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Pro Se

IN THE FOURTH JUDICIAL DISTRICT COURT
OF WASATCH COUNTY, STATE OF UTAH
Fourth District Court, 1361 So. Highway 40, Heber City, Utah 84032

Joshua Edward Neilson,
Petitioner,

vs.

Myia Crystal (Hackney) Neilson,
Respondent.

**DECREE OF DIVORCE
AND JUDGMENT**

Case No. 084500049

Commissioner: _____

Judge: Derek P. Pullman

The above-entitled matter came on before the court on Petitioner's Affidavit for Entry of Divorce Decree 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, having found and entered its Findings of Fact and Conclusions of Law and being otherwise fully advised, it is hereby,

ORDERED, ADJUDGED AND DECREED:

That the Petitioner is awarded a Decree of Divorce from the Respondent, to become final upon signature and entry.

1. The personal property of the parties is distributed as follows:

Description of Item	Item Becomes Sole Property of
89 Ford Bronco	Petitioner
95 Kia Sportage	Petitioner
89 Ford crown Victoria	Respondent
computer	Petitioner

All other personal property is divided as the parties have already divided it.

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

To Whom Debt is Owed	Description of Debt	Petitioner Will Pay	Respondent Will Pay
Leschwab tire center	in house account	\$1000	\$2000
chase financial bank	Vehicle loan	\$0.00	\$20,000
Questar gas	gas bill	\$0.00	\$800.00
heber light power	electricity bill	\$200.00	\$0.00

All other debts are the responsibility of the person incurring the debt. Pursuant to Utah Code § 15-4-6.5 Petitioner shall provide a copy of the parties' Decree of Divorce to all joint creditors of the parties existing at the time of the entry of the divorce.

3. The parties did not acquire any real property during the marriage.

4. Neither party is awarded alimony from the other.

5. The parties have not acquired any interest in any retirement program (including military retirement), nor have they acquired any interest in any pension or profit sharing plan during the course of the marriage.

6. There has/have been 3 child(ren) born or adopted of this marriage:

NAME	DATE OF BIRTH
Jasmine Marie Neilson	12/01/1999
Jordyn Kay Neilson	04/30/2002
Jamie Lexi Neilson	11/30/2007

6.1 The parents are awarded joint legal and physical custody of the minor child(ren).

6.2 Pursuant to Utah Code Ann. § 30-3-10.1 et seq., the following parenting plan is ordered by the court:

a. The parents will discuss with each other and mutually decide the significant decisions regarding the child(ren), including, but not limited to, the child(ren)'s education, health care, and religious upbringing. Either parent may make emergency decisions regarding the health or safety of the child(ren).

b. Day to day decisions regarding the care, control and discipline of the parties' child(ren) will be made by the parent with whom the child(ren) resides/are residing at the time.

c. Any parental duties or rights not specifically addressed in this plan shall be discussed and mutually decided by both parents.

d. Should the parties have a dispute regarding parenting of the child(ren), the Petitioner will make the final decision.

e. Should either parent feel that a decision made under this parenting plan is contrary to the best interests of the child(ren), that parent may seek court review of the decision through motion or order to show cause. The parent requesting review shall pay court costs and reasonable attorneys fees for both parties unless otherwise ordered by the court. If the court rules in favor of the parent requesting review, the court may order that the court costs be split equally and that each party pay his or her own attorney's fees.

f. No dispute may be presented to the court in this matter without a good faith attempt by both parents to resolve the issue prior to requesting review. By mutual written agreement of both parents, mediation, counseling, or arbitration may be used instead of court review. Should both parents agree in writing on either mediation, counseling, or arbitration as a method of dispute resolution, no dispute may be presented to the court in this matter without a good faith attempt by both parents to resolve the issue through the mutually agreed on method of dispute resolution.

g. If the court finds that a parent has used or frustrated the dispute resolution process without good reason, the court may award attorney's fees and financial sanctions to the prevailing parent. The court has the right of review from mediation, counseling, and arbitration.

h. The child(ren) shall reside in Petitioner's home 183 overnights each year. The child(ren) shall reside in Petitioner's home during the following time periods each year:

every other week alternating

i. The child(ren) shall reside in Respondent's home 182 overnights each year. The child(ren) shall reside in Respondent's home during the following time periods each year:

every other week alternating

j. The child(ren) shall spend holidays, birthdays of family members, vacations and other special occasions, as follows:

***We can agree and communicate very well for special occasions.
if an occasion should arise, the week either one of us have the children,
will have for the holiday in that week.***

k. The following provisions shall be part of the parties' parenting plan:

No leaving the state.

Phone communication at least once a week to ensure the safety and responsibility of the children.

l. If a parent fails to comply with a provision of this parenting plan, the other parent's obligations under the parenting plan are not affected.

m. This parenting plan is filed by Petitioner in good faith and Petitioner believes the plan is in the best interests of the parties' child(ren).

n. Petitioner understands that Pursuant to Utah Code § 30-3-10.2(4) and 35A-3-1 et Seq. selecting a joint physical custody arrangement may result in denial of state cash assistance for petitioner and the parties' child(ren) through the TANF/FEP program.

7. Pursuant to Utah Code § 78B-12-203 Petitioner's total countable gross monthly income for child support purposes is \$2,383.33. The Petitioner receives the following gross monthly income from all sources:

a. The Petitioner is employed at Unifirst and grosses \$2,383.33 per month working the equivalent of one full-time 40-hour a week job or less.

