

The Order of the Court is stated below:

Dated: October 14, 2022
10:10:33 AM

/s/ BRANDON J. MAYNARD
District Court Judge



MACFARLANE LAW, PLLC
Isaac C. Macfarlane (#12006)
205 26th Street, Suite 21
Ogden, Utah 84401
isaac@macfarlanelaw.net
Telephone: 801-336-4321
Attorney for Amalia Garza

IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF UTAH,
COUNTY OF BOX ELDER, BRIGHAM CITY DEPARTMENT
43 North Main, P.O. Box 873, Brigham City, UT 84302

In the matter of the marriage of AMALIA GARZA and INEZ C. GARZA.	DECREE OF DIVORCE Case No: 224100152 Judge: Brandon Maynard Commissioner: Christina Wilson
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Amalia Garza filed a Petition for Divorce on May 5, 2022. Inez C. Garza filed an answer on May 23, 2022. The Parties attended a mediation on September 13, 2022. Amalia Garza (hereafter "Amalia") was present and represented by counsel Isaac C. Macfarlane. Inez C. Garza (hereafter "Inez") was present and represented by his counsel, Jaime G. Richards. The Parties reached a global settlement of all issues pending in this case with their execution of a Stipulation.

This Court, having jurisdiction over the Parties and issues involved, and having considered the pleadings on file and being otherwise fully advised, entered Findings of Fact and Conclusions of Law in this matter based upon the Parties' Stipulation, and now makes the following decrees and orders consistent therewith:

DECREE OF DIVORCE

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED AS FOLLOWS:

DIVORCE

1. Amalia and Inez are wife and husband respectively, having been married on May 14, 1999 in Brigham City, Box Elder County, Utah.
2. The Parties are granted a Decree of Divorce upon the grounds of irreconcilable differences, dissolving the bonds of matrimony, the same to become final upon entry.

PERSONAL PROPERTY

3. During the marriage the Parties acquired various items of personal property, including vehicles, financial accounts, furniture, and personal items.
4. The Parties are each awarded their personal items, clothes, documents, identifications, certificates, degrees and awards.
5. The Parties are each awarded any items which they owned separately prior to the marriage.
6. The Parties are each awarded those financial accounts in their own names.
7. Amalia is awarded the following items of personal property:

- a. 2012 Chevrolet Equinox;
- b. small kitchen appliances, kitchen wares, dishes;
- c. 3 bar stools;
- d. white couch;
- e. two small tables from Amalia's daughters;
- f. two lamps from Amalia's daughters;
- g. all large kitchen pots;
- h. princess dishes (china and glassware);

- i. box of books in the master bedroom;
- j. jewelry and personal property in bank safety deposit; and
- k. all personal property in her possession.

8. Inez is awarded the following items of personal property:

- a. his 2013 Chevy truck;
- b. 2008 Chrysler Town and Country;
- c. television in bedroom;
- d. television and equipment in living room;
- e. tables in living room;
- f. exercise machine;
- g. bed in master bedroom;
- h. couches in living room;
- i. tables and chairs in dining room;
- j. fishing poles and equipment;
- k. electric and hand tools;
- l. lawnmower;
- m. snowblower;
- n. Barbeque grill;
- o. bicycle;
- p. safe; and
- q. all personal property in his possession.

9. The two stoves in garage, dishwasher and all materials for kitchen remodel shall remain with and be sold with the home if it is sold. These items shall be the property of Inez if he refinances and purchases Amalia's one-half equity in the home as described below.

10. The family pictures and artwork have been previously divided.

11. The Parties are each awarded their separate crypto savings accounts.

12. Inez shall pay Amalia \$7,500 within 10 days of execution of their Stipulation. Amalia shall vacate the premises by October 13, 2022 as long as she timely received the \$7,500 payment.

13. The Parties shall file separate 2022 tax returns and shall each be liable for their own separate tax debts except as described regarding the Parties' 2017 tax return below.

REAL PROPERTY

14. Amalia and Inez have an interest in real property, the marital residence, located at 1481 N 550 W, Brigham City, UT 84302.

