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Nebraska Judicial Branch

Case Summary

In the District Court of LANCASTER County
 The Case ID is CI 14 0003051
 Elizabeth Smith v. Jody Smith
 The Honorable Lori A Maret, presiding.
 REFEREE N
 Classification: Dissolution of Marriage
 Filed on 09/03/2014
 This case is Closed as of 03/15/2019
 It was disposed as Uncontested Default

Parties/Attorneys to the Case

Party	Attorney
Plaintiff ACTIVE Elizabeth Gruntorad 9140 Herritage Lakes Drive #306 attempted, not known, unable to fwd Lincoln NE 68526	Stephanie N Flynn 610 J St, Ste 320 Lincoln NE 68508 402-325-8469
Alias is Elizabeth Smith Defendant ACTIVE Jody Smith 4441 South 1900 west, Apt 3 Ogden UT 84067	Self-Represented Litigant NE
Witness ACTIVE Joshua Gruntorad 321 NW 16th St Lincoln NE 68528	

Judgment Information

On 12/03/2014 judgment of Child Support was entered.
 Default interest rate is 2.0410%
 Financial records maintained by Health and Human Services
 The judgment creditor is Elizabeth Gruntorad
 The judgment debtor is Jody Smith
 obligation of \$304.00 is monthly from 01/01/2015 to 03/15/2019

Court Costs Information

Incurring By	Account	Date	Amount
Plaintiff	Petition	09/03/2014	\$35.00
Plaintiff	Filing Fee - State	09/03/2014	\$5.00
Plaintiff	Automation Fee	09/03/2014	\$8.00
Plaintiff	NSC Education Fee	09/03/2014	\$1.00
Plaintiff	Dispute Resolution Fee	09/03/2014	\$0.75

Incurring By	Account	Date	Amount
Plaintiff	Indigent Defense Fee	09/03/2014	\$3.00
Plaintiff	Uniform Data Analysis Fee	09/03/2014	\$1.00
Plaintiff	Dissolution Fee	09/03/2014	\$25.00
Plaintiff	Parenting Act Fund	09/03/2014	\$50.00
Plaintiff	Parenting Act Fund	04/15/2016	\$50.00
Plaintiff	J.R.F.	09/03/2014	\$6.00
Plaintiff	Filing Fee-JRF	09/03/2014	\$2.00
Plaintiff	Legal Aid/Services Fund	04/15/2016	\$15.00
Plaintiff	Legal Aid/Services Fund	09/03/2014	\$5.25
Plaintiff	Seal Cert/Auth Copies	02/28/2019	\$1.00
Plaintiff	Complete Record	09/03/2014	\$15.00
Defendant	Photocopy Fees	12/05/2017	\$5.75
Plaintiff	Service Fees	04/22/2016	\$20.28
Plaintiff	Service Fees	03/14/2019	\$99.00

Financial Activity

No trust money is held by the court
No fee money is held by the court

Payments Made to the Court

Receipt	Type	Date	For	Amount
696920	Internet Payment	02/28/2019	Gruntorad,Elizabeth,	\$1.00
			Seal Cert/Auth Copies	\$1.00
676813	Internet Payment	12/05/2017	Smith,Jody,	\$5.75
			Photocopy Fees	\$5.75
648999	Internet Payment	04/15/2016	Gruntorad,Elizabeth,	\$65.00
			Parenting Act Fund	\$50.00
			Legal Aid/Services Fun	\$15.00
621309	Check	09/03/2014	Gruntorad,Elizabeth,	\$157.00
			Petition	\$35.00
			Filing Fee - State	\$5.00
			Automation Fee	\$8.00
			NSC Education Fee	\$1.00
			Dispute Resolution Fee	\$.75

Receipt	Type	Date	For	Amount
			Indigent Defense Fee	\$3.00
			Uniform Data Analysis	\$1.00
			Dissolution Fee	\$25.00
			Parenting Act Fund	\$50.00
			J.R.F.	\$6.00
			Filing Fee-JRF	\$2.00
			Legal Aid/Services Fun	\$5.25
			Complete Record	\$15.00

