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Online Court Assistance Program

IN THE SECOND JUDICIAL DISTRICT COURT
OF DAVIS COUNTY, STATE OF UTAH
Second District Court, 800 West State Street, P.O. Box 769, Farmington UT 84025

<p>Douglas Dwaine Lindner, Petitioner,</p> <p>vs.</p> <p>Julie Ann Lindner, Respondent.</p>	<p>DECREE OF DIVORCE AND JUDGMENT</p> <p>Case No. 154701932</p> <p>Commissioner: Conklin</p> <p>Judge: Kay</p>
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This divorce action is before the court on Douglas Dwaine Lindner's AMENDED VERIFIED PETITION FOR DIVORCE. The Court having found and entered its FINDINGS OF FACT AND COLCLUSIONS OF LAW and being otherwise fully advised, adjudges and decrees as follows:

DIVORCE

1. Douglas Dwaine Lindner is granted a divorce based on his Affidavit of Jurisdiction and Grounds, the divorce to become final upon entry.

CHILDREN

2. The parties are the legal mother and legal father of the following children under Utah's Uniform Parentage Act, Utah Code 78B-15-101 et seq. This court has jurisdiction to determine the issues related to these children in this divorce action because the parties became the legal parents of the children prior to or during the time the parties were married, or if the mother is pregnant at the time of the divorce, their child will be born within 300 days of the entry of the DECREE OF DIVORCE. Pursuant to Rule 4-202.02 of the Utah Code of Judicial

Administration the names and birth dates of the minor children have been submitted to the court on the NON-PUBLIC INFORMATION– MINORS form. The initials, birth month, and birth year of each minor child are listed below.

- a. Megan Kay Lindner Born: July 2000**
- b. Aaron Lee Lindner Born: October 2003**
- c. Christian Albert Lindner Born: August 2004**

CHILDREN – CUSTODY

3. **Julie Ann Lindner** is awarded the Sole Legal and Sole Physical custody of the parties' children, subject to **Douglas Dwaine Lindner's** right to parent-time at reasonable times and places.

CHILDREN - PARENT TIME

4. If the parties reside within 150 miles of each other, reasonable parent-time shall be as the parties agree. If the parties do not agree, the following schedule shall be considered the minimum parent-time to which the noncustodial parent and the minor children shall be entitled:

FOR CHILDREN UNDER 5 MONTHS OF AGE:

- Weekly:** Six hours of parent-time per week, specified by the court or the noncustodial parent preferably, divided into three parent-time periods and to take place in the custodial home, established child care setting or other environment familiar to the child.
- Holidays:** Two hours on the holidays indicated below in the HOLIDAY SCHEDULE, to take place preferably in the custodial home, established child care setting or other environment familiar to the child.

FOR CHILDREN 5 MONTHS TO UNDER 9 MONTHS OF AGE:

- Weekly:** Nine hours of parent-time per week, specified by the court or the noncustodial parent preferably, divided into three parent-time periods and to take place in the custodial home, established child care setting or other environment familiar to the child.
- Holidays:** Two hours on the holidays indicated below in the HOLIDAY SCHEDULE, to take place preferably in the custodial home, established child care setting or other environment familiar to the child.

FOR CHILDREN 9 MONTHS TO UNDER 12 MONTHS OF AGE:

- Weekly:** One 8 hour visit per week to be specified by the noncustodial parent or the court; and one 3 hour visit per week to be specified by the noncustodial parent or the court.
- Holidays:** Eight hours on the holidays indicated below in the HOLIDAY SCHEDULE, and

Electronic Communication: Brief telephone contact and other virtual parent-time, if the equipment is reasonably available, with noncustodial parent at least two times per week. If the parties cannot agree on whether the equipment is reasonably available, the court shall decide whether the equipment for virtual parent-time is reasonably available, taking into consideration the best interest of the child, each parent's ability to handle any additional expenses for virtual parent-time; and any other factors the court considers material.

FOR CHILDREN 12 MONTHS TO UNDER 18 MONTHS OF AGE:

Alternate One 8 hour visit on alternating weekends to be specified by the noncustodial parent

Weekends: or the court; and from 6 p.m. on Friday until noon on Saturday the opposite alternating weekends.

Weekly: One 3 hour visit per week to be specified by the noncustodial parent or the court.

Holidays: Eight hours on the holidays indicated below in the HOLIDAY SCHEDULE, and

Electronic Communication: Brief telephone contact and other virtual parent-time, if the equipment is reasonably available, with noncustodial parent at least two times per week. If the parties cannot agree on whether the equipment is reasonably available, the court shall decide whether the equipment for virtual parent-time is reasonably available, taking into consideration the best interest of the child, each parent's ability to handle any additional expenses for virtual parent-time; and any other factors the court considers material.

FOR CHILDREN 18 MONTHS TO UNDER 3 YEARS OF AGE:

Midweek: One weekday evening for two hours between 5:30 - 8:30 p.m. to be specified by the noncustodial parent or the court. However, if the child is being cared for during the day outside the child's regular place of residence, the noncustodial parent may, with advance notice to the custodial parent, pick up the child from the caregiver at an earlier time and return the child to the custodial parent by 8:30 p.m.

