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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

<p>Calvin C Curtis, Petitioner,</p> <p>vs.</p> <p>Melanie A Curtis, Respondent.</p>	<p>DECREE OF DIVORCE AND JUDGMENT</p> <p>Case No. <u>144700124</u></p> <p>Commissioner: <u>David S. Dillon</u></p> <p>Judge: <u>Michael G. Allphin</u></p>
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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, **Melanie A Curtis** has been properly served with a copy of the relevant petition for divorce, that her default has been entered based upon her 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. **Calvin C Curtis** is awarded a Decree of Divorce from **Melanie A Curtis**, 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. **KGC Born: August 2004**
- b. **EKC Born: May 2006**

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: CALVIN C CURTIS

4. Pursuant to Utah Code 78B-12-203 **Calvin C Curtis'** total countable gross monthly income for child support purposes is **\$12,500.00**. **Calvin C Curtis** receives the following gross monthly income from all sources:

- a. **Calvin C Curtis** is employed at **Calvin C Curtis Attorney at Law, PLLC** and grosses **\$12,500.00** per month working the equivalent of one full-time 40-hour a week job or less.

INCOME: MELANIE A CURTIS

5. Pursuant to Utah Code 78B-12-203 **Melanie A Curtis'** total countable gross monthly income for child support purposes is **\$0.00**. **Melanie A Curtis** receives the following gross monthly income from all sources:

- a. **Melanie A Curtis** does not have any countable income from any source.

CHILD SUPPORT

6. Pursuant to Utah Code 78B-12-202 et seq., **Calvin C Curtis** is ordered to pay child support to **Melanie A Curtis** as follows:

- a. A sum of not less than **\$1,928.00** per month base support in compliance with the Uniform Child Support Guidelines. 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. Under Utah Code 78B-12-210(8), the parties have a right to adjust this child support order by motion after three years from the date of its entry if: (1) upon review there is a difference of 10% or more between the amount previously ordered and the new amount of child support under the Utah child support guidelines, calculated using the appropriate child support worksheet, (2) the difference is not of a temporary nature, and (3) the amount previously ordered does not deviate from the child support guidelines. Under

Utah Code 62A-11-306.2, if the children receive TANF funds at the time an adjustment is sought, the Office of Recovery Services shall review the order, and if appropriate, move the court to adjust the amount.

f. Under Utah Code 78B-12-210(7) and (9), the parties have a right to modify this child support order at any time by petition if there has been a substantial change in circumstances because of: (1) material changes in custody; (2) material changes in the relative wealth or assets of the parties; (3) material changes of 30% or more in the income of a parent; (4) material changes in the employment potential and ability of a parent to earn; (5) material changes in the medical needs of the child; or (6) material changes in the legal responsibilities of either parent for the support of others. The change in (1) through (6) must result in a 15% or more difference between the amount previously ordered and the new amount of child support, calculated using the appropriate child support worksheet, and the difference must not be of a temporary nature. In a proceeding to modify an existing award, consideration of natural or adoptive children other than those in common to both parties may be applied to mitigate an increase in the child support award, but may not be applied to justify a decrease in the award.

g. The parties shall adhere to the following for child related support or expenses:

i. Calvin C Curtis shall retain or purchase, if necessary, a life insurance policy on his life in a sufficient amount to cover his child support obligation in the event of his death, until both children have attained age 18.

ii. The parties shall divide equally the costs of special activities for KGC and EKC, including dance classes, recreational opportunities, summer camps, and other similar activities, until such time as they reach age 18.

TAX DEDUCTION FOR DEPENDENT CHILDREN

7. **Melanie A Curtis** is entitled to claim the parties' children as dependents for tax purposes.

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. Calvin C Curtis** 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 **Calvin C Curtis** shall be primary coverage for the dependent child and the health, hospital, or dental insurance plan of **Melanie A Curtis** 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.

CHILD CARE EXPENSES

10. Pursuant to Utah Code 78B-12-214, both parties shall share equally all reasonable work, career, or occupational training-related child care expenses.

a. The party who incurs child care expenses shall provide written verification of the cost and identity of a child care provider to the other party upon initial engagement of a provider and thereafter on the request of the other party. The party incurring and/or paying for child care expenses shall notify the other party of any change of a child care provider or the monthly expense of child care within 30 calendar days of the date of the change.

b. The party not directly paying for child care shall begin paying his or her share of child care expenses on a monthly basis immediately upon presentation of proof of the child care expense.

c. A party incurring and/or paying for child 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 the party incurring and/or paying for the expenses fails to comply with this order.

PUBLIC ASSISTANCE STATEMENT - ORS

11. Neither **Calvin C Curtis** nor **Melanie A Curtis** has received or is receiving public

assistance from the State of Utah.

