

Official RecordRecording requested By
CECILIA ANNE WILKS

Lincoln County - NV

Leslie Boucher - Recorder

Fee: \$25.00

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RPTT:

Recorded By: AE

Book- 249 Page- 0447

**Judgment for Child Support Arrearages
Affidavit in Support In Re Case No. D13034**

Recording requested by:

Cecilia Anne Wilks

Return to:

**The Wilks Family Trust
2081 June Place
Anaheim, California [92802]**

This Judgment for Child Support Arrearages and Affidavit in Support thereof is recorded "After February 15, 1893, all official bonds and undertakings, and all obligations of debt, judgments or executions stated in terms of dollars and to be paid in money shall be payable in legal money authorized by the Congress of the United States" (See NRS 99.030).

USA Const. Art. I § 10 mandates: "No State shall . . . coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts;" And, "It cannot be presumed that any clause in the constitution is intended to be without effect;" *Marbury v. Madison*, 5 U.S. 137, 174.

"The money of account of this state shall be the dollar, cent and mill. All the accounts in the public offices, other public accounts, and all proceedings in courts, shall be kept and had in conformity with this section" (See NRS 99.010 and the Coinage Act of 1792 § 20, 1 Stat. 246, 250, 251).

The 1792 Coinage Act § 9 states: "Dollars or Units—each to be of the value of a Spanish milled dollar as the same is now current, and to contain three hundred and seventy-one grains and four sixteenths parts of a grain of pure, or four hundred and sixteen grains of standard silver."

"All the hazards necessarily resulting from such a state of things have not been sufficient to force the people of this State to adopt the paper currency of the country as a general medium of commercial transactions. . . Its effects have been pernicious, and cannot be otherwise in the future. . . The Court below must therefore be directed to render a judgment for coin, in accordance with the terms of the contract sued on." (See *Linn v. Minor*, 4 Nev. 462, 468)

NOTICE: Judgment is demanded in lawful money i.e. gold and silver Coin.





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FILED

CASE NO. D-13034

DEPT. NO. IV

DEC 19 10 36 AM '86

Laetha ...

**IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF CLARK**

MICHAEL JAMES EVANOFF,)
)
 Plaintiff,)
)
 -vs-)
)
 CECILIA ANN EVANOFF,)
)
 Defendant.)

REFEREE'S REPORT

Hearing Date: 11-24-86

APPEARANCES:

Plaintiff
 Defendant

Plaintiff's Counsel Ron Reynolds
 Defendant's Counsel ~~XXXXXXXXXX~~
Thomas M. Burns

Plaintiff's

Defendant's

NATURE OF PROCEEDING:

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Temporary Fees and Allowances
 Temporary Custody and Visitation
 Change of Custody or Visitation
 Custody Pursuant to Chapter 125A of NRS
~~Increase/Decrease~~ Arrearages Child Support
 Exclusive Possession of Community Residence
 Motion to Withdraw as Counsel
 Order to Show Cause
 Other: Mtn to restrict visitation & restraining
plaintiff

NOTICE TO NON-MOVING PARTY:

Personal Service On: _____ Date: _____
 Mailed To: xxxxxx Plaintiff Date: 10-22-86
 Receipt of Copy By: Ron Reynolds Esq. Date: 10-22-86
 Other: _____ Date: _____

3rd 10-22-86





FINDINGS
ISSUES RELATED TO MINOR CHILDREN

1. CUSTODY/VISITATION

- Custody of the minor child(ren) of the parties should be awarded to Plaintiff/Defendant with reasonable visitation to the non-custodial parent.
- Custody of the minor child(ren) of the parties should be awarded to Plaintiff/Defendant with the following specific visitation to the non-custodial parent:

- The parties should be awarded joint legal custody of their minor child(ren).
- Plaintiff/Defendant should be awarded primary physical custody of the child(ren). Plaintiff/Defendant should have the following specific custody of the minor child(ren) of the parties.

X Additional specific Findings regarding custody and visitation:

Plaintiff shall have restricted visitation with the minor children on the 2nd and 4th weekend of each month and weekends shall begin on Friday at 6PM and shall last through Sunday at 6PM.

2. CURRENT CHILD SUPPORT

- Based on his/her income and assets, the Plaintiff/Defendant should pay a sum of \$ _____ per month per child as child support for the _____ minor child(ren) of the parties. The first payment should be due on _____ in an amount of \$ _____ and thereafter on the _____ of each succeeding month in the amount of \$ _____.

3. CHILD SUPPORT ARREARAGES

X Plaintiff/Defendant is in arrears in child support payments in an amount of \$ 8,400.00 from 1984 through 10-1986; said arrearages should be reduced to judgment in favor of ~~Plaintiff~~ Defendant.

