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NANCY RIVERA-SMITH ROGERS

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AMENDED DECREE OF DISSOLUTION

DOCUMENT TITLE

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FILED
02/09/2018 4:00 pm
MICHAEL K. JEANES, Clerk
By: M. Medina
M. Medina, Deputy

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9
10 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
11 **IN AND FOR THE COUNTY OF MARICOPA**

12 **NANCY RIVERA-SMITH ROGERS,**
13 **Petitioner,**
14 **vs.**
15 **VICTOR L. ROGERS JR.,**
16 **Respondent.**

Case No.: FC2017-092914

**AMENDED DECREE OF DISSOLUTION
OF NON-COVENANT MARRIAGE
WITH CHILDREN**

THE COURT FINDS:

- 17 1. This case has come before this Court for a final Decree of Dissolution of Marriage. The
18 Court has taken all testimony needed to enter a Decree, or the Court has determined
19 testimony is not needed to enter the Decree.
- 20 2. This Court has jurisdiction over the parties under the law and the children under the
21 provisions of A.R.S. § 25- 1301. The provisions of this Decree are fair and reasonable
22 under the circumstances, and are in the best interests of the minor child as to authority for
23 legal decision-making (legal custody), parenting time, and support.
- 24 3. **90 DAY REQUIREMENT:** At the time this action was filed, one or both parties had
25 lived in, or been stationed in Arizona while a member of the United States Armed Forces,
26 for more than 90 days.

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4. Conciliation and Covenant Marriage: The provisions of A.R.S. § 25-381.09 relating to Conciliation Court either do not apply or have been met. This marriage is not a covenant marriage.

5. Irretrievably Broken: The marriage is irretrievably broken.

6. Issues of Minor Children, Child Support and Spousal Maintenance, Division of Property and Debt: Where it has the legal power and where it is applicable to the facts of this case, this Court has considered, approved, and made Orders relating to issues of legal decision-making (legal custody), parenting time, child support, spousal maintenance (alimony), and the division of property and/or debts.

7. This order applies to the minor child Xavier Mario Rivera-Rogers born 4/16/2008.

8. Wife is not currently pregnant.

9. No Spousal maintenance should be awarded to either party.

10. Petitioner/Mother has attended the Parent Information Program as evidence by the Certificate of Completion in the Court's file. Respondent/Father has not attended the Parent Information Program and shall be denied any relief requested to enforce or modify this decree until he has completed the class.

11. Neither party has committed an act of domestic violence against the other parent.

12. Neither party has a drug or alcohol conviction within the last twelve months.

13. The Respondent owes a duty to support Xavier Mario Rivera-Rogers born 4/16/2008 and the required financial factors and any discretionary adjustment pursuant to the Arizona Child Support Guidelines are as set forth in the Parent's Worksheet for Child Support are attached hereto and incorporated by reference. Child support has been determined in accordance with the Arizona Child Support Guidelines.

1 14. Joint legal decision-making of the parties' minor child Xavier Mario Rivera-Rogers born
2 4/16/2008 has been determined by the court to be in the best interests of the child.

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4 15. Reasonable parenting time rights to the non-residential parent as described by the
5 Parenting Plan and Attached as **Exhibit B** made a part of this Decree.

6 16. The parties did acquire community property and debt during the marriage.

7 17. The parties did acquire separate property and debt during the marriage.

8 18. The division of property is described and other orders and relief relating to property or
9 debt are contained in **Exhibit A**, which is attached and incorporated into this Decree.

10 **THE COURT ORDERS:**

11 1. The marriage of the parties is dissolved and the parties are restored to the legal status of
12 single persons.

13
14 2. The name of the Petitioner Nancy Rivera-Smith Rogers is restored to Nancy Rivera.

15 3. Primary Residence, Parenting Time, and Legal Decision-Making Authority:

16 a. **PRIMARY RESIDENCE:** In accord with the Parenting Plan,
17 Petitioner/Mother's home is designated the primary residence of Xavier Mario
18 Rivera-Rogers born 4/16/2008.

19
20 b. **PARENTING TIME:** Reasonable parenting time rights to the non-residential
21 parent as described by the Parenting Plan and Attached as **Exhibit B** and made a
22 part of this Decree.