Register of Actions

06/20/2019 Confidential Document *

03/15/2019 Order-Consent to Adoption
 This action initiated by Lori A Maret
 eNotice Certificate Attached
 Image ID 001904283D02

03/15/2019 Subpoena Issued on Joshua Gruntorad
 The document number is 00568292
 Image ID D00568292D02

03/14/2019 Praecipe-Subpoena

This action initiated by party Elizabeth Gruntorad
 Image ID N19073VZUD02

03/14/2019 Return Summons/Alias Summons
 The document number is 00567859
 Served 03/12/2019, Foreign Officer
 Personal or Residential Service

(AE)
 Image ID N19073U70D02

03/08/2019 Summons Issued on Jody Smith
 The document number is 00567859
 E-MAILED: sflynn@stephanieflynnlaw.com
 Image ID D00567859D02

03/08/2019 Notice-Hearing

This action initiated by party Elizabeth Gruntorad
 3-15-19/9:00/32
 Image ID N190673DCD02

03/08/2019 Praecipe-Summons/Alias
 This action initiated by party Elizabeth Gruntorad
 Image ID N190673DAD02

03/04/2019 Summons Issued on Jody Smith
 The document number is 00567462
 E-MAILED: sflynn@stephanieflynnlaw.com
 Image ID D00567462D02

03/04/2019 Praecipe-Summons/Alias
This action initiated by party Elizabeth Gruntorad
Image ID N19063B5WD02

02/28/2019 Certified Copy
This action initiated by party Elizabeth Gruntorad
eCertified Copy Sent

02/28/2019 Judges Notes
Image ID D00567268D02

02/20/2019 Motion Filed
This action initiated by party Elizabeth Gruntorad
004-for consent to adoption & determination of birth Father's consent-hea
ring 2-28-19/9:30/32
Image ID N19051VT0D02

12/05/2017 Photocopy Made-Internet Request

03/02/2017 Notice Issued on Michelle M Mitchell
The document number is 00507555
Notice of Judgment
E-MAILED michellemitchell_jd@hotmail.com
Image ID D00507555D02

02/28/2017 Order-Modify
This action initiated by Lori A Maret
Def's parenting time modified eNotice Certificate Attached
Image ID 001711955D02

02/21/2017 Exhibit
#7- Affidavit of PLF in support of motion to suspend
Image ID 001709606D02

02/21/2017 Exhibit

#6- Proposed Parenting Plan
Image ID 001709607D02

01/27/2017 Order
This action initiated by Lori A Maret
for trial on 02-21-17 at 9:30am in #32 eNotice Certificate Attached
Image ID 001701668D02

01/05/2017 Motion Filed
This action initiated by party Elizabeth Gruntorad
003- to set trial and NOH
1-19-17;11:30;#32
Image ID N17005V0YD02

01/05/2017 Motion Filed
This action initiated by party Elizabeth Gruntorad

002- to waive mediation and NOH
1-19-17;11:30;#32
Image ID N17005V0UD02

12/15/2016 Order
This action initiated by Lori A Maret
osc on or before 01-17-17 for wop eNotice Certificate Attached
(Def.-resent 12-27-16)
Image ID 001691343D02

04/22/2016 Return Summons/Alias Summons

The document number is 00481518
Served 04/21/2016, Lancaster County Sheriff
Personal Service
Image ID N161139ISD02

04/15/2016 Parent Act Notice-Dad

04/15/2016 Parent Act Notice-Mom
attempted - not known - unable to forward

04/15/2016 Summons Issued on Jody Smith
The document number is 00481518
Image ID D00481518D02

04/15/2016 Praecipe-Summons/Alias
This action initiated by party Elizabeth Gruntorad
Image ID 001603277D02

04/15/2016 Exparte Order
This action initiated by Lori A Maret
suspending Def's parenting time - 4-25-16;10:30;#30

Image ID 001603276D02

04/15/2016 Motion-Exparte Order
This action initiated by party Elizabeth Gruntorad
001 - suspending Def's Parenting Time
Image ID 001603275D02

04/15/2016 Comp-Modify
This action initiated by party Elizabeth Gruntorad
Image ID 001603274D02

11/18/2015 ***Shelter Number***
(11192542)

