

OFFICIAL RECORD
Requested By:
DC/DISTRICT ATTORNEY

Douglas County - NV
Karen Ellison - Recorder

Page: 1 of 9 Fee: 0.00
BK-1211 PG- 4384 RPTT: 0.00



Assessor's Parcel Number: _____

Recording Requested By:

Name: Douglas County

District Attorney

Child Support Enforcement

Address: Post Office Box 1240

City/State/Zip: Minden, Nevada 89423

Real Property Transfer Tax: _____

Notice of Entry of Order/Judgment
Order and Judgment Confirming Master's Findings and Recommendations for Support
(Title of Document)

RECEIVED

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DEC 16 2011

2011 DEC 16 AM 10:43

**DOUGLAS COUNTY
DISTRICT COURT CLERK**

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CLERK

M. BIAGGINI DEPUTY

1 Case No. 08-UR-0082

2 Dept. I

3 This document does not contain
4 personal information.

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

9 Tammy Ann Stewart
10 fka Tammy Ann Duster,

11 Plaintiff,

12 vs.

13 Bret Campbell Duster,

14 Defendant.

**NOTICE OF ENTRY
OF ORDER/JUDGMENT**

15 _____ /
16 TO: Tammy Ann Stewart fka Tammy Ann Duster, and Bret Campbell Duster,

17 Please take notice that the Ninth Judicial District Court Judgment and Order,
18 appended hereto, was entered on December 14, 2011.

19
20 Dated: 12/16/11

**MARK B. JACKSON
DOUGLAS COUNTY DISTRICT ATTORNEY**

21
22
23 By: _____

**Justina A. Caviglia
Deputy District Attorney
Post Office Box 1240
Minden, Nevada 89423
775-782-9881**

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1 Case No. 08-UR-0082
2 Dept. I

RECEIVED
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2011 DEC 14 PM 12: 23

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4 personal information.

DOUGLAS COUNTY
DISTRICT COURT CLERK

TED THUAN
CLERK
BY **M. BIAGGINI** DEPUTY

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

9 Tammy Ann Stewart
10 fka Tammy Ann Duster,

11 Plaintiff,

12 vs.

13 Bret Campbell Duster,

14 Defendant.

15 _____ /
16 **ORDER AND JUDGMENT CONFIRMING MASTER'S FINDINGS AND**
17 **RECOMMENDATIONS FOR SUPPORT**

18 THIS MATTER having regularly come for hearing before the Master on the 14th day
19 of October, 2011; the Plaintiff being not present; the Defendant being duly served and
20 present, and Justina A. Caviglia, Deputy District Attorney, of the Douglas County District
21 Attorney's Office appearing and representing the State of Nevada's interest in the support
22 and welfare of the children pursuant to law. After hearing all of the evidence and being
23 fully advised in the premises, the Master makes the following findings and
24 recommendations:

25 **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

26 1. (XX) The Court has jurisdiction of the parties and of the subject matter of
27 this case.

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2. (XX) The Defendant is the parent of:

Nicole Ann Duster; born July 7, 1992, now emancipated;
Caleb Thomas Duster, born December 12, 1994.

3. (XX) The Defendant has a duty to support the above-named children.

4. (XX) Medical insurance coverage for the benefit of the minor child is available through the Plaintiff and the cost of coverage to the Plaintiff for the child is \$122.51 each month, one-half of which is \$61.25.

5a. (XX) The Defendant owes **child support arrears** to the Plaintiff in the amount of \$8,563.13 from July 1, 2011 through September 30, 2011.

5b. (XX) The Defendant owes **health insurance premium arrears** to the Plaintiff in the amount of \$197.62 from July 1, 2011 through September 30, 2011.

6. (XX) The Defendant's child support obligation pursuant to the Existing Order is \$650.00.

7. (XX) The Defendant's Gross Monthly Income is \$884.29 and 18% of that amount is \$159.00.

7. (XX) The Defendant's child support obligation pursuant to NRS 125B.070 / NRS 125B.080 is \$257.00.

8. (XX) The amount of the child support obligation determined by the Master deviates from the NRS 125B.070 percentage formula on the following grounds: Defendant's child support obligation is based on the State of Nevada's minimum wage of \$8.25 per hour.