23 c. **JOINT LEGAL DECISION-MAKING (JOINT LEGAL CUSTODY):** Joint
24 legal decision making with Mother having final decision making authority
25 regarding the minor child, pursuant to A.R.S. § 25-403, and as set forth in the
26 Parenting Plan attached to this Decree as "**Exhibit B.**" There having been no
27

1 significant acts of Domestic Violence by either parent, or the Court having found
2 it is in the best interests of the minor child, the Court orders Joint legal decision-
3 making with final decision making authority granted to mother and hereby adopts
4 the terms of the Parenting Plan, which is attached to and made part of this Decree.
5

6 **4. The Child Support Order** is attached hereto and incorporated by reference.

7 a. Respondent/Father shall pay child support to the other party in the amount of
8 \$413.87 per month beginning the first day of the month after the date this Decree
9 is signed by the judge until further order of the court. Child Support is based on
10 the information in the Child Support Worksheet attached and made part of this
11 document by reference. All child support payments shall be made through the
12 Support Payment Clearinghouse, PO Box 52107, Phoenix, Arizona 85072-7107
13 by income withholding order and must include the statutory fee for the Income
14 Withholding Order signed this date. Payments will be in equal installments made
15 on the 1st and 15th of each month.
16

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18 **b. Medical, Dental, Vision Care for Minor Child:**

19 i. Petitioner/Mother is responsible for providing medical, dental, and vision
20 care for the minor child. Medical, dental, and vision care insurance,
21 payments and expenses are based on the information in the Parent's
22 Worksheet for Child Support attached and incorporated by reference. The
23 party ordered to pay must keep the other party informed of the insurance
24 company name, address and telephone number, and must give the other
25 party the documents necessary to submit insurance claims.
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1 ii. Non-Covered medical, dental, and vision care expenses shall be split
2 equally (50/50) between the parties.

3
4 5. **TAX EXEMPTION:** The parties shall claim as income tax dependency exemptions on
5 federal and state tax returns as follows. A party required to pay child support is only
6 entitled to claim the minor child as an income tax dependency exemption if that parent
7 has paid all the child support due and owing for the year that party is entitled to the
8 exemption. Mother is entitled to claim Xavier Mario Rivera-Rogers born 4/16/2008 every
9 year.

10
11 6. No Spousal maintenance should be awarded to either party.

12 7. Each party is to pay their own attorney's fees and court costs incurred herein

13 8. **PROPERTY, DEBTS AND TAX RETURNS:**

- 14 a. Each party is ordered to pay his or her debts from April 10, 2017.
15 b. Each party is assigned his or her separate property and each party must pay his
16 separate debt and her separate debt.
17 c. This Decree can be used as a transfer of title and can be recorded. Parties shall
18 sign all documents necessary to complete all transfer of title ordered in this
19 Decree, such as motor vehicles, houses, and bank accounts. The parties shall
20 transfer all real and personal property as described in **Exhibit A** to the other party
21 on or before by 5:00 p.m. on August 31, 2017.

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24 If the party required to transfer the property has not transferred the property to the
25 party entitled to receive the property on or before the date and time listed above,
26 the party entitled to receive the property is entitled upon application to a Writ of
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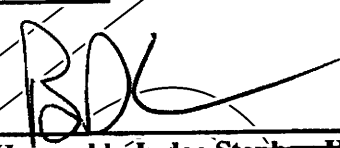
1 Assistance or Writ of Execution to be issued by the Clerk of the Court
2 commanding the sheriff to put him or her in possession of the property.
3

4 d. For previous calendar years, pursuant to IRS rules and regulations, the parties will
5 file joint federal and state income tax returns and hold the other harmless from
6 half of all additional income taxes and other costs, if any, and each will share
7 equally in any refunds and;
8

9 e. This calendar year and continuing thereafter, each party will file separate federal
10 and state income tax returns.
11

12
13 **FINAL APPEALABLE ORDER.** Pursuant to Arizona Rules of Family Law Procedure, Rule
14 81, this final judgment/decree is settled, approved and signed by the Court and shall be entered
15 by the clerk.

