

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2002-005010

11/04/2011

COMMISSIONER ALYSSON H. ABE

CLERK OF THE COURT
L. Hart
Deputy

IN RE THE MATTER OF
MONICA MARQUEZ BUEHLER

DIANA LANDRITH MCCULLOCH

AND

PETER BUEHLER

C KYLE BROWN

ENFORCEMENT/EVIDENTIARY HEARING CONTINUED

Courtroom: 304 SEF

11:52 a.m. This is the time set for Enforcement/Evidentiary Hearing arising from Mother's pro per *Petition to Enforce Child Support/Child Support Arrears* filed on July 27, 2011. Petitioner/Mother, Monica Buehler (hereinafter referred to as "Mother"), is present with above-named counsel. Respondent/Father, Peter Buehler (hereinafter referred to as "Father"), is present with above-named counsel.

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

Prior to commencement of proceedings, Monica Buehler and Peter Buehler are sworn.

LET THE RECORD REFLECT that the parties met informally with a Family Court Conference Center Officer prior to the commencement of today's hearing. The Court has been advised that the parties have reached partial agreements.

Based upon the Arrears Calculation Report prepared by the Family Court Conference Officer, Father's child support arrears total \$47,868.94 (\$29,805.70 in principle and \$18,063.24 in interest) for the period from June 1, 2003 through September 30, 2011.

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Area of Agreement:

- Parties agree that the Father's child support arrears will be calculated through September 30, 2011, as Father's modified child support obligation will be effective October 1, 2011.

Area of Disagreement:

- Direct payments of child support made by Father to Mother from July 1, 2003 through May 31, 2006.
- Mother agreed to accept partial payment of \$525.00 for the month of February 2006.

Mother's Position:

- Requests the Court enter Judgment in the amount of \$47,868.94 (\$29,805.70 in principle and \$18,063.24 in interest) for the period from June 1, 2003 through September 30, 2011 for child support arrears.
- Father to be held in contempt of court for taking tax exemptions for all tax years that were allocated to Mother (even-numbered years).
- Reimbursement of filing fees and service costs in the amount of \$421.00, which includes additional service cost of \$265.00 for which she has no receipts.
- Reimbursement of attorney's fees.

Father's Position:

- Father is not in agreement with the Arrears Calculation Report.
- Requests credit for direct payments made to Mother from July 1, 2003 through May 31, 2006 in the amount of \$23,125.00.
- Requests credit for the three months that their son, David, resided with his paternal aunt, Claudia Lockwood.
- Father agrees to reimburse Mother the sum of \$156.00 for filing fees and service costs. Because Mother has no documentation of the additional \$265.00 requested, Father does not agree to pay the additional \$265.00 requested by Mother.

IT IS ORDERED continuing the **Enforcement/Evidentiary Hearing Re: Child Support in this matter to January 26, 2012 at 2:30 p.m. (60 minutes allotted)** before Comm. Alysson Abe at the following location:

**Maricopa County Superior Court
Southeast Court Facility
Courtroom 304
222 East Javelina
Mesa, AZ 85210-6201**

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The parties are advised that all discovery is to be exchanged between the parties by no later than November 25, 2011. After exchange of the discovery has occurred, the parties are encouraged to make a good effort to try and settle the issues in this matter.

EXHIBITS

IT IS ORDERED that if either party has more than five (5) exhibits to be marked, arrangements shall be made with the Clerk of this Division at least five days prior to hearing to schedule a time to deliver said exhibits to the Clerk.

1. Counsel and/or the parties shall submit all exhibits to this division by **5:00 p.m. on January 19, 2012 (5 business days prior to trial)**. Exhibits shall not be filed at the Clerk of Court filing counter.

2. The exhibit packet shall contain a title page that states the case number, whether the exhibits are Petitioner's or Respondent's, and the date for the hearing. Failure to clearly indicate which party is presenting the exhibits may result in the exhibits being marked incorrectly or not marked at all.

3. Each exhibit shall be stapled if it contains more than one page. Each exhibit shall be clearly separated from the other exhibits, preferably by placing a colored page in between each exhibit. Do not staple the colored pages to the exhibits. Do not write or type on the colored pages. The clerk will reuse the colored pages if they are left blank. Failure to clearly separate each exhibit may result in the exhibits being marked differently than counsel and/or the parties intended, such as multiple exhibits being marked as one exhibit.

4. The exhibits shall be marked in the order received. For example, if Respondent's exhibits are received first, Respondent's exhibits will be marked first, i.e., Respondent's exhibits 1 through 5, and Petitioner's exhibits will follow Respondent's exhibits in number, i.e., Petitioner's exhibits 6 through 10.

5. Duplicate exhibits shall not be presented.

6. The parties shall provide the adverse party with a separate copy of all exhibits.

NOTICE: A child should not be brought to the Courthouse to be present during a Court proceeding except in the circumstance that the child is to be interviewed by the Judge in chambers or unless the child's presence is otherwise required for the Court proceeding. Whenever a child is brought to the Courthouse, it is the responsibility of the party who brings the child to arrange for

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appropriate care and supervision of the child outside of the courtroom and judicial offices. The duties of Court personnel do not permit them to perform this function.

12:05 p.m. Matter concludes.

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>.

**PLEASE NOTE: IMPORTANT INFORMATION RE: CD/VIDEOTAPE
FEE CURRENTLY IN EFFECT**

This Courtroom uses an electronic recording system for the record. All CDs and videotapes will be provided by the Court, regardless of when the copies are made. A fee of \$20.00 will apply to all copies requested, either on the day of the hearing or for hearings recorded on an earlier date. Forms to request a recording of a proceeding are available in the Self-Service Centers and in the JAVS and FTR courtrooms.

If a party wants a court reporter to record a proceeding in this Court, a written request must be filed at least seven (7) days before the commencement of the proceedings.

A person requesting a daily copy CD or videotape must complete the appropriate request form and pay the applicable fee at the Self-Service Center. Upon payment of the appropriate fees through the Self-Service Center, a receipt will be issued which shall then be presented to Court staff for preparation of the CD or videotape in the customary manner.

A person wanting a copy of a hearing from a previous occasion must contact Ken Crenshaw at 602-506-7100.