

Case No. 96-PA-0035 FILED

Dept. I NO. _____

'97 APR -9 19:33

CLERK OF DISTRICT COURT
DOUGLAS COUNTY

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

WILLIAM DANIEL COCKING,
Petitioner/Obligor,

vs.

HEATHER I. SMITH and
NEVADA STATE WELFARE DIVISION,
Respondent/Obligee,

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 14 day of March, 1997; the
Petitioner/Obligor being (✓) present () not present; and the
Respondent/Obligee being duly served and () present () not
present, and represented by E. Adler, Esq.; and Skinner
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 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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2. (✓) The Petitioner/Obligor is the parent of the following child: HAILLEY MARIE SMITH Born: 05/11/96

3. (✓) The child is in the custody of Respondent/Obligee, HEATHER I. SMITH.

4. (✓) The Petitioner/Obligor has a duty to support the above-named child;

5. (✓) The Petitioner/Obligor owes support arrears to the Respondent/Obligee in the amount of \$ 1958.⁰⁰ from

May 96 through March 31, 1997 ^{including} ~~1997~~ ^{birth} ~~costs~~ ^{costs}

6. (✓) The Petitioner/Obligor's Gross Monthly Income is \$ 922 and 18% of that amount is \$ 178.⁰⁰.

7. () The Petitioner/Obligor's child support obligation pursuant to NRS 125B.070, NRS 125B.080, or Existing Order is \$ 178.⁰⁰ per month;

8. () The amount of the child support obligation determined by the Master deviates from the NRS 125B.070 percentage formula on the following grounds: _____

IT IS FURTHER FOUND THAT: _____

IT IS HEREBY RECOMMENDED THAT:

1. (✓) A judgment of support arrears is entered in favor of the Respondent/Obligee and against the Petitioner/Obligor in the amount of \$ 2870 from birth ^{costs} through present ^{date} ~~1997~~ ³⁻³¹ 1997, and the Petitioner/Obligor is to pay ~~178~~ 178 per month

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1 beginning April 1, 1997 and also continuing each
2 and every month thereafter until paid in full.

3 2 () The Petitioner/Obligor owes paternity blood
4 testing costs to the State of Nevada in the amount of \$ 225.00,
5 *already paid pursuant to court order.*

6 3. The Petitioner/Obligor shall pay \$ 178.00 per
7 month as and for ongoing child support, beginning 4/1,
8 1997.

9 4. () The Petitioner/Obligor shall pay a total of
10 \$ _____ per month as follows:

11 CHILD SUPPORT:	<u>178</u>	Commencing	<u>4.1.97</u>
12 ARREARS:	<u>18</u>	Commencing	<u>4.1.97</u>
13 PATERNITY BLOOD TESTING:		Commencing	_____
		Commencing	_____
14 OTHER RECOMMENDATIONS REGARDING PAYMENT:	_____		

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17 ALL PAYMENTS NOT COLLECTED BY INCOME WITHHOLDING SHALL BE MADE
18 BY MONEY ORDER OR CASHIER'S CHECK. ALL SUCH PAYMENTS SHALL
19 CONTAIN Case No. 960227 (WILLIAM D. COCKING). ALL SUCH
20 PAYMENTS SHALL BE PAYABLE, AND MUST BE DELIVERED BY THE
21 PETITIONER/OBLIGOR TO:

22 DOUGLAS COUNTY CLERK
23 MINDEN INN
24 P.O. BOX 218
25 MINDEN, NV 89423

26 5. () The Petitioner/Obligor is not required to provide
27 health insurance coverage at this time because the Respondent/
28 Obligee has not requested___/has specifically waived___ medical
enforcement services in this case.

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

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

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

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

24 10. () GOOD CAUSE BEING FOUND BY THE COURT: _____
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26 said wage withholding shall be postponed until such time as the
27 Petitioner/Obligor becomes (30) days delinquent in payment. NO
28 CREDIT WILL BE GIVEN FOR PAYMENTS NOT MADE BY WAGE/INCOME

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1 WITHHOLDING OR DIRECTLY THROUGH THE OFFICE OF THE DISTRICT
2 ATTORNEY OR OTHER CHILD SUPPORT ENFORCEMENT AGENCY.

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

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

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

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

17 15. () Interest is not ordered based on undue hardship
18 on the Petitioner/Obligor.

19 16. () That the child's birth certificate shall be
20 amended in accordance with NRS 126.161 to show that WILLIAM
21 DANIEL COCKING is the father of HAILLEY M. SMITH.

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

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IT IS FURTHER RECOMMENDED THAT:

IT IS SO RECOMMENDED.

Dated this 14 March, 1997.

Jessie J. McQuinn
MASTER

NOTICE

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

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

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

I acknowledge that I have received a copy of the Master's recommendations. Date: 3-14-97 Signature: *William D. Daniels*

Christie A. L.
attorney

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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.

David R. Bramble

DATED: 4/9/97

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: 4/9/97
B. Redd Clerk of the 9th Judicial District Court
of the State of Nevada, in and for the County of Douglas,

By L. Slater Deputy

REQUESTED BY
De District Attorney
IN OFFICIAL RECORDS OF
DOUGLAS CO., NEVADA

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LINDA SLATER
RECORDER
\$ 2 PAID 9 DEPUTY

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