEPENDENT CHILDREN

7. **Marrienne Hood** is entitled to claim the following children as dependents for tax purposes: **PIH** providing **Marrienne Hood** is current on all child support and other court ordered financial obligations. **James Matthew Hood** is entitled to claim the following children as dependents for tax purposes: **JTH** providing **James Matthew Hood** is current on all child support and other court ordered financial obligations. At such time as there is only one remaining child that can be claimed as a dependent for tax purposes, the parties shall claim this child on alternate years.

8. The parent who does not have the right to take a tax deduction has the option to purchase the deduction from the other parent as follows: by March 1st of each year, the parties will determine the amount of tax savings the parent with the deduction would realize from claiming the child or children as a deduction. The parent wanting to purchase the deduction may then purchase from the other parent the right to claim the deductions for an amount equal to the other parent's projected savings. The parent purchasing the deduction must tender payment, in full, to the other parent by April 5th. Upon receipt of payment, the parent with the deduction shall execute any necessary tax forms to enable the parent purchasing the deduction to claim the deductions.

CHILD HEALTH CARE

9. Pursuant to Utah Code 78B-12-212:

a. **James Matthew Hood** is required to maintain medical, hospital and dental care insurance for the dependent children where available at reasonable cost and the insurance coverage is accessible to the children.

b. If, at any point in time, a dependent child is covered by the health, hospital, or dental insurance plans of both parents, the health, hospital, or dental insurance plan of **James Matthew Hood** shall be primary coverage for the dependent child and the health, hospital, or dental insurance plan of **Marrienne Hood** shall be secondary coverage for the dependent child. If a parent remarries and his or her dependent child is not covered by that parent's health, hospital, or dental insurance plan but is covered by a step-parent's plan, the health, hospital, or dental insurance plan of the step-parent shall be treated as if it is the plan of the remarried parent and shall retain the same designation as the primary or secondary plan of the dependent child.

c. Both parties shall share equally the out-of-pocket costs of the premium actually paid by a party for each child's portion of the insurance.

d. Both parties shall share equally all reasonable and necessary uninsured and unreimbursed medical and dental expenses, including deductibles, co-insurance and co-payments, incurred for the dependent children and actually paid by a party.

e. The party who incurs health care expenses shall provide written verification of the cost and payment of those health care expenses to the other party within 30 days of payment.

f. A party incurring health care expenses may be denied the right to receive credit for the expenses or to recover the other party's share of the expenses if that party fails to comply with this order.

g. The party ordered to maintain the coverage shall provide verification of coverage to the other party on or before January 2 of each year and notify the other party and ORS, if ORS is providing collection services, within 30 days of any change of coverage.

PUBLIC ASSISTANCE STATEMENT - ORS

10. Neither **Marrienne Hood** nor **James Matthew Hood** has received or is receiving public assistance from the State of Utah.

PERSONAL PROPERTY

11. The following vehicles are divided as indicated:

a. **Marrienne Hood** is awarded the following vehicles:

i. **Volkswagon, Beetle, 2004**

b. **James Matthew Hood** is awarded the following vehicles:

i. **Pontiac, Grand Prix, 2005**

ii. **Chevrolet, C1500, 1995**

iii. **Haulmark, Enclosed Trailer, 2008**

c. The following vehicles are divided as described.

i. **Chrysler, 5th Avenue, 1989**

Divide as follows: **Car belongs to son Jacob, will be titled to him upon graduation from high school**

12. The following bank and credit union accounts are divided as indicated:

a. Account number: **4731**

Name of Institution: **America First Credit Union Checking**

Account Balance: **\$1,300.00**

Divide as follows: **Award to party whose name is on the account.**

b. Account number: **4731**

Name of Institution: **America First Credit Union Savings**

Account Balance: **\$2,000.00**

Divide as follows: **Award to party whose name is on the account.**

c. Account number: **2910**

Name of Institution: **Credit Union One Checking**

Account Balance: **\$6,100.00**

Divide as follows: **Award to party whose name is on the account.**

d. Account number: **3944**

Name of Institution: **America First Credit Union Checking**

Account Balance: **\$200.00**

Divide as follows: **Award to party whose name is on the account.**

13. The following stock, bond, securities, or money market fund accounts are divided as indicated:

- a. Account number: **1884**
Name of Institution: **Pioneer Investments**
Account Balance: **\$1,200.00**
Divide as follows: **Award to party whose name is on the account.**
- b. Account number: **1883**
Name of Institution: **Fidelity Investments**
Account Balance: **\$1,425.00**
Divide as follows: **Award to party whose name is on the account.**

14. The following life insurance policies owned by **Marrienne Hood** are divided as indicated:

- a. Account Number: **Not Available at Time Petition Filed**
Life Insurance Company: **State Farm**
Cash Value of Policy: **\$100,000.00**
Divide as follows: **Marrienne Hood shall be awarded all of this money.**

15. The following life insurance policies owned by **James Matthew Hood** are divided as indicated:

- a. Account Number: **Not Available at Time resition Filed**
Life Insurance Company: **Not Available at Time resition Filed**
Cash Value of Policy: **\$100,000.00**
Divide as follows: **James Matthew Hood shall be awarded all of this money.**

16. The following personal property is divided as indicated:

- a. **Marrienne Hood** shall receive the following property:
- b. **James Matthew Hood** shall receive the following property:
- c. The following property will be divided as described.
 - i. Property Item: **All household items**
Divide as follows: **It has already been divided as mutually agreeable by both parties**

