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Case No. CI 13409
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RIKKI A. BRYAN
LYON COUNTY CLERK
TANYA SCIFONE
DEPUTY

IN THE THIRD JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF LYON

LESLIE HALTON,

Plaintiff,

vs.

THOMAS HALTON,

Defendant.

FINDINGS OF FACT
CONCLUSIONS OF LAW,
AND DECREE OF DIVORCE

This case came on regularly for trial on July 26, 2000. Plaintiff was present and represented by her counsel, Keith Loomis, and Defendant was present, and represented by Allison Joffe. Having considered the evidence presented at trial and the pleadings on file herein, good cause appearing, the Court finds as follows:

FINDINGS OF FACT

The court finds the following as relevant facts:

1. Both Plaintiff and Defendant are residents of the State of Nevada, and have been physically present in the state of Nevada for a period in excess of 6 weeks prior to the filing of the complaint in this matter and continue to maintain their residence in this state.
2. That the Plaintiff and Defendant were married on September 20, 1990 and ever since that time have been, and now are, husband and wife.
3. Irreconcilable differences have arisen and the parties are incompatible in marriage and there appears to be no possibility of a reconciliation.
4. There are no children of the marriage.

THOMAS HALTON
PO Box 2645
Minden, NV 89423

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1 5. The parties have various community assets and obligations which are subject to
2 division by this Court.

3 6. The assets of the parties include the following property, accounts, and receivables:

4 a. The parties have cash in the following accounts: Bank of America
5 #290059047, Credit Union # [REDACTED] 4259, and another Bank of America account with no account
6 number given. As of the date of trial these accounts contained a total of Fifteen Thousand two
7 hundred dollars (\$15,200.00). The cash in these accounts was earned and deposited during
8 marriage.
9

10 b. US Treasury check in the amount of eight thousand three hundred and
11 eighty seven dollars (\$8,387). This check is for the Halton's 1998 tax refund.

12 c. Dean Witter account number 104 125372 valued at ninety three thousand
13 seventy nine dollars and fifty four cents(\$93,079.54). This account is held in joint tenancy for
14 both parties.
15

16 d. State Farm Insurance plan on Thomas Halton with a cash value of eight
17 thousand fifty two dollars and eighty cents. This plan was acquired by Thomas Halton prior to
18 marriage naming Leslie Halton as the primary beneficiary.

19 e. Vanguard Total Stock Market Index Fund valued at thirty nine thousand
20 seven hundred eighty eight dollars and ninety five cents(\$39,788.95). This fund was acquired by
21 Leslie Halton prior to marriage and kept separate from the community.
22

23 f. Prudential Securities account number ORV-235583-20 valued at one
24 hundred and four thousand six hundred and forty four dollars and seventy three cents
25 (\$104,644.73). This account was acquired by Leslie Halton through inheritance and kept separate
26 from the community.
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1 g. The residence located at 79 Pinon, Wellington, NV. The value of this asset
2 is four hundred twenty five thousand dollars (425,000.00) and it was acquired during marriage.

3 h. The residence located at 1417 Bumblebee, Gardnerville, Nevada. The
4 value of this asset is one hundred and fifteen thousand dollars (\$115,000.00) and it was acquired
5 during marriage.

6 i. 1998 Chevy Crew Cab Truck valued at twenty eight thousand dollars.
7 (\$28,000). This asset was acquired during marriage.

8 j. 1995 Chevy Truck valued at eleven thousand dollars (\$11,000). This asset
9 was acquired during marriage.

10 k. 1990 Lincoln Automobile valued at three thousand dollars (\$3,000). This
11 asset was acquired during marriage.

12 l. 1968 Jeep Automobile valued at five thousand dollars (\$5,000). This asset
13 was acquired during marriage.

14 m. 1991 Charmac Trailer nine thousand dollars (\$9,000.00). This asset was
15 acquired during marriage.

16 n. 4x4 Kawasaki valued at one thousand five hundred dollars (\$1,500.00).
17 This asset was acquired during marriage.

18 o. John Deere Tractor valued at five thousand dollars (\$5,000.00). This asset
19 was acquired during marriage.

20 p. 1987 Motorhome valued at twelve thousand five hundred dollars
21 (\$12,500.00). This asset was acquired during marriage.