Alternate Weekends: Alternative weekends beginning on the first weekend after the entry of the decree from 6:00 p.m. Friday until 7:00 p.m. Sunday continuing each year.

Holiday Parent-time: Holidays as specified below in the HOLIDAY SCHEDULE.

Extended Parent-time: Two one-week periods, separated by at least four weeks, at the option of the noncustodial parent;

- a. one week shall be uninterrupted time for the noncustodial parent;
- b. the remaining week shall be subject to parent-time for the custodial parent consistent with these guidelines; and
- c. the custodial parent shall have an identical one-week period of uninterrupted time for vacation.

Notification of extended parent-time or vacation weeks with the child shall be provided at least 30 days in advance to the other parent.

Electronic Communication: Brief telephone contact and virtual parent-time, if the equipment is reasonably available, with noncustodial parent at least two times per

week. If the parties cannot agree on whether the equipment is reasonably available, the court shall decide whether the equipment for virtual parent-time is reasonably available, taking into consideration the best interest of the child, each parent's ability to handle any additional expenses for virtual parent-time; and any other factors the court considers material.

FOR CHILDREN 3 YEARS TO UNDER 5 YEARS OF AGE:

Midweek: One weekday evening from 5:30 - 8:30 p.m. to be specified by the noncustodial parent or court. However, if the child is being cared for during the day outside the child's regular place of residence, the noncustodial parent may, with advance notice to the custodial parent, pick up the child from the caregiver at an earlier time and return the child to the custodial parent by 8:30 p.m.

Alternate Weekends: Alternative weekends beginning on the first weekend after the entry of the decree from 6:00 p.m. on Friday until 7:00 p.m. on Sunday continuing each year.

Holiday Parent-time: Holidays as specified below in the HOLIDAY SCHEDULE.

Extended Parent-time: Two two-week periods, separated by at least four weeks, at the option of the noncustodial parent;

- a. one two-week period shall be uninterrupted time for the noncustodial parent;
- b. the remaining two-week period shall be subject to parent-time for the custodial parent consistent to these guidelines; and
- c. the custodial parent shall have an identical two-week period of uninterrupted time for vacation.

A parent shall notify the other parent at least 30 days in advance of extended parent-time or vacation weeks.

Electronic Communication: Brief telephone contact and virtual parent-time at reasonable hours and for reasonable duration, if the equipment is reasonably available, with the noncustodial parent at least two times per week. If the parties cannot agree on whether the equipment is reasonably available, the court shall decide whether the equipment for virtual parent-time is reasonably available, taking into consideration the best interest of the child, each parent's ability to handle any additional expenses for virtual parent-time; and any other factors the court considers material.

FOR CHILDREN 5 YEARS TO 18 YEARS OF AGE:

Midweek: 1. During the time a child's school is in session, one weekday evening to be specified by the noncustodial parent or the court, or Wednesday evening if not specified, from 5:30 - 8:30 p.m.; or, at the election of the noncustodial parent, one weekday from the time the child's school is regularly dismissed until 8:30 p.m.

2. During the time a child's school is not in session, one weekday from approximately 9:00 a.m., accommodating the custodial parent's work schedule, until 8:30 p.m., if the noncustodial parent is available to be with the child.

Once the weekday is designated, it may not be changed except by mutual written agreement of the parents, or court order.

Alternate Weekends: Alternating weekend parent-time shall begin the first weekend after the entry of the decree. Weekends include any "snow" days, teacher development days, or other days when school is not scheduled and which are contiguous to the weekend period.

1. During the time a child's school is in session alternating weekend parent-time shall be from 6:00 p.m. on Friday until 7:00 p.m. on Sunday, or, at the election of the non-custodial parent, from the time a child's school is regularly dismissed on Friday until 7:00 p.m. on Sunday, continuing each year.

2. During the time a child's school is not in session a noncustodial parent may elect alternating weekend parent-time to begin on Friday from approximately 9:00 a.m., accommodating the custodial parent's work schedule, until 7:00 p.m. on Sunday, if the noncustodial parent is available to be with the child.

A step-parent, grandparent, or other responsible adult designated by the noncustodial parent, may pick up the child if the custodial parent is aware of the identity of the individual, and the parent will be with the child by 7 p.m.

Weekend parent-time elections shall be made by the noncustodial parent at the time of entry of the divorce decree or court order, and may be changed by mutual agreement, court order, or by the noncustodial parent in the event of a change in the child's schedule.

Holiday Parent-time: Holidays as specified below in the HOLIDAY SCHEDULE.

Extended Parent-time: Extended parent-time with the noncustodial parent may be up to four consecutive weeks when school is not in session, at the option of the noncustodial parent including weekends normally exercised by the noncustodial parent, but not holidays;

- a. two weeks shall be uninterrupted time for the noncustodial parent;
- b. the remaining two weeks shall be subject to parent-time for the custodial parent for weekday parent-time but not weekends, except for a holiday to be exercised by the other parent; and
- c. the custodial parent shall have an identical two-week period of uninterrupted time when school is not in session for purposes of vacation.

