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STATE OF INDIANA
LAKE COUNTY

FILED FOR RECORD

STATE OF INDIANA)

IN THE LAKE CIRCUIT COURT

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COUNTY OF LAKE)

SITTING IN CROWN POINT, INDIANA

MORRIS W. CARTER
RECORDER

IN RE THE MARRIAGE OF:)

HEATHER SMITHERS,)
Petitioner)

and)

Cause No: 45C01-9405-DR-00782

GARY L. SMITHERS,)
Respondent)

↗

Filed in Open Court

AUG 12 1996

Anna M. Carter
CLERK LAKE CIRCUIT COURT

DECREE OF DISSOLUTION

Comes now Petitioner, Heather Smithers, in person and by
counsel Theodore A. Fitzgerald, and Respondent, Gary L. Smithers,
in person and by counsel, Mark K. Gruenhagen of WALTER J.
ALVAREZ, P.C., and the Court finds as follows:

1. More than twenty (20) days have passed since service of
summons on the Respondent and more than sixty (60) days have
passed since filing of this action, this cause is now properly
before this Court for entry of a Dissolution Decree.

2. The Court having considered the evidence of the parties
set forth and being duly advised in the premises now finds as
follows:

a. That the parties are bona fide residents of the
County of Lake, for three (3) months in the State of Indiana, for
six (6) months immediately proceeding the filing of this action,
this Court has jurisdiction over the parties and the subject
matter of this cause of action;

b. The allegations contained in the Petition for
Dissolution are true and the parties should be granted a
Dissolution;

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c. The marriage of the parties which took place on the 29th day of March, 1986, is irretrievably broken and should be dissolved and the parties restored to the state of unmarried and single persons;

d. That there were two (2) minor children born of this marriage namely, Benjamin Smithers, d/o/b: 10/6/89 and Joshua Smithers, d/o/b: 04/07/92; and that Petitioner/Wife is not now pregnant.

The Court **FURTHER FINDS** the following:

1. There shall be a parenting plan implemented regarding the permanent care and custody of the parties minor children. The terms of that plan are as follows:

A. **CUSTODY** - That the Petitioner/Wife and Respondent/Husband shall share jointly legal custody of the parties minor children namely; Benjamin Smithers, d/o/b: 10/6/89 and Joshua Smithers, d/o/b: 04/07/92; said joint custody shall be exercised in the following manners:

i. During the school year, the children shall spend four (4) days per week with the Respondent/Husband, with the Petitioner/Wife having three (3) days. This arrangement shall be reversed in the summer months giving the Petitioner/Wife four (4) days per week, with Respondent/Husband having three (3) days per week visitation

ii. Further, both Petitioner/Wife and Respondent/Husband shall be granted two (2) periods of two (2) consecutive full weeks of uninterrupted visitation with the parties minor children, the parties are ordered to give one another two (2) weeks notice regarding intentions to exercise this special provision.

B. **HOLIDAYS** - The parties are hereby ordered to alternate visitation each and every Holiday, parties are ordered to attempt to share visitation on each of the parties minor children's birthdays. (It is noted that Christmas and Christmas Eve are separate holidays).

C. TELEPHONE VISITATIONS - The parties are hereby granted and ordered unlimited telephone visitation in contact with the parties minor children. Each party is ordered not to prohibit or interfere with said telephone visitations in any way. Further, the parties are hereby ordered not to speak negatively about one another in the presence of their minor children.

D. PRIMARY RESIDENCE - Petitioner/Wife and Respondent/Husband shall share joint custody of the parties minor children, however primary residence of the parties minor children shall be with Respondent/Husband.

2. REAL ESTATE - The parties marital residence located at 7409 Grand Boulevard, Hobart, Indiana 46342, shall be listed with Century 21 immediately at the price of the appraisal introduced into evidence at the final hearing, and sold with all proceeds being split fifty/fifty (50/50) between the Petitioner/Wife and Respondent/Husband, however Petitioner/Wife has the option to purchase said marital residence within thirty (30) days of this Order, if said option to purchase is provided to Respondent/Husband in writing. If Petitioner/Wife should exercise this option, Respondent/Husband shall receive a judgment lien in the amount of Twelve Thousand Eight Hundred Seventy-Eight and 00/100th Dollars (\$12,878.00) on said marital residence. Respondent/Husband shall not execute this judgment for a period of three (3) years, interest shall accrue at eight percent (8%) per annum, not compounded over the course of this three (3) years. 1020.00
~~950.00~~

3. PERSONAL PROPERTY - Petitioner/Wife is awarded as her sole possession the following personal items: Washer; Dryer; Push Mower (if Petitioner/Wife decides not to purchase the house); Riding Lawn Mower (if Petitioner/Wife exercises her option to purchase the house); Living room furniture (which includes couch, cabinet, chair and 3 tables); Fax Machine; Copier; Yard Furniture; Stained Glass Piece; and all of her jewelry; Respondent/Husband is awarded all remaining personal property.