01/05/2015 HHS/BVS Divorce Certificate

12/05/2014 Confidential Document *

12/05/2014 Notice Issued on Steffanie J Garner Kotik
The document number is 00443335
Notice of Judgment
E-MAILED sgkotik@kotikandmcclure.com
Image ID D00443335D02

12/05/2014 Notice Issued on Jody Smith
The document number is 00443334
Notice of Judgment
Image ID D00443334D02

12/03/2014 Property Settlement Agreement
Exh 2
Image ID 001475069D02

12/03/2014 Parenting Plan
Exh 3
Image ID 001475011D02

12/03/2014 Decree
This action initiated by Lori A Maret

Image ID 001475001D02

12/03/2014 Miscellaneous Document
Exh 1- address information & cs worksheet
Image ID 001475014D02

09/04/2014 Parent Act Notice-Dad

09/04/2014 Parent Act Notice-Mom

09/03/2014 Voluntary Appearance
This action initiated by party Jody Smith
Image ID 001448677D02

09/03/2014 Confidential Document *
This action initiated by party Elizabeth Gruntorad

09/03/2014 BVS Partial Certificate Provided

09/03/2014 Complaint-Dissolution of Marriage
This action initiated by party Elizabeth Gruntorad
Image ID 001448683D02

Judges Notes

12/02/2014
12-02-2014 Maret Reporter
S. Kotik appeared for the Plaintiff. Defendant appeared pro se.
Evidence was adduced. S. Kotik to provide Decree for the Court's
signature.
12/03/2014
12-03-2014 Maret Reporter
Decree in file. DEFAULT
04/25/2016
04-25-2016 Maret Reporter
M. Mitchell with Plaintiff. Defendant appeared pro se. Defendant
requests a continuance to hire an attorney. Matter continued until May
16, 2016 at 10:00a.m. in #30.
05/16/2016
05-16-2016 Maret Reporter
M. Mitchell appeared with the Plaintiff. Defendant appeared pro se.
Exparte Order suspending parenting time remains in full force and
effect. Defendant may file to re-visit the issue if he chooses.
12/14/2016
12-14-2016 Maret Reporter
Order to Show Cause in file.
01/19/2017
01-19-2017 Maret Reporter
M. Mitchell for the Plaintiff. Defendant did not appear and was not
represented. Motion to Waive Mediation and Set are sustained. Matter
set for trial February 21, 2017 at 9:30a.m. in #32. M. Mitchell to
prepare Order within 7 days.
01/27/2017
01-27-2017 Maret Reporter
Order in file.
02/21/2017
02-21-2017 Maret Reporter
M. Mitchell with the Plaintiff. Defendant did not appear and was in
default. Evidence was received. A material change in circumstances
warranting a change in the Parenting Plan should be and hereby is
approved. For Order of modification M. Mitchell to provide within 7
days.
02/28/2017
02-28-2017 Maret Reporter
Order of Modification in file. DEFAULT
03/15/2019
Maret, Lori,

S. Flynn for the Plaintiff. Defendant did not appear and was not represented. For Order, see file. DEFAULT

Exhibit List

Exhibit No.	Description	Ofrd Y/N	Rcvd Y/N	***** Mark	BOE Ofrd	Pages Ruled	***** Found
1	Exhibit 1 (file)	Y	Y				
2	Property Settlement (file)	Y	Y				
3	Parenting Plan (file)	Y	Y				
4	Affidavit of Plaintiff	Y	Y				
5	Affidavit of Plaintiff	Y	Y				
6	Plaintiff's Proposed Parenting Plan	Y	Y				
7	Affidavit of Plaintiff	Y	Y				

Ma

IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA

ELIZABETH SMITH,)
)
 Plaintiff,)
)
 vs.)
)
 JODY SMITH,)
)
 Defendant.)

