

DISTRICT COURT, JEFFERSON COUNTY, COLORADO

Case No. 93DR1106, Division 8

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DECREE AND PERMANENT ORDERS

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In Re the Marriage of:

RANDY L. CHAMBERLAIN,

Petitioner,

and

CONNIE J. CHAMBERLAIN,

Respondent.

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THIS MATTER came before the Court on a Petition for Dissolution of Marriage and the Court, having heard the testimony presented and having reviewed the exhibits, finds:

1. The Court has jurisdiction over the parties and the subject matter of this action.
2. Both parties were residents of and domiciled in the State of Colorado for more than ninety days prior to the commencement of this action.
3. More than ninety days have elapsed since the respondent executed a waiver of service of process.
4. The marriage between the parties is irretrievably broken and there is no possibility of reconciliation.
5. Five children have been born as a result of the marriage between the parties:

Tyrell - age 22  
Amy - age 21  
Emily - age 19  
James - age 16  
Joseph - age 13

Tyrell, Amy and Emily are emancipated pursuant to C.R.S. (1973) 14-10-115(1.5)(a). However, the Court finds that the parties should contribute to the postsecondary education expenses of Emily until she attains the age of 21 or receives an undergraduate degree, whichever first occurs, in accordance with the provisions of C.R.S. (1973) 14-10-115(1.5)(b)(I).

6. In considering the provisions of C.R.S. (1973) 14-10-114, the Court finds that the respondent, after twenty-five years of marriage, lacks sufficient property, including marital property apportioned to her, to provide for her reasonable needs and is unable to support herself through appropriate employment.

7. During the marriage, the petitioner has been employed full time and has been the primary source of support for the family. The respondent's role has been that of a homemaker and care giver for the children and she, therefore, has limited earning capacity.

8. Unfortunately, the petitioner's business, of which he is the sole stockholder, has been solely dependent over the past few years on a single contract with Phillips Petroleum Company. Recently, that contract was terminated by Phillips and the petitioner is temporarily without regular income.

9. Based on the petitioner's income history over many years the Court finds that he is capable of earning an annual income of \$70,000, and, based on the respondent's recent part-time employment after remaining out of the work place during the

marriage, the Court imputes an annual income of \$12,000 to the respondent.

10. The respondent has received from her father a 1985 Ford F-150 truck which is her separate non-marital property.

11. Marital properties and Court-ascribed values are:

(a) Family residence - 4400 S. Estes	\$110,000.00	
Encumbrance	<u>85,000.00</u>	
Net equity		25,000.00
(b) 1986 Volkswagen		2,000.00
1992 GMC Suburban		
Value offset by encumbrance		-0-
1984 Honda		2,500.00
(c) Household furniture, equipment and goods (already divided)		5,000.00
(d) Parties' bank accounts - nominal amounts		
(e) Term life insurance policy owned by petitioner		-0-
(f) Petitioner's Retirement Account -	\$31,908	
Less loan	9,339	22,569.00
(g) Petitioner owns 100% of stock in Blue Eagle Exploration, Inc.		-0-
(h) Pool royalties and overrides from Anschutz and Phillips - value unknown		

12. The parties have also accumulated a number of debts, as set forth in their financial affidavits which are on file herein.

13. The petitioner is in arrears in the payment of court-ordered temporary support and maintenance as of May 1994 in the amount of \$7,709.70. If he has not paid for the month of June 1994, that sum should be added to the aforementioned arrears.

14. The Court has considered the provisions of C.R.S. (1973) 14-10-119 and, given the large disparity in the respective incomes of the parties, concludes that the petitioner should pay a portion of reasonable attorney's fees incurred by respondent.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED:

1. The marriage between the parties is hereby dissolved.  
2. The respondent shall have the permanent care, custody and control of the two minor children, James and Joseph, and the petitioner shall have liberal and reasonable parenting time with said children.

3. The petitioner shall pay into the registry of the Court as and for maintenance for the respondent the sum of \$1,250.00, commencing July 1, 1994, and continuing on the same day each month thereafter until terminated by operation of law or until further order of court.

