

Official Record

Recording requested By  
DYLAN FREHNER

Lincoln County - NV  
Leslie Boucher - Recorder

Fee: \$19.00 Page 1 of 6  
RPTT: Recorded By: AE  
Book- 292 Page- 0578



APN 005-241-06  
005-241-10

APN 005-241-08  
005-241-11

APN 005-241-09

POST JUDGMENT ORDER SEPTEMBER 27, 2012 HEARING

Title of Document

Affirmation Statement

X  I, the undersigned hereby affirm that the attached document, including any exhibits, hereby submitted for recording **does not contain** the social security number, driver's license or identification card number, or any "Personal Information" (as defined by NRS 603A.040) of any person or persons. (Per NRS 239B.030)

I, the undersigned hereby affirm that the attached document, including any exhibits, hereby submitted for recording **does contain** the social security number, driver's license or identification card number, or any "Personal Information" (as defined by NRS 603A.040) of a person or persons as required by law:

(State specific law)

*Dylan V. Frehner*  
Signature Title

Dylan V. Frehner  
Print

2/4/2015  
Date

Grantees address and mail tax statement:

Nicole Dunne  
43 Channel Road  
Toms River NJ 08753



*Alvin D. Larson*

CLERK OF THE COURT

1 **ORDR**  
 2 TRACEY L. ITTS, ESQ.  
 3 Nevada Bar No. 006353  
 4 901 South Rancho Drive, Suite 16  
 5 Las Vegas, Nevada 89106  
 6 (702) 877-6666  
 7  
 8 Attorney for Plaintiff

7 DISTRICT COURT - FAMILY DIVISION  
 8 CLARK COUNTY, NEVADA

10 NICOLE MacBURNIE,

11 Plaintiff,

12 v.

14 JEFFREY MacBURNIE,

15 Defendant.

CASE NO. D-09-421862  
DEPARTMENT "B"

17 **ORDER FROM SEPTEMBER 27, 2012 HEARING**

18 This matter having come on for hearing on the 27<sup>th</sup> day of September, 2012, at 2:00 p.m., in  
 19 the Family Division, before the Honorable Jack B. Ames, Judge of the Eighth Judicial District Court,  
 20 for further proceedings on Plaintiff's Motion for Order to Show Cause Why Defendant Should Not  
 21 be Held in Contempt for Violating the Court's Orders and Other Related Relief; Plaintiff, NICOLE  
 22 MacBURNIE, present and represented by TRACEY ITTS, ESQ., and Defendant, JEFFREY  
 23 MacBURNIE, present and represented by his attorney of record, ROGER CROTEAU, ESQ.

24 Ms. Itts presented the signed OST which she indicated was in the process of being filed. Mr.  
 25 Croteau inquired if this Court wanted to hear this case because of the history. This Court advised  
 26 this matter will move forward today or transfer the case to New Jersey now, instead of in January  
 27 by Stipulation. Mr. Croteau opposed the case being transferred.

28 Arguments by both counsel regarding the matters at hand. Ms. Itts argued that Defendant is

- Non-Trial Dispositions:**
- Settled/Withdrawn
  - Without Judicial Conf/Hrg
  - With Judicial Conf/Hrg
  - By ADR
  - Other
  - Dismissed - Want of Prosecution
  - Involuntary (Statutory) Dismissal
  - Default Judgment
  - Transferred
  - Disposed After Trial Start
  - Judgment Reached by Trial
- Trial Dispositions:**

CLERK OF THE COURT

FEB 12 2013

RECEIVED

RECEIVED

FEB 12 2013

DISTRICT COURT  
DEPT B



1 a resident of New Jersey and presented the Court with pictures. Counsel requested that jurisdiction  
2 be transferred to New Jersey. Counsel further informed the Court that Defendant owes SIX  
3 THOUSAND, FOUR HUNDRED AND FIFTY DOLLARS (\$6,450.00) in arrearages. Mr. Croteau  
4 gave history of case and argued that Plaintiff was not complying with the previous Court Order.

5 Upon inquiry from the Court, Defendant acknowledged he had a New Jersey License, does  
6 not have the silver collection, and does not have the tinting business. Mr. Croteau requested this  
7 weekend, Thanksgiving weekend, two weeks in the summer, as compensatory time.

8 **COURT ORDERED** as follows:

9 **IT IS HEREBY ORDERED** that the issue of transferring JURISDICTION right away is  
10 DENIED. The Stipulation by the parties to transfer the case to New Jersey on January 15, 2013,  
11 shall STAND, unless there is a hearing in the future to change it.

12 **IT IS FURTHER ORDERED** that the Defendant shall NOT BRING the children into the  
13 litigation or discuss it with them.

14 **IT IS FURTHER ORDERED** that Plaintiff shall not WITHHOLD the children or CUT  
15 SHORT the visitation from Defendant. The parties shall follow the Decree when it states a certain  
16 time.

17 **IT IS FURTHER ORDERED** that if Plaintiff withholds the children, it shall be a  
18 CONTEMPT issue. If there is a violation of a timely notice, Plaintiff shall NOTIFY the Court in  
19 a TWO (2) page document and copy Defendant; Defendant shall have the RIGHT to RESPOND to  
20 the TWO (2) page document. Defendant shall have a MONETARY PENALTY for failing to  
21 RESPOND when that Court Order says.

