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IN THE FOURTH JUDICIAL DISTRICT COURT

UTAH COUNTY, STATE OF UTAH - PROVO DEPARTMENT

In the matter of the marriage of:

KINLEY MENDOZA,

and

SAMUELE MENDOZA.

DECREE OF DIVORCE

Civil No.: 254403159

Judge: Tony Graf

Commissioner: Marian Ito

BASED UPON the *Findings of Fact and Conclusions of Law* filed herewith and the *Amended Default Certificate* entered by the Court, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:

1. That the parties are hereby awarded a Decree of Divorce, said Decree is to become final upon its being signed by the Court and entered in the Office of the Fourth Judicial District Clerk.
2. Residency. Kinley Merrell Mendoza (or "Mother") is a bona fide resident of Utah County, State of Utah and was for the three months immediately prior to the filing of this action.
3. Marriage Statistics. Mother and Samuele Mendoza (or "Father") were married on November 11, 2023, in Orem, Utah County,

Utah and are presently married. The parties separated on or about April 12, 2025.

4. Grounds. Since the marriage of the parties, there have arisen irreconcilable differences between the parties, making it impossible to continue the marital relationship.

5. Children. There has been one child born as issue of this marriage, namely: GM (born September 2024).

6. URCP Rule 100. Pursuant to URCP Rule 100, Ken Merrell (or “Guardian”) is unaware of any other pending proceedings related to the child besides the guardianship case mentioned herein, of which this Court is already aware.

Custody, Parent-time, and Parenting Plan

7. Custody and Parent-time. The Court orders custody and parent time to be in the best interests of the minor child. Ken Merrell and Mary Merrell, the minor child’s maternal grandparents, petitioned the Court for guardianship of GM and, on December 15, 2025, they were appointed as co-guardians of GM, awarding them care, custody, and control of GM, in case no. 253401097. The custody and parent time orders herein shall be consistent with those entered in the guardianship matter, including the *Order Appointing Co-Guardians for a Minor Child* signed by Judge Tony Graf on December 15, 2025.

8. Divorce Education and Orientation Class. Mother's requirement to complete the Divorce Education and Orientation Class as required by the State of Utah has been waived. Father's requirement to take the classes prior to the entry of the Decree is also waived. Father shall take the classes within 30 days of the Decree being entered and is barred from enforcing the provisions of the Decree until he completes the classes and submits the certificates of completion to the Court.

Finances and Asset Division

9. Child Support. Child Support shall be calculated according to Utah Code Ann. §81-6 *et seq.* Mother is not employed and does not have the ability to earn income due to a traumatic brain injury she suffered as a child. She currently receives \$874.00 per month in social security disability payments and has no other income. Father is employed and is imputed a gross monthly income of \$5,338 per month. Based on a sole custody worksheet, Father's child support obligation shall be \$655 per month. Father shall commence paying child support on January 1, 2026. Unless the Court orders otherwise, support for the child terminates at the time and shall automatically adjust when: (1) a child becomes 18 years of age or had graduated from high school during the children's normal and expected date 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. The child support is payable one-half on the 5th day of each and every month, and one-half on the 20th day of each and every month. Mother may collect the child support through the Office of Recovery Services and Father shall pay the fees associated with the collection.

10. Medical/Dental Expenses and Insurance. In accordance with Utah Code Ann. 81-6-208, insurance for the medical and dental expenses of the minor child shall be provided by the party who can obtain the best coverage at the most reasonable cost.

- a. Father shall maintain insurance for the minor child so long as he is able to, with each parent paying one-half the cost of the child's portion of the premium.
- b. Each parent shall share equally the out-of-pocket costs of the premium actually paid by a parent for the minor child's portion of insurance. The minor child's portion of the premium is a per capita share of the premium actually paid. The premium expenses for the minor child shall be calculated by dividing the premium amount by the number of persons covered under the policy and multiplying the result by the number of minor children (1) in the instant case.
- c. Each parent shall share equally all reasonable and necessary uninsured medical, dental, orthodontia, eye care,

counseling, prescriptions, deductibles, and copayments, incurred for the dependent child and actually paid by the parents.

d. The parent ordered to maintain insurance shall provide verification of coverage to the other parent upon initial enrollment of the dependent child, and thereafter on or before January 2, of each calendar year, if there is a change in the previous coverage or provider. The parent shall notify the other parent of any change of insurance carrier, premium, or benefits within thirty (30) calendar days of the date he or she first knew or should have known of the change.

e. The parent who incurs medical and dental expenses shall provide written verification of the cost and payment of medical and dental expenses to the other parent within thirty (30) days of payment. The other parent shall remit payment within thirty (30) days of receipt of the verification. If neither party is able to secure said insurance at a reasonable cost, each party shall be responsible for the payment of one-half of all reasonable and necessary medical and dental expenses for the minor child as indicated.

f. If, at any point in time, dependent child is covered by the health, hospital, or dental insurance plans of both parents, the

health, hospital, or dental insurance plan of Father shall be primary coverage for the dependent children and the health, hospital, or dental insurance plan of Mother shall be secondary coverage for the dependent child. If a parent remarries and his or her dependent children are 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 children.

g. If the child is insured by both parents, each parent shall pay their own premium.

11. Division of Accounts. According to Utah Code Annotated §15-4-6.7 each party shall elect for dental, medical and school expenses to be created in separate accounts for each parent so that the parents are not jointly obligated.

12. School Fees. Each party is ordered to assume and be responsible for fifty percent (50%) of any out-of-pocket school expenses (i.e. registration, books, required supplies, lab fees, etc.) incurred during the time leading up to and including high school. The party incurring the out-of-pocket school expense shall submit to the other party an invoice, bill, receipt, or verification of the incurred

expense within thirty (30) days of payment or receiving the same and shall be reimbursed by the other party within thirty (30) days of receipt of those school expense invoices, bills, receipts, and/or verification.

13. Alimony. Both parties are capable of supporting themselves and waive any right to receive alimony both now and in the future.

14. Debts. During the period of their marriage, the parties have incurred certain debts and obligations. The Court orders that each party be solely responsible for any and all debts in their own name. In the event a joint debt is discovered, the person who incurred the debt shall be solely responsible, holding the other party harmless.

15. Real Property. During the course of the marriage, the parties did not acquire real property.

16. Personal Property. During the course of the marriage relationship, the parties have acquired personal property. The parties separated in or about April 2025 and their personal property has been adequately divided. Each party shall be awarded the personal property in their possession, along with all related liabilities. Father shall be awarded his vehicle along with any liabilities associated with the vehicle.

17. Retirement Accounts. Mother does not have any interest in any retirement accounts. Upon information and belief, Father has a

retirement account through his employer. Mother waives her right to interest in the retirement account. Each party is awarded their own retirement account free and clear of any claim from the other party.

18. Financial Accounts. During the course of the marriage, the parties acquired financial accounts. The Court awards each account to the party whose name is on the account. The parties do not have joint accounts.

19. Dependency Exemptions. The benefit of the child tax credit is awarded consistent with orders entered in the guardianship matter and the applicable tax code, including 26 U.S. Code § 152(c)(1)(B) and (c)(4)(B).

20. Name Change. Mother shall be allowed to restore her name to Kinley Merrell, should she so desire.

21. Attorney's Fees and Costs. Each party shall be responsible for their own court costs and attorney's fees.

22. Documents. Both parties shall sign whatever documents are necessary to implement the Decree of Divorce.

Decree is signed when electronically stamped on the first page