9. (XX) This modifies the previously filed or registered Order in Case No. 08-UR-0082, entered on the 8th day of August, 2011, in the State of Nevada, County of Douglas.

IT IS FURTHER FOUND THAT: _____

IT IS HEREBY RECOMMENDED THAT:

1
2 1a. (**XX**) Judgment for **child support arrears** should enter in favor of the
3 Plaintiff and against the Defendant in the amount of \$8,380.00, from July 1, 2011 through
4 September 30, 2011, and the Defendant shall pay \$75.00 per month beginning October
5 1, 2011, and continuing each and every month thereafter until paid in full. Judgment for
6 **interest** in the amount of \$105.13 which accrued on **child support arrears** during the
7 period from July 1, 2011 through September 30, 2011 should enter in favor of the Plaintiff
8 and against the Defendant. Judgment for **penalties** in the amount of \$78.00 which
9 accrued on **child support arrears** during the period from July 1, 2011 through September
10 30, 2011 should enter in favor of the Plaintiff and against the Defendant.

11 1b. (**XX**) Judgment for **health insurance premium arrears** should enter in
12 favor of the Plaintiff and against the Defendant in the amount of \$183.75, from July 1, 2011
13 through September 30, 2011, and the Defendant shall pay \$25.00 per month beginning
14 October 1, 2011, and continuing each and every month thereafter until paid in full.
15 Judgment for **interest** in the amount of \$1.61 which accrued on **health insurance**
16 **premium arrears** during the period from July 1, 2011 through September 30, 2011 should
17 enter in favor of the Plaintiff and against the Defendant. Judgment for **penalties** in the
18 amount of \$12.26 which accrued on **health insurance premium arrears** during the period
19 from July 1, 2011 through September 30, 2011 should enter in favor of the Plaintiff and
20 against the Defendant.

21 2a (**XX**) The Defendant shall pay \$257.00 per month as and for **ongoing child**
22 **support**, beginning October 1, 2011.

23 2b. (**XX**) The Defendant shall pay \$61.00 per month as and for **ongoing health**
24 **insurance premium reimbursement**, beginning October 1, 2011. The District Attorney's
25 Office shall have authority to administratively modify the Defendant's health insurance
26 reimbursement amount upon sufficient proof by Plaintiff of changes in the cost of coverage.

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1 3. (XX) The Defendant shall pay a total of \$418.00 per month commencing
2 October 1, 2011 as follows:

3 **CHILD SUPPORT:** \$257.00 Commencing: October 1, 2011
4 **ARREARS:** \$75.00 Commencing: October 1, 2011
5 **INSURANCE PREMIUM:** \$61.00 Commencing: October 1, 2011
6 **ARREARS:** \$25.00 Commencing: October 1, 2011

7 **INTEREST/PENALTIES:** Interest will be assessed on all unpaid child support balances
8 for cases with a Nevada controlling order pursuant to NRS 99.040. A 10% penalty may be
9 assessed on each unpaid installment, or portion thereof, of an obligation to pay support for
10 a child, pursuant to NRS 125B.095. If Defendant pays child support through income
11 withholding and the full obligation is not met by the amount withheld by Defendant's
12 employer, Defendant is responsible to pay the difference between the court ordered
13 obligation and the amount withheld by Defendant's employer directly to the state
14 disbursement unit. If Defendant fails to do so Defendant will be subject to the assessment
15 of penalties and interest. Defendant may avoid these additional costs by making the
16 current child support payments each month.

17 **OTHER RECOMMENDATIONS REGARDING PAYMENT:** In the event the payments
18 are not made in full by wage withholding or Defendant becomes unemployed or
19 underemployed, all child support payments must be made in the form of a cashier's check,
20 certified check, or money order. Payment in the form of a cashier's check, certified check,
21 or money order must be made payable to the **STATE COLLECTIONS AND**
22 **DISBURSEMENT UNIT (SCaDU)**, identified by the Defendant's name and Social Security
23 Number or **Case No. 911568000A**, and it must be mailed to the **STATE COLLECTIONS**
24 **AND DISBURSEMENT UNIT (SCaDU)**, P.O. BOX 98950, LAS VEGAS, NV 89193-8950.

