

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2007-000897

08/23/2007

HON. SARAH D. GRANT, RET.

CLERK OF THE COURT  
C. Danos  
Deputy

IN RE THE MARRIAGE OF  
ANDREW CHARLES FRENCH

ANDREW CHARLES FRENCH  
510 E MCKELLIPS #115  
MESA AZ 85203

AND

CARRIE A FRENCH

SHERYNN J PERRY

CONCILIATION SERVICES-CCC  
DOCKET-FAMILY COURT CCC  
FAMILY COURT SERVICES-CCC

JUDGMENT/DECREE

Courtroom 1102 -- Central Court Building

Prior to commencement of this proceeding, Respondent's exhibits 1 through 22 are received in evidence.

9:16 a.m. This is the time set for Trial re: custody, parenting time, support, debt, property and relocation. Petitioner/Father, Andrew Charles French, is present on his own behalf. Respondent/Mother, Carrie A French, is present with counsel, Sherynn J. Perry.

A digital audio recording of this proceeding is being made by the "For the Record" recording system in lieu of a court reporter.

Michelle Margolin is sworn and testifies.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2007-000897

08/23/2007

The witness is excused.

Andrew Charles French is sworn and testifies.

Respondent's exhibit 14 is received in evidence.

Respondent's exhibit 1 is received in evidence.

Respondent's exhibit 2 is received in evidence.

Respondent's exhibit 18 is received in evidence.

The witness is excused.

Carrie French is sworn and testifies.

Respondent's exhibit 4 is received in evidence.

Respondent's exhibit 5 is received in evidence.

Respondent's exhibit 20 is received in evidence.

Respondent's exhibit 7 is received in evidence.

Respondent's exhibit 8 is received in evidence.

Respondent's exhibit 3 is received in evidence.

Respondent's exhibit 22 is received in evidence.

Respondent's exhibit 13 is received in evidence.

Respondent's exhibit 11 is received in evidence.

Respondent's exhibit 12 is received in evidence.

Respondent's exhibit 10 is received in evidence.

Barbara Chandler is sworn and testifies.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2007-000897

08/23/2007

Respondent's exhibit 6 is received in evidence.

The witness is excused.

Closing statements are presented.

**IT IS ORDERED** that this matter is deemed submitted and taken under advisement.

There being no further need to retain the exhibits currently in the custody of the division clerk,

**IT IS FURTHER ORDERED** that the Clerk permanently release those exhibits not offered or received in evidence to the counsel/party causing them to be marked, or to a written designee.

**IT IS FURTHER ORDERED** that counsel/party or written designee take immediate possession of all exhibits referenced above.

**ISSUED:** Exhibit Release Form (1)

10:35 a.m. Matter concludes.

**LATER:**

This trial having been heard on August 23, 2007; this matter proceeds to dissolution of marriage.

**DECREE**

**NOW, THEREFORE,** the court hereby finds as follows:

1. The court has taken all testimony needed to enter a Decree regarding the circumstances, and the best interests of the children and the division of property and debt.
2. At the time this action was filed the parties had lived in Arizona for more than 90 days.
3. The provisions relating to the Conciliation Court either do not apply or have been met.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2007-000897

08/23/2007

4. The marriage is irretrievably broken. This marriage is not a covenant marriage.
5. 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 child custody, parenting time (visitation), child support, spousal maintenance/support, and the division of property and debts.
6. Wife is not pregnant.
7. Child support has been determined in accordance with the Arizona Child Support Guidelines.
8. It is in the best interests of the minor children that Respondent/Mother be awarded Legal and Physical custody of the minor children.
9. The parties are not under any force, threats, duress, coercion, undue influence from anyone, including the other party in their testimony before this court.
10. The parties understand that even if they are representing themselves without an attorney, they have the right to be represented.

**NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:**

- A. The marriage of the parties is dissolved and the parties are restored to the legal status of single persons.
- B. The parties are the natural parents of Austin French (DOB: 11/29/98) and Michael French (DOB: 5/28/03).
- C. Mother shall be awarded sole legal and physical custody of both children with Father having visitation as set forth below.

