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**IN THE SECOND JUDICIAL DISTRICT COURT IN AND FOR
DAVIS COUNTY, STATE OF UTAH**

In the Matter of the Marriage of MARIANNE RUSHTON, Petitioner, And TERRY WESLEY RUSHTON, Respondent.	DECREE OF DIVORCE Civil No. 254701683 DA Judge Michael Edwards Commissioner Julie Winkler
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The Petitioner, MARIANNE RUSHTON, commenced this action by filing a *Verified Petition for Divorce* (hereinafter Petition) on November 4, 2025, wherein she seeks a decree dissolving the marriage and the marital relationship of the parties entered into by them on or about August 29, 1996.

The Respondent, TERRY WESLEY RUSHTON, was served with the 21-Day Summons and *Verified Petition for Divorce* on December 18 and 19, 2025. The Proof of Alternative Service was filed on December 19, 2025.

On January 12, 2026, the Petitioner filed a proposed *Default Certificate* due to the Respondent's failure to answer the *Verified Petition for Divorce* by the January 9, 2026, deadline. A few hours after the proposed *Default Certificate* was filed, the Respondent submitted his *Answer to the Petition for Divorce*.

On January 13, 2026, the Petitioner filed her *Motion to Strike Respondent's Untimely Answer and to Proceed on Proposed Default*, which was set for hearing before the Honorable Commissioner Julie Winkler on March 10, 2026.

The Court granted the Petitioner's Motion, struck the Respondent's untimely pleadings, and determined that default shall be entered against him.

The Court entered the Respondent's Default on March 20, 2026. Thus, the default of said Respondent, TERRY WESLEY RUSHTON, in the premises, is hereby duly entered according to law.

The Court, having reviewed the file herein, having entered its *Findings of Fact and Conclusions of Law*, and being fully advised in the premises, now ORDERS, ADJUDGES, AND DECREES as follows:

GRANTING OF DECREE DISSOLVING MARRIAGE

1. The Petitioner is hereby granted a *Decree of Divorce* on the grounds of adultery and cruel treatment, pursuant to Utah Code Ann. § 81-4-405(b) and (g), dissolving the marriage of the parties entered into by them on August 29, 1996, in the city of Salt Lake City, Salt Lake County, State of Utah, the same to become absolute and final

upon entry of this *Decree of Divorce* by the Clerk of the Court.

2. **Alimony.** It is hereby ordered that the Respondent shall pay alimony to the Petitioner in the amount of \$2,500.00 per month for a period of thirty (30) years from the date of entry of this *Decree of Divorce*.

3. It is hereby ordered that the Respondent's alimony obligation shall terminate upon the earliest of:

2. Petitioner's remarriage;
3. Petitioner's cohabitation as defined by Utah law; or
4. The death of either party.

4. It is hereby ordered that in no event shall alimony exceed thirty (30) years.

5. It is hereby ordered that the Office of Recovery Services (ORS) shall facilitate the collection and disbursement of alimony by automatic income withholding.

6. It is hereby ordered that alimony shall be due on the 1st day of each month, commencing upon entry of this *Decree of Divorce*.

7. **Child Custody and Support.** It is hereby ordered that no children were born of or adopted by the parties during the marriage, and therefore, no custody or support orders are required.

8. **Real Property.** It is hereby ordered that the former marital residence, commonly known as 1458 West 600 South, Syracuse, Utah 84075, constituted

marital property.

9. The Court has found that the Respondent unilaterally sold said property and received net sale proceeds of \$101,700.27, which he retained without distributing the Petitioner's marital share.

10. It is hereby ordered that judgment is hereby entered in favor of the Petitioner and against the Respondent in the amount of \$50,850.14, representing the Petitioner's one-half share of the net sale proceeds, together with statutory interest.

11. **Personal Property.** The Court has found that during the course of the marriage, the parties acquired various items of household goods, furnishings, fixtures, appliances, and personal property.

12. The Court further found that the parties have divided these items between them in a satisfactory manner, and that said division is hereby approved. It is hereby ordered that, except as otherwise ordered herein, each party shall retain all items of personal property currently in their possession, free and clear of any claim of the other.

13. The Court has found that the Respondent is currently in possession of certain jewelry belonging to the Petitioner, including the following items:

5. 1 diamond ring with blue topaz center (wedding ring);
6. Diamonds purchased by the Petitioner for her wedding ring, including one (1) 1-carat center diamond and two (2) small side diamonds;
7. Diamond earrings, one (1) carat total weight;
8. One (1) silver "jigsaw" ring with diamonds across the band;
9. Respondent's gold wedding band with diamonds, purchased during the

marriage;

10. One (1) set of the Petitioner's pearl earrings;
11. One (1) set of the Petitioner's mother's gold drop earrings with genuine pearls;
12. One (1) small gold band with diamonds (pinky ring);
13. One (1) silver heart necklace with diamonds gifted to the Petitioner by her great-grandchildren;
14. One (1) blue topaz ring from the Petitioner's first marriage (silver band); and
15. One (1) set of Austrian crystal earrings, square-shaped.

14. It is hereby ordered that the Respondent shall return the Petitioner's jewelry listed in the *Findings of Fact* within thirty (30) days of entry of this *Decree of Divorce*, in good condition. It is hereby ordered that failure to return said property may result in contempt proceedings and/or entry of a monetary judgment equal to the replacement value.

15. It is hereby ordered that the parties shall each be awarded the motor vehicles currently in their respective possession, free and clear of any claim by the other.