Both parents shall provide notification of extended parent-time or vacation weeks with the child at least 30 days prior to the end of the

child's school year to the other parent and if notification is not provided timely the complying parent may determine the schedule for extended parent-time for the noncomplying parent.

Electronic communication: Telephone contact shall be at reasonable hours and for a reasonable duration. Virtual parent-time, if the equipment is reasonably available and the parents reside at least 100 miles apart, shall be at reasonable hours and for reasonable duration, provided that if the parties cannot agree on whether the equipment is reasonably available, the court shall decide whether the equipment for virtual parent-time is reasonably available, taking into consideration the best interest of the child, each parent's ability to handle any additional expenses for virtual parent-time; and any other factors the court considers material.

HOLIDAY SCHEDULE

- **Other Included Days:** Holidays include any "snow" days, teacher development days after the children begin the school year, or other days when school is not scheduled, contiguous to the holiday period.
- **Alternating Weekends:** Holidays take precedence over the weekend parent-time, and changes may not be made in the regular rotation of the alternating weekend parent-time schedule.
- **Birthdays:** Birthdays take precedence over holidays and extended parent-time, except Mother's Day and Father's Day. However, birthdays do not take precedence over uninterrupted parent-time if the parent exercising uninterrupted time takes the child away from that parent's residence for the uninterrupted extended parent-time.
- **School Attendance:** If a holiday falls on a regular scheduled school day, the noncustodial parent shall be responsible for the child's attendance at school for that school day.
- **Lengthier Holiday Period – School in Session:** During the time a child's school is in session, at the election of the noncustodial parent, parent-time over a scheduled holiday weekend may begin from the time the child's school is regularly dismissed at the beginning of the holiday weekend until 7 p.m. on the last day of the holiday weekend.
- **Lengthier Holiday Period – School not in Session:** During the time a child's school is not in session, at the election of the noncustodial parent, parent-time over a scheduled holiday weekend may begin at approximately 9 a.m., accommodating the custodial parent's work schedule, the first day of the holiday weekend until 7 p.m. on the last day of the holiday weekend, if the noncustodial parent is available to be with the child.
- **Pick up Person:** A step-parent, grandparent, or other responsible individual designated by the noncustodial parent, may pick up the child if the custodial parent is aware of the identity of the individual, and the parent will be with the child by 7 p.m.

• **Changes:** Elections shall be made by the noncustodial parent at the time of the divorce decree or court order, and may be changed by mutual agreement, court order, or by the noncustodial parent in the event of a change in the child's schedule.

• **Custodial Parent:** The custodial parent is entitled to the "odd numbered years" holidays designated in the schedule below when the noncustodial parent has the "even numbered years" holidays and the "even numbered years" holidays when the noncustodial parent has the "odd numbered years" holidays so that each parent has an equal amount of holiday time with the child.

Odd Numbered Years

Child's Birthday - on the day before or after the actual birth date from 3 p.m. to 9 p.m.

Note: At the discretion of the noncustodial parent, that parent may take other siblings along for the birthday.

Martin Luther King, Jr. - 6 p.m. the day before until 7 p.m. on the holiday unless the holiday extends for a lengthier period of time to which the parent is completely entitled

Spring Break - from 6 p.m. Fri. until Sun. 7 p.m. unless holiday extends for lengthier period of time to which parent is completely entitled

July 4 - beginning 6 p.m. the day before the holiday until 11 p.m. or no later than 6 p.m. on the day following the holiday, at the option of the parent exercising the holiday

Labor Day - beginning 6 p.m. on Friday until Monday at 7 p.m., unless the holiday extends for a lengthier period of time to which the noncustodial parent is completely entitled

Fall School Break - if applicable, commonly known as U.E.A. weekend beginning at 6 p.m. on Wednesday until Sunday at 7 p.m. unless the holiday extends for a lengthier period of time to which the noncustodial parent is completely entitled

Veterans Day Holiday - beginning 6 p.m. the day before the holiday until 7 p.m. on the holiday

Even Numbered Years

Child's Birthday - on the actual birth date from 3 p.m. to 9 p.m.

President's Day - from 6 p.m. day before until 7 p.m. on the holiday unless the holiday extends for a lengthier period of time to which the parent is completely entitled

Memorial Day - beginning at 6 p.m. on Friday until Monday at 7 p.m., unless the holiday extends for a lengthier period of time to which the noncustodial parent is completely entitled

July 24 - beginning at 6 p.m. on the day before the holiday until 11 p.m. or no later than 6 p.m. on the day following the holiday, at the option of the parent exercising the holiday

Columbus Day - beginning at 6 p.m. the day before the holiday until 7 p.m. on the holiday

Halloween - on October 31 or the day Halloween is traditionally celebrated in the local community from after school until 9 p.m. if on a school day, or from 4 p.m. until 9 p.m.

Thanksgiving - from Wed. 7 p.m. to Sun. 7 p.m.