PERSONAL PROPERTY

12. The following vehicles are divided as indicated:

- a. **Calvin C Curtis** is awarded the following vehicles:
 - i. **Honda, CRV, 2000**
- b. **Melanie A Curtis** is awarded the following vehicles:
 - i. **Honda, Pilot, 2007**
- c. The following vehicles are divided as described.

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

- a. Account number: **1877**
Name of Institution: **Wells Fargo**
Account Balance: **\$5,000.00**
Divide as follows: **Award to party whose name is on the account.**

14. All personal property not specifically addressed in this decree of divorce shall be divided as the parties have already divided it.

DEBTS

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

- a. Debt owed to: **Ocwen Loan Servicing**
Description of debt: **Mortgage**
Amount owed on debt: **\$203,000.00**
Calvin C Curtis will pay: **Half of the debt.**
Melanie A Curtis will pay: **Half of the debt.**
Person to provide creditor Decree of Divorce: **Calvin C Curtis**
- b. Debt owed to: **Greentree**
Description of debt: **Secondary Mortgage**
Amount owed on debt: **\$93,000.00**
Calvin C Curtis will pay: **Half of the debt.**
Melanie A Curtis will pay: **Half of the debt.**
Person to provide creditor Decree of Divorce: **Calvin C Curtis**

- c. Debt owed to: **Greentree**
Description of debt: **Secondary Mortgage**
Amount owed on debt: **\$67,000.00**
Calvin C Curtis will pay: **Half of the debt.**
Melanie A Curtis will pay: **Half of the debt.**
Person to provide creditor Decree of Divorce: **Calvin C Curtis**

- d. Debt owed to: **MVCI**
Description of debt: **Vacation Club**
Amount owed on debt: **\$17,500.00**
Calvin C Curtis will pay: **The entire debt.**
Person to provide creditor Decree of Divorce: **Calvin C Curtis**

REAL PROPERTY

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

a. **Primary Residence**

- i. Address: **39 West 550 South, Centerville, Utah 84014-**
- ii. Tax Identification Number: **To Be Entered**
- iii. Legal description: **To Be Provided**

b. **Melanie A Curtis** is awarded this property as her sole and exclusive property.

BUSINESS INTERESTS

17. The parties' ownership interests in businesses should be divided as follows:

- a. Business Name: **Calvin C Curtis Attorney at Law PLLC**
Address: **299 South Main Suite 1300, Salt Lake City, Utah 84111**
Phone: **(801) 534-4430**
Nature of Business: **Law firm/Legal practice**
Ownership Percent: **Calvin C Curtis 100%**
Ownership Percent: **Melanie A Curtis 00%**
Total Value Parties Own Together: **\$10,000.00**
Award Ownership of Business as follows: **Award to Calvin Curtis**

ALIMONY

18. **Melanie A Curtis** is awarded a sum of not less than **\$3,000.00** per month as alimony from **Calvin C Curtis**. **Calvin C Curtis'** alimony obligation shall terminate upon **Melanie A Curtis'** remarriage, cohabitation, or on **06/01/2030**, whichever occurs first.

19. Alimony payments shall begin the month immediately following the entry of the order for

alimony. The monthly alimony 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 a custodial parent uses the Office of Recovery Services to collect support. Alimony due and not paid on or before the 5th day of the month is delinquent on the 6th day of the month. Alimony due and not paid on or before the 20th day of the month is delinquent on the 21st day of the month. Should a custodial parent use the Office of Recovery Services to collect support, alimony shall be due on the first day of each month and delinquent on the first day of the following month.

RETIREMENT MONEY

20. The parties have no interest in any retirement money which is marital property or that they need the court to make an order on.

ADDITIONAL PROVISIONS

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

- a. **Parties will share joint custody of any pets they may have**
- b. **Parties will share use of any timeshare interests on an every other year basis**

DUTY TO SIGN DOCUMENTS WHICH IMPLEMENT DECREE OF DIVORCE

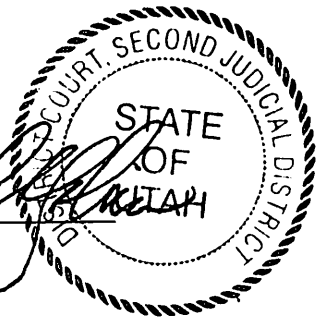
22. Both parties are ordered to sign and fully execute whatever documents are necessary for the implementation of the provisions of their divorce decree. Should a party fail to execute a document within 60 days of the entry of their divorce decree, the other party may bring an Order to Show Cause at 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

23. 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.

DATED 10-6-14

Michael A. [Signature]
DISTRICT COURT JUDGE



CERTIFICATE OF DELIVERY

On September 24, 2014 (date) I mailed or hand delivered a copy of this DECREE OF DIVORCE AND JUDGMENT, to:

Melanie A Curtis
39 West 550 South
Centerville, UT 84014-

Sign here ► *Calvin C. Curtis*
Calvin C Curtis