Case No. CI 14 3051

COMPLAINT FOR DISSOLUTION OF MARRIAGE

COMES NOW, Elizabeth Smith, the Plaintiff in the above-captioned matter, and for her cause of action, hereby states and alleges as follows:

1. The names and current addresses of the parties are as follows:

PLAINTIFF:
Elizabeth Smith
9140 Herritage Lakes Dr #306
Lincoln, Nebraska 68526

DEFENDANT:
Jody Smith
1814 N. 68th, #101
Lincoln, Nebraska 68505

LANCASTER COUNTY
2014 SEP 3 PM 1 57
CLERK OF THE
DISTRICT COURT

2. Plaintiff is a resident of Lancaster County, Nebraska and has been a resident of the State of Nebraska for more than one year prior to the filing of this complaint. Defendant is a resident of Lancaster County, Nebraska, and has been a resident of the State of Nebraska for more than one year prior to the filing of this Complaint.

3. The parties were married on October 9, 2004, in Lincoln, Nebraska.

4. Plaintiff is not now a party to any pending action for divorce, dissolution or legal separation.

5. Three children were born as issue of this marriage, namely Emma Jean Smith, born in 2007, Ava Marie Smith, born in 2009 and Olivia Grace Smith, born in 2012. The Plaintiff is not pregnant at this time.

msf



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6. During the last five years the minor children has resided with the following people:

- Birth-November 2013: with both parties, Lincoln, NE
- November 2013-present: with Plaintiff, at 9140 Herritage Lakes Dr, #306, Lincoln, NE 68526

7. Plaintiff has not participated as a party in litigation concerning the custody of the minor children in this or any other court.

8. Plaintiff knows of no other person not a party to these proceedings who has physical custody of the minor child or claims to have custody or visitation rights with respect to the minor children.

9. It is in the best interests of the minor children to remain in the care of the Plaintiff, who is a fit and proper person to have the exclusive care, custody and control of the minor children. The Defendant should be awarded parenting time with the minor children.

10. Defendant is capable of providing support for the parties' minor children and the court should determine and order such support to be paid as deemed appropriate.

12. The marriage of the parties is irretrievably broken and all reasonable attempts at reconciliation have failed.

11. During the marriage the parties have acquired certain property and incurred debts and a fair and equitable division and settlement thereof should be decreed by this court.

13. The Plaintiff is ^{Not} a member of the Armed Forces of the United States or its allies. _{↑ EMS}

14. It is requested that this matter be heard by a District Judge.

WHEREFORE, the Plaintiff respectfully prays for the following relief:

A. That the marriage between the parties be dissolved;

B. That the Plaintiff be awarded the temporary and permanent care, custody and control of the minor children of the marriage, subject to the Defendant's parenting time;

C. That Defendant be ordered to pay to Plaintiff an appropriate amount of temporary and permanent child support; and further, that he be required to pay the temporary court costs of this action;

D. That a fair and equitable division of property and allocation of debts be made;

E. And that this Court grant to the Plaintiff any such other relief as the court deems just and equitable in the premises.

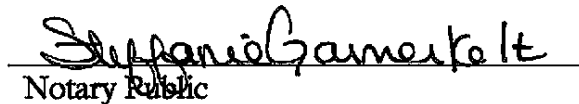
STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

Elizabeth Smith, being first duly sworn upon oath, states and deposes that she is the Plaintiff in the above-entitled action, that she has read and understands the contents of the foregoing, and that the same are true.


Elizabeth Smith, Plaintiff

SUBSCRIBED AND SWORN to before me this 29th day of August, 2014.




Notary Public

Prepared by:

Steffanie J. Garner Kotik, #22438
KOTIK & McCLURE LAW
2935 Pine Lake Road, Suite E
Lincoln, Nebraska 68516
(402) 423-0553
(402) 423-0354 FAX
sgkotik@kotikandmcclure.com
Attorney for Plaintiff

IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA

ELIZABETH SMITH,)	
)	CASE NO. CI 14-3057
Plaintiff,)	
)	
vs.)	DECREE OF DISSOLUTION
)	
JODY SMITH,)	
)	
Defendant.)	

On the 2nd day of December, 2014, this matter came on to be heard upon the Complaint for Dissolution of Marriage. Plaintiff was present in Court in person and was represented by her counsel, Steffanie Garner Kotik. Defendant was/was not present in Court in person and is self-represented. Evidence was adduced and the matter was submitted to the Court and the Court, now being fully advised in the premises, FINDS as follows:

1. That this Court has jurisdiction over the parties and the subject matter of this action for the purpose of granting the relief requested in the Complaint for Dissolution of Marriage.
2. That the Defendant, Jody Smith, filed a voluntary appearance in this matter; more than 60 days have passed since said filing of the voluntary appearance.
3. That as of the date of filing the Complaint the Plaintiff was a resident of the state of Nebraska in Lancaster County for a period of more than one year, and the Defendant was a resident of the state of Nebraska in Lancaster County for a period of more than one year.
4. The Plaintiff and Defendant were married in Lincoln, Lancaster County, Nebraska on October 9, 2004.



