

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2004-070029

12/06/2004

HONORABLE JOSEPH B. HEILMAN

CLERK OF THE COURT
D. Berkland
Deputy

IN RE THE MARRIAGE OF
SHELLY D HOLQUIN

FILED: 12/10/2004

SHELLY D HOLQUIN
16191 WEST LINCOLN STREET
GOODYEAR AZ 85338

AND

CHARLES G HOLQUIN JR.

CHARLES G HOLQUIN JR.
11545 FRANK LLOYD WRIGHT BLVD.
!1059
SCOTTSDALE AZ 85259

DOCKET-FAMILY COURT CCC
SUPPORT SERVICES-CCC

MINUTE ENTRY RE:
DECREE OF DISSOLUTION OF MARRIAGE

This matter was tried to the Court on two separate dates. November 11, 2004 the Court decided all property, debt, spousal maintenance arrearage and child support arrearage issues. On December 2, 2004, the Court heard evidence relating to custody and parenting time issues. Those matters have been under advisement since that date. The Court incorporates the findings and orders from its November 2, 2004 minute entry into this Final Decree Minute Entry.

DISSOLUTION OF MARRIAGE

THE COURT FINDS that at least one of the parties has been domiciled in the State of Arizona for more than 90 days immediately preceding the filing of the Petition; that the conciliation provisions of A.R.S. § 25-381.09, and the domestic relations education provisions of A.R.S. §25-352 either do not apply or have been met; that the marriage is irretrievably broken and there is no reasonable prospect for reconciliation.

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To the extent it has jurisdiction to do so, the Court has considered and made provisions for maintenance and disposition of property, and, where applicable, support, custody and visitation.

IT IS ORDERED that the marriage heretofore existing between the parties is dissolved, and each party is returned to the status of a single person effective upon the signing and entry of this Decree.

After considering the testimony of the parties and the evidence presented, the Court makes the following findings pursuant to A.R.S. §25-403, and the best interests of the minor children:

1. The parties had 2 minor children born to them during the course of their marriage: Forest Oryen Holquin, date of birth February 11, 1995 and Hunter Shay Holquin, date of birth, February 20, 1997.
2. Petitioner/Wife is not now pregnant.
3. The parties adopted no children during the course of their marriage.
4. After consideration of all the factors set forth in A.R.S. §21-403(A)(1) through (9), the Court concludes that joint custody is not in the children's best interest and that sole custody to Petitioner/Mother is in their best interest.
5. Specifically, the Court finds:
 - a. That while the domestic violence perpetrated against Petitioner/Wife by Respondent/Husband does not rise to the level of "significant domestic violence" as that term is used in A.R.S. §25-403(E), it poses a significant impediment to the open and bi-lateral communication necessary in developing a meaningful joint custody relationship.
 - b. The finding in the preceding paragraph is not offset by Respondent/Father's participation in counseling, previously ordered by the Court.
 - c. Respondent/Father's overbearing, control-oriented personality would make it impossible for Petitioner/Mother to participate in any meaningful way in the joint custody decision making process.
 - d. Petitioner/Mother is more likely to allow the children more frequent and meaningful continuing contact with Respondent/Father.
 - e. Petitioner/Mother has historically been the primary care giver in the family's relationship.
6. The parties were married on October 28, 1994. Pursuant to the Superior Court of Maricopa County Spousal Maintenance Guidelines Reviewed and Reapproved on October 16, 2002, the Court finds that the previously stated spousal maintenance should continue until December 2008.
7. The Court finds that it is appropriate to award parenting time as follows:
 - a. The children shall be in the physical custody of Petitioner/Mother at all times when they are not in the physical custody of Respondent/Father.
 - b. The children shall be in the physical custody of Respondent/Father every other weekend, from Friday, after school, until the beginning of school the

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following Monday morning. Additionally, every other week, the children shall have parenting time with Respondent/Father on Wednesday evenings from after school until the beginning of school the following Thursday morning.

- c. The parties shall alternate all major holidays. They have already begun this process with Thanksgiving being with Respondent/Father and Christmas being with Petitioner/Mother.
- d. Respondent/Father shall have two (2) weeks of uninterrupted summer vacation with the children or two (2) one week sessions. He must advise Petitioner/Mother of his choice of dates not later than April 1st of each year. If he fails to do so, Petitioner/Mother may choose her vacation schedule first and will apprise Respondent/Father of her choices not later than April 15th.
- e. Two (2) weeks prior to leaving for summer vacation, each party shall, in writing, apprise the other of the full itinerary for the trip, including locations, addresses, telephone numbers, flight plans, driving plans (including routes to be taken and approximate times of arrival at each leg of the journey), etc. Failure to do so at the time designated herein subjects the offending party to possible court sanction up to and including loss of that party's vacation with the children.
- f. The parties shall provide the children with a cellular telephone capable of sending and receiving local telephone calls. This telephone is to remain in Forest's (or both boy's) room at each parent's home when the children are physically present. Neither party shall in any way restrict the use of this phone for the purposes of the boys receiving or placing telephone calls to either parent. The cost of this phone shall be split equally by the parties.

The Court has attached to this minute entry decree a copy of the Child Support Worksheet prepared for this matter. All of the findings necessary for a proper award of child support pursuant to the guidelines are set forth in this worksheet. The child support enumerated in this worksheet shall begin on the 1st day of December 2004.

IT IS THEREFOR ORDERED:

1. Incorporating the findings, agreements and orders set forth in this Court's November 2, 2004 minute entry into this final decree minute entry.
2. That Petitioner/Mother is awarded sole custody of the parties' two minor children.
3. That Respondent/Father shall pay \$511.49 per month as and for the support of the parties' two minor children.
4. That said child support shall be paid through the Support Clearinghouse through a wage assignment.
5. That at any time an Order of Assignment is not paying the child support obligation in full, Respondent/Father shall make full and timely payments directly

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- to the Support Payment Clearinghouse, P.O. Box 52107, Phoenix, AZ 85072-2107.
6. Granting parenting time to Respondent/Father in accordance with the findings set forth herein.
 7. That so long as he is current on his child support and spousal maintenance payments on December 31st of each tax year, Respondent/Father shall be allowed to claim as and exemption for income tax purposes the parties' minor child, Hunter. Petitioner/Mother shall claim the parties' minor child, Forest.
 8. Granting judgment against Respondent/Husband and in favor of Petitioner/Wife as follows:
 - a. In the principal sum of \$3,152.40 together with interest at the legal rate as and for spousal maintenance arrearages for the period of February 1, 2004 through November 30, 2004.
 - b. In the principal sum of \$1,374.20 as and for child support arrearages for the period of February 1, 2004 through November 30, 2004.
 9. Granting judgment against Petitioner/Wife and in favor of Respondent/Husband in the amount of \$10,571.73 together with interest at the legal rate regarding the final distribution of the equity derived from the sale or refinancing of the family home.¹
 10. That each party is to bear their own costs and attorney's fees.
 11. That, by execution of this minute entry decree pursuant to the Arizona Rules of Civil Procedure, Rules 54 and 58(e) the parties are restored to single persons and the marriage between them is dissolved.

DONE IN OPEN COURT this 8th day of December 2004.

/s/ Hon. Joseph B. Heilman

Honorable Joseph B. Heilman
Superior Court Judge

Attachment: Child Support Worksheet – Exhibit A

¹ It is not clear from the record whether this amount has already been paid to r/h by p/w. In the event that it has not been previously paid, the parties are given leave of the court to offset p/h's judgment by the amount he owes p/w on the two judgments she has against him.