7.1 Pursuant to Utah Code § 78B-12-203 Respondent's total countable gross monthly income for child support purposes is \$2,450.00. The Respondent receives the following gross monthly income from all sources:

a. The Respondent is employed at UPS and grosses \$1,950.00 per month working the equivalent of one full-time 40-hour a week job or less.

b. The Respondent earns \$500.00 extra per month in overtime or additional employment above Respondent's full time pay. This extra income is countable income for child support purposes under Utah Code § 78B-12-203(2) because during the time prior to

the original child support order, the Respondent normally and consistently worked more than 40 hours at a job or jobs.

7.2 Pursuant to Utah Code § 78B-12-202 et seq., the Respondent is ordered to pay to the Petitioner as and for child support:

a. A sum of not less than \$25.65 per month as base support for the child(ren) of the parties, pursuant to 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. At the time a child is no longer eligible to receive child support, the child support amount for the remaining child(ren) who are eligible to receive support shall be automatically adjusted to reflect the base child support obligation shown in the table for that number of children. This shall be done by using the appropriate calculation and worksheet pursuant to Utah Code § 78B-12-202 et seq. The child support for the remaining child(ren) may not be reduced by a per child amount, that is, the obligor parent may not divide the base child support award by the number of children and subtract that amount from the prior child support obligation.

c. 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.

d. The person entitled to receive child support shall be entitled to mandatory income withholding relief pursuant to U.C.A. § 62A-11 parts 4 and 5 (1953 as amended), and any Federal and State tax refunds or rebates due the non-custodial parent may be intercepted by the State of Utah and applied to existing child support arrearages. This income withholding procedure shall apply to existing and future payors. All withheld income shall be submitted to the Office of Recovery Services until such time as the non-custodial parent no longer owes child support to the person entitled to receive child support. All child support payments shall be made to the Office of Recovery Services, P.O. Box 45011, Salt Lake City, UT 84145-011, unless the Office of Recovery Services gives notice that payments should be sent elsewhere. Should mandatory income withholding be implemented by the Office of Recovery Services, child support shall be due on the first day of each month and delinquent on the first day of the following month. All administrative fees and costs of income withholding assessed by the Office of Recovery Services shall be paid by Respondent.

e. The issue of child support arrearages may be determined by further judicial or administrative process.

f. Each of the parties is under mutual obligation to notify the other within ten (10) days of any change in monthly income.

g. 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.

h. 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: (i) material changes in custody; (ii) material changes in the relative wealth or assets of the parties; (iii) material changes of 30% or more in the income of a parent; (iv) material changes in the employment potential and ability of a parent to earn; (v) material changes in the medical needs of the child; or (vi) material changes in the legal responsibilities of either parent for the support of others, and, the change in (i) through (vi) results 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 is not 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.

7.3 Petitioner is entitled to claim the following minor child(ren) as dependent(s) for tax purposes: *Jasmine Marie Neilson*

Jordyn Kay Neilson providing the Petitioner is current on all child support and other financial obligations herein. Respondent is entitled to claim the following minor child(ren) as dependent(s) for tax purposes: *Jamie Lexi Neilson* providing the Respondent is current on all child support and other financial obligations herein. At such time as there is only one remaining minor child that can be claimed as a dependent for tax purposes, the parties shall claim this child on alternate years.

a. 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.

7.4 Pursuant to Utah Code § 78B-12-212:

a. Petitioner is required to maintain insurance for medical expenses for the benefit of the minor children where available at reasonable cost.

b. Both parties shall share equally the out-of-pocket costs of the premium actually paid by a parent for the children's portion of the insurance.

c. Both parties shall share equally all reasonable and necessary uninsured medical expenses, including deductibles and co-payments, incurred for the minor children and actually paid by the parties.

d. The parent who incurs medical expenses shall provide written verification of the cost and payment of medical expenses to the other parent within 30 days of payment.

e. A parent incurring medical expenses may be denied the right to receive credit for the expenses or to recover the other parent's share of the expenses if that parent fails to comply with the Subparagraph "d" above.

7.5 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 parent who incurs child care expenses shall provide written verification of the cost and identity of a child care provider to the other parent upon initial engagement of a provider and thereafter on the request of the other parent. The parent shall notify the other

parent 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 parent 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 parent incurring child care expenses may be denied the right to receive credit for the expenses or to recover the other parent's share of the expenses if the parent incurring the expenses fails to comply with these provisions.

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

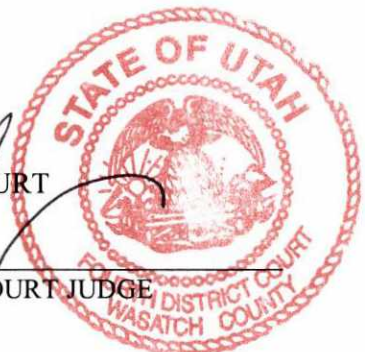
9. Prior to any Petition being filed to change any provision of the final Decree of Divorce, the parties must attempt to resolve the issue through mediation.

10. Respondent is restored the use of the former name of Myia Crystal Hackney.

DATED this 18 day of April, 2008.

BY THE COURT

DISTRICT COURT JUDGE



Approved as to form:

Respondent's Signature

CERTIFICATE OF MAILING/DELIVERY

On this _____ day of _____, _____, a true and correct copy of the foregoing Decree of Divorce and Judgment was mailed, postage prepaid or delivered to Respondent at:

Myia Crystal (Hackney) Neilson
146 S. 200 E.
Heber, Utah 84032

Petitioner Signature