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CLERK OF THE
 DISTRICT COURT
 LANCASTER COUNTY
 2014 DEC 3 PM 2 31

5. That during the marriage the parties have acquired certain personal property and incurred debts, and a fair and equitable division and settlement thereof should be decreed by this Court.

6. That neither Plaintiff nor Defendant is a member of the Armed Forces within the meaning of the Soldiers and Sailors Civil Relief Act.

7. That neither party is now a party to any other pending actions for divorce, separation or dissolution of marriage.

8. That all reasonable efforts at reconciliation have been made without success and that the marriage between the parties is irretrievably broken and should be dissolved by the Court.

9. That the parties have entered into a Property Settlement Agreement resolving all issues pertaining to distribution of marital debts, assets, attorney fees, and all other matters relating to the dissolution of the parties marriage. The Property Settlement Agreement appears to be fair and reasonable. The court specifically finds that said agreement is not unconscionable; that said agreement should be made a part of this Decree by reference; and the parties should be ordered to carry out the terms of the agreement.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

A. That the marriage between the parties is legally dissolved. Except for purposes of appeal, re-marriage or the continuation of health insurance coverage, such dissolution shall become final and operative thirty (30) days after the date of this Decree, or upon the date of death of one of the parties, whichever may first occur. If this decree becomes final and operative upon the date of death of one of the parties, then this Decree shall be treated as if it became final and operative upon the date it was entered. For purposes of review by

appeal, this Decree becomes a final order as soon as it is entered. For purposes of re-marriage, other than re-marriage between the parties, this decree becomes final and operative six (6) months after this decree is entered or upon the date of death of one of the parties to this dissolution, whichever may first occur. For purposes of the continuation of health insurance coverage, this decree becomes final and operative six (6) months after it is entered.

B. That the legal and physical custody of the minor children of the parties is hereby awarded to the Plaintiff.

C. That the parties shall abide by the terms set forth in the Property Settlement Agreement and the Parenting Plan.

D. That the Defendant shall pay to the Plaintiff, through the State Disbursement Unit, known as the Nebraska Child Support Payment Center, the amount of \$304.00 per month for three children; \$304.00 per month for two children; and \$180.00 for one child in child support, commencing the first day of the month following the entry of the Decree and continuing with the same amount due and owing on the first day of each following month. Defendant's child support obligation shall continue until the minor children of the parties dies, reaches the age of majority, or becomes emancipated, at which time, the support obligation will terminate. Child support has been determined in accordance with the Nebraska Child Support Guidelines and shall be subject to modification in accordance with said Guidelines.

E. That the Defendant shall pay the above child support through the State Disbursement Unit, with payments being made through the mail, to the following address: Nebraska Payment Center, PO Box 82208, Lincoln NE 68501. All of said payments must

include the Defendant's name and his Social Security Number; and further, said payments shall provide information indicating that they are being made pursuant to a Lancaster County District Court order, and contain the case number found in the caption above.

F. That in the event the Defendant fails to pay child support, medical support, or alimony payments, as such failure is certified each month by the State Distribution Unit in cases in which court-ordered support is delinquent in an amount equal to the support due and payable for a one month period of time, he may be required to appear in court on a date to be determined by the court and show cause why such payment was not made. In the event that he fails to pay and appear as ordered, a warrant shall be issued for his arrest. Delinquent child support shall accrue interest at the following rate:

2.041 %.

G. That the Defendant shall prepare and file with the Clerk of the District Court of Lancaster County, a notice to withhold income. In the event the Defendant changes his employer, he shall prepare and file with the Clerk of the District Court a new notice to withhold income from his new employer forthwith. Failure to comply with these provisions shall be punishable by contempt proceedings.

