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CASE NO. 95-DI-1305 FILED

DEPT. NO. I NO. _____

'96 MAY -7 A9:37

MAY 3 1996

DOUGLAS COUNTY
DISTRICT COURT CLERK

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

RHONDA J. HICKS TOGNOTTI,

Plaintiff,

vs.

**FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND DECREE OF DIVORCE**

STEVEN R. TOGNOTTI,

Defendant.

This matter being before the Court by way of a Complaint, and it appearing to the satisfaction of the Court that the Defendant has failed to answer, or otherwise plead herein, although duly and personally served with a copy of the Summons, Complaint and Motion for Exclusive Possession of Residence, Temporary Custody, Temporary Child Support and Temporary Restraining Order issued herein, on the 14th day of February, 1996, at the Courthouse lobby of the East Fork Justice Court, Douglas County, State of Nevada, and more than twenty (20) days, exclusive of the day of service having expired since said service upon the Defendant, and that a Clerk's Default was duly and regularly entered on the 29th day of April, 1996, and that Plaintiff has complied with Chapter 125 of the Nevada Revised

1 Statutes Section 125.020, et seq., and the Court being fully
2 advised in the premises enters its Findings of Fact, Conclusions
3 of Law and Decree of Divorce as follows:

4 FINDINGS OF FACT

5 1. That Plaintiff, RHONDA J. HICKS TOGNOTTI, has been a
6 bona fide resident of the State of Nevada, being physically
7 present in the State of Nevada for a period of more than six
8 weeks preceding the filing of the Complaint for Divorce and
9 residing at 1378 Toiyabe, Gardnerville, Nevada 89410.

10 2. That the parties were married in Genoa, Nevada, on
11 September 15, 1984.

12 3. That there are two minor children born the issue of the
13 marriage, RYAN R. TOGNOTTI, born October 20, 1985, and CLINT S.
14 TOGNOTTI, born April 8, 1988.

15 4. Defendant owes a duty of support to the minor children
16 and must pay child support to Plaintiff in an amount which
17 represents twenty-five (25%) of his gross income.

18 5. That the parties have lived separate and apart for more
19 than one year.

20 6. That Plaintiff desires her maiden name of RHONDA J.
21 HICKS be restored to her.

22 7. That the parties are incompatible in marriage.

23 CONCLUSIONS OF LAW

24 1. That Plaintiff has met the jurisdictional requirements
25 of NRS 125.020.

26 2. Pursuant to Chapter 125A of the Nevada Revised
27 Statutes, Nevada is the home state of the minor children and the
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1 Court has jurisdiction to make a custody determination regarding
2 the children.

3 3. That the parties must abide by all the terms and con-
4 ditions of this Decree, which terms and conditions the Court
5 concludes are just and equitable.

6 4. That the Plaintiff is entitled to entry of a Decree of
7 Divorce by Default from the Defendant on the grounds of
8 incompatibility.

9 JUDGMENT AND DECREE OF DIVORCE

10 NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED
11 as follows:

12 1. The Plaintiff, RHONDA J. HICKS TOGNOTTI, is granted a
13 final Decree of Divorce by default from Defendant, STEVEN R.
14 TOGNOTTI, and that the bonds of matrimony heretofore existing
15 between the Plaintiff and Defendant, be, and they are hereby,
16 dissolved and the parties are restored to the status of single
17 and unmarried persons.

18 2. The Plaintiff is granted the sole legal and physical
19 custody of the minor children. There shall be no visitation
20 between the children and the Defendant unless and until he
21 attends, and successfully completes a drug and alcohol rehabil-
22 itation program and parenting classes or until further order of
23 this Court.

24 NRS 125A applies and the following language must be made a
25 part of all orders pertaining to custody of a minor child:
26 PENALTY FOR VIOLATION OF ORDER: THE ABDUCTION, CONCEALMENT OR
27 DETENTION OF A CHILD IN VIOLATION OF THIS ORDER IS PUNISHABLE AS
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1 A CATEGORY D FELONY AS PROVIDED IN NRS 193.130. NRS 200.359
2 provides that every person having a limited right of custody to
3 the child who willfully detains, conceals or removes the child
4 from a parent, guardian or other person having lawful custody or
5 a right of visitation of the child in violation of an order of
6 this court, or removes the child from the jurisdiction of the
7 court without the consent of either the court or all persons who
8 have the right to custody or visitation is subject to being
9 punished for a category D felony as provided in NRS 193.130.

10 The State of Nevada, United States of America, is the
11 habitual residence of the minor children. The terms of the
12 Hague Convention of October 25, 1980, adopted by the 14th
13 Session of Hague Conference on Private International Law, apply
14 if a parent abducts or wrongfully detains a child in a foreign
15 country.