Christmas School Vacation: means the time period beginning on the evening the child gets out of school for the Christmas or winter school break until the evening before the child returns to school.

Christmas School Vacation – odd years - the first portion of the Christmas school vacation including Christmas Eve and Christmas Day until 1 p.m. on the day halfway through the holiday period, if there are an odd number of days for the holiday period, or until 7 p.m. if there are an even number of days for the holiday period, so long as the entire holiday period is equally divided

Christmas School Vacation – even years - the second portion of the Christmas school vacation beginning 1 p.m. on the day halfway through the holiday period, if there are an odd number of days for the holiday period, or at 7 p.m. if there are an even number of days for the holiday period, so long as the entire Christmas holiday period is equally divided

Father's Day: with natural or adoptive father every year from 9 a.m. to 7 p.m. on holiday

Mother's Day: with natural or adoptive mother every year from 9 a.m. to 7 p.m. on holiday

PARENT-TIME AND VISITATION GUIDELINES FOR ALL CHILDREN:

- Parent-time schedules mutually agreed upon by both parents are preferable to a court-imposed solution.
- The parent-time schedule shall be utilized to maximize the continuity and stability of the child's life.
- If a child is on a different parent-time schedule than a sibling, based on Utah's guidelines (Utah Code Sections 30-3-35 and 30-3-35.5), the parents should consider using the parent-time schedule for an older child with all the minor children so that parent-time is uniform between school aged and non-school aged children.
- Special consideration shall be given by each parent to make the children available to attend family functions including funerals, weddings, family reunions, religious holidays, important ceremonies, and other significant events in the life of the children or in the life of either parent which may inadvertently conflict with the parent-time schedule.
- The responsibility for the pick up, delivery, and return of the children shall be determined by the court when the parent-time order is entered, and may be changed at any time a subsequent modification is made to the parent-time order.
- If the noncustodial parent will be providing transportation the custodial parent shall have the children ready for parent-time at the time the children are to be picked up and shall be present at the custodial home or shall make reasonable alternate arrangements to receive the children at the time they are returned.
- If the custodial parent will be transporting the children, the noncustodial parent shall be at the appointed place at the time the noncustodial parent is to receive the children, and have the children

ready to be picked up at the appointed time and place, or have made reasonable alternate arrangements for the custodial parent to pick up the child.

- Regular school hours may not be interrupted for a school-age child for the exercise of parent-time by either parent.
- Neither parent-time nor child support is to be withheld due to either parent's failure to comply with a court-ordered parent-time schedule.
- The custodial parent shall notify the noncustodial parent within 24 hours of receiving notice of all significant school, social, sports, and community functions in which the child is participating or being honored, and the noncustodial parent shall be entitled to attend and participate fully.
- The noncustodial parent shall have access directly to all school reports including preschool and daycare reports and medical records and shall be notified immediately by the custodial parent in the event of a medical emergency.
- Each parent shall provide the other with his or her current address and telephone number email address, and other virtual parent-time access information within 24 hours of any change.
- During reasonable hours, each parent shall permit and encourage reasonable and uncensored communications with the child in the form of mail privileges and virtual parent-time if the equipment is reasonably available. If the parties cannot agree on whether the equipment is reasonably available, the court shall decide whether the equipment for virtual parent-time is reasonably available, taking into consideration the best interest of the child, each parent's ability to handle any additional expenses for virtual parent-time; and any other factors the court considers material.
- Virtual parent-time means parent-time facilitated by tools such as telephone, email, instant messaging, video conferencing, and other wired or wireless technologies over the Internet or other communication media to supplement in-person visits between a noncustodial parent and a child or between a child and the custodial parent when the child is staying with the noncustodial parent. Virtual parent time is designed to supplement, not replace, in-person parent-time.
- Each parent shall be entitled to an equal division of major religious holidays celebrated by the parents, and the parent who celebrates a religious holiday that the other parent does not celebrate shall have the right to be together with the child on the religious holiday.
- When parent-time has not taken place for an extended period of time and the children lack an appropriate bond with the noncustodial parent, both parents shall consider the possible adverse effects on the children and gradually reintroduce an appropriate parent-time plan for the noncustodial parent.
- For emergency purposes, whenever the children travel with either parent, all of the following will be provided to the other parent:

- a. an itinerary of travel dates;

- b. destinations;
- c. places where the child or traveling parent can be reached; and
- d. the name and telephone number of an available third person who would be knowledgeable of the children's location.

- A child under the age of five shall not travel unchaperoned.

FOR DAY CARE:

- Parental care shall be presumed to be better care for the child than surrogate care and the court shall encourage the parties to cooperate in allowing the noncustodial parent, if willing and able to transport the children, to provide the child care.
- Child care arrangements existing during the marriage are preferred as are child care arrangements with nominal or no charge.
- Each parent shall provide all surrogate care providers with the name, current address, and telephone number of the other parent and shall provide the noncustodial parent with the name, current address, and telephone number of all surrogate care providers.

CHILDREN - PICKUP AND DELIVERY FOR PARENT-TIME

5. The parties will make arrangements for pick up, delivery and return of the children prior to each scheduled parent-time.