X The judgment for arrearages should be immediately subject to execution by all legal means.

- Execution on the judgment for child support arrearages should be stayed so long as the following conditions are met by the obligor:

The obligor shall pay a minimum of \$ _____ on arrearages per month beginning on _____. The remaining balance due and owing should be immediately subject to execution by the obligee if the obligor is more than 15 days late in any payment on arrearages.

- Other: _____



FINDINGS
MISCELLANEOUS ISSUES

1. EXCLUSIVE POSSESSION

- Plaintiff/Defendant should be awarded exclusive possession of the community residence of the parties until trial of this action or until further Order of the Court. Plaintiff/Defendant will have until _____ at _____ m. to vacate the premises.

2. MOTION TO WITHDRAW

- Counsel for Plaintiff/Defendant will be permitted to withdraw as counsel for that party. The current/last known address of Plaintiff/Defendant is:

3. ORDER TO SHOW CAUSE

After review of the papers and testimony, the Referee makes the following Findings:

- Plaintiff/Defendant is not in contempt of court.
- Plaintiff/Defendant is in contempt of court, to-wit:

Based on his/her contempt of court, Plaintiff/Defendant should be sanctioned as follows:

4. RESTRAINING ORDERS

Both parties are mutually restrained from:

- Transferring, encumbering, concealing, selling or otherwise disposing of any of the joint, common or community property of the parties except in the usual course of business or for the necessities of life, without the written consent of the parties or the permission of the court.
- Molesting, harrassing, disturbing the peace of or committing as assault or battery on the person of the other party or any child of the parties.
- Removing any child of the parties then residing in the State of Nevada with an intent or effect to deprive the Court of jurisdiction as to said child without the prior written consent of all the parties or the permission of the Court. The residence of the subject minor child may not be changed without the prior written consent of all the parties or the permission of the Court.
- Other: harrassing & threatening each other and/or the children at their home and/or school or wherever they may be.

5. ATTORNEY'S FEES:

Plaintiff/Defendant should be awarded \$ 500.00 as attorney's fees for bringing/~~defending~~ the current proceeding; said amount to be paid no later than 2-24-87.

6. UNIFORM CHILD CUSTODY JURISDICTION ACT

- The court does/does not have jurisdiction of this matter pursuant to Chapter 125A of Nevada Revised Statutes for the following reasons:

7. OTHER MISCELLANEOUS FINDINGS

RECOMMENDATIONS

Based on the foregoing Findings, the Referee makes the following Recommendations:

- The relief prayed for by Plaintiff/Defendant should be granted.
- The relief prayed for by Plaintiff/Defendant should be denied.
- The relief prayed for by Plaintiff/Defendant should be granted in part as follows: _____

- Time is of the essence in this case in that: _____

Accordingly, the District Judge should enter the Order ratifying the Referee's Report forthwith subject to Plaintiff's/Defendant's right to object.

DATED this 3 day of DEC., 19 86

James P. Mann
DOMESTIC RELATIONS REFEREE *aw*

Plaintiff/Atty. for Plaintiff

Thomas J. Burns
Defendant/Atty. for Defendant

Dated: _____

Dated: _____

NOTICE

Pursuant to NRS 125.005(4), you are hereby notified you have only 10 days from the date you sign or receive this document within which to file written objections thereto. Your signature above acknowledged your receipt of the same.

The parties have/have not waived the 10 days for objection to the Referee's Report.

CLERK'S CERTIFICATE

A copy of the foregoing Referee's Report was:

- Mailed to Plaintiff/Defendant at the following address on the _____ day of _____, 19 _____
- Placed in the folder of the Plaintiff's/Defendant's counsel in the Clerk's office on the _____ day of _____, 19 _____

LORETTA BOWMAN, Clerk

By: _____
Deputy Clerk

ORDER

The Court, having reviewed the above and foregoing Referee's Report prepared by the Domestic Referee and,

- The parties having waived the right to object thereto.
- No timely objection having been filed thereto.
- Time being of the essence and the appeal period reserved to the parties.
- The Court, having received the objection thereto and any other papers, testimony and argument related thereto, and good cause appearing,

IT IS HEREBY ORDERED that the Referee's Report and its Findings and Recommendations are affirmed and adopted.