16 Pursuant to NRS 125A.350, a parent wishing to remove the
17 minor children from the State of Nevada shall first obtain the
18 written consent of the other parent or an order of the court
19 authorizing such removal.

20 3. As and for support of the minor children, Defendant
21 shall pay to Plaintiff twenty-five percent (25%) of his gross
22 income. The support payment obligation shall continue until
23 each minor child reaches the age of 18 if he is no longer
24 enrolled in high school, otherwise when he reaches 19 years of
25 age, or until further order of the Court.

26 This is a wage withholding order. Defendant, STEVEN R.
27 TOGNOTTI, is hereby notified that his child support payment
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1 shall be withheld from his paycheck and be paid directly to
2 Plaintiff, RHONDA J. HICKS TOGNOTTI. He shall provide her with
3 all information regarding his current employer to enable her to
4 receive support.

5 Plaintiff is granted a judgment for arrearages in child
6 support in the amount of \$10,800.00 which represents the amount
7 of support Defendant had agreed to pay Plaintiff and failed to
8 do as and for child support from the date of separation.

9 4. NRS 125.145 provides that an order issued by a court or
10 expedited process for the support of a child that is being
11 enforced in this State, must be reviewed by the court at least
12 every three years pursuant to said section to determine whether
13 the order should be modified. Defendant shall provide to
14 Plaintiff a copy of his W-2 or 1099 received from his
15 employer(s) by February 5th of each and every year following
16 entry of the Decree of Divorce.

17 5. Plaintiff shall continue to provide medical insurance
18 coverage on behalf of the minor children so long as it is avail-
19 able to her through her employment at a reasonable cost. Defen-
20 dant shall reimburse Plaintiff one-half the cost of the premium.
21 The parties shall share 50/50 all uncovered costs for medical,
22 dental, eye care, etc., not covered by the insurance.

23 6. The real property located at 1378 Toiyabe in
24 Gardnerville, Nevada, is set aside to Plaintiff, RHONDA J. HICKS
25 TOGNOTTI, as her sole and separate property. She shall assume
26 all obligations thereon, and shall hold Defendant harmless
27 therefrom. Defendant shall execute the necessary deeds promptly
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1 when they are presented to him to transfer title in Plaintiff's
2 name alone. Should he fail to do so, Plaintiff shall request an
3 order of the Court directing the Clerk of the Court to issue a
4 transfer of title in Plaintiff pursuant to NRCP 70.

5 6. The outstanding obligations incurred by Defendant prior
6 to 1991 are set aside to him as his sole and separate
7 obligations. Defendant shall hold Plaintiff harmless from those
8 obligations. Defendant is further order to reimburse Plaintiff
9 the sum of \$850.00 as a result of her wages being garnished for
10 outstanding obligations incurred by Defendant. All other
11 obligations incurred by either party since separation shall be
12 that party's sole and separate obligation except for those
13 obligations incurred on behalf of the minor children since 1991.
14 Those obligations shall be shared equally between the parties.

15 7. The 1978 F150 4x4 pick-up truck and the 1984 Ford
16 Bronco are set aside to the Plaintiff as her sole and separate
17 property. Plaintiff shall be solely responsible for all costs
18 associated with the ownership of the vehicle and hold Defendant
19 harmless therefrom.

20 8. Plaintiff and Defendant shall relinquish the right to
21 act as executor of the estate of the other, all right to inherit
22 from the other, and all right to receive in any manner the
23 property of the other upon the death of the other, either under
24 the laws of succession or under community property laws, or
25 otherwise, except as a devisee, legatee or beneficiary under any
26 Last Will and Testament executed by either party wherein the
27 other may be named in such capacity subsequent to the date of
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any Judgment which may be entered by the Court.

9. That Plaintiff's maiden name of HICKS is hereby restored to her.

DATED this 7 day of May, 1996.


DISTRICT COURT JUDGE

Submitted by:

NANCY REY JACKSON, ESQ.
Nevada Bar No. 03648
1591 Mono Avenue
Minden, NV 89410
Attorney for Plaintiff,
RHONDA J. HICKS TOGNOTTI

WHEN RECORDED MAIL TO:

RHONDA J. BROWN
P.O. BOX 478
EUREKA, CA 89316
ESCROW NO. 99011502

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

August 26, 1997
Clerk of the 9th Judicial District Court
of the State of Nevada, in and for the County of Douglas,

 Deputy

REQUESTED BY
STEWART TITLE of DOUGLAS COUNTY
IN OFFICIAL RECORDS OF
DOUGLAS CO. NEVADA

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LINDA SLATER
RECORDER

\$18.⁰⁰ PAID. *AS* DEPUTY

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