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Case No. 95-PA-0024

Dept. II

FILED
NO. _____

'96 JAN 26 A8:47

BARBARA REED
D. DALEY
BY _____ DEPUTY

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF DOUGLAS

NEVADA STATE WELFARE DIVISION
and SUSAN M. SANCHEZ,

Petitioner/Obligee,

vs.

VICENTE GUTIERRES DELACRUZ,
Respondent/Obligor,

ORDER AND JUDGMENT
CONFIRMING MASTER'S
FINDINGS AND
RECOMMENDATIONS FOR
SUPPORT

ORDER AND JUDGMENT

THIS MATTER having regularly come for hearing before the Master on the 18 day of January, 1996; the Petitioner/Obligee being () present () not present; and the Respondent/Obligor being duly served and () present () not present, and represented by JOE SE; and Shannon Oien of the Douglas County District Attorney's Office appearing and representing the State of Nevada's interest in the support and welfare of the child(ren) pursuant to law. After hearing all of the evidence and being fully advised in the premises, the Master makes the following findings and recommendations:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. () The Court has jurisdiction of the parties and of the subject matter of this case.

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1 2. (✓) The Respondent/Obligor is the parent of, and owes
2 a duty of support to the following child: PAOLA DELACRUZ
3 SANCHEZ Born: 10/26/92.

4 3. (✓) The Respondent/Obligor, Plaintiff Susan Sanchez,
5 and child, Raidd Aranda, born 6/26/95, have each undergone
6 paternity testing to determine whether or not Respondent/Obligor
7 is the father of Raidd Aranda. A Paternity Evaluation Report by
8 the DNA Analysis Laboratory, University of Nevada School of
9 Medicine states: Jose V. Delacruz and Raidd S. Aranda have no
10 matching DNA bands when using PH30 and YNH24 as probes. Based
11 on these results, Jose V. Delacruz is excluded from being the
12 biological father of Raidd S. Aranda.

13 4. (✓) The Respondent/Obligor owes support arrears for
14 Paola Delacruz Sanchez in the amount of \$ 4700- from
15 OCT 93 through JAN, 1996.

16 5. (✓) The Respondent/Obligor's Gross Monthly Income is
17 \$ 1000 and 18 % of that amount is \$ 180-.

18 6. (✓) The Respondent/Obligor's child support obligation
19 pursuant to NRS 125B.070, NRS 125B.080, or Existing Order is
20 \$ 150- per month;

21 7. (✓) The amount of the child support obligation
22 determined by the Master deviates from the NRS 125B.070
23 percentage formula on the following grounds: THE Δ
24 SUPPORTS A SISTER AND MOTHER IN MEXICO

26 IT IS FURTHER FOUND THAT: _____

28 **379873**

IT IS HEREBY RECOMMENDED THAT:

1. (✓) A judgment of support arrears is entered in favor of the Petitioner/Obligee and against the Respondent/Obligor in the amount of \$ 4200- from OCT 93 through JAN, 1996, and the Respondent/Obligor is to pay \$ 25- per month beginning FEB 1, 1996 and also continuing each and every month thereafter until paid in full.

2. (✓) The Respondent/Obligor shall pay \$ 150- per month as and for ongoing child support, beginning FEB 1, 1996.

3. (✓) The Respondent/Obligor shall pay a total of \$ 175- per month as follows:

CHILD SUPPORT:	<u>150-</u>	Commencing	<u>2/1/96</u>
ARREARS:	<u>25-</u>	Commencing	<u>2/1/96</u>
OTHER:	_____	Commencing	_____

OTHER RECOMMENDATIONS REGARDING PAYMENT: _____

ALL PAYMENTS NOT COLLECTED BY INCOME WITHHOLDING SHALL BE MADE BY MONEY ORDER OR CASHIER'S CHECK. ALL SUCH PAYMENTS SHALL CONTAIN Case No. 950166 (VICENTE GUTIERRES DELACRUZ). ALL SUCH PAYMENTS SHALL BE PAYABLE, AND MUST BE DELIVERED BY THE RESPONDENT/OBLIGOR TO:

DOUGLAS COUNTY CLERK
MINDEN INN
P.O. BOX 218
MINDEN, NV 89423

4. (✓) The Respondent/Obligor is not required to provide health insurance coverage at this time because the Petitioner/

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1 Obligee has not requested___/has specifically waived___ medical
2 enforcement services in this case.

3 5. (✓) The Respondent/Obligor shall provide health
4 insurance coverage for the child(ren) when available through
5 Respondent/Obligor's employer or other group policy; and
6 Respondent/Obligor shall provide all reasonable and necessary
7 assistance to enable the Petitioner/Obligee to obtain the
8 medical benefits offered by the policy of insurance.

