

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2009-053292

02/11/2014

HONORABLE GERALD PORTER

CLERK OF THE COURT

T. Ross

Deputy

IN RE THE MATTER OF  
DAVID B LUTZKY

DAVID B LUTZKY  
5506 NIAGARA DRIVE  
BISMARCK ND 58503

AND

MAUREEN M LUTZKY

MAUREEN M LUTZKY  
7002 W TONTO DR  
GLENDALE AZ 85308

FAMILY COURT SERVICES-CCC

STATUS CONFERENCE

Courtroom 110 – Northeast Regional Court Center

10:36 a.m. This is the time set for Status Conference. Petitioner/Father David Lutzky appears telephonically on his own behalf. Respondent/Mother Maureen Lutzky is present on her own behalf.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

This matter was referred to this Court by Commissioner Morton on January 2, 2014. The minute entry issued that date indicates as follows; The Court finds that the parties' December 20, 2013 agreement to modify child support includes a request to modify parenting time and residence of children, and therefore is referred to Honorable Gerald Porter.

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Pursuant to the parties' Agreement to Modify Child Support filed on December 20, 2013, and stated on the record this date,

**THE COURT FINDS** the deviation of child support to be in the best interest of the parties' children.

**THE COURT FURTHER FINDS** that Father will claim the tax deduction for the children on a yearly basis. This will essentially zero out the child support amount and equalize things between the parents.

**THE COURT FURTHER FINDS** that the child support deviation to zero will promote harmony between Mother and Father, and therefore finds that it is in the best interest of the children.

David Lutzky and Maureen Lutzky are sworn.

Petitioner and Respondent both testify that they have heard and understood the agreement as dictated in the record in open court, and that this is, in fact, their agreement.

**THE COURT FINDS** that the agreement entered into between the parties is not unfair, and is reasonable, and is in the best interests of the parties' minor children.

**IT IS ORDERED** approving the agreement of the parties as a binding agreement pursuant to Rule 69, Arizona Rules of Family Law Procedure.

With respect to unreimbursed medical, dental, and vision costs that are being divided equally by the parents,

**Quarterly Reimbursement**

The parties shall split all unreimbursed medical, dental and vision costs as well as the cost of any activities for the child or extraordinary expenses as follows: Mother 50% and Father 50%.

Father shall maintain medical, dental and vision insurance on Saygen and Racelyn and shall provide updated insurance cards and information to Father as it is received. From the date of this Order, out of network expense associated with medical, dental or vision shall be allowed only if:

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1. The medical exigencies of the situation only permit out-of-network care;
2. There is a written referral from the primary in-network treating physician; or
3. Written (e-mail) agreement of the Mother and Father.

The parties are advised that all expenses associated with tutoring, summer camp, extra curricular activities and other activity expenses at school or otherwise or for reimbursement of out-of-pocket expenses associated with medical, dental and vision shall be handled as outlined below. Neither parent shall unreasonably deny consent or payment for such activity. Absent consent, either parent may enroll and pay for such activity and shall seek reimbursement as outlined below.

The Procedure for Reimbursement from the other parent shall be handled as follows:

1. Reimbursement shall be by calendar quarter (January 1, to March 30 as example);
2. All receipts in the quarter shall be maintained during the quarter and then bundled and sent at the same time not later than 45 days following the end of the quarter;
3. All receipts for the quarter shall be either scanned and electronically sent or sent with an itemized list of each reimbursement request via certified mail, return receipt requested;
4. The receiving party shall have 30 days from receipt of the request for reimbursement to object in writing (e-mail only) and shall pay the remaining undisputed portion within 10 days thereafter by check through certified mail, return receipt requested.
5. The submitting party shall raise any refusal to pay for reasonable expenses in accordance with this Order within 45 days of receiving an objection to the requested reimbursement.
6. Failure to comply with these provisions may result in denial of reimbursement or sanctions for failure to timely reimburse under A.R.S. 12-349.

**IT IS FURTHER ORDERED** stopping Father's Income Withholding Order for child support effective immediately.

**IT IS FURTHER ORDERED** directing the Clerk of the Court to disburse any monies withheld consistent with the Order Stopping Income withholding Order entered this date.

**LET THE RECORD REFLECT** the stop Income Withholding Order is initiated electronically by the above-named deputy clerk. Confirmation #413376.

**IT IS FURTHER ORDERED** signing this minute entry as a formal Order of this Court pursuant to Rule 81, Arizona Rules of Family Law Procedure.

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10:42 a.m. Matter concludes.

/s/ HONORABLE GERALD PORTER

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JUDGE OF THE SUPERIOR COURT

All parties representing themselves must keep the Court updated with address changes.  
A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.