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1 4. (**XX**) The Defendant is not required to provide health insurance coverage
2 at this time because the Plaintiff shall provide health insurance coverage for the minor child
3 available through Plaintiff's employer or other group policy. The District Attorney's Office
4 shall have authority to administratively modify the Defendant's medical cash obligation
5 upon sufficient proof of changes in the cost of coverage.

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

10 6. (**XX**) The Plaintiff and Defendant shall notify the Douglas County District
11 Attorney's Office, Child Support Division, at 775-782-9881, of any changes of address,
12 employment or change in the availability of health insurance coverage within ten (10) days
13 of such change.

14 7. (**XX**) **THIS IS AN INCOME WITHHOLDING ORDER.** A mandatory wage
15 withholding shall be initiated against the Defendant's wages or commissions. This does
16 not preclude the use of other means to collect any arrears or enforce this order, including
17 garnishment, liens, attachments, execution on real or personal property or interception of
18 Federal Income Tax refunds.

19 8. (**XX**) Pursuant to NRS 125B.145, this order must be reviewed every three
20 (3) years, upon the request of either party, and is subject to modification or review and
21 adjustment as provided by law.

22 9. (**XX**) Unless a stay of the Order is obtained from the District Court, all
23 enforcement procedures, including but not limited to wage withholding, garnishments, liens
24 and the interception of Federal Income Tax refunds, will be undertaken upon entry of this
25 order.

26 10. (**XX**) Pursuant to NRS 125.510, Defendant's ongoing child support shall
27 continue until the minor child reach the age of 18 years, if he or she is no longer enrolled
28 in high school, otherwise, when he or she reaches the age of 19 years.

1 11. (**XX**) Pursuant to NRS 125B.100, when Defendant's minor child
2 emancipates Defendant shall continue to pay the same amount per month towards the
3 satisfaction of the existing child support arrearage.

4 12. (**XX**) In accordance with 125B.055, Plaintiff and Defendant shall file with
5 the Court and with the District Attorney's Office their Social Security Number, residential
6 and mailing addresses, telephone number, driver's license number, and the name, address
7 and telephone number of their employer.

8 **IT IS FURTHER RECOMMENDED THAT:** Future interest on insurance premiums
9 (medical cash) be waived at this time and that interest shall continue to accrue on child
10 support arrears.

11 **IT IS FURTHER RECOMMENDED THAT:** That this matter be reviewed on May 11, 2012
12 at 8:30 a.m., parties shall submit a completed Financial Declaration to the Douglas County
13 District Attorney's Office Child Support Division no later than April 27, 2012.

14
15 **IT IS SO RECOMMENDED.**

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17 Dated this 11/17, 2011.

18 
19 _____
20 MASTER

21 **NOTICE**

22 Objections to this recommendation are governed by the "Review and Adjustment"
23 guidelines of Federal Regulations (CFR 303.8(b)(2), Plaintiff and/or Defendant have **thirty**
24 **(30)** days from receipt of the recommendation to file an objection.

25 **FAILURE TO FILE AN OBJECTION AND SERVE WRITTEN OBJECTIONS TO**
26 **THIS RECOMMENDATION WITHIN THE APPROPRIATE TIME LIMITS WILL RESULT**
27 **IN A FINAL JUDGMENT ORDER BY THE DISTRICT COURT AGAINST YOU.**

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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.

Dated: 12/14, 2011. David R. Cable
DISTRICT COURT JUDGE

ORDER

THE COURT HAVING CONSIDERED THE PLEADINGS AND PAPERS ON FILE HEREIN, THE MASTER'S RECOMMENDATIONS, THE OBJECTION AND RESPONSE TO THE MASTER'S RECOMMENDATIONS, AND GOOD CAUSE APPEARING THEREFOR,

IT IS HEREBY ORDERED that the Master's Recommendations be and hereby are affirmed and adopted as an order of this Court and Judgment is entered accordingly.

Dated: _____, 2011. _____
DISTRICT COURT JUDGE

CERTIFIED COPY
The document to which this certificate is attached is a full, true and correct copy of the original in file and of record in my office.
DATE 12/16/11
TED THUAN Clerk of the 9th Judicial District Court of the State of Nevada, in and for the County of Douglas.
By M. Bracy Deputy