22 q. Assorted guns of unknown value acquired during marriage.
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1 r. Horses valued at twenty two thousand five hundred dollars (\$22,500.00).

2 There are seven horses total. Five of which were acquired during marriage.

3 s. Thomas Halton's Public Employment Retirement Account. The value of
4 this asset is two hundred sixty two thousand six hundred and seven dollars (\$267,607.00).

5 7. The liabilities of the parties include the following:

6 There are no known liabilities.

7
8 8. Both parties have requested that the Court award attorney's fees.

9 9. Leslie Halton requests that she be awarded alimony.

10 CONCLUSIONS OF LAW

11 1. The Court has jurisdiction over the parties, the marriage, and the parties'
12 community property assets and liabilities.

13 2. Plaintiff is entitled to a decree of divorce.

14 3. Property acquired during marriage is presumed community property. NRS
15 123.220. The burden rests on the separate property proponent to overcome the community
16 property presumption by clear and convincing evidence. Breliant v. Preferred Equities Corp., 112
17 Nev. 663, 670, 918 P.2d 314, 318 (1996). In addition, when separate funds of a spouse are used
18 to acquire property in the name of husband and wife as joint tenants, the spouse is presumed to
19 have intended a gift of one half of the value of the joint tenancy property; this presumption is
20 overcome only by clear and convincing evidence. Campbell v. Campbell 705 P. 2d 154, 101 Nev.
21 380, (1985).

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24 4. NRS 125.150 provides that the Court shall make an equal division of the parties'
25 community property.

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1 5. Property acquired before marriage, and property acquired during marriage by gift,
2 bequest, devise, descent, and the rents, issues, and profits thereof is the separate property of the
3 respective owner. NRS 123.130.

4 6. The cash that is currently deposited in the following accounts was acquired during
5 marriage and is presumed community property: Bank of America #290059047, Credit Union
6 ██████████-4259, and another Bank of America account with no account number given. As of the
7 date of trial these accounts contained a total of fifteen thousand two hundred dollars (\$15,200.00).
8 The accounts are held in joint tenancy and are presumed to be community property. The cash in
9 these accounts is awarded to Thomas Halton in its entirety.

10 7. US Treasury check in the amount of eight thousand three hundred and eighty
11 seven dollars (\$8,387.00). This check was acquired during marriage and is presumed community
12 property. Thomas Halton is awarded possession of this asset in its entirety.

13 8. Dean Witter account number 104 125372 valued at ninety three thousand seventy
14 nine dollars and fifty four cents(\$93,079.54). This account is held in joint tenancy. This asset is
15 to be divided equally between the parties, each receiving forty six thousand five hundred thirty
16 nine dollars and seventy seven cents (\$46,539.77).

17 9. State Farm Insurance plan on Thomas Halton with a cash value of eight thousand fifty
18 two dollars and eighty cents (\$8,052.80). This plan was acquired by Thomas Halton prior to
19 marriage. Thomas Halton is awarded possession of this asset in its entirety.

20 10. Vanguard Total Stock Market Index Fund valued at thirty nine thousand seven
21 hundred eighty eight dollars and ninety five cents(\$39,788.95). This fund was acquired by Leslie
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1 Halton prior to marriage and kept separate from the community. Leslie Halton is awarded
2 possession of this asset in its entirety.

3 11. Prudential Securities account number ORV-235583-20 valued at one hundred and
4 four thousand six hundred and forty four dollars and seventy three cents (\$104,644.73). This
5 account was acquired by Leslie Halton prior through inheritance and kept separate from the
6 community. Leslie Halton is awarded possession of this asset in its entirety.

7
8 12. The residence located at 79 Pinon, Wellington, NV. The value of this asset is four
9 hundred twenty five thousand dollars (425,000.00) and it was acquired during marriage and is
10 presumed community property. There was insufficient evidence presented at trial to overcome the
11 community property presumption. Leslie Halton is awarded possession of this asset in its entirety.

12 13. The residence located at 1417 Bumblebee, Gardnerville, Nevada. The value of this
13 asset is one hundred and fifteen thousand dollars (\$115,000.00) and it was acquired during
14 marriage and therefore is presumed to be community property. There was insufficient evidence
15 to overcome the community property presumption at trial. Thomas Halton is awarded this asset in
16 its entirety.

