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DEC 31 3 55 PM '97

James
CLERK

1 **DECD**
2 **FRED W. KENNEDY, ESQ.**
3 Nevada State Bar #0022669
4 302 East Carson Ave., Ste. 1006
5 Las Vegas, Nevada 9101
6 (702) 387-0280

7 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

8
9 **KYLE B. SHUMWAY,**

10 Plaintiff,

CASE NO. D 208976

11 vs.

DEPT. NO. G

12 **DENISE M. SHUMWAY,**

13 Defendant.

14 **DECREE OF DIVORCE**

15 Upon review of the papers and pleadings on file herein, the Request for Summary
16 Disposition of Uncontested Divorce along with the Affidavit of the Plaintiff and the Affidavit of
17 the Resident Witness, filed herein, and good cause appearing therefor, the Court hereby finds:

18 That the court has complete jurisdiction in the premises, both as to the subject matter
19 hereof as well as the parties hereto; that Plaintiff has been and now is an actual bona fide resident
20 of the State of Nevada and has been actually domiciled therein for more than six (6) weeks
21 immediately preceding the commencement of this action; that all of the allegations contained in
22 the Complaint are true as therein alleged and that the Plaintiff is entitled to a DECREE OF
23 DIVORCE on the grounds of incompatibility; and that the Defendant has waived her right to
24 written Notice of Entry of the DECREE OF DIVORCE, the right to appeal, to request Findings
25 of Fact and Conclusions of Law and to move for a new trial.

26 **NOW, THEREFORE, IT IS ORDERED** that the bonds of matrimony now and
27 heretofore existing between the parties be, and the same are, hereby wholly dissolved and set
28 aside, and an absolute DECREE OF DIVORCE is hereby granted to the parties, and each of the

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1 parties hereto is hereby restored to the status of a single, unmarried person; and it is

2 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that the parties shall
3 have joint legal custody of the minor child, namely, MAHALA G. SHUMWAY, born July 9,
4 1994, which shall be defined as follows:

5 The Parents shall consult and cooperate with each other in substantial questions relating
6 to religious upbringing, educational programs, significant changes in social environment, and
7 health care of the child.

8 The parents shall have access to medical and school records pertaining to their child and
9 be permitted to independently consult with any and all professionals involved with them.

10 Both parents shall have input into the selection of schools, health care providers, day care
11 providers, and counselors. In the event the parents cannot agree to the selection of a school, the
12 child shall be maintained in the present school pending mediation and/or further Order of the
13 Court.

14 Each parent shall be empowered to obtain emergency health care for the child without
15 the consent of the other parent. Each parent is to notify the other parent as soon as reasonably
16 possible of any illness requiring medical attention, or any emergency involving the child.

17 Each parent is to provide the other parent, upon receipt, information concerning the well
18 being of the child, including, but not limited to, copies of report cards; school meeting notices;
19 vacation schedules; class programs; requests for conferences; results of standardized or
20 diagnostic tests; notices of activities involving the child; samples of school work; order forms for
21 school pictures; all communications from health care providers; the names, addresses, and
22 telephone numbers of all schools; health care providers, regular day care providers, and
23 counselors.

24 Each parent is to advise the other parent of school, athletic, and social events in which
25 the child participate. Both parents may participate in activities for the child, such as open house,
26 attendance at an athletic event, etc.

27 Each parent is to provide the other parent with the address and telephone number at which
28 the minor child reside, and to notify the other parent prior to any change of address and provide
the telephone number as soon as it is assigned.

Each parent is to provide the other parent with a travel itinerary when on vacation with
the child and, whenever reasonably possible, telephone numbers at which the child can be
reached.

Each parent shall be entitled to reasonable telephone communication with the child. Each
parent is restrained from unreasonably interfering with the child's right to privacy during such
telephone conversations.