22 **IT IS FURTHER ORDERED** that if Defendant has to give SEVEN (7) days notice and he  
23 does not, Defendant shall have a penalty of FIVE HUNDRED DOLLARS (\$500.00), unless waived  
24 by the Court after reviewing both documents.

25 **IT IS FURTHER ORDERED** that language shall be in the Order pertaining to Defendant  
26 shall be more thorough in providing notice.

27 ...

28 **IT IS FURTHER ORDERED** that language shall be in the Order saying that Defendant did



1 not give up his rights to visit with the children and he has the right to visit with the children.

2 **IT IS FURTHER ORDERED** that the ARREARAGES of \$6,450.00 shall be REDUCED  
3 to JUDGMENT. Plaintiff may record the Judgment, which can become a LIEN on the ranch and any  
4 property Defendant has here. Plaintiff may EXECUTE the Judgment by any means the law allows  
5 to recover that money.

6 **IT IS FURTHER ORDERED** that Plaintiff shall be AWARDED ONE THOUSAND  
7 DOLLARS (\$1,000.00) in Attorney's Fees, because of the ARREARAGES. The Attorney's Fees  
8 shall be REDUCED to JUDGMENT.

9 **IT IS FURTHER ORDERED** that Defendant shall get rid of his Quad and work full-time  
10 at a paying job. The motions for SHOW CAUSE shall be DENIED. The Court does not see that  
11 the parties are in contempt at this point.

12 **IT IS FURTHER ORDERED** that whatever the previous Order indicated for Christmas,  
13 it shall be followed. Defendant shall pick up the children for the Christmas holiday the day he is  
14 entitled too. If Defendant does not go out of state, he does not have to provide an itinerary.

15 **IT IS FURTHER ORDERED** that for make-up time for summer, Defendant shall get this  
16 Thanksgiving 2012 to help with the reunification. Defendant shall pick up the children at 5:00 p.m.,  
17 on Wednesday before Thanksgiving and return the children at 5:00 p.m., on Sunday. Defendant shall  
18 continue to get odd numbered years for Thanksgiving. If Defendant does not go out of state, he does  
19 not have to provide an itinerary. Defendant may call the children.

20 **IT IS FURTHER ORDERED** that the October 22, 2012 hearing shall be VACATED. Mr.  
21 Croteau shall prepare the Order and Ms. Itts shall review within 5 days then SIGN OFF.

22 **MANDATORY STATUTORY PROVISIONS**

23 **THE PARTIES ARE HEREBY PUT ON NOTICE** that they are subject to NRS 125A and  
24 NRS 125.510(6), which provides:

25 ***PENALTY FOR VIOLATION OF ORDER: THE ABDUCTION,***  
26 ***CONCEALMENT OR DETENTION OF A CHILD IN***  
27 ***VIOLATION OF THIS ORDER IS PUNISHABLE AS A***  
28 ***CATEGORY D FELONY AS PROVIDED IN NRS 193.130. NRS***  
***200.359 provides that every person having a limited right of custody***  
***to a child or any parent having no right of custody to the child who***  
***willfully detains, conceals or removes the child from the parent,***



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

*guardian or other person having lawful custody or a right of visitation of the child in violation of an order of this court, or removes the child from the jurisdiction of the court without the consent of either the court or all persons who have the right to custody or visitation is subject to being punished for a category D felony as provided in NRS 193.130.*

**THE PARTIES ARE FURTHER PUT ON NOTICE** that the terms of the Hague Convention of October 25, 1980, adopted by the 14<sup>th</sup> Session of the Hague Conference on Private International Law apply if a parent abducts or wrongfully retains a child in a foreign country. The parties are also put on notice of the following provisions in NRS 125.510(8):

*If a parent of the child lives in a foreign country or has significant commitment in a foreign country:*

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

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

**THE PARTIES ARE FURTHER PUT ON NOTICE** that they are subject to the following provisions of NRS 125C.200:

*If custody has been established and the custodial parent intends to move his residence to a place outside of this state and to take the child with him, he must, as soon as possible and before the planned moved, attempt to obtain the written consent of the noncustodial parent to move the child from this state. If the noncustodial parent refuses to give that consent, the custodial parent shall, before he leaves this state with the child, petition the court for*

...  
...



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

*permission to move the child. The failure of a parent to comply with the provisions of this section may be considered as a factor if a change of custody is requested by the noncustodial parent.*

**THE PARTIES ARE FURTHER PUT ON NOTICE** that they are subject to the provisions of NRS 31A and NRS 125.450, regarding the collection of delinquent child support payments, and that either party may request a review of child support every three (3) years.

DATED AND DONE this 5<sup>th</sup> day of February, 2012<sup>2013</sup>

*Jack B. Aron*  
DISTRICT COURT JUDGE *JK*

Respectfully submitted:

*Tracey L. Pitts*  
TRACEY L. PITTS, ESQ.  
Nevada Bar No. 006353  
901 South Rancho Drive, Suite 16  
Las Vegas, Nevada 89106  
Attorney for Plaintiff

*Alma B. Williams*

APR 27 2015

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