15. Inez is awarded possession of the marital residence. The Parties are each awarded one-half of the equity in the marital residence after satisfaction of the first and second mortgages, the debt to Aqua Finance Inc of approximately \$4,253, payoff of the 2017 tax debt of approximately \$5,000, and after all costs of the sale.

16. Inez, through counsel, shall submit the names of three home appraisers within 7 days after execution of their Stipulation. Amalia shall select one of the appraisers, and each of the Parties shall pay one-half of the fee to have the home appraisal completed. Inez shall pay Amalia her one-half equity as described above within 90 days of entry of the Decree of Divorce.

17. Inez shall pay Amalia \$600 per month on the first of each month, beginning October 1, 2022, and shall continue to pay Amalia this amount each month until he has delivered to Amalia all amounts to satisfy her one-half share in the equity in the home as described above.

DEBTS

18. During the course of the marriage the Parties have acquired various debts or obligations.
19. The Parties are each ordered to pay any debts they incurred after the date of separation or the date of filing of their petition.
20. The Parties are ordered to pay any debts securing property awarded to that Party, holding the other Party harmless thereon. Amalia shall pay and keep current the financial obligations with regards to her vehicle. Inez shall pay and keep current the financial obligations with regards to his vehicle if any new debts are incurred thereon.
21. Any debt not specifically disclosed during discovery is the responsibility of the Party who incurred it.
22. Inez shall pay his debts to Bank of America (\$1500), Members First Credit Union (\$1500), and Cabela's (\$200).
23. Amalia shall pay her debts for her vehicle (\$6,000), Macy's (\$200), RC Willey's (\$400), and Home Depot (\$1,400).

RETIREMENT BENEFITS

24. The Parties have obtained marital interests in retirement accounts, annuities or benefits.
25. Amalia has a 401(k).
26. Inez has a 401(k).
27. The Parties shall each retain their own separate retirement accounts, annuities or benefits.

ALIMONY

28. Neither Party is awarded any alimony from the other.

RESTRAINING ORDERS

29. The Parties are mutually restrained from harassing, bothering, stalking, injuring, or threatening injury against the other. The Parties shall not approach each other in private or in any public settings or places, such as at work or at church.

30. Inez shall remove any pictures of Amalia from any social network or online sites, and shall not post any pictures of her in the future.

ATTORNEY'S FEES

31. Each Party is solely responsible for her or his attorney fees and costs incurred in this matter, with no contribution from the other.

MISCELLANEOUS

32. Each Party shall cooperate in executing any deeds, certificates of title and other documents necessary to give effect to their agreement and this Decree of Divorce.

33. Future modifications to or enforcement of this Court's orders may become necessary. Prior to filing any action for enforcement or modification of this Court's orders the Parties are required to first attempt in good faith to reach an agreement concerning their issues through a court approved mediator.

END OF DOCUMENT

THE COURT'S SIGNATURE APPEARS AT THE TOP OF THE FIRST PAGE.

Approved as to form and content by:

Endorsement authorizes Macfarlane Law, PLLC to electronically sign for court filing purposes.

DATED this 11th day of October, 2022.

/s/ Jaime G. Richards

Signed by Isaac C. Macfarlane with permission.

Jaime G. Richards

Attorney for Inez C. Garza

NOTICE PURSUANT TO RULE 7(j)(5) OF THE UTAH RULES OF CIVIL PROCEDURE TO
THE PARTIES AND THEIR COUNSEL:

NOTICE IS HEREBY GIVEN that pursuant to Rule 7(j)(5) of the Utah Rules of Civil Procedure, that this Decree of Divorce shall be the decree and order of the Court unless you file an objection in writing within seven (7) days from the date of service of this notice.

CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of October, 2022, I sent a true and correct copy of the foregoing **DECREE OF DIVORCE** by the indicated method and to the following individuals:

Jaime G. Richards Attorney for Inez C. Garza jaime@utahlegalcounsel.com	<input type="checkbox"/> U.S. Mail <input type="checkbox"/> Electronic Filing <input checked="" type="checkbox"/> Email <input type="checkbox"/> Other: _____
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/s/ Isaac C. Macfarlane

Isaac C. Macfarlane

Attorney for Amalia Garza