16
17 DONE IN OPEN COURT: 9 Feb 18

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19 
20 **The Honorable Judge Stephen Hopkins**
21 **Superior Court in Maricopa County**
22 **HONORABLE BRIAN D. KAISER**
23 **MARICOPA COUNTY SUPERIOR COURT**

24 **This Decree was issued as a "Default," and the papers to begin this case were served by any**
25 **means other than by publication, a copy of this Decree shall be mailed or delivered to the**
26 **responding party within 24 hours of the Court hearing as follows:**

27
28 Victor L. Rogers Jr.
35886 W. Cartegna LN.
Maricopa, AZ 85138

FC2017-092914

Nancy Rivera-Smith Rogers, Petitioner
Victor L. Rogers, Respondent

EXHIBIT A

DIVISION OF PROPERTY

1. DIVISION OF COMMUNITY PROPERTY (property acquired during the marriage)

- f. Award each party the personal property in his and her possession.
- g. Community property is awarded to each party as follows:

2. LIST OF COMMUNITY PROPERTY

a. Motor Vehicles:

- i. Year, Make, and Model: 2013 Ford F-150; Last 4 digits of VIN#: 2205 is awarded to Petitioner/Mother Nancy Rivera-Smith Rogers.
- ii. Year, Make, and Model: 2009 Dodge Charger; Last 4 digits of VIN#: is awarded to Respondent/Father Victor L. Rogers.

3. DIVISION OF RETIREMENT, PENSION, DEFERRED COMPENSATION:

- a. Each party **WAIVES AND GIVES UP** his/her interest in any and all retirement benefits, pension plans, or other deferred compensation of the other party.

4. DIVISION OF REAL PROPERTY:

- a. Real Property located at: 35886 W. Cartegna Lane, Maricopa, Arizona, 85138 with a legal description as follows: **LOT 103, OF TORTOS-NW PARCEL 11, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE**

1 COUNTY RECORDER OF PINAL COUNTY, ARIZONA, RECORDED IN
2 CABINET E, SLIDE 98 AND CERTIFICATS OF CORRECTION
3 RECORDED AS 2005-012597 AND AS 2005-062201, BOTH OF OFFICIAL
4 RECORDS.

5
6 b. The Real Property as described above is awarded as the sole and separate property
7 of the Petitioner/Mother Nancy Rivera-Smith Rogers.

8 **5. DIVISION OF COMMUNITY DEBT:**

9 a. Any community debts or obligations incurred during the marriage shall be divided
10 equally (50/50) between each party.

11 b. Any debts or obligations incurred by either party before the date of separation,
12 that are not identified in the list above or attached, shall be paid by the other party
13 who incurred the debt or obligation and that party shall indemnify and hold
14 harmless the other party from such debts.
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16 **6. DIVISION OF SEPARATE DEBT:**

17 a. Each party is assigned his or her separate property and each party must pay his
18 separate debt and her separate debt.
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FC2017-092914
Nancy Rivera-Smith Rogers, Petitioner
Victor L. Rogers, Respondent

EXHIBIT B

PARENTING PLAN

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1. **Primary Residence, Parenting Time, and Legal Decision-Making Authority:**

- a. **PRIMARY RESIDENCE:** In accord with the Parenting Plan, Petitioner/Mother's home is designated the primary residence of Xavier Mario Rivera-Rogers born 4/16/2008.
- b. **PARENTING TIME:** Reasonable parenting time rights to the non-residential parent as follows: During the school year, the minor child is to reside with Mother and Father shall have parenting time every other weekend beginning after school Friday to return to Mother's residence by 8:00 p.m. Sunday evening.
- c. **JOINT LEGAL DECISION-MAKING (JOINT LEGAL CUSTODY):** Joint legal decision making with Mother having final decision making authority regarding the minor child; pursuant to A.R.S. § 25-403. There having been no significant acts of Domestic Violence by either parent, and it is in the best interests of the minor child, Joint legal decision-making with final decision making authority is ordered and granted to mother and the terms of the parenting plan have herby been adopted.