CHILDREN - PARENT-TIME RELOCATION

6. If either party moves more than 150 miles from the other parent, the moving parent shall provide advance written notice of the intended relocation to the other parent. If possible, the notice shall be provided 60 days before the anticipated move. A moving parent who fails to comply with the notice of relocation shall be in contempt of the Court's order. The written notice of relocation shall contain statements affirming that:

- a. the parent-time provisions in Utah Code 30-3-37(5) or a schedule approved by both parties will be followed; and
- b. neither parent will interfere with the other's parental rights pursuant to court ordered parent-time arrangements, or the schedule approved by both parties.

7. If either parent lives more than 150 miles away from the other parent or if both parents live in separate countries, parent time shall be as the parties agree. If they are unable to agree, the

following shall be the minimum parent-time allowed to the non-custodial parent:

a. in years ending in odd number, the minor children shall spend the following holidays with the noncustodial parent:

- i. Thanksgiving holiday beginning Wednesday until Sunday; and
- ii. spring break, if applicable, beginning the last day of school before the holiday until the day before school resumes;

b. in years ending in an even number, the minor children shall spend the following holidays with the noncustodial parent:

- i. the entire winter school break period; and
- ii. the fall school break beginning the last day of school before the holiday until the day before school resumes; and

c. extended parent-time equal to $\frac{1}{2}$ of the summer or off-track time for consecutive weeks. The children shall be returned to the custodial home no later than seven days before school begins. This week shall be counted when determining the amount of parent-time to be divided between the parents for the summer or off-track period. The parties shall mutually agree on this extended time each year. If they are unable to agree, the noncustodial parent shall select the dates for the extended time period.

d. One weekend per month at the option and expense of the noncustodial parent. The noncustodial parent's monthly weekend entitlement is subject to the following restrictions.

- i. If the noncustodial parent has not designated a specific weekend for parent-time, the noncustodial parent shall receive the last weekend of each month unless a holiday assigned to the custodial parent falls on that particular weekend. If a holiday assigned to the custodial parent falls on the last weekend of the month, the noncustodial parent shall be entitled to the next to the last weekend of the month.

ii. If a noncustodial parent's extended parent-time or parent-time over a holiday extends into or through the first weekend of the next month, that weekend shall be considered the noncustodial parent's monthly weekend entitlement for that month.

iii. If a child is out of school for teacher development days or snow days after the children begin the school year, or other days not included in the list of holidays in Subsection (5) and those days are contiguous with the noncustodial parent's monthly weekend parent-time, those days shall be included in the weekend parent-time.

e. The custodial parent is entitled to all parent-time not specifically allocated to the noncustodial parent.

8. If either parent lives more than 150 miles away from the other parent or if both parents live in separate countries, **Douglas Dwaine Lindner** shall pay all of the costs for the children's travel expenses for parent time.

9. If the parent who does not have primary physical care has been found in contempt for not being current on all support obligations, that parent shall be responsible for all of the child's travel expenses relating to the parent time schedule in this order.

10. Reimbursement by the responsible party to the other for the child's travel expenses shall be made within 30 days of receipt of documents detailing those expenses.

INCOME: DOUGLAS DWAINNE LINDNER

11. Pursuant to Utah Code 78B-12-203 **Douglas Dwaine Lindner's** total countable gross monthly income for child support purposes is **\$5,699.00**. **Douglas Dwaine Lindner's** base child support amount using the sole custody calculation is **\$1,099.00** per month. **Douglas Dwaine Lindner** receives the following gross monthly income from all sources:

a. **Douglas Dwaine Lindner** is not employed.

b. **Douglas Dwaine Lindner** receives **\$1,699.00** per month countable public benefits as defined in Utah Code 78B-12-203(1) (from a source such as Social Security Benefits, Workers' Compensation Benefits, Unemployment Compensation Benefits, etc.).

c. **Douglas Dwaine Lindner** has income in the amount of **\$4,000.00** from the following source:

retirement income

INCOME: JULIE ANN LINDNER

12. Pursuant to Utah Code 78B-12-203 **Julie Ann Lindner's** total countable gross monthly income for child support purposes is **\$4,367.00**. **Julie Ann Lindner's** base child support amount using the sole custody calculation is **\$829.00** per month. **Julie Ann Lindner** receives the following gross monthly income from all sources:

a. **Julie Ann Lindner** is employed at **Epilepsy Institute of NC** and grosses **\$4,166.50** per month working the equivalent of one full-time 40-hour a week job or less.

b. **Julie Ann Lindner** earns **\$200.00** extra per month in overtime or additional employment above **Julie Ann Lindner's** full time pay. This extra income is countable income for child support purposes under Utah Code 78B-12-203(2) because during the time prior to the original child support order, **Julie Ann Lindner** normally and consistently worked more than 40 hours at a job or jobs.