H. That because both parents are parties to this action, both Plaintiff and Defendant are hereby ordered to furnish to the Clerk of the District Court of Lancaster County, their addresses, telephone numbers, social security numbers, the names of their employers, information regarding whether they have access to employer-related health insurance coverage, and if so, the health insurance policy information, and any other information the court deems relevant until such judgment is paid in full. The parties are also required to advise the Clerk of any changes in such information between the time of

entry of the decree and the payment of the judgment in full. Failure to comply with the provisions of this section shall be punishable by contempt.

J. Each Party shall sign and execute such deeds, titles, and instruments of transfer as shall be necessary to accomplish division of property as provided for herein, and, in the event that either party shall neglect or refuse to execute such deeds, titles, and instruments of transfer, this Decree shall serve as such deed, assignment and transfer in and of its own effect.

K. And that to the extent there is any conflict between this order and any attachment or other document incorporated herein by reference, the language of this order shall supersede and control.

DATED this 3rd day of December, 2014.

BY THE COURT:


DISTRICT COURT JUDGE

Submitted by:

Steffanie Garner Kotik, #22438
Kotik & McClure Attorneys at Law LLC
2935 Pine Lake Road, Suite E
Lincoln, NE 68516
(402) 423-0553
(402) 423-0354 FAX
Attorney for Plaintiff

Worksheet 1

BASIC NET INCOME AND SUPPORT CALCULATION

Date: 12/01/2014

Three Children Custody:Mother

	<u>Mother</u>	<u>Father</u>
	<u>Combined</u>	
1. Total monthly income from all sources	\$2,210.00	\$1,475.00
Total Monthly Income (Non Taxable)]	\$0.00	\$0.00
2. Deductions	4 Exemptions	1
a. Federal Income Tax	\$13.50	\$62.92
a. State Income Tax	\$5.37	\$21.53
b. FICA Tax	\$169.06	\$112.84
c. Retirement	\$0.00	\$0.00
d. Child support previously ordered for other children	\$0.00	\$0.00
e. Child regular support for other children	\$0.00	\$0.00
f. Total Deductions	\$187.94	\$197.28
Child Tax Credit	\$0.00	\$0.00
3. Monthly net Income	\$2,022.06	\$1,277.72
4. Combined monthly net income	\$3,299.78	
5. Combined annual net income	\$39,597.42	
6. Percent contribution of each parent	61.28%	38.72%
7. Monthly support from table 1	\$1,308.00	
8. Health insurance premium or cash medical support as ordered	\$0.00	\$200.00
9. Total obligation	\$1,508.00	
10. Each parent's monthly share	\$924.08	\$583.92
11. Each parent's credit for health premium actually paid	\$0.00	\$200.00
12. Each parent's final share of the obligation	<u>\$924.08*</u>	<u>\$383.92*</u>
Paragraph § 4-218 Adjusted Monthly Share(*)	\$924.08*	\$304.72*
* See Paragraph § 4-218 under 'Nebraska Child Support Guidelines'		
12a. Each parent's final share of the obligation(rounded)	<u>\$924.00*</u>	<u>\$384.00*</u>
Paragraph § 4-218 Adjusted Monthly Share(*)	\$924.00*	\$304.72*
* See Paragraph § 4-218 under 'Nebraska Child Support Guidelines'		

Worksheet 4

NUMBER OF CHILDREN CALCULATION

	<u>Mother</u>	<u>Combined</u>	<u>Father</u>
1. Percent contribution of each parent	61.28%		38.72%
2. Health Insurance premium	\$0.00	\$200.00	\$200.00

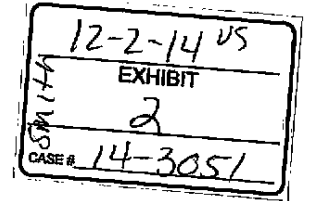
	Column A	Column B	Column C	Column D	Column E	Column F
Number of Children	Table Amount	Total Obligation	Mother's Monthly Share of total Obligation	Father's Monthly Share of Total Obligation	Mother's Final Share of Obligation	Father's Final Share of Obligation
Three	\$1,308.00	\$1,508.00	\$924.08	\$583.92	\$924.00	\$384.00
Two	\$1,116.00	\$1,316.00	\$806.43	\$509.57	\$806.00	\$310.00
One	\$781.00	\$981.00	\$601.14	\$379.86	\$601.00	\$180.00

IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA

ELIZABETH SMITH,)
)
 Plaintiff,)
)
 vs.)
)
 JODY SMITH,)
)
 Defendant.)