4. The petitioner shall pay into the registry of the Court as and for child support for James and Joseph the sum of \$884.40, commencing July 15, 1994, and continuing on the same day each month thereafter until the children are emancipated or further order of Court. Pursuant to the guidelines in C.R.S. (1973) 14-10-115(10)(b), total support for the two children is \$1,320 of which petitioner is obligated to pay 67% and respondent 33% after adjustments for maintenance. (Total combined monthly gross is \$6,833.00.) The petitioner shall pay an additional \$300.00 per month on the arrearage in support and maintenance until the total amount of the arrearage is paid in full.

5. Because the Court is unaware of any existing medical or dental insurance for the benefit of the children, it is ordered that petitioner obtain medical, hospitalization and dental insurance for the children and respondent shall reimburse him for 33% of the cost thereof. Any unreimbursed medical, hospital or dental expenses for the children shall be paid 67% by the petitioner and 33% by the respondent.

6. The petitioner shall have as his sole and separate property:

- (a) 1984 Honda  
1992 GMC Suburban
- (b) Household furniture, goods and equipment  
in his possession
- (c) His bank accounts
- (d) His term life insurance policy
- (e) All of the stock in Blue Eagle Exploration,  
Inc.
- (f) One-half of pool royalties and overrides  
received from Anschutz and Phillips

Petitioner shall pay whatever loans or encumbrances exist on the above property and shall hold the respondent harmless from any obligation therefor.

7. The respondent shall have as her sole and separate property:

- (a) The family residence at 440 South Estes Street,  
Jefferson County, Colorado
- (b) 1986 Volkswagen
- (c) Household furniture, equipment and goods in  
her possession

- (d) Her bank accounts
- (e) Petitioner shall pay her \$10,000 within 60 days hereof as her share of his Retirement Account
- (f) one-half of all pool royalties and overrides received from Anschutz and Phillips

With the exception of the Retirement Account, respondent shall pay any loans or encumbrances on the above described property and shall hold the petitioner harmless from any obligation therefor.

8. Each of the parties shall within thirty days execute and deliver to the other party whatever instruments are necessary to vest sole title to the property described in this Order in the other party entitled thereto. If either party fails to do so, the Clerk of this Court is appointed, pursuant to Rule 70 of the Colorado Rules of Civil Procedure to execute whatever instruments are necessary to carry out this Order.

9. Except as otherwise provided herein, the petitioner shall pay those debts listed in his financial affidavit, including any liability for outstanding federal or state taxes and the debts listed in respondent's financial affidavit to Wells Fargo Visa (\$3,274.00) and Commerce Bank Visa (\$1,152.00). Respondent shall pay all other debts listed in her financial affidavit except as otherwise provided herein.

10. It appears that Emily requires at least \$300.00 per month for her college expenses in addition to what she can earn. The parties are, therefore, ordered to pay the \$300.00 subsidy to Emily in proportion to their pro rata monthly gross income;

that is, 67% by petitioner--\$201.00 per month, and 33% by the respondent--\$99.00 per month. These sums shall be paid so long as Emily is a full-time college student and has not attained the age of 21 or obtained an undergraduate degree.

11. The petitioner shall pay to respondent's attorney, Winchel W. Reed, attorney's fees in the amount of \$5,000.00 within six months of the date of this Order. Otherwise, each of the parties shall be obligated to pay his or her attorney's fees, witness fees and costs incurred herein.

12. The Court shall retain such jurisdiction as provided by law.

Done at Golden, Colorado, this 16th day of June, 1994.

BY THE COURT:

*Michael C. Villano*

MICHAEL C. VILLANO  
District Judge

County of Lincoln  
State of Colorado  
Clerk of Court  
By *[Signature]*  
D. [unclear]

CERTIFICATE OF MAILING

I hereby certify that on the 16th day of June, 1994,  
I mailed, postage prepaid through the U.S. Mail, a true and  
accurate copy of the foregoing document to the following:

LARRY BORIS ESQ  
950 S CHERRY ST STE 1000  
DENVER CO 80222

WINCHEL W REED ESQ  
717 17TH ST STE 1470  
DENVER CO 80202

HARRY G TITCOMBE JR ESQ  
3003 E 3RD AVE STE 201  
DENVER CO 80206

  
Division Clerk



For further information regarding  
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Moss, Morris & O'Dell

October 23, 1995

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Yuriko Setzer

By Lilli Boucher, deputy