26 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Defendant shall
27 be awarded the primary physical custody of the minor child, subject to Plaintiff's rights of
28 specified visitation as follows:

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1. Plaintiff shall have visitation with the child on alternating weekends and one week per month.
2. Christmas Holiday/New Years/School Vacation: shall be divided into two time periods; the first period beginning on the Friday that the child gets out of school/would get out of school and continuing through December 24th at 5:00 p.m.; the second period beginning on December 24th at 5:00 p.m. and continuing until the Sunday evening before the child returns to school/would return school. In even numbered years, Plaintiff shall have the second period and Defendant shall have the first period. In odd numbered years, Plaintiff shall have the first period and Defendant shall have the second period.
3. Thanksgiving Holiday: shall be defined as beginning at 5:00 p.m. on the Wednesday before Thanksgiving and concluding at 5:00 p.m. the Sunday after Thanksgiving. Plaintiff shall have the child on Thanksgiving in even numbered years and Defendant shall have the child in odd numbered years.
4. Mother's/Father's Day: Plaintiff shall have the child on Father's Day and Defendant shall have the child on Mother's Day.
5. Parent's birthdays: Each party shall have the child on their own birthday each year.
6. Other holidays: Plaintiff shall have the child on Halloween, Easter and Labor Day in even numbered years and Defendant shall have these holidays in odd numbered years. Plaintiff shall have the minor child on Veteran's Day, Martin Luther King's Birthday and Memorial Day in odd numbered years and Defendant shall have these holidays in even numbered years.
7. Summer vacation: Each party shall have an exclusive two weeks during the summer with the child with each party giving the other notice in writing 30 days prior to the intended period. For any periods of contact during the summer months, that do not fall during the exclusive summer periods the weekly parenting schedule would control.
8. Miscellaneous:
 - a. Each party shall be responsible for ensuring that the child's homework is completed during the times that they have the child in their care.
 - b. Each party shall be responsible for the arrival and departure of the child with respect to any social, school and sports functions they are scheduled to partake in.
 - c. The parties will be free to provide additional visitation privileges as, from time to time, may seem appropriate.
 - d. The party transporting the child for visitation purposes shall, upon reaching the destination, remain in the vehicle with the seatbelt fastened and shall honk the horn of the vehicle to signify that the party is present to pick up or drop off the child. The parties shall establish a meeting place that is one-half of the distance between their residence.

1 THE ABDUCTION, CONCEALMENT OR DETENTION OF A CHILD IN
2 VIOLATION OF THIS ORDER IS PUNISHABLE AS A FELONY BY UP TO 6 YEARS IN
3 PRISON. NRS 200.359 provides that every person having a limited right of custody to a child
4 or any parent having no right of custody to the child who willfully detains, conceals, or removes
5 the child from a parent, guardian, or other person having lawful custody or a right of visitation
6 of the child in violation of an order of this court, or removes the child from the jurisdiction of the
7 court without consent of either the court or all persons who have the right to custody or
8 visitation is subject to being punished by imprisonment in the state prison for not less than one
9 year nor more than six years, or by a fine of not less than \$1,000 nor more than \$5,000, or by
10 both fine and imprisonment.

11 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that pursuant to NRS
12 125.510(7) and (8), the parties are hereby notified that the terms of the Hague Convention of
13 October 25, 1980, adopted by the 14th Session of the Hague Conference on Private International
14 Law are applicable to the parties as follows:

15 Section 8: If a parent of the child lives in a foreign country or has significant
16 commitments in a foreign country:

17 (a) The parties may agree, and the court shall include in the order for custody
18 of the child, that the United States is the country of habitual residence of the child for the
19 purposes of applying the terms of the Hague Convention as set forth in (7).

20 (b) Upon motion of the parties, the court may order the parent to post a bond
21 if the court determines that the parent poses an imminent risk of wrongfully removing or
22 concealing the child outside the country of habitual residence. The bond must be in an
23 amount determined by the court and may be used only to pay for the cost of locating the
24 child and returning him to his habitual residence if the child is wrongfully removed from
25 or concealed outside the country of habitual residence of the child if the child is
26 wrongfully removed from or concealed outside the country of habitual residence. The
27 fact that a parent has significant commitments in a foreign country does not create a
28 presumption that the parent poses an imminent risk of wrongfully removing or concealing

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the child.

The Court finds that the child's home state and habitual residence is Nevada, which is in the United States of America.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that notice is given that pursuant to NRS 125A.350, the custodial parent must obtain written consent of the non-custodial parent, or a court order before moving with the minor children out of the State of Nevada.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Plaintiff shall pay to the Defendant as and for the support and maintenance of the minor child of the parties the sum of \$500.00 per month until said child reaches the age of majority, marries or becomes otherwise emancipated, pursuant to NRS 125.510, or when otherwise emancipated in accordance with NRS 125B.070 and NRS 125B.080. Payments shall be due on the first (1st) day of each month.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that notice is hereby given to the parent responsible for paying child support that the obligation for child support is subject to NRS 31A.020 to 31A.230, inclusive, and sections 2 and 3 of NRS 125.450 regarding the withholding of wages and commissions for delinquent payments of support.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff shall maintain medical insurance for the minor child with the parties equally dividing any and all unreimbursed medical, dental (including orthodontic), psychological and optical expenses of said minor children not covered by insurance.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff shall pay to Defendant the sum of \$5,000.00 payable at \$200.00 per month due on the 1st of each month and overdue on the 5th of each month as and for distribution of community property commencing on the date of the entry of the Decree of Divorce.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff shall be awarded as his sole and separate property the following:

