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0674389 DOC # 05/08/2006 12:33 PM Deputy: KLJ OFFICIAL RECORD Requested By: BROOKE SHAW ZUMPFT

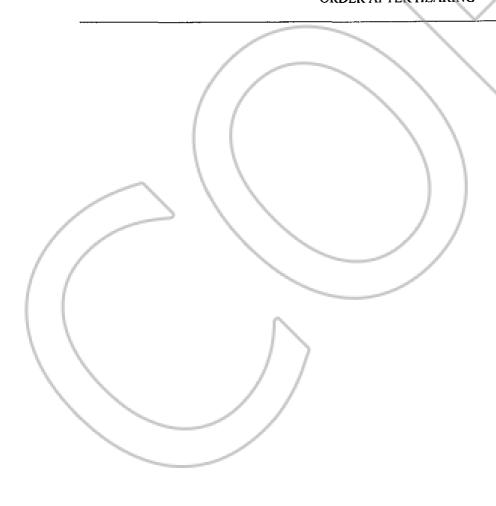
> Douglas County - NV Werner Christen - Recorder 18.00

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ORDER AFTER HEARING



Case No. 89-01022D KEC D & FILE 1 Dept. No. 2 3 ALAN GLOVER IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA IN AND FOR CARSON CITY -000-8 DALE HENRY MARCUM, ORDER AFTER HEARING Plaintiff, 10 11 VS. 12 TERESA HELENE MARCUM nka TERI H. BENSON, 13 Defendant. 14 15 This matter came before the Court pursuant to Plaintiff's Dale Marcum, Motion for Order to Show Cause in re: Contempt and Motion to Reduce Child Support 16 **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, nka Teri H. Benson was present with her attorney, Nancy Rey Jackson. Both parties 21 testified. Due to the close proximity of the hearing to the filing of the Opposition, the 22 Court granted Mr. Marcum leave to file a reply brief which was filed on March 9, 2006. 23 Based upon the evidence presented and good cause appearing, the Court hereby finds as 24 follows: 25 Mr. Marcum made significant efforts to collect child support in the early 26

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1990s. These efforts included opening a case with the Carson City District Attorney's

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27 | 28 | office, and thereafter negotiating a different child support amount in an action to terminate parental rights.

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

- 2. Ms. Benson's child support payments prior to that date were nominal, and sporadic at best even though her obligation had been reduced to \$25.00 per child, per month.
- 3. Ms. Benson made a few payments over the next few months, totaling approximately \$1,000.00, and thereafter ceased making child support payments altogether.
- 4. Mr. Marcum spent thousands of dollars on his efforts to secure child support.
- 5. It was reasonable for Mr. Marcum to stop pursuing child support, and to instead utilize his resources for the support of his family.
- 6. The parties never agreed expressly or implied that Ms. Benson need not pay child support.

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

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

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

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- Interest, at the legal rate is hereby added to the judgment, in the amount of 2. \$30,937.48, which covers the period of time from July, 1992, the time judgment was initially entered, and June, 2004, when the last child support obligation was due.
- 3. Due to the partial waiver of the collection of child support which the Court finds, the Court declines to award Mr. Marcum the 10 percent penalty as provided in NRS 125B.140, or interest between June and the date of this judgment.
 - 4. The Court awards Mr. Marcum attorney fees in the amount of \$3,000.00.
 - Recap of judgment: 5.

Principal:	\$29,450.88
Interest:	\$30,947.49
Penalties:	\$ 0.00
Attorney Fees	\$ 3,000.00
Attorney rees	\$ 5,000.00

\$63,398.37 Total

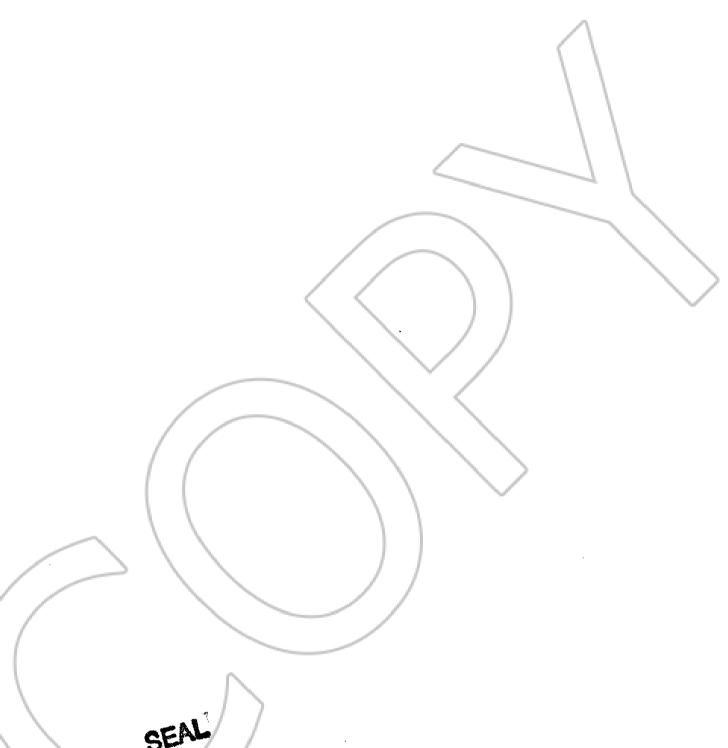
This judgment shall earn interest at the legal rate until satisfied.

day of April, 2006.

District Judge

cc: Charles S. Zumpft, Esq. Nancy Rey Jackson, Esq.

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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 Many office.

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

Deputy Deputy

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