Case No.: CI 14-3051

PROPERTY SETTLEMENT
AGREEMENT



This Property Settlement Agreement is made and entered into this 7th day of November, 2014, by and between Elizabeth Smith (hereinafter referred to as "Wife") and Jody Smith (hereinafter referred to as "Husband").

WITNESSETH:

WHEREAS, there is now pending in the District Court of Lancaster County, Nebraska, an action for dissolution of marriage between Elizabeth Smith, as Plaintiff and Jody Smith, as Defendant; and,

WHEREAS, the parties hereto are desirous of settling division of property and court costs, among other matters to which they may properly agree, and have agreed, subject to the approval of this Court, on condition that in the event a dissolution of marriage is not granted in said action, the settlement agreement shall be null and void; and,

WHEREAS, both parties acknowledge that they are fully familiar with the extent of all property, both real and personal, owned

LANCASTER COUNTY
2014 DEC 3 AM 11 48
CLERK OF THE
DISTRICT COURT



001475069D02

by the parties hereto, or either of them, and accumulated by them since their marriage and they are satisfied as to the present value thereof; and,

WHEREAS, it is the desire of the Husband and Wife that at the time of the entry of the Decree, this Property Settlement Agreement be tendered to the Court for the Court's review and, if in the opinion of the Court, the Property Settlement Agreement is determined to be fair, equitable and conscionable, as between the parties, the parties be ordered to abide by the terms and conditions of said Property Settlement Agreement and Parenting Plan.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, it is agreed by and between the parties as follows:

1. JURISDICTION: The parties hereby specifically acknowledge and submit themselves to the jurisdiction of the District Court of Lancaster County, Nebraska, for the present time and in the future with regard to all matters relating to the subject matter and rights of the parties under the within agreement.
2. CHILD CUSTODY/VISITATION: The parties are the parents of three minor children, the custody and welfare of whom is affected by these proceedings, to wit:
 - a. Emma Jean Smith, born in 2007;
 - b. Ava Marie Smith, born in 2009; and
 - c. Olivia Grace Smith, born in 2012.

The parties are in agreement that Plaintiff shall be awarded the permanent custody of the minor children subject to the Defendant's parenting time as described in the separate Parenting Plan incorporated herein by reference.

3. CHILD SUPPORT: The husband shall pay child support to the wife through the Child Support Payment Center, P.O. Box 82600 Lincoln, NE 68501, for the support and maintenance of the minor children of these parties in the amount of ~~\$300.00~~^{304.00} per month for three children; ~~\$200.00~~^{304.00} per month for two children; and ~~\$100.00~~^{180.00} per month for one child. EMS
JGS

Child support payments shall commence on the first day of the month following the entry of this order and shall continue until the minor children reach the age of majority under Nebraska law, become emancipated, self-supporting, joins the military, marries, dies, or until further order of the Court. Child support shall be made payable to the Nebraska Payment Center and mailed to Nebraska Payment Center, PO Box 82600, Lincoln, NE 68501. All payments must include the name of the payor (Husband), Husband's social security number, County (Lancaster), and Court Case number. Failure to comply with the provisions of this section shall be punishable by contempt.

4. ALIMONY: Both parties waive the payment of alimony.

5. MOTOR VEHICLES: The wife shall be awarded as her sole and separate property, free and clear of any interest of the husband, any and all motor vehicles currently in her possession and she shall pay and hold the husband free and harmless from any and all liabilities for any loans or encumbrances against said vehicle. The husband shall be awarded as his sole and separate property, free and clear of any interest of the wife, any and all motor vehicles currently in his possession and he shall pay and hold the wife free and harmless from any and all liabilities for any loans or encumbrances against said vehicle.

