

The Order of the Court is stated below:

Dated: January 03, 2024
11:23:57 AM

/s/ RONALD G. RUSSELL
District Court Judge



F. KIM WALPOLE #4510
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IN THE SECOND JUDICIAL DISTRICT COURT OF DAVIS COUNTY

STATE OF UTAH

<p>IN THE MATTER OF THE MARRIAGE OF:</p> <p>SHANE RHOADES,</p> <p>vs.</p> <p>PORNMANEE RHOADES,</p>	<p>JUDGMENT OF LAW AND DECREE OF DIVORCE</p> <p>Civil No: 234701528 DA Commissioner Julie Winkler Judge Ronald Russell</p>
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THIS MATTER having come on before the Honorable Ronald Russell, judge presiding, sitting without a jury; all papers appearing to be in order; Respondent was duly served with a copy of the Petition and a copy of the Summons; wherein Respondent having answered the same within the time allotted by statute, and whereas the parties have entered into a Stipulation herein settling all of their property rights, alimony, debts and obligations, attorney’s fees, court costs and other kindred matters, more than thirty days having elapsed from the date of the filing of the Verified Petition; and the Court having been fully informed in the premises informed in the premises, and having made its Findings of Fact and Conclusions of Law separately stated in writing,

NOW THEREFORE,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

1. **DIVORCE.** The parties are granted a mutual Decree of Divorce from each other, same to become final upon signing and entry.
2. **CUSTODY.** There are no minor children as issue of the marriage.
3. **Alimony.** Neither party is awarded alimony, past, present or future.
4. **Retirement.** Each party is awarded their respective retirement account. Shane is awarded his IRA and Roth account. Pornmanee is awarded her 401(k) and 403(b) account. Her pension with Intermountain Healthcare will be divided pursuant to *Woodward v. Woodward*, 656 P.2d 431 (Utah 1982). Shane is responsible for the cost and preparation of the necessary documentation for division of that pension. Pornmanee is ordered to cooperate and work with him by providing the information to make that division. As far as survivor benefit election, Shane is entitled to elect for that option and will be responsible for any cost. Shane is awarded sole interest, if any, in his own pension.
5. **Shane Rhoades's Personal Property.** Shane Rhoades is awarded those items of personal property currently in his possession, together with his personal belongings and effects. Shane will be awarded the 2012 Ford F-250. The parties will review and discuss other personal property items sought by Pornmanee at the meeting scheduled for December 9, 2023, at 10:00 a.m. at the marital home. Troy will not be present; Pornmanee will discuss additional premarital personal property items. If the parties can agree, she will take those personal property items. Any personal property items the parties cannot agree to will require they submit to mediation for further discussion. If the parties reach a disagreement, Pornmanee will submit to her attorney a list of those disputed items by December 16, 2023, or the personal property items will be resolved.

6. **Pornmanee Rhoades's Personal Property.** Pornmanee Rhoades is awarded those items of personal property currently in her possession, together with her personal belongings and effects. She will be awarded the 2016 Chevrolet Sonic, the 85" television, Amber's twin bed, frame, desk and bookcase, cassettes, and her Barbie dolls, and any other property Pornmanee brought into the marriage. If there is any dispute as to personal property, the parties will bring the matter back to mediation.

7. **Cellular Telephone.** Each party is awarded their own cell phone with the understanding that Shane will be transferring his cell phone account from Version to T-Mobile and Pornmanee is to work with Shane in making that transfer.

8. **Bank Accounts.** Each party is awarded their own bank accounts. The joint bank account is awarded to Pornmanee, and she will take his name off the account and will pay to Shane the sum of \$2,430.00 representing one-half of the balance of the marital account within seven days of the signing of the Stipulation.

9. **Real Property.** The residential home and real property located at 841 West 600 North, Clearfield, Utah 84015, is awarded to Shane Rhoades free from any claim of Pornmanee Rhoades, with Shane Rhoades assuming all equity, debts and obligations associated therein. Shane shall reside in the marital home until he either refinances or the home is sold. Beginning January 1, 2024, any insurance or property taxes shall be Shane's responsibility. Shane will have until May 31, 2024, to refinance the home and buyout Pornmanee's home equity. The parties will use the appraisal from the refinance. If either party decides to obtain and pay for a separate appraisal, they may do so as long as they pay for that. The appraisals will be averaged. If at any time Shane decides he is not going to refinance the home or no later than May 31, 2024, the home shall be listed for sale. The

parties will mutually agree upon a realtor, allow that realtor to work with them in setting the sales price. Once the home is sold, the sales proceeds will be divided equally between the parties.