DATED AND DONE this 18 day of December, 19 86

Earl W. [Signature]
DISTRICT JUDGE



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COPY

E. J. [Signature]
CLERK OF COURT

JUL 14 03 PM '09

CITY OF [illegible]
THIS IS A TRUE AND CORRECT COPY OF THE [illegible] IN FILE



CASE NO. D13034 TITLE MICHAEL JAMES EVANOFF VS. CECILIA ANN EVANOFF

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES - HEARING

6-26-84
JUDGE THOMAS
J. O'DONNELL
DEPT. IV

LOU SINGLETON,
CLERK

PLAINTIFF'S MOTION TO MODIFY DECREE OF DIVORCE
Plaintiff present and represented by Ronald Reynolds.
Defendant present and represented by George Holt.
Court was advised that Herbert Waldman is no longer the
attorney of record for defendant, with Mr. Holt only
recently having been retained. Counsel in agreeance,
COURT ORDERED this matter continued to allow Mr. Holt
a chance to familiarize himself with this case.
7-3-84 @ 9:00 A.M.

7-3-84
JUDGE THOMAS
J. O'DONNELL
DEPT. IV

LOU SINGLETON,
CLERK

(SAME)
DEFENDANT'S MOTION FOR VISITATION AND CHILD SUPPORT
PLAINTIFF'S MOTION TO MODIFY DECREE
Plaintiff present and represented by Ronald Reynolds.
Defendant present and represented by George Holt.
Counsel stipulated to a Child Custody Investigation,
and by the Court, SO ORDERED. Bench conference. Court
advised counsel to get a time certain from the clerk.
9-25-84 @ 9:30 A.M.

DEPT'S MTN. VISITATION & CHILD SUPPORT
PLAINTIFF'S MTN. MODIFY DECREE
REPORT: CHILD CUSTODY INVESTIGATION

9-25-84
JUDGE THOMAS
J. O'DONNELL
DEPT. IV

T. BJORKLUND
CLERK

DEFENDANT'S MOTION FOR SPECIFIC VISITATION AND CHILD SUPPORT
PLAINTIFF'S MOTION TO MODIFY DECREE OF DIVORCE
REPORT: CHILD CUSTODY INVESTIGATION
Plaintiff neither present nor represented by counsel, R.
Reynolds. Defendant present with George Holt, who advised
the Court that this matter had been settled pursuant to
stipulation of the parties. COURT ORDERED, counsel to
prepare order signed by both counsel.

11-24-86
TERRANCE MARREN
DOMESTIC REFEREE

CINDY WELLS
CLERK

DEFENDANT'S MOTION TO REDUCE ARREARAGES TO JUDGMENT AND FOR AN ORDER
RESTRICTING VISITATION AND RESTRAINING PLAINTIFF FROM HARRASSING DEFT
Plaintiff present without benefit of counsel; Defendant present with
T. Burns. Plaintiff requested 60 day continuance to get release from
doctor and obtain new counsel. REFEREE RECOMMENDED, \$8,400 reduced
to judgment through November 86; mutual TRO; visitation granted;
\$500 attorney's fees within ninety days.



CASE NO. D13034

TITLE MICHAEL JAMES EVANOFF v. CECILIA ANN EVANOFF

DATE, JUDGE OFFICERS OF COURT PRESENT	APPEARANCES — HEARING
7-10-79 DEPT. FOUR JUDGE O'DONNELL R. Child, Clerk L. Bahr, Rptr.	<u>UNCONTESTED DIVORCE</u> Plaintiff present with counsel, Ronald Reynolds. Defendant neither present nor represented by counsel, Answer having been filed in Proper Person. PLAINTIFF and JAYNELL CRABTREE sworn and testified. Thereafter, COURT ORDERED, an absolute Decree of Divorce is awarded to the Plaintiff. FURTHER ORDERED, custody of the minor children awarded to the Plaintiff with reasonable visitation to the Defendant. The Court adopts the provisions in the Decree relative to the disposition of property and assumption of debts.
7-16-81 Judge Young Dept. Four S. Zimmerman Clerk	<i>Order To Show Cause</i> <i>Defendant's Motion to modify Decree of Divorce</i> <i>Plaintiff represented by Ronald Reynolds, Esq.</i> <i>Defendant Present with Louis Wiener, Esq.</i> <i>Mr. Wiener filed Amended Certificate of mailing in open Court.</i>
	<i>Court heard Argument of Counsel.</i> <i>Court ordered, if Plaintiff is in jail, the mother is to get the kids and a welfare investigation is ordered at this time.</i>
8-4-81 JUDGE O'DONNELL DEPT: FOUR I. ZIMMERMAN (CLERK)	<u>DEFENDANT'S MOTION FOR EXAMINATION OF MATERIAL WITNESS</u> PLAINTIFF NEITHER PRESENT NOR REPRESENTED. DEFENDANT REPRESENTED BY HERBERT WALDMAN, ESQ. THOMAS D. EVANOFF, SWORN & TESTIFIED. COURT ORDERED, MOTION IS GRANTED.
10-22-81 JUDGE THOMAS J. O'DONNELL JEANNETTE JOHANNES CLERK	<u>CHILD CUSTODY HEARING</u> <u>IN CHAMBERS</u> Plaintiff represented by Ronald Reynolds. Defendant represented by Gary Weinberger. COURT ORDERED, pursuant to the recommendations the mother will have custody of the child and the father will have supervised visitation with the child in California. Mr. Weinberger will prepare the order.



