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Page: 1 Of 5 Fee: 18.00
BK-0506 PG- 3312 RPTT: 0.00



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ORDER AFTER HEARING

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1 Case No. 89-01022D

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4/4/06

Date

ALAN GLOVER
CLERK

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6 **IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
7 **IN AND FOR CARSON CITY**

8 -000-

9 DALE HENRY MARCUM,

10 Plaintiff,

ORDER AFTER HEARING

11 vs.

12 TERESA HELENE MARCUM nka TERI
13 H. BENSON,

14 Defendant.

15 This matter came before the Court pursuant to Plaintiff's Dale Marcum, Motion
16 for Order to Show Cause in re: Contempt and Motion to Reduce Child Support
17 Arrearages to Judgment, filed December 8, 2005. Mr. Marcum filed an errata, revising the
18 amount owed, on December 20, 2005. Defendant filed an opposition to the Plaintiff's
19 motion on February 9, 2006. A hearing was conducted on February 10, 2006. Dale
20 Marcum was present and represented by Charles S. Zumpft, Esq. Teresa Helene Marcum,
21 nka Teri H. Benson was present with her attorney, Nancy Rey Jackson. Both parties
22 testified. Due to the close proximity of the hearing to the filing of the Opposition, the
23 Court granted Mr. Marcum leave to file a reply brief which was filed on March 9, 2006.
24 Based upon the evidence presented and good cause appearing, the Court hereby finds as
25 follows:

26 1. Mr. Marcum made significant efforts to collect child support in the early
27 1990s. These efforts included opening a case with the Carson City District Attorney's

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1 office, and thereafter negotiating a different child support amount in an action to
2 terminate parental rights.

3 An Order reducing the amount of Ms. Benson's child support arrearages of
4 \$5,632.94 to judgment was entered in July, 1992.

5 2. Ms. Benson's child support payments prior to that date were nominal, and
6 sporadic at best even though her obligation had been reduced to \$25.00 per child, per
7 month.

8 3. Ms. Benson made a few payments over the next few months, totaling
9 approximately \$1,000.00, and thereafter ceased making child support payments
10 altogether.

11 4. Mr. Marcum spent thousands of dollars on his efforts to secure child
12 support.

13 5. It was reasonable for Mr. Marcum to stop pursuing child support, and to
14 instead utilize his resources for the support of his family.

15 6. The parties never agreed expressly or implied that Ms. Benson need not pay
16 child support.

17 Based upon the testimony of the parties, the Court cannot find that Mr. Marcum
18 fully waived his right to pursue child support. The Court has considered the cases of
19 Parkinson v. Parkinson, 106 Nev. 481(1990), Westgate v. Westgate, 110 Nev. 1377
20 (1994), and McKellar v. McKellar, 110 Nev. 200 (1994). The Court concludes that Mr.
21 Marcum only partially waived, if at all, his right to support.

22 Based upon the foregoing findings and conclusions and the evidence presented at
23 the hearing and otherwise submitted to the Court, the Court hereby enters its Order as
24 follows:

25 1. Judgment is hereby entered in favor of Dale Henry Marcum, and against
26 Teresa Helene Marcum nka Teri H. Benson, in the principal amount of \$29,450.88.

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0674389 Page: 3 of 5 05/08/2006
BK- 0506
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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 May 4, 2006

ALAN GLOVER, City Clerk and Clerk of the First Judicial District Court and the State of Nevada in and for Carson City.

By [Signature] Deputy