CHILD SUPPORT

13. Pursuant to Utah Code 78B-12-202 et seq., **Douglas Dwaine Lindner** is ordered to pay child support to **Julie Ann Lindner** as follows:

a. A sum of not less than **\$1,099.00** per month base support in compliance with the Uniform Child Support Guidelines. Unless the Court orders otherwise, support for each child terminates at the time (1) a child becomes 18 years of age, or has graduated from high school during the child's normal and expected year of graduation, whichever occurs later, or (2) a child dies, marries, becomes a member of the armed forces of the United

States, or is emancipated in accordance with Utah Code 78A-6-801.

b. At the time a child is no longer eligible to receive child support, the child support amount for the remaining children who are eligible to receive support shall be automatically adjusted to reflect the base child support obligation shown in the table for that number of children. This shall be done by using the appropriate calculation and worksheet pursuant to Utah Code 78B-12-202 et seq. The child support for the remaining children may not be reduced by a per child amount, that is, the obligor parent may not divide the base child support award by the number of children and subtract that amount from the prior child support obligation.

c. Child support payments shall begin the month immediately following the entry of the order for child support. The monthly child support shall be paid one half on or before the 5th day of each month, and the other half on or before the 20th day of each month, unless the custodial parent uses the Office of Recovery Services to collect support. Child support due and not paid on or before the 5th day of the month is delinquent on the 6th day of the month. Child support due and not paid on or before the 20th day of the month is delinquent on the 21st day of the month.

d. The sole custody worksheet was used in calculating the child support in this matter. **Douglas Dwaine Lindner's** base child support amount is **\$1,099.00** per month. **Julle Ann Lindner's** base child support amount is **\$829.00** per month. If the physical living arrangements of a child changes from what is ordered (not including temporary changes for parent-time or visitation), then pursuant to Utah Code 78B-12-108 a parent whom the child is not residing with is required to pay to whoever the child is residing with the amount of support set out above for that parent and described as "the base child support amount." The parent shall automatically begin paying this base support amount without the need to modify this child support order.

e. The sole physical custody worksheet was used in calculating the base child support

award. The base child support award shall be reduced by 50% for each minor child for time periods during which such minor child is with the non-custodial parent by court order or written agreement signed by the parties for at least 25 of any 30 consecutive days. The base child support award shall be reduced by 25% for each minor child for time periods during which such minor child is with the non-custodial parent by court order or written agreement signed by the parties for at least 12 of any 30 consecutive days. Normal parent-time and holiday parent-time with the custodial parent shall not be considered an interruption of the consecutive day requirement for the non-custodial parent. If the dependent child is a recipient of cash assistance from the state of Utah through the T.A.N.F. or F.E.P. programs, any agreement by the parties for reduction of child support during extended parent-time shall be approved by the Office of Recovery Services.

f. The person entitled to receive child support shall be entitled to mandatory income withholding relief pursuant to Utah Code 62A-11 parts 4 and 5, and any Federal and State tax refunds or rebates due the non-custodial parent may be intercepted by the State of Utah and applied to existing child support arrearages. This income withholding procedure shall apply to existing and future payers. All withheld income shall be submitted to the Office of Recovery Services until such time as the non-custodial parent no longer owes child support to the person entitled to receive child support. All child support payments shall be made to the Office of Recovery Services, P.O. Box 45011, Salt Lake City, UT 84145-011, unless the Office of Recovery Services gives notice that payments shall be sent elsewhere. Should mandatory income withholding be implemented by the Office of Recovery Services, child support shall be due on the first day of each month and delinquent on the first day of the following month.

g. **Douglas Dwaine Lindner and Julie Ann Lindner** shall each pay one-half of any Office of Recovery Service fee.

- h. The issue of child support arrearages may be determined by further judicial or administrative process.
- i. Each of the parties is under mutual obligation to notify the other within thirty (30) days of any change in monthly income.
- j. Under Utah Code 78B-12-210(8), the parties have a right to adjust this child support order by motion after three years from the date of its entry if: (1) upon review there is a difference of 10% or more between the amount previously ordered and the new amount of child support under the Utah child support guidelines, calculated using the appropriate child support worksheet, (2) the difference is not of a temporary nature, and (3) the amount previously ordered does not deviate from the child support guidelines. Under Utah Code 62A-11-306.2, if the children receive TANF funds at the time an adjustment is sought, the Office of Recovery Services shall review the order, and if appropriate, move the court to adjust the amount.
- k. Under Utah Code 78B-12-210(7) and (9), the parties have a right to modify this child support order at any time by petition if there has been a substantial change in circumstances because of: (1) material changes in custody; (2) material changes in the relative wealth or assets of the parties; (3) material changes of 30% or more in the income of a parent; (4) material changes in the employment potential and ability of a parent to earn; (5) material changes in the medical needs of the child; or (6) material changes in the legal responsibilities of either parent for the support of others. The change in (1) through (6) must result in a 15% or more difference between the amount previously ordered and the new amount of child support, calculated using the appropriate child support worksheet, and the difference must not be of a temporary nature. In a proceeding to modify an existing award, consideration of natural or adoptive children other than those in common to both parties may be applied to mitigate an increase in the child support award, but may not be applied to justify a decrease in the award.