17. All other personal property shall be divided as the parties have already divided it.

DEBTS

18. Each party is ordered to assume and pay debts and hold the other harmless from liability as follows:

- a. Debt owed to: **Chase Credit Card**

Description of debt: **Mastercard #1769**
Amount owed on debt: **\$1,200.00**
James Matthew Hood will pay: **The entire debt.**
Person to provide creditor Decree of Divorce: **James Matthew Hood**

b. Debt owed to: **Capital One**
Description of debt: **Visa #3197**
Amount owed on debt: **\$400.00**
The debt will be paid as follows: **\$400 paid by James by July 30, 2013, remaining balance by Marrienne.**
Person to provide creditor Decree of Divorce: **Marrienne Hood**

c. Debt owed to: **America First Credit Union**
Description of debt: **VW Bug Car Loan**
Amount owed on debt: **\$6,200.00**
Marrienne Hood will pay: **The entire debt.**
Person to provide creditor Decree of Divorce: **Marrienne Hood**

d. Debt owed to: **America First Credit Union**
Description of debt: **'05 Grand Prix Car Loan**
Amount owed on debt: **\$8,000.00**
James Matthew Hood will pay: **The entire debt.**
Person to provide creditor Decree of Divorce: **James Matthew Hood**

e. Debt owed to: **America First Credit Union**
Description of debt: **Mortgage 1197 W 1750 N Clinton UT**
Amount owed on debt: **\$128,000.00**
James Matthew Hood will pay: **The entire debt.**
Person to provide creditor Decree of Divorce: **James Matthew Hood**

REAL PROPERTY

19. During the course of the marriage, the parties acquired the following real property:

a. **Marital Home**

- i. Address: **1197 W 1750 N, Clinton, Utah 84015-**
- ii. Tax Identification Number: **14-158-0016**
- iii. Legal description: **lot 16, Clifford estates #1, .17 acres**

b. This property shall be divided as follows:

James will continue living in the marital home and Marrienne will receive a lump sum of \$15,000 in equity for the home at which time a Quit Claim Deed will be signed.

ALIMONY

20. Neither party shall be awarded alimony from the other.

MILITARY RETIREMENT MONEY

21. **James Matthew Hood** is entitled to receive or is currently receiving member's military retirement pay. **James Matthew Hood** is awarded his entire military retirement pay.

ADDITIONAL PROVISIONS

22. The parties shall adhere to the following additional provision:

a. **Marrienne will complete a Quit Claim Deed to remove her name from the title.**

b. **The parties agree to move vehicle titles to the following:**

VW Beetle to Marrienne

Pontiac Grand Prix, Chevrolet C1500 Truck, and Haulmark Trailer to James

c. **Marrienne will receive \$1,650 by July 1, 2013 for relocation and utility expenses which includes her share in the Haulmark trailer.**

d. **James will pay for Jacob's enrollment at DATC in the composite program.**

e. **Both parties mutually agree to equally split high school educational fees such as registration, lunch money, and any other fees that arise until both sons have graduated from high school.**

f. **James will be entitled to claim the mortgage interest for the 2013 taxes.**

g. **The parties mutually agree to renegotiate parent time if either of them moves more than 150 miles from their current locations.**

h. **James will pay the standard fees for anything associated with this divorce action.**

DUTY TO SIGN DOCUMENTS WHICH IMPLEMENT DECREE OF DIVORCE

23. Both parties are ordered to sign and fully execute whatever documents are necessary for the implementation of the provisions of their divorce decree. Should a party fail to execute a document within 60 days of the entry of their divorce decree, the other party may bring an Order to Show Cause at the expense of the disobedient party and ask that the Court appoint some other person to execute the document pursuant to Rule 70 of the Utah Rules of Civil Procedure. Any

document executed pursuant to Rule 70 has the same effect as if executed by the disobedient party.

MEDIATION REQUIRED PRIOR TO MODIFICATION

24. Prior to any Petition being filed to change any provision of the final Decree of Divorce, the parties must attempt to resolve the issue through mediation.

NAME CHANGE

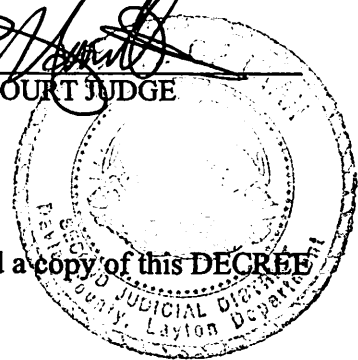
25. **Marriane Hood** is restored the use of the former name of **Marriane Jarvis** .

DATED 10/8/13

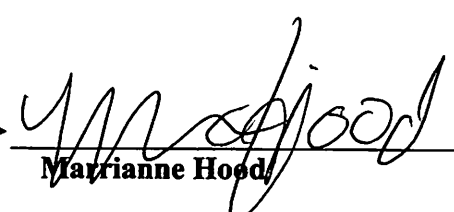

DISTRICT COURT JUDGE

CERTIFICATE OF DELIVERY

On 7/1/13 (date) I mailed or hand delivered a copy of this DECREE OF DIVORCE AND JUDGMENT, to:



James Matthew Hood
1197 W 1750 N
Clinton, UT 84015-

Sign here ► 
Marriane Hood