9 6. (✓) Pursuant to NRS 125B.080.7, expenses for health
10 care which are not reimbursed through insurance, including
11 expenses for medical, surgical, dental, orthodontic and optical
12 expenses, must be borne equally by both parents in the absence
13 of extraordinary circumstances.

14 7. (✓) The Respondent/Obligor shall notify the Douglas
15 County District Attorney's Office, Child Support Division, at
16 782-9881, of any change of address, employment or change in the
17 availability of health insurance coverage within ten (10) days
18 of such change.

19 8. (✓) THIS IS AN INCOME WITHHOLDING ORDER. A mandatory
20 wage withholding shall be initiated against the
21 Respondent/Obligor's wages or commissions. This does not
22 preclude the use of other means to collect any arrears or
23 enforce this order, including garnishment, liens, attachments,
24 execution on real or personal property or interception of
25 Federal Income tax refunds.

26 9. () GOOD CAUSE BEING FOUND BY THE COURT: _____
27

28 said wage withholding shall be postponed until such time as the

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1 Respondent/Obligor becomes (30) days delinquent in payment. NO
2 CREDIT WILL BE GIVEN FOR PAYMENTS NOT MADE BY WAGE/INCOME
3 WITHHOLDING OR DIRECTLY THROUGH THE OFFICE OF THE DISTRICT
4 ATTORNEY OR OTHER CHILD SUPPORT ENFORCEMENT AGENCY.

5 10. (✓) Pursuant to NRS 125B.145, this order must be
6 reviewed every three years, upon the request of either party,
7 and is subject to modification or review and adjustment as
8 provided by law.

9 11. (✓) Unless a stay of this Order is obtained from the
10 District Court, all enforcement procedures, including but not
11 limited to wage withholding, garnishments, liens and the
12 interception of Federal Income tax refunds, will be undertaken
13 upon entry of this Order.

14 12. () Interest upon the amount of the judgment for
15 arrears shall accrue at the rate set by NRS 99.040.

16 13. () Prejudgment interest is awarded from _____
17 through _____ at the rate set by NRS 99.040 and based on the
18 Affidavit of Arrears presented in these proceedings.

19 14. (✓) Interest is not ordered based on undue hardship
20 on the Respondent/Obligor.

21 15. () No attorney's fees are awarded as they have not
22 been requested at this time.

23 16. (✓) That custody of the minor child(ren) shall remain
24 with the mother, SUSAN M. SANCHEZ. This provision is made under
25 authority of NRS 126.161 (5), and is made for the protection of
26 the minor child. The parties' understand that the Douglas
27 County District Attorney's Office does not have authority to
28 litigate matters regarding custody and visitation.

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1 IT IS FURTHER RECOMMENDED THAT:

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6 IT IS SO RECOMMENDED.

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8 Dated this

9 Jan 10, 1996

10 [Signature]
11 MASTER

12 NOTICE

13 Objections/appeals to this recommendation are governed in
14 part by NRS 425.3844. You have ten (10) days from receipt of
15 this recommendation to file an appeal.

16 If this recommendation is governed by the "Review and
17 Adjustment" guidelines of Federal Regulations. You have thirty
18 (30) days from receipt of this recommendation to file an appeal.

19 **FAILURE TO FILE AN APPEAL AND SERVE WRITTEN OBJECTIONS TO**
20 **THIS RECOMMENDATION WITHIN THE APPROPRIATE TIME LIMITS WILL**
21 **RESULT IN A FINAL JUDGMENT ORDERED BY THE DISTRICT COURT AGAINST**
22 **YOU.**

23 I acknowledge that I have received a copy of the Master's
24 recommendations. Date: _____ Signature: Vicente G. Delacruz

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28 379873

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ORDER

THE COURT HAVING REVIEWED THE PLEADINGS AND PAPERS ON FILE AND THE MASTER'S RECOMMENDATIONS, AND NO TIMELY OBJECTIONS HAVING BEEN FILED,

IT IS HEREBY ORDERED: that the Master's Recommendations be and hereby are affirmed and adopted by the Court and Judgment is entered accordingly.

DATED: Jan 25, 1996

Michael P. Giblin

DISTRICT COURT JUDGE

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BKO 196 PG 4658

7

COPIES

CERTIFIED COPY

The document to which this certificate is attached is a full, true and correct copy of the original on file and of record in my office.

SEAL

DATE: Jan 26, 1996
Clerk of the 9th Judicial District Court
of the State of Nevada, In and for the County of Douglas,

By [Signature] Deputy

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REQUESTED BY
DOUGLAS COUNTY
IN OFFICIAL RECORDS OF
DOUGLAS CO., NEVADA.

'96 JAN 26 P3:24

LINDA SLATER
RECORDER

5 PAID KJ DEPUTY