TAX DEDUCTION FOR DEPENDENT CHILDREN

14. **Julie Ann Lindner** is entitled to claim the parties' children as dependents for tax purposes.

15. The parent who does not have the right to take a tax deduction has the option to purchase the deduction from the other parent as follows: by March 1st of each year, the parties will determine the amount of tax savings the parent with the deduction would realize from claiming the child or children as a deduction. The parent wanting to purchase the deduction may then purchase from the other parent the right to claim the deductions for an amount equal to the other parent's projected savings. The parent purchasing the deduction must tender payment, in full, to the other parent by April 5th. Upon receipt of payment, the parent with the deduction shall execute any necessary tax forms to enable the parent purchasing the deduction to claim the deductions.

CHILD HEALTH CARE

16. Pursuant to Utah Code 78B-12-212:

- a. **Douglas Dwaine Lindner** is required to maintain medical, hospital and dental care insurance for the dependent children where available at reasonable cost and the insurance coverage is accessible to the children.
- b. If, at any point in time, a dependent child is covered by the health, hospital, or dental insurance plans of both parents, the health, hospital, or dental insurance plan of **Douglas Dwaine Lindner** shall be primary coverage for the dependent child and the health, hospital, or dental insurance plan of **Julie Ann Lindner** shall be secondary coverage for the dependent child. If a parent remarries and his or her dependent child is not covered by that parent's health, hospital, or dental insurance plan but is covered by a step-parent's plan, the health, hospital, or dental insurance plan of the step-parent shall be treated as if it is the plan of the remarried parent and shall retain the same designation as the primary or secondary plan of the dependent child.
- c. Both parties shall share equally the out-of-pocket costs of the premium actually paid

by a party for each child's portion of the insurance.

d. Both parties shall share equally all reasonable and necessary uninsured and unreimbursed medical and dental expenses, including deductibles, co-insurance and co-payments, incurred for the dependent children and actually paid by a party.

e. The party who incurs health care expenses shall provide written verification of the cost and payment of those health care expenses to the other party within 30 days of payment.

f. A party incurring health care expenses may be denied the right to receive credit for the expenses or to recover the other party's share of the expenses if that party fails to comply with this order.

g. The party ordered to maintain the coverage shall provide verification of coverage to the other party on or before January 2 of each year and notify the other party and ORS, if ORS is providing collection services, within 30 days of any change of coverage.

PUBLIC ASSISTANCE STATEMENT - ORS

17. Neither **Douglas Dwaine Lindner** nor **Julle Ann Lindner** has received or is receiving public assistance from the State of Utah.

PERSONAL PROPERTY

18. The following vehicles are divided as indicated:

a. **Douglas Dwaine Lindner** is awarded the following vehicles:

i. **Toyota, Sienna, 2006**
Estimated current value: **\$3,000.00**

b. **Julle Ann Lindner** is awarded the following vehicles:

i. **Kia, Sorrento, 2011**
Estimated current value: **\$8,000.00**

ii. **Pontiac, Solstice, 2009**
Estimated current value: **\$40,000.00**

19. The following bank and credit union accounts are divided as indicated:
- a. Account number: 3200
Name of Institution: Golden West CU
Account Balance: \$2,000.00
Divide as follows: Award to party whose name is on the account.
 - b. Account number: 1878
Name of Institution: Golden West CU
Account Balance: \$200.00
Divide as follows: Award to party whose name is on the account.
 - c. Account number: Not Available at Time Petition Filed
Name of Institution: Truliant Credit Union
Account Balance: \$400.00
Divide as follows: Award to party whose name is on the account.
20. The following money owed to Douglas Dwaine Lindner is divided as indicated:
- a. Person who owes money: Internal Revenue Service
Amount: \$9,000.00
Divide as follows: half to Douglas and half to Julie
21. The following money owed to Julie Ann Lindner is divided as indicated:
- a. Person who owes money: Internal Revenue Service
Amount: \$9,000.00
Divide as follows: half to Julie and half to Doug
22. The following financial assets are divided as indicated:
- a. Description of Asset: Not Available at Time Petition Filed
Holder: Not Available at Time Petition Filed
Amount/Value: \$2,000.00
Divide as follows: Award to party who has possession, or whose name is on the account.
23. The following personal property is divided as indicated:
- a. Douglas Dwaine Lindner shall receive the following property:
 - b. Julie Ann Lindner shall receive the following property:
 - c. The following property will be divided as described.

- i. **Property Item: Household furniture**
Divide as follows: Divided by agreement.

24. All other personal property shall be divided as the parties have already divided it.

DEBTS

25. The parties are not aware of any debts from the marriage. Should any debts exist, each debt shall be the responsibility of the party incurring the debt.