1. The martial residence and land located at 52 Theresa Court, Alamo, Nevada, subject to the encumbrance thereon;

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- 2. The 1989 Ford Escort;
- 3. The 1974 International Scout;
- 4. Any and all retirement benefits in Plaintiff's name;
- 5. Household furniture, furnishings and appliances in his possession;
- 6. His clothing, jewelry and personalities in his possession.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant shall be awarded as her sole and separate property the following:

- 1. The 1990 Toyota 4-Runner;
- 2. Household furniture, furnishings and appliances in her possession;
- 3. Her clothing, jewelry and personalities in her possession.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff shall assume and pay the following community debts and shall hold Defendant harmless therefrom:

- 1. Encumbrances on marital residence located at 54 Theresa Court, Alamo, Nevada;
- and
- 2. Encumbrance on the Toyota 4-Runner.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant shall assume and pay the following community debts and shall hold Plaintiff harmless therefrom:

- 1. Any and all hospital bills incurred by Defendant since August, 1996; and
- 2. Education loans made to Defendant.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the parties herein pay their own attorney fees and costs.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the parties herein sing any and all documents necessary to effectuate the transfer of property herein awarded.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that a joint permanent injunction shall issue prohibiting and restraining both parties from:

- 1. Telephoning or contacting the other party at their place of employment except in the case of an emergency;
- 2. Molesting, harassing, disturbing the peace of or committing an assault or batter

1 upon the other party or the child; and

2 3. Removing the child of the parties then residing in the State of Nevada with an
3 intent or effect to deprive the court of jurisdictions to said child without prior written consent to
4 the parties or the advance permission of the court.

5 DATED and DONE this 3rd day of December, 1997.

6
7 *Diana Steel*
8 DISTRICT COURT JUDGE

9 Respectfully Submitted By:

10 *Fred W. Kennedy*
11 FRED W. KENNEDY, ESQ.
12 Nevada State Bar #002269
13 302 East Carson, Ste. 1006
14 Las Vegas, Nevada 89101
Attorney for Plaintiff

15 Approved as to Form and Content:

16 *Kyle B. Shumway*
17 KYLE B. SHUMWAY
18 Plaintiff


Approved as to Form and Content:

19 *Denise M. Shumway*
20 DENISE M. SHUMWAY
21 Defendant in Proper Person

22 STATE OF NEVADA }
23 COUNTY OF CLARK } ss.

24 On this 11/21/97, personally appeared
25 before me, the undersigned, a Notary
26 Public, Kyle B. Shumway, who
27 acknowledged to me that he executed the
28 above instrument.


Lauren R. Ballardini
NOTARY PUBLIC In and for Said
County and State

 Notary Public-State Of Nevada
County Of Clark
LAUREN R. BALLARDINI
My Appointment Expires
August 15, 2001
No: 93-4690-1

22 STATE OF NEVADA }
23 COUNTY OF CLARK } ss.

24 On this 12/23/97, personally appeared
25 before me, the undersigned, a Notary
26 Public, Denise M. Shumway, who
27 acknowledged to me that she executed the
28 above instrument.

Denise M. Shumway
NOTARY PUBLIC In and for Said
County and State

 Notary Public-State Of Nevada
County Of Clark
LAUREN R. BALLARDINI
My Appointment Expires
August 15, 2001
No: 93-4690-1

COPY

NO. 111801

FILED AND RECORDED AT REQUEST OF
CRYSTAL SLAUGHTER

OCTOBER 27, 1998

AT 01 MINUTES PAST 1 O'CLOCK
PM IN BOOK 138 OF OFFICIAL

RECORDS PAGE 77 LINCOLN

COUNTY, NEVADA
YURIKO SETZER

BY [Signature] COUNTY RECORDER
DEPUTY

CERTIFIED COPY
DOCUMENT ATTACHED IS A
TRUE AND CORRECT COPY
OF THE ORIGINAL ON FILE

SEP 16 1 58 PM '98

[Signature]
CLERK

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