

The Order of the Court is stated below:

Dated: April 29, 2019
09:46:10 AM

/s/ PATRICK CORUM
District Court Judge



ANGELA H. ELMORE - USB #13693
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Attorney for Petitioner

**IN THE THIRD JUDICIAL DISTRICT COURT IN AND FOR
SALT LAKE COUNTY STATE OF UTAH
SALT LAKE DEPARTMENT**

<p>REBECCA GRACE FLOYD, Petitioner,</p> <p>vs.</p> <p>BENJAMIN JAMES BARBER, Respondent.</p>	<p>DECREE OF DIVORCE</p> <p>Case Number 194901780 Judge Patrick Corum Comm. Joanna Sagers</p>
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THE ABOVE CAPTIONED MATTER having come before the Court for hearing or consideration on the date set forth below, the undersigned, one of the Judges of the above entitled Court presiding, REBECCA GRACE FLOYD, the petitioner being present in person or petitioner's presence being unnecessary in light of the affidavit filed herein in support of the divorce decree, BENJAMIN JAMES BARBER, the respondent not being present nor being represented by counsel, the respondent having signed and filed with the Court an Acceptance of Service and Waiver and not having filed any responsive pleading and the time for such a responsive pleading having expired, based thereon, upon the motion of the petitioner, the default of the respondent was entered, more than thirty days have elapsed since the filing of this action

or for good cause the Court having waived the initial thirty day waiting period, the petitioner was sworn and testified or pursuant to Utah Code Ann. 30-3-4(1)(b) (1953 as amended) and Rule 104, Utah Rules of Civil Procedure, the evidence necessary to establish jurisdiction and grounds for the divorce having been presented through the affidavit filed herein in support of the divorce decree, the Court having reviewed the file and the pleadings therein, the Court having previously made and entered its Findings of Fact and Conclusions of Law, based thereon, and for good cause appearing, the Court hereby enters the following:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. **MARRIAGE TERMINATED.** The petitioner is granted a Decree of Divorce from the respondent, said decree to become final upon the date of signing and entry by the Court pursuant to the provisions of Utah Code Ann. 30-3-7 (1953 as amended).
2. **PERSONAL / MARITAL PROPERTY.** The parties have previously made an equitable division of their marital and personal property, belongings and effects. Both parties are satisfied with that division as set forth herein.
 - a. Petitioner should be awarded the 2017 Toyota Tacoma, free and clear from any claim by the Respondent, subject to any indebtedness thereon and holding Respondent harmless therefrom.
 - b. Respondent should be awarded the use and possession of the 2011 Subaru WRX, free and clear from any claim by the Petitioner, subject to any indebtedness

thereon and holding Petitioner harmless therefrom.

- c. Except as set forth herein, each party should be awarded those items of personal property, including but not limited to motor vehicles, currently in their respective possessions free and clear of any claim by the other party.

3. **PERSONAL / MARITAL DEBTS.** The parties have previously made an equitable division of their marital and personal debts and obligations as set forth herein.

- a. Petitioner should be ordered to pay the following debts, holding the Respondent harmless therefrom:

- i. Debt owed to Trans West Credit Union for a car loan on the 2011 Subaru WRX in the amount of approximately \$7,000.00,

- ii. Debt owed to Toyota Motor Credit for a lease on the 2017 Toyota Tacoma in the amount of approximately \$35,000.00,

- iii. Debt owed to Mountain America Credit Union for a visa credit card in the amount of approximately \$7,000.00,

- iv. Debt owed to Best Buy for a credit card in the amount of approximately \$7,800.00, and,

- v. Debt owed to Wells Fargo for a home loan in the amount of approximately \$288,000.00.

- b. Except as set forth herein, each party should be ordered to pay the debts he or she has incurred in his or her own name and/or for his or her own benefit during the

marriage and since the date of the parties' separation, February 12, 2019, holding the other party harmless therefrom. That division should be confirmed.

4. **NOTICE TO CREDITORS.** The parties are ordered to notify their creditors in writing as to which party shall be responsible for payment of each of the various debts of the parties pursuant to the decree herein. The parties shall notify each creditor as to both parties' current separate addresses. Said creditors shall, after such notice, provide both parties individually notices, statements, etc. regarding the debt as required by Utah Code Ann. 15-4-6.5 (1953 as amended).
5. **MARITAL HOME.** The parties have acquired a marital home located at 1055 E. Chevy Chase Dr., Murray, Utah 84117. The Petitioner should be awarded the exclusive use, ownership and possession of said marital home, free and clear from any claim by the Respondent, subject to the indebtedness thereon and holding the Respondent harmless therefrom.
6. **ALIMONY.** Neither party is awarded alimony. Each party waived the right to future alimony.
7. **ATTORNEY FEES / COSTS.** Each party shall be responsible for and pay their own attorneys fees and court costs incurred in this action.
8. **RULE 70.** Both parties are ordered to sign and fully execute whatever documents are necessary for the implementation of the provisions of the divorce decree to be entered herein. Should a party fail to execute a necessary document within sixty (60) days of the entry of the divorce decree, the other party may bring an Order to

Show Cause and request that the Court appoint the Clerk of this Court 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. Attorney fees and court costs may be awarded against the non-compliant party.

*** * * * * END OF ORDER * * * * ***

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Approved as to form and content:

/s/ Benjamin James Barber 03/28/2019
BENJAMIN JAMES BARBER
Respondent

Electronically signed by Angela H. Elmore, attorney for Petitioner, with permission from BENJAMIN JAMES BARBER. Original signature is on file at office of Petitioner's counsel.