16. It is hereby ordered that the Petitioner shall be awarded her 2025 Kia Soul, subject to any underlying indebtedness thereon, with the Respondent held harmless from any obligation related thereto.

17. It is hereby ordered that the Respondent shall be awarded his 2018 Nissan Rogue, free and clear of any claim by the Petitioner, subject to any underlying indebtedness thereon, with the Petitioner held harmless from any obligation related thereto.

18. **Bank Accounts/Cash.** It is hereby ordered that the parties shall each be awarded their own bank accounts and all balances contained therein, free and clear of any claim by the other.

19. **Debts and Obligations.** It is hereby ordered that, to the best of Petitioner's knowledge, no marital debts and/or obligations were acquired during the marriage.

20. It is hereby ordered that the parties shall each assume, pay, discharge, and hold the other party harmless from any and all debts and obligations in their individual names.

21. It is hereby ordered that each party shall pay, discharge, and hold the other party harmless from those debts and obligations which they may have incurred individually since the date of the parties' separation on or about May 31, 2025.

22. It is hereby ordered that, pursuant to Utah Code Annotated § 81-4-406, each party shall notify their creditors following entry of the *Decree of Divorce*, and such notice shall inform each creditor which party is primarily liable for the debt and provide the name and address of both parties.

23. It is hereby ordered that if either party is obligated on a joint-secured debt, the payment of that debt shall remain current. In the event that a payment is not made in a timely manner, the secured asset shall be placed for sale in order to protect the joint debtors. It is hereby ordered that a party who makes payments on a delinquent asset, which the other party is ordered to pay, shall be entitled to seek reimbursement of the

payment of that debt in addition to interest and attorney fees from the other party who failed to timely pay the debt.

24. It is hereby ordered that the allocation of joint debts is an integral part of the financial settlement and support payments in this proceeding and shall be considered in the nature of support to the other party. As a result, it is hereby ordered that the parties shall not discharge the debts in bankruptcy if doing so would make the non-bankrupt party liable for the debt. The parties shall understand that this provision may not be binding on the Bankruptcy Court.

25. It is hereby ordered that the parties shall each be required to make their best efforts to remove each other from any joint debts, obligations, loans, etc., by refinancing the debt, obligation, loan, etc., into their sole name.

26. **Taxes.** It is hereby ordered that the parties shall file separate federal and state income tax returns for the 2025 tax year.

27. It is hereby ordered that each party shall be awarded any tax refunds they receive free and clear of any claim by the other and shall be ordered to assume, pay, discharge, and hold the other party harmless from any tax liability resulting from their respective tax filings.

28. **Miscellaneous Provisions.** It is hereby ordered that during the course of the marriage, the Respondent acquired an interest in retirement accounts or has otherwise acquired an interest in other retirement benefits through his place of employment.

29. It is hereby ordered that said retirement benefits, plans, and accounts shall be equitably divided by the court and allocated to the parties pursuant to the *Woodward* formula under appropriate Qualified Domestic Relations Orders, which shall be prepared and submitted by a mutually agreed upon attorney, and with the parties sharing the cost thereof equally.

30. It is hereby ordered that the parties shall divide any accounts equally between them that were not disclosed. More particularly, in the event either party is found to have concealed or hidden from or refrained from disclosing or revealing to the other any asset or liability of the parties, it is hereby ordered that the other party shall be entitled to (i) such asset free of any claim of the other party and/or (ii) complete indemnification from such party with respect to such concealed liability.

31. It is hereby ordered that the parties shall be mutually restrained and enjoined from bothering, harassing, annoying, threatening, or harming each other at either's place of residence, employment, or any other place. It is hereby ordered that the parties shall conduct themselves civilly and respectfully and refrain from making false allegations about one another to law enforcement, governmental agencies, professional licensing entities, or in any public forum.

32. It is hereby ordered that each of the parties shall execute and deliver to the other any documents necessary to implement the provisions of the *Decree of Divorce* entered by the Court. It is hereby ordered that if a party fails to do so within sixty (60)

days of entry of this *Decree of Divorce*, the other party may seek enforcement, including appointment of a person pursuant to Rule 70 of the Utah Rules of Civil Procedure to execute documents on behalf of the non-compliant party, with the same force and effect as if executed by that party.

33. It is hereby ordered that the Petitioner shall have her former surname, GATHERUM, restored to her, should she so desire.

34. **Attorney's Fees.** It is hereby ordered that the Respondent shall be responsible for the Petitioner's reasonable attorney fees and costs incurred in connection with this divorce.

35. It is hereby ordered that counsel for the Petitioner shall be directed to submit an *Affidavit of Attorney's Fees and Costs* incurred in this matter.

36. It is hereby ordered that, upon review of the *Affidavit of Attorney's Fees and Costs* and a determination of reasonableness, a monetary judgment for attorney fees and costs shall be entered in favor of the Petitioner and against the Respondent in the amount approved by the Court.

*****END OF ORDER*****

PURSUANT TO RULE 10, UTAH RULES OF CIVIL PROCEDURE, AND RULE 4-503, UTAH RULES OF JUDICIAL ADMINISTRATION, THE DATE, SEAL, AND SIGNATURE OF THE COURT APPEAR AT THE TOP OF PAGE ONE OF THIS DOCUMENT.

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing *Decree of Divorce*

was [X] Emailed, [X] Mailed, postage prepaid, and [X] Electronically Filed on the 27th
day of April 2026, to the following:

Terry Wesley Rushton
Respondent, pro se
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/s/ Frances I. Helsten
Paralegal