1 2. **Summer months, Holidays, and other school breaks:**

2 Holiday parenting time should begin at 8:00am and end at 8:00pm and should be exercised as
3 follows:

4 3. **Summer Vacation:** Both parents are entitled to a four (4) week uninterrupted period of
5 vacation time with Xavier Mario Rivera-Rogers. The parents will work out the details of
6 the vacation 15 days in advance. Summer vacation should begin on June 1 of every year
7 and end on July 31 of every year..

8 4. **Winter Break:** The two weeks of winter vacation every year should follow regular
9 parenting time schedule except for Christmas, Christmas Eve, New Year's Eve, and New
10 Year's Day which should exercised as follows:

11 5. **Christmas Eve:** On even years, Mother's Parenting time begins at 8:00 a.m. and ends the
12 following day at 8:00 a.m. On odd years, the schedule will reverse with Father's time
13 beginning at 8:00 a.m. and ends the following day at 8:00 a.m.

14 6. **Christmas Day:** On even years, Mother's Parenting time begins at 8:00 a.m. and ends
15 the following day at 8:00 a.m. On odd years, the schedule will reverse with Father's time
16 beginning at 8:00 a.m. and ends the following day at 8:00 a.m.

17 7. **New Year's Eve/ New Year's Day:** On even years, Mother's Parenting time begins at
18 8:00 a.m. and ends the following day at 8:00 a.m. On odd years, the schedule will reverse
19 with Father's time beginning at 8:00 a.m. and ends the following day at 8:00 a.m.

20 8. **Thanksgiving:** On even years, Mother's Parenting time begins at 8:00 a.m. and ends the
21 following day at 8:00 a.m. On odd years, the schedule will reverse with Father's time
22 beginning at 8:00 a.m. and ends the following day at 8:00 a.m.

23 9. **Halloween:** On even years, Mother's Parenting time begins at 8:00 a.m. and ends the
24 following day at 8:00 a.m. On odd years, the schedule will reverse with Father's time
25 beginning at 8:00 a.m. and ends the following day at 8:00 a.m.

1 following day at 8:00 a.m. On odd years, the schedule will reverse with Father's time
2 beginning at 8:00 a.m. and ends the following day at 8:00 a.m.

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4 **10. Father's Day and Mother's Day:** Xavier Mario Rivera-Rogers will be with Mother on
5 Mother's Day and Father on Father's Day.

6 **11. Easter:** On even years, Mother's Parenting time begins at 8:00 a.m. and ends the
7 following day at 8:00 a.m. On odd years, the schedule will reverse with Father's time
8 beginning at 8:00 a.m. and ends the following day at 8:00 a.m.

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10 **12. Fourth of July:** On even years, Mother's Parenting time begins at 8:00 a.m. and ends the
11 following day at 8:00 a.m. On odd years, the schedule will reverse with Father's time
12 beginning at 8:00 a.m. and ends the following day at 8:00 a.m.

13 **13. Parent's Birthdays:** Xavier Mario Rivera-Rogers will spend every year with the parent
14 celebrating their birthday. If the birthday begins on a school day, the receiving parent
15 shall pick up Xavier Mario Rivera-Rogers afterschool and return the child to school at the
16 start of the school day the following morning. For a non-school day, 8:00 a.m. to 8:00
17 a.m. the following day.

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19 **14. Child's Birthday:** On even years, Mother and Father will split the child's birthday with
20 Mother's time beginning at 8:00 a.m. and ending at 1:00 p.m. Father's time will begin at
21 1:30 p.m. until the next morning at 8:00 a.m. On odd years, the schedule will reverse with
22 Father's time beginning at 8:00 a.m. and ending at 1:00 p.m. Mother's time will begin at
23 1:30 p.m. until the next morning at 8:00 a.m.

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25 **15. 3-day Holidays:** The parent whose weekend parenting time falls on a three-day holiday
26 should continue exercising parenting time through the additional day with regular
27 parenting time to resume directly following the three-day holiday.

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The foregoing instrument is a full, true and correct copy
of the original on file in this office

Attest 3/26/18 2018
MICHAEL K. JEANES, Clerk of the Superior Court of the
State of Arizona, in and for the County of Maricopa

By [Signature] Deputy