The Order of the Court is stated below:
Dated: November 23, 2026 12:46:08 PM **/s/** KRAIG POWELL
District Court Judge

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IN THE FOURTH JUDICIAL DISTRICT COURT IN AND FOR
UTAH COUNTY, STATE OF UTAH

In the Matter of the Marriage of: GABRIEL RENDON CORTES, Petitioner, and MARIA ANTONIA CRUZ NAVA, Respondent.	**Decree of Divorce** Case No. 234402442 Judge Kraig Powell Commissioner Marla Snow

The matter before the Court is a Petition for Divorce filed by Gabriel Rendon Cortes. The parties held an in-person bench trial before the Honorable Kraig Powell on September 22 and 23, 2026. Gabriel Rendon Cortes was represented by Christine Y. Seminario of the law firm of Richards Brandt Miller Nelson. Maria Antonia Cruz Nava represented herself. Spanish language interpreters were present for the duration of the trial.

The Court, having entered its *Findings of Fact and Conclusions of Law,* and for other good cause appearing, therefore,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:

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

Jurisdiction and Grounds

1. Petitioner was a resident of Utah County, three months prior to filing of this action.

2. Respondent is a resident of Utah County, State of Utah.

3. Jurisdiction and venue are proper in this Court.

4. The parties were married in 1997.

5. The parties are seeking a divorce, which both agree.

6. The Petition for Divorce in this case was filed by Mr. Rendon in August 2023, although there had been previous filings regarding divorce between the parties, separations and appearance and reappearance in each other's lives for several years prior to this filing.

7. Petitioner is granted a divorce from Respondent on the grounds of irreconcilable differences.

Personal and Real Property

8. No items of personal property or real property needs to be divided.

Children

9. The parties had two children together as a result of their union.

10. Both children are over the age of 18, but one of them has a disability, severe cerebral palsy and muscular dystrophy. This prevents the child, Alan, from caring for himself due to his physical and mental disabilities.

11. Within the past approximately 5 years, mother has become the sole guardian of Alan. Previously there was an order where both parents were the guardians. But when mother petitioned for father to be removed as co-guardian father did not contest, and the court granted such request. Mother is the sole guardian at this time.

Child Support

12. The only child for whom child support is being requested is over the age of 18.

13. Preliminarily, father makes an argument that because father separated in 2015, over 10 years ago, that the court may not enter an order of child support. Father relies on U.C.A. § 78B-5-202(6)(a): "a child support order may be enforced within 4 years after the child reaches the age of majority or within eight years after the youngest child reaches majority; or eight years from the date of entry of the sum certain judgment entered by a tribunal."

14. Father argues this is a statute of limitations issue and because Alan is now 31 years old, the Court does not have authority to enter a child support order since it is more than 4 years since Alan has turned 18.

15. The court does not conclude that this statute addresses this situation.

16. U.C.A. §81-6-101(7)(c) defines a "child" as a "son or daughter of any age who is incapacitated from earning a living and, if able to provide some financial resources to the family, is not able to support self by own means." The court has an obligation and duty to consider,

under this definition, the issue of child support for an incapacitated child. *Wadman v. Wadman*, 2023 UT App 69.

17. Because the court makes the findings that Alan is incapacitated from earning a living and is not able to support his needs, the Court will consider the arguments for child support.

18. U.C.A. §81-6-202 governs child support and sets forth guidelines.

19. The court finds the guidelines would not be sufficient to analyze child support because there is a large difference between a minor child's needs and expenses and an adult child that is completely and medically incapacitated.

20. The court also finds that utilizing the guidelines does not allow the court to properly consider other circumstances of the case, that in justice and equity and in the best interest of the child, must be considered, otherwise following the guidelines would be unjust or inappropriate.

21. Therefore, the court finds sufficient evidence that the guidelines should not be followed and that presumption has been rebutted.

22. The court must then consider the following factors: the standard of living of the parties; the relative wealth of the parties; the ability of the obligor to earn; the ability of the oblige to earn; the ability to the incapacitated adult child to earn, or other benefits received by the adult child, or on the adult child's behalf, including Supplemental Security Income; the needs of the oblige, the obligor, and the child; the ages of the parties; and the responsibilities of the obligor and the oblige for the support of others.

23. Although the court has found that the guidelines do not apply, the court will take into account, what a representative child support award would be under the guidelines.

24. The court finds that currently Alan receives $994 per month in SSI from government payments.

25. The court considers the amount received in SSI in determining, or reducing, from the amount of child support under the guidelines.

26. Using the guidelines, and considering the income of the parties, the court finds that there is no scenario where the child support would be more than $994.

27. For this reason, the court finds child support is not to be awarded as SSI is greater than any child support award that the court would consider or would have authority to award or that the evidence in this case would support and therefore, would be inequitable to the potential obligor/payor to require payment of child support when Alan receives $994 in SSI.