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COPY

E. J. [Signature]
CLERK

JUL 1 4 03 PM '09

THIS IS A
TRUE AND CORRECT COPY
OF THE ORIGINAL ON FILE



State of California)
) SS:
 County of Orange)

**Affidavit of Cecilia Anne "Evanoff" Wilks
 RE: Nevada Divorce Case No. D-13034**

I, Cecilia Anne Wilks of 5661 Dancing Orchid Court, Las Vegas, Nevada, being first duly sworn, deposes and says:

1. That I, Cecilia Anne Wilks formerly known as Cecilia Anne Evanoff Defendant in the above-entitled matter, am a competent witness to testify to the matters within and I do so of my own personal knowledge, except as to those matters stated upon information and belief and as to those matters I believe them to be true;
2. That on October 27, 1981 the divorce decree of the above-mentioned case was modified and custody of Travis Dimitre Evanoff and Michael James Evanoff Jr. was awarded to the Defendant;
3. That on October 16, 1984 the court ordered Plaintiff to pay to the Defendant the sum of \$150.00 per month per child a total of \$300.00 per month for child support and the sum of \$900.00 for arrears (July, August, and September) and for one hundred 100% percent of any and all medical, dental, optical, and hospital expenses through Plaintiff's insurance or otherwise;
4. That on December 19, 1986, the Court ordered in favor of the Defendant awarding Judgment in the amount of **(\$8400.00) Eighty-Four Hundred dollars for Child Support arrearages plus (\$500.00) Five Hundred dollars for attorney fees to be paid no later than February 24, 1987;**



5. That I have personal knowledge that Michael James Evanoff Sr. signed a Holographic Will on October 16, 2008 in Caliente, Lincoln County, Nevada;

6. That Michael James Evanoff Sr. died on June 7, 2009 in Cedar City, Iron County, Utah;

7. That at all times mentioned herein the Plaintiff Michael James Evanoff Sr. never paid said judgment, attorney fees or any child support whatsoever;

8. That Michael James Evanoff Sr. was a retired ironworker receiving funds from three pension trust funds;

9. That I notified all three companies of the unsatisfied and existing child support order and judgment via fax and certified mail as follows:

Northwest Ironworkers Retirement Trust
2815 2nd Avenue, Suite 300
P.O. Box 34203
Seattle, Washington 98124
FAX: (206) 505-9727 Notice via facsimile sent June 30, 2009
ATTN: Cindy
Certified # 7008 1300 0002 0093 8412, Return Receipt Requested

And,

California Field Ironworkers Trust Fund
131 N. El Molino Avenue, Suite 330
Pasadena, California 91101-1878
FAX: (303) 430-0224 Notice via facsimile sent July 2, 2009
ATTN: Marlon – Pension Dept.
Certified # 7008 1300 0002 0093 8429, Return Receipt Requested

And,

Ironworkers Pension Trust Fund for Colorado
P.O. Box 1188
Westminster, Colorado 80036-1188
FAX: (303) 430-0224 Notice via facsimile sent July 2, 2009
ATTN: Pension Trustees
Certified # 7008 1300 0002 0093 8405, Return Receipt Requested

10. According to Nevada law:



"If a court has issued an order for the support of a child, there is no limitation on the time in which an action may be commenced to: (a) Collect arrearages in the amount of that support "(See NRS 125B.050 Period of limitations); and further

"The withholding of income to enforce an order of a court for child support has priority over other proceedings against the same money" (See NRS 31A.160); And, "Income" includes, but is not limited to: 3. "Any other money due as a pension, unemployment compensation, a benefit because of disability or retirement, or as a return of contributions and interest" (See NRS 31A.016);

11. This Affidavit shall be recorded in Nevada in support of any other legal proceedings applicable thereto;

I, Cecilia Anne Wilks, do hereby affirm that the foregoing facts are true and correct based on first-hand knowledge and personal belief.

Cecilia Anne Wilks
Cecilia Anne Wilks

State of California)
) Sealed:

County of Orange)

Subscribed and Sworn to (or affirmed) before me on this 8th day of July, 2009, by Cecilia Anne Wilks, proved to me on the basis of satisfactory evidence to be the person(x) who appeared before me.

T. Nguyen (Seal)
Notary Public Signature