REAL PROPERTY

26. During the course of the marriage, the parties acquired the following real property:

a. **single family home:**

- i. **Address: 728 La Vale Dr, Clemmons, North Carolina 27012- ;**
- ii. **Tax Identification Number: 5882-65-0831.00;**
- iii. **Legal description: Lot 314, Clemmons Wet, Section 8, plat book 36, page 110.**

b. **Julie Ann Lindner is awarded this property as her sole and exclusive property.**

27. During the course of the marriage, the parties acquired the following real property:

a. **single family home:**

- i. **Address: 2126 W 2375 S, Syracuse, Utah 84075- ;**
- ii. **Tax Identification Number: 12-534-0412;**
- iii. **Legal description: 2127 W 2375 S, Syracuse UT 84075 All of lot 412 Hansen Meadows Sub Phase #4 Cont .41 Acres.**

b. This property shall be divided as follows:

Sell the property. First 200,000 in equity to Julie Lindner to be held for Amanda and Sabrina Cranford, equally split the remaining equity between Douglas Lindner and Julie Lindner.

28. During the course of the marriage, the parties acquired the following real property:

a. **Business Building:**

- i. **Address: 1387 W 1800 N, Clinton, Ut 84015- ;**
- ii. **Tax Identification Number: 14-004-0050;**
- iii. **Legal description: 1387 W 1800 N, Clinton, UT 84015.**

b. This property shall be sold as soon as reasonably practicable. Both parties shall continue to be responsible for payments, taxes and insurance until the property is sold.

Use and possession of this property pending the final sale will be as follows:

Douglas Dwaine Lindner shall have the exclusive right to the use and possession of this property pending the final sale of the property.

The proceeds of the sale shall be applied as follows:

- i. First, to pay expenses of sale.
- ii. Second, to retire any and all mortgages and liens. If after paying the all of the available proceeds from the sale towards the mortgages and liens there remains money owing on any mortgage or lien for this property, the parties shall each be responsible for one half of those payments.
- iii. Third, to pay all marital debts and obligations.
- iv. Last, any balance remaining shall be divided equally between the parties.

29. During the course of the marriage, the parties acquired the following real property:

a. **Timeshare condo point system World Mark:**

- i. Address: **9805 Willows Road NE, Richmond, WA 98052-** ;
- ii. Tax Identification Number: **00031009059**;
- iii. Legal description: **World Mark Member/Owner # 00031009059**.

b. **Julie Ann Lindner** is awarded this property as her sole and exclusive property.

ALIMONY

30. Neither party shall be awarded alimony from the other.

RETIREMENT MONEY - PENSIONS AND PLANS

31. The parties have retirement money. The owner of the retirement money (Plan Participant) shall cooperate fully in whatever is necessary for both parties to have full access to all of the information concerning the pension plan, retirement account, moneys and/or benefits, including signing any necessary forms for release of the information to the other party (Alternate Payee). In the event that the owner (Plan Participant) receives any of the retirement money awarded to the other party (Alternate Payee), the owner (Plan Participant) shall receive that money in the form of a constructive trust for the other party (Alternate Payee) and the owner (Plan Participant)

is ordered to pay the benefit directly to the other party (Alternate Payee) within five days of its receipt. Information on the pension plans, retirement accounts, moneys and/or benefits and how they are to be divided is listed below:

- a. Company: **Berthal Fisher Company**
 - i. Plan Name: **Premier Select IRA**
 - ii. Plan Administrator **Ron Valentine**
 - iii. Account Number **0478**
 - iv. This plan is in the name of **Douglas Dwaine Lindner**
 - v. Plan Value: **\$68,100.00**
 - vi. The entire account is awarded to **Douglas Dwaine Lindner**.

MILITARY RETIREMENT MONEY

32. **Douglas Dwaine Lindner** is entitled to receive or is currently receiving member's military retirement pay. **Douglas Dwaine Lindner** is awarded his entire military retirement pay.

33. **Julie Ann Lindner** is entitled to receive or is currently receiving member's military retirement pay. **Julie Ann Lindner** is awarded her entire military retirement pay.

DUTY TO SIGN DOCUMENTS WHICH IMPLEMENT DECREE OF DIVORCE

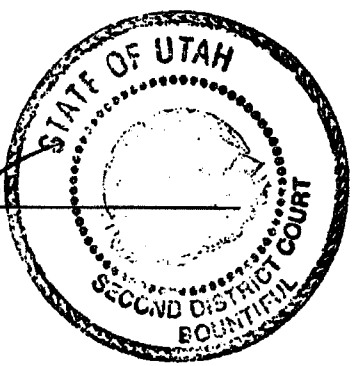
34. Both parties are ordered to sign and fully execute whatever documents are necessary for the implementation of the provisions of their divorce decree. Should a party fail to execute a document within 60 days of the entry of their divorce decree, the other party may bring an Order to Show Cause at the expense of the disobedient party and ask that the Court appoint some other person to execute the document pursuant to Rule 70 of the Utah Rules of Civil Procedure. Any document executed pursuant to Rule 70 has the same effect as if executed by the disobedient party.

DATED _____

District Court Commissioner

DATED January 27, 2016

[Signature]
District Court Judge



CERTIFICATE OF DELIVERY

On 14 Jan 16 (date) I mailed or hand delivered a copy of this
DECREE OF DIVORCE AND JUDGMENT, to:

Julie Ann Lindner
728 La Vale Dr
Clemmons, NC 27012-

Sign here [Signature]
Douglas Dwaine Lindner