17
18 14. 1998 Chevy Crew Cab Truck valued at twenty eight thousand dollars. (\$28,000).
19 This asset was acquired during marriage and is community property. This asset is awarded in its
20 entirety to Thomas Halton.

21
22 15. 1995 Chevy Truck valued at eleven thousand dollars(\$11,000). This asset was
23 acquired during marriage and is presumed community property. This asset is awarded to Leslie
24 Halton.

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1 16. 1990 Lincoln Automobile valued at three thousand dollars (\$3,000). This asset was
2 acquired during marriage and is presumed community property. This asset is awarded to Leslie
3 Halton.

4 17. 1968 Jeep Automobile valued at five thousand dollars (\$5,000). This asset was
5 acquired during marriage and is presumed community property. This asset is awarded to Thomas
6 Halton.

7
8 18. 1991 Charmac Trailer nine thousand dollars (\$9,000.00). This asset was acquired
9 during marriage and is presumed community property. This asset is awarded to Leslie Halton.

10 19. 4x4 Kawasaki valued at one thousand five hundred dollars (\$1,500.00). This asset
11 was acquired during marriage and is presumed community property. This asset is awarded to
12 Thomas Halton.

13 20. John Deere Tractor valued at five thousand dollars (\$5,000.00). This asset was
14 acquired during marriage and is presumed community property. This asset is awarded in its
15 entirety to Thomas Halton.

16
17 21. 1987 Motorhome valued at twelve thousand five hundred dollars
18 (\$12,500.00). This asset was acquired during marriage and is presumed to be community property.
19 This asset is awarded to Thomas Halton.

20 22. Assorted guns of unknown value acquired during marriage.
21 These assets were acquired during the marriage and therefore are presumed to be community
22 property. The guns should be divided equally between the parties. Furthermore, all miscellaneous
23 items of personal property and furnishings should be divided equally between the parties if the
24 items were acquired during marriage. Any items which were acquired before marriage or by
25 inheritance or gift, without being put in joint tenancy, should be returned to the appropriate party.
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1 23. Horses valued at twenty two thousand five hundred dollars (\$22,500.00). There are
2 seven horses total. Five of which were acquired during marriage and are presumed community
3 property. The half interest in Colonel Macalena which is shared with Bill McMannus, Roxie,
4 Lady, and Dancing is My Hobby are awarded to Leslie Halton plus her separate property interest
5 in Indy owned prior to marriage. Peppy which was acquired during marriage and presumed to be
6 community property and Slim acquired prior to marriage therefore being separate property are
7 awarded to Thomas Halton.
8


9 24. Thomas Halton's Public Employment Retirement Account. The value of this asset
10 is two hundred sixty two thousand six hundred and seven dollars (\$267,607.00). This asset is
11 awarded to Thomas Halton in its entirety.
12

13 25. Neither party is entitled to an award of alimony.

14 **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED**, that the bonds of
15 matrimony heretofore existing between Plaintiff and Defendant above named, are forever
16 dissolved, and Plaintiff and Defendant are hereby restored to their original status of unmarried
17 persons.

18 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED**, that each party is to
19 bear their own costs and attorneys' fees.

20 DATED: This 27th day of December, 2000.
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25 DAVID A. HUFF
26 DISTRICT COURT JUDGE
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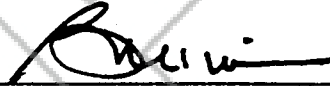
Certificate of Service

I hereby certify that I, Beatrice McMinn am an employee of the Third Judicial District Court and that on this date pursuant to NRCP 5(b), I deposited for mailing at Yerington, Nevada, a true copy of the foregoing document addressed to:

Allison W. Joffe
Attorney at Law
1002 N. Nevada Street
Carson City, Nevada 89703

Keith Loomis
Attorney at Law
300 West Second Street
Carson City, Nevada 89703

DATED: This 27th day of December, 2000.



Beatrice McMinn

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: January 5, 2001
Nikki A. Bryan, County Clerk and Clerk of the Third Judicial District Court of the State of Nevada, in and for Lyon County.

By Laura Scierka
Deputy

REQUESTED BY
THOMAS HAUTON
IN OFFICIAL RECORDS OF
DOUGLAS CO., NEVADA

2001 JAN -5 PM 1: 54

LINDA SLATER
RECORDER

\$15⁰⁰ PAID JM DEPUTY

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