**IT IS ORDERED** that Mother shall be allowed to relocate to Indiana with the children. The court finds this is in the best interests of the children for the reasons set forth on the record in this trial. Father shall have visitation during school holidays: Christmas break, spring break, and summer vacation. Father may travel to Indiana for visitation or Father will pay the transportation costs of having the two children fly to Phoenix for his visitation with them. In the alternative Father may travel to Indiana and return with the children to Arizona at the onset of Father's visitation and Mother will travel to Arizona and return the children to Indiana at the

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2007-000897

08/23/2007

conclusion of Father's visitation; in which case, the parties will equally bear the responsibility associated with travel expenses.

D. **Child support:** Child support has been calculated in accordance with A.R.S. section 25-320 and the current Arizona Child Support Guidelines. Pursuant to the child support worksheet attached to Mother's response as Exhibit B, Father owes child support to Mother in the amount of \$618.00 per month. All payments shall be made monthly by wage assignment.

E. Mother does not have sufficient property to provide for her reasonable needs (A.R.S. section 25-319(A)(1). Further, Mother is employed, but her salary is not enough to consider her self-sufficient. (A.R.S. section 25-319(A)(2). Specifically, Mother is currently employed through BAX Global as an Export Agent, earning only approximately \$1,170.00 per month. She works a part-time night shift and lives with her parents who provide child care for the children at no charge.

Mother contributed to Father's educational opportunities (A.R.S. section 25-319(A)(3). Specifically, Father obtained a degree from APPOLLO College during the parties' marriage. In spite of this, the parties have been through bankruptcy and have lost their home through foreclosure and their car. Father is now gainfully employed as a network technician with AVNET, and has significantly higher earning potential than Mother as a result of his education.

The marriage was of long duration (A.R.S. section 25-319(A)(4) having been married for nine years at the time the petition for dissolution was served.

Accordingly, the guideline amount calculated as Father's monthly income of \$3,096.65 (as reported on his 2006 W2), less Mother's monthly income in the amount of \$1,170.00 (as calculated using her hourly wage), multiplied by 9 years of marriage, multiplied by 0.015 yields a spousal maintenance figure of \$260.09 per month. All payments shall be made monthly by wage assignment.

**IT IS ORDERED** that Father shall pay Mother \$618.00 per month as and for child support, plus \$2.25 per month as and for the Clearinghouse Handling Fee for a total of \$620.25 per month, effective September 1, 2007. All payments shall be paid through the Support Payment Clearinghouse, P.O. Box 52107, Phoenix, AZ 85072-2107.

**ISSUED & FILED:** Order of Assignment; Employer Information;  
Judgment Data Sheet

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2007-000897

08/23/2007

Until the Order of Assignment becomes effective, it is the responsibility of the party obligated to pay child support to pay the support through the Support Payment Clearinghouse. The payment should include the case number and/or ATLAS case number, the name of the party paying support, and the name of the party who will receive the payment.

If payments are made directly to the person who is to receive the support, the payments may be considered a gift and no credit will be given towards the support obligation.

Any change in the paying party's employment and any change in the residential address of either party must be submitted to the Clerk's Office, in writing, within 10 days of the change (A.R.S. §25-322(C)). Failure to notify the Clerk's Office of any change may be considered contempt of Court.

**F. Property, Debts and Tax Returns:** The parties have been through bankruptcy and therefore have no property. Debts, if any, shall be the responsibility of Petitioner.

**G. Tax returns:** Petitioner can claim the children as a tax exemption in even-numbered years and Respondent can claim the children as an exemption in odd-numbered years.

**H.** The court having reviewed Father's Fidelity Investments, AVNET 401K Retirement Savings Statement dated 6/30/07, the court notes the account balance to be \$1,705.31.

**IT IS ORDERED** that Father shall pay one-half of this amount to Mother as an equalization payment by no later than **October 31, 2007**. From the date of the signing of the Decree in this matter the Fidelity Investments account shall thereafter be Father's sole and separate property.

**FILED:** Exhibit Worksheet; Trial Worksheet

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

/s/ HON. SARAH D. GRANT, RET.

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JUDICIAL OFFICER 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/ssc/sschome.html>.