10. **Debts.** That responsibility for the parties' debts is ordered as follows:

a. Shane will pay the Stubbs Dental debt, which is secured through the home. Any debt related to Stubbs Dental will be specifically excluded from the calculation or division of the home equity at the time of the refinance or sale of the home.

b. Pornmanee will pay the Capital One credit card and the balance owing for the 85" television.

c. Any debt distributed pursuant to the agreement of the parties or the order of this Court shall be the sole responsibility of the designated party, and the party should hold the other harmless therefrom.

d. Each party shall be solely responsible for any debt incurred since the separation of the parties on July 27, 2023.

e. If there are other debts of which Shane Rhoades and Pornmanee Rhoades are not now aware, the party who incurred the debt shall be ordered to be responsible for said debt.

f. The parties' obligation to pay these marital debts as hereby imposed is to be considered as a spousal support obligation to assure avoidance of either party's filing of bankruptcy seeking a discharge of these debts, such that these debts are to be considered an exception to discharge under 11 U.S.C. Section 523 (5).

g. Both parties shall make reasonable efforts to refinance the above debts so that each debt is held only in the responsible party's name.

11. **Real Property Taxes.** Each party shall pay one-half of the 2023 real property tax with the provision that Pornmanee will reimburse one-half of those costs within 15 days of the

receipt of an invoice indicating the taxes have been paid.

12. **Automobile Insurance.** Each party shall maintain and pay for their own automobile insurance effective January 1, 2024.

13. **Medical Insurance.** Each party shall maintain and pay for their own medical insurance effective January 1, 2024.

14. **Life Insurance.** Each party will maintain and pay for their own life insurance effective January 1, 2024.

15. **Home Insurance.** The home insurance on the home and real property has been paid through June 2024. Any further required payments will be made by Shane as he will occupy the home.

16. **2023 Federal and State Income Tax Returns.** The parties shall file separate state and federal income tax returns for the tax year 2023 and each will pay or receive individually any tax consequences therefrom.

19. **Notice to Creditors.** The parties shall provide a certified copy of the final Order or Decree of Divorce to all creditors pursuant to Utah Code Annotated Section 15-4-6.5, and do any follow-up necessary to effectuate these statutes. With respect to either party who is not ordered to make payments under Utah Code Annotated Sections 30-3-5 and 30-4-3 on the joint obligations, no negative credit report under Utah Code Annotated Section 70C-7-107 and no report of the debtor's repayment practices or credit history under Title 7, Chapter 14, Credit Information Exchange, may be made regarding the joint obligation after the creditor is served notice of the Court's order as required under Utah Code Annotated Section 15-4-6.5(2), unless the creditor has made a demand on the joint obligor not ordered to pay the debt, for payment because of the failure to make payments

by the joint obligor ordered to make the payments.

20. **Transfer of Property.** Each party or their heirs or assigns shall immediately deliver all property awarded to the other party in their possession, and execute all documents and titles necessary to effectuate a property transfer as set forth in this Agreement, including automobile titles, tax forms and/or any other instrument necessary to carry out the intentions of this Stipulation and Property Settlement Agreement.

21. **Mutual Restraint.** The parties are mutually restrained from bothering or harassing the other. Neither party will enter the vehicle or home of the other without express permission from the other to do so.

22. **Attorney's Fees.** Each party is ordered to pay their own attorney's fees and costs.

***THE COURT'S ELECTRONIC SIGNATURE AND SEAL WILL APPEAR AT TOP OF
DOCUMENT WHEN SIGNED AND ENTERED BY THE COURT***

APPROVED AS TO FORM AND CONTENT:

/s/ Jonathan Felt
JONATHAN FELT
Attorney for Pornmanee Rhoades
(Signed with permission)

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing ***Judgment of Law and Decree of Divorce*** was posted in the United States mail, postage prepaid pursuant to the Utah Rules of Civil Procedure, Rule 7 (j)(2), by allowing three (3) days for mailing and seven (7) days prior to submission of same to the Court for signature, by mailing the same on this 2nd day of January 2024 and addressed to the following:

Jonathan L. Felt
Attorney for Pornmanee Rhoades
2650 Washington Blvd., Ste 102
Ogden, UT 84401
jfelt@feltfamilylaw.com

<input type="checkbox"/>	U.S. Mail
<input type="checkbox"/>	Facsimile
<input type="checkbox"/>	Email
<input checked="" type="checkbox"/>	E-Filing
<input type="checkbox"/>	Other _____

/s/ F. Kim Walpole _____