4. DR. DOUGLAS W. CARUANA - Respondent/Husband is ordered to pay two-thirds (2/3), an amount equal to One Thousand and 00/100ths Dollars (\$1,000.00) of the cost of the custodial evaluation performed by Dr. Douglas W. Caruana in this matter with said payment immediately due.

5. CHILD SUPPORT - Due to the unique nature of the particular parenting plan, the presumed fifty/fifty (50/50) share of time the parties will have with their children, this Court deems that no support is due and owing between Petitioner/Wife and Respondent/Husband in this matter.

6. DAYCARE - The cost of daycare shall hereinafter be shared between the parties with Petitioner/Wife paying one-third (1/3) of costs and Respondent/Husband paying two-thirds (2/3) of said daycare cost. However, when the children are out of school, the parties shall switch this arrangement with Petitioner/Wife paying two-thirds (2/3) of the cost and Respondent/Husband paying one-third (1/3) of daycare cost.

7. TAXES - It is found that Respondent/Husband has claimed both of the parties minor children on his 1995 Income Tax Returns and has taken all associated deductions. Therefore, this Court orders that if Petitioner/Wife is forced to pay income taxes as a result of Respondent/Husband's unilateral action, then Respondent/Husband will be ordered to amend his tax return so that Petitioner/Wife may join in on all deductions.

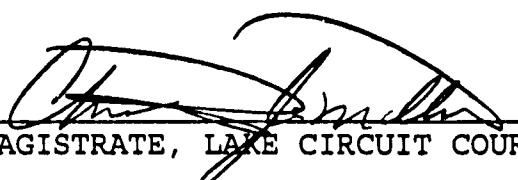
8. 1994 DODGE CARAVAN - Respondent/Husband is ordered to assume full responsibility for any deficiency judgment on the parties 1994 Dodge Caravan, Respondent/Husband is ordered to hold Petitioner/Wife harmless on any judgment that may be entered against the parties in this matter.

9. TAX EXEMPTIONS - For the tax year 1996 and for every year thereafter, Petitioner/Wife is ordered to claim the parties minor child, Benjamin Smithers as a dependent exemption on her tax return, with Respondent/Husband to claim the parties minor son, Joshua Smithers.

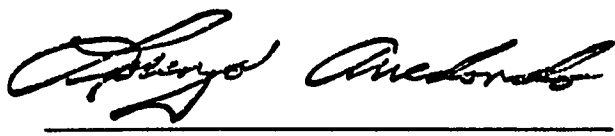
10. ATTORNEY FEES - Each party shall be required to pay their own attorney in this matter, and hold the other party harmless thereon.

11. INSURANCE - Respondent/Husband is ordered to provide primary insurance on the parties minor children, all uncovered medical shall be split between the parties at a rate equal to the parties proportional income. Respondent/Husband's proportional share is sixty-seven percent (67%), and Petitioner/Wife's proportional share is thirty-three percent (33%).

ALL OF WHICH IS FOUND AND RECOMMENDED this 12 day of AUG, 1996.


MAGISTRATE, LAKE CIRCUIT COURT

ALL OF WHICH IS SO ORDERED AND APPROVED this 12 day of AUG, 1996.


JUDGE, LAKE CIRCUIT COURT

The United States of America



STATE OF INDIANA, COUNTY OF LAKE, ss:

I, the undersigned, Clerk of the Lake CIRCUIT Court of Lake County, and the keeper of the records and files thereof, in the State aforesaid, do hereby certify that the above and foregoing is a full, true, correct and complete copy of the Order of Court dated AUGUST 12, 1996 in Cause No. 45C01-9405-DR-00992 entitled, In Re The Marriage Of: Heather Smithers and Gary L. Smithers, as fully as the same appears of record in my office as such Clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court, at my office in Crown Point Indiana in the said County, this 13th day of August, A.D., 1996.

Anna T. Anton

Clerk Lake Circuit Court

By

Wilma Korovich

Deputy