28. The court finds and concludes that no award of child support will be granted.

Alimony

29. Under Utah law, the primary purposes of alimony are to get the parties as close as possible to the standard of living that existed during the marriage, to equalize the standards of living of each party, and to prevent the recipient spouse from becoming a public charge. *Miner v. Miner*, 2021 UT App 77. Alimony is not limited to providing for only basic needs, but should be fashioned in consideration with the recipient's station in life, in light of the parties' customary circumstances, with the goal being to approximate the parties' standard of living at the time of the marriage as close as possible.

30. Under *Jones v. Jones*, 700 P.2d 1072, 1075 (Utah 1985), a party seeking alimony bears the burden of demonstrating the following factors: 1) the financial conditions and needs of the

recipient spouse; 2) the recipient's ability to produce income; 2) the payor's spouse ability to provide support. In *Merrill v. Merrill*, 2024 UT App 125, ¶65, the court outlined the proper assessment for alimony. First, the court should assess the needs of the parties in light of their marital standard of living. Next, the court determines if the recipient spouse is able to meet his own needs with his own income. If the court determines the party is able to meet his needs with his income, he should not be awarded alimony. If, however, the court determines the party is not able to meet his needs, it should then assess whether the payor's income, after meeting his needs, is sufficient to makeup some or all of the shortfall. If the court then encounters the common dilemma that the parties' combined resources do not stretch far enough to meet the legitimate needs of two households, then the court must apply the equalization of poverty approach, ensuring that when the parties are unable to maintain the standard of living, the poverty is equitably shared.

31. The court makes the following findings regarding the first step of the alimony analysis.

32. Ms. Cruz has provided a financial declaration that has detailed the expenses that she incurs in her household. The unique feature of this case is that the court does find that the parties were separated for many years, as much as seven or eight years before the petition was filed.

33. Father's conduct, as evidence by testimony, demonstrates this fact and mother's testimony also demonstrates this fact. Therefore, it is difficult for the court to determine exactly when the court should base the standard of living with the relevant time period.

34. U.C.A. §81-4-502(3)(a) states: "the court shall consider the standard of living at the time of living, existing at the time of separation, in determining alimony." "In considering all relevant

facts and principles, the court may, in the court's discretion, base alimony on the standard of living that existed at the time of trial." U.C.A. §81-4-502(3)(b).

35. In equity and fairness, the court finds that the parties have been very distant for many years and have not maintained the representative marital standard of living since 2015.

36. Instead, they have been leading their separate lives.

37. Although there is conflicting testimony, and although the parties continued to see each other and work together to some extent, the court finds, for purposes of the alimony analysis, that the parties did separate in 2015.

38. In equity and fairness, the court finds that the statutory directive to consider the standard of living at the time of separation is appropriate to determine any alimony request.

39. The court has had to reconstruct, from testimony and evidence at trial, the standard of living at the time of separation, from 1997 through 2015.

40. The court therefore, finds it necessary to make adjustments to mother's list of expenses and amount of need.

41. The court finds the following relevant and appropriate expenses for mother:

a. Rent: $1,100

b. Food: $400

c. Car: Ms. Cruz testified that her current vehicle is a 2013 Dodge Caravan. Father has a newer vehicle on which he is making car payments. The court considered these fact and the court finds that for purposes of fair alimony analysis, mother will need to assume a car payment and

acquire a new car in the near future. Based on evidence, the court finds that mother's expense for auto payment will be $425.

d. Auto insurance: $150

e. Gasoline: $150

f. Utilities: $150

g. Phone: $65

h. Internet: $100

i. TOTAL: **$2,540**

42. Next, is whether mother has sufficient income to meet this need.

43. Mother testified that for several years, she received $3,472 as a payroll check for work as a CAN. The court finds this was not a traditional employment or job, but was provided through a government program that paid Ms. Cruz to be a caregiver for Alan.

44. Mother also testified this was a program that began during COVID, necessitated to help facilitate healthcare during the pandemic and payments were suspended and stopped in Jan 2026. This program is under review and the court can take judicial notice that many programs are likewise under review.

45. The court credits mother with listing this income on her financial declaration even though she is not receiving such income. The court has no indication that those payments will restart, so the court will not consider that income for purposes of alimony as it is highly unique and specific.

46. Mother testified that she has earned income outside the home.

47. The court is allowed to impute income if it is based on previous earnings and earning capacity.

48. The court recognizes that right now, Ms. Cruz's primary duties are taking care of Alan, but because she has been able to work substantially during the marriage, despite Alan's disabilities, that she has a demonstrated capacity to earn some money. She has testified that she has worked at home or to go short distances from the home to provide income.

49. Considering all that testimony, the court finds it is equitable to impute to mother income at the full-time minimum wage, accounting for the fact that many of the jobs she has received have not been hourly wages but has been paid flat rates or in cash and at times has been paid more and other times less than minimum wage.

50. For a fair imputation, the court finds it is appropriate and just to impute a gross monthly income of $1,257 for mother, which is a full-time job at minimum wage.

51. The court finds that mother would pay approximately 10% of taxes per month, leaving her with income of $1,131 to meet her needs.

52. Importantly, the court is not including SSI in her income because the court has already included such income to disqualify awarding child support.

