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1 Case No. 95-UR-0019

NO. _____

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BARBARA BEED
CLERK

BY ~~BARBARA BEED~~

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5 IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
6 IN AND FOR THE COUNTY OF DOUGLAS

7 PEGGY HANSEN HERNANDEZ,
8
9 Plaintiff,

ORDER

vs.

10 PAUL ROBERT HERNANDEZ, II
11
12 Defendant.

13 On January 21, 1997, at 10:00 am, this Court
14 conducted a hearing to have Defendant, PAUL ROBERT HERNANDEZ
15 II, show cause why he should not be held in contempt of court
16 for failing to pay his court-ordered child support. Gary L.
17 Kendrick, Deputy District Attorney, appeared on behalf of
18 Plaintiff, PEGGY HANSEN HERNANDEZ, and Defendant appeared in
19 person. After hearing the evidence and arguments of the
20 parties, this Court enters the following findings, order, and
21 judgment.

22 FINDINGS

- 23 1. That Defendant is the father of MELISSA ROSE
24 HERNANDEZ Born: 02/14/82.
25 2. That on May 25, 1995, Defendant was ordered to
26 "pay \$100.00 for any period of 30 consecutive days that the
27 minor resides with the Plaintiff". The \$100.00 child support
28 order "represents an offset between the Plaintiff's and

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1 Defendant's child support obligation" and contemplates a shared
2 custody arrangement where Plaintiff and Defendant share equal
3 time with Melissa.

4 3. That, however, Plaintiff has had full custody of
5 Melissa since June of 1995, which made effective the offsetting
6 \$100.00 child support provision.

7 4. That on September 14, 1995, the District
8 Attorney's Office sought to enforce the \$100.00 per month child
9 support obligation by serving the Defendant with a Notice of
10 Intent to Withhold Income.

11 5. That the Defendant failed to comply with the
12 Notice and Support Order and, further failed to keep the
13 District Attorney's Office informed of Defendant's employment.
14 Therefore on March 14, 1996, the Defendant was ordered to show
15 cause why he should not be held in contempt of court for
16 failing to pay his child support as ordered on May 25, 1996.

17 6. At the Show Cause Hearing on April 30, 1996,
18 Defendant was held in contempt of court for failing to pay his
19 child support. No sentence was imposed. The Court also found,
20 "that in light of the current custody arrangement Plaintiff is
21 entitled to a review of the instant child support order to
22 assure that it is in compliance with NRS 125B.070". This Court
23 further ordered "that until such time as this Court changes the
24 Defendant's child support obligation, the Defendant shall pay
25 \$100.00 per month ongoing child support and \$500.00 towards
26 arrearages on or before May 31, 1996, and the balance of
27 arrearages to wit, \$500.00 together with \$100.00 per month
28 ongoing child support on or before June 30, 1996". Defendant

1 was finally ordered to appear before the Hearing Master on May
2 24, 1996, at 1:00p.m., for a hearing to establish a child
3 support obligation which reflected the then custody arrangement.

4 7. At the May 24, 1996 hearing, the Hearing Master
5 found the Defendant's gross monthly income to be \$2,000.00 of
6 which 18% is \$360.00. The Hearing Master also found that since
7 the Plaintiff had moved the child from Nevada to Minnesota,
8 Defendant was entitled to a \$50.00 per month credit for
9 visitation travel expenses. Defendant was ordered to pay
10 \$310.00 as ongoing child support together with \$300.00 per
11 month toward satisfaction of defendant's child support
12 arrearages reduced to judgment in the amount of \$1,100.00. On
13 July 2, 1996, the Master's Recommendations were affirmed by
14 this Court.

15 8. That thereafter and at the Plaintiff's request a
16 hearing was conducted on October 4, 1996, in front of the
17 Hearing Master to determine whether the \$50.00 per month travel
18 credit should be reconsidered in light of the fact that
19 Plaintiff was providing health insurance covering the minor
20 child at a cost of \$100.00 per month. At the hearing, the
21 Plaintiff agreed to waive her \$50.00 insurance premium claim in
22 exchange for Defendant's waiver of his \$50.00 travel credit.
23 The Hearing Master found that, based upon Defendant's admitted
24 ability to earn an income, Defendant's monthly gross income was
25 \$2,000.00 of which 18% is \$360.00. It was recommended that the
26 Defendant pay the sum of \$360.00 per month as ongoing support
27 together with \$50.00 per month toward satisfaction of
28 Defendant's then child support arrearages of \$2,040.00.

1 9. That on October 16, 1996, Defendant filed a
2 Notice of Objection to the Hearing Master's Recommendations and
3 Request for Judicial Review stating that his "current income is
4 not conclusive to the recommendation rendered".

5 10. That on November 5, 1996, Plaintiff filed a
6 Response to Objection and Application for Order to Show Cause.
7 The matter was scheduled to be heard on November 26, 1996, at
8 10:00a.m.

9 11. That on November 26, 1996, Defendant failed to
10 appear at the hearing on review of the Hearing Master's
11 Recommendations of October 4, 1996. Therefore, those
12 recommendations were affirmed and adopted by this Court and
13 Judgment was entered accordingly. The show cause portion of
14 the hearing was continued to January 21, 1997, at 10:00a.m.

15 12. That since the Court's entry of order on May 7,
16 1996, Defendant has paid \$300.00 and now owes child support
17 arrearages of \$3,430.00 through and including January 21, 1997.

18 13. Defendant is currently unemployed but is capable
19 of becoming employed in order to meet his child support
20 obligation.

21 14. Defendant is in contempt of court a second time
22 for failing to pay his court-ordered child support.

23
24 ORDER

25 IT IS HEREBY ORDERED that Defendant serve 20
26 days in the Douglas County Jail for his Contempt of Court.

27 IT IS FURTHER ORDERED that the full 20 days are
28 suspended on the condition that Defendant pay the sum of

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1 \$360.00 per month on or before the first day of each month
2 beginning February 1, 1997.

3 IT IS FURTHER ORDERED that the Defendant not be
4 required to make his \$50.00 per month arrearage payment for the
5 months of February and March. Thereafter however, Defendant
6 shall pay a total of \$410.00 per month to be applied as
7 follows: \$360.00 per month as ongoing child support and \$50.00
8 per month towards satisfaction of Defendant's child support
9 arrearages.

10 IT IS FURTHER ORDERED that the Defendant keep the
11 Douglas County District Attorney's Office informed of
12 Defendant's change in residence, mailing address, telephone, or
13 employment within 10 days of any such change.

14 IT IS FURTHER ORDERED that the Defendant shall make
15 his child support payments by wage withholding. Regardless
16 whether through wage withholding or otherwise, the Defendant is
17 responsible for making all child support payments as ordered.

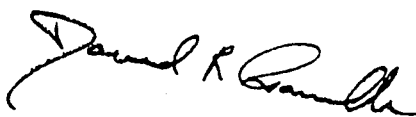
18 IT IS FURTHER ORDERED that should Defendant fail to
19 make his ongoing child support and arrearage payment as
20 setforth in this order, a bench warrant shall immediately be
21 issued.

22 JUDGMENT

23 Judgment is hereby entered in favor of Plaintiff and
24 against Defendant in the amount of \$3,430.00 through January
25 21, 1997.

26 Dated: 1/30/97

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DISTRICT COURT JUDGE

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SEAL

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.

DATE: Feb 3, 1997
Breed Clerk of the Judicial District Court
of the State of Nevada, In and for the County of Douglas,

By D. Daley Deputy

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

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LINDA SLATER
RECORDER

\$ 0 PAID ko DEPUTY