6. CHECKING AND SAVINGS ACCOUNTS: The wife shall be awarded as her sole and separate property, free and clear of any interest of the husband, any and all checking and savings accounts which she currently holds in her name alone. The husband shall be

awarded as his sole and separate property, free and clear of any interest of the wife, any and all checking and savings accounts held in his name alone.

7. RETIREMENT BENEFITS: The wife shall be awarded as her sole and separate property, free and clear of any interest of the husband, any and all retirement accounts which she currently holds. The husband shall be awarded as his sole and separate property, free and clear of any interest of the wife, any and all retirement accounts he holds.

8. LIFE INSURANCE: The wife is hereby awarded all life insurance policies in her name to be her sole and separate property, including all cash value accumulated therein, free and clear of any and all claims by husband. Wife hereby agrees to hold the husband harmless on any loans on said policies. The husband is awarded all the life insurance policies in his name to be his sole and separate property, including all cash value accumulated therein, free and clear of any and all claim by wife. Husband hereby agrees to hold the wife harmless on any loans on said policies.

9. HOUSEHOLD GOODS/PERSONAL PROPERTY: The wife shall be awarded as her sole and separate property, free and clear of any interest of the husband, any and all household goods which she currently has in her possession. The husband shall be awarded as his sole and separate property, free and clear of any interest of the wife, any and all household goods which he currently has in his possession.

10. REAL PROPERTY: The real property that was purchased during the marriage has already been sold and the proceeds of the sale have been distributed among the parties.

11. MARITAL DEBTS: Each party hereby agrees that he or she will be responsible for any and all debts in his or her name and will agree to hold the other party harmless.

12. DAYCARE: The parties shall split 50/50 all of the daycare expenses for the minor children incurred because of work or school obligations. The person incurring said daycare expense shall submit receipts to the other parent monthly and the parent receiving the receipts shall pay within 14 days of receiving verified receipts of daycare expenses.

13. MEDICAL EXPENSES: Defendant shall cover the minor children under his health insurance as long as it is reasonable and available to him through his employment or health insurance plan. The Plaintiff must pay the first \$480 of out of pocket expenses each year per child, then the parties shall split 50/50 all out of pocket medical expenses beyond this amount incurred on behalf of the minor children. The party incurring the expense shall submit receipts to the other parent, who shall then have 14 days to reimburse for that expense.

14. DEPENDENCY EXEMPTION: For purposes of Federal and State tax exemptions, including any applicable child tax return credits available, the parties shall claim their children in the following way: Defendant shall claim Olivia Grace Smith each year, Plaintiff shall claim Emma Jean Smith and Ava Marie Smith each year.

15. EXTRA CURRICULAR ACTIVITIES: In addition to the payment of child support, the parties agree to equally split expenses for any extra-curricular activity that has been mutually arranged and agreed upon by the parties. The parties agree that consent for the extra-curricular activities shall not be unreasonably withheld simply to have the result of not being responsible for the expenses. The parties agree that any steps made that result in helping the child sign up for an activity, including but not limited to paying for deposits, show consent to an activity.

16. ATTORNEYS FEES AND COURT COSTS: Each party agrees to pay his or her own attorney's fees and Court costs incurred in this matter.

17. MISCELLANEOUS PROVISIONS: This Property Settlement Agreement shall be considered as a complete and final settlement of all issues, questions and claims, in the above-captioned cause, shall be presented to the Court for approval; provided, however that if no Decree is entered herein dissolving the parties marriage, that this Property Settlement Agreement shall be null and void and have no force and effect.

Except as may be herein provided or arising here from, Husband and Wife each release and discharge all rights and claims to and against each other and do each specifically wholly waive, as authorized by Section 30-2316 R.R.S. 1943 (Reissue 1989) his or her rights to elective share, homestead allowance, exempt property and family allowance, and each party does hereby renounce all benefits which would otherwise pass to him or her from the other by intestate succession or by virtue of the provisions of any Will executed before the execution of this Property Settlement Agreement.


Husband and Wife each agree to execute, join in and acknowledge any and all instruments, conveyances, assignments or transfers of whatsoever nature that may be necessary or convenient to carry out the expressed and intended purposes of this Property Settlement Agreement.

Husband and Wife acknowledge that the terms and provisions herein are fair, reasonable, equitable and not unconscionable; that the same have been carefully examined and