53. Mother has a remaining need of $1,409 per month to equal the marital standard of living.

54. The next step is to consider Father's ability to pay alimony or whether a shortfall should be equalized between the parties.

55. In 2021, although the parties were separated, the parties discussed father obtaining schooling or certification to earn more money. In 2021, Father obtained a CDL certification.

56. Since that time, father has periodically worked as a truck driver. Father testified that he is homeless and lives in San Diego, CA; that he sometimes lives in his car and in hotels. Ms. Cruz testified, which the court finds to be credible, that Mr. Rendon lives in various states in various locations.

57. Father has provided a list of expenses that the court finds are irrelevant to the standard of living, just as the court has not used mother's expenses for the standard of living.

58. The court will make the following separate independent findings of father's needs:

a. Rent: $1,100

b. Food: $400

c. Mr. Rendon now pays over $800 in automobile payment. The court finds that this does not approximate the standard of living. The appropriate amount for a car payment is: $425

d. Auto insurance: $150

e. Due to the nature of father's work, the amount of gasoline that is appropriate is: $300

f. Utilities: $150

g. Phone: $100

h. Internet: $100

i. TOTAL: **$2,725**

59. The court considers the father's income if he has the ability to pay.

60. Father testified that due to a foot injury, he is unable to work consistently. Father has presented many exhibits of medical appointments over the years for this injury, but none of them show he is disabled or unable to work.

61. The court finds he is not disabled and not unable to work.

62. The evidence shows he has been able to work, shows by tax returns, including in the year 2024, showing him making over $50,000 and tax returns in 2025 making almost $40,000.

63. Father has testified that in 2026, father has made approximately $4,000. The court does not find his testimony credible.

64. The court finds that the evidence at trial shows in the interest of justice and equity, father must be imputed income.

65. The court finds that the parties decided together that mother would sacrifice to allow father to go back to school to get his degree. The court finds father was successful after obtaining his CDL license and that it improved his income. During the marriage, father was a regular breadwinner, though did not earn as much as he currently earns. Although his earning in the early period of the marriage is different than it is now, the court finds that father has taken advantage of the resources of the marriage to obtain a greater earning capacity.

66. Therefore, the court imputes father with a gross income of $4,000 per month.

67. With that income, the court estimates father’s tax burden to be approximately 15%, with a net monthly income of $3,400 per month, available to meet his expenses and needs of $2,725. This results in an excess of $675 for father.

68. Because mother has a need of $1,409, the court is required to find that father does have the ability to pay this excess of $675 to mother in alimony, leaving Mother with a remaining need of $734.

69. If the court divides mother's need by two, this results in $367, with both mother and father having a shortfall of the same amount, which equalizes the poverty as required by Utah laws.

70. With these calculations, Father's alimony to mother is $1,042.

71. U.C.A. 81-4-502(1)(e): In contemplating alimony, the court must consider the length of the marriage. Subsection 7(a) prohibits the court from ordering alimony for a period of time longer than the length of the marriage. The length of the marriage as defined in U.C.A. §81-4-502 is the period from the date of the marriage to the filing of the petition for divorce.

72. Under that definition, the length of the marriage is 25 years and 10 months.

73. The court has carefully considered the circumstances of the parties and the relative earning capacities. In some cases, an award of rehabilitative alimony is appropriate if the marriage is not of a long duration and the recipient spouse is of an age and in possession of employment skills that make self-sufficiency likely. *Miner v. Miner*, 2021 UT App 77, ¶ 92.

74. Father is 52 and mother is 57. Father has earning capacity for a substantial amount of his time. Mother has less time and fewer skills for earning employment. The court finds it unlikely that mother will earn some degree or certifcate that will increase her earning capacity. The court also understands that father will not be able to work forever.

75. The court orders that alimony payments continue through January 2041.

76. Alimony payments of $1,042 begin October 5, 2026, to be paid on or before the 5th of each month. The final payment will be January 5, 2041.

77. No attorney fees awarded for either party.

IT IS SO ORDERED.

***** Pursuant to Utah Rules of Civil Procedure, the Court's signature appears at the top of the first page of this document. *****

Approved as to form:

/s/ *Maria Cruz Nava* (signed with permission)
Maria Cruz Nava
Respondent

URCP 7(j) Notice

Pursuant to Rule 7(j) of the Utah Rules of Civil Procedure, a true and correct copy of the above Decree of Divorce was served by means indicated on the Certificate of Service attached hereto, on October 19, 2026, to the parties indicated therein. Notice of objections to this order must be submitted to counsel within seven days after service. Shall no objections to this order be submitted to counsel within seven days after service, this Decree of Divorce shall be presented to the court for entry and signature.

/s/ *Christine Y. Seminario*
Christine Y. Seminario
Attorney for Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Decree of Divorce was delivered as indicated below, on this 13th day of November 2026, to the following:

Maria Antonia Cruz Nava		U.S. Mail – Postage Prepaid
4125 N. 3250 W. #13B		Hand Delivery
Lehi, UT 84043		Electronic Filing
Mariacruznava69@gmail.com	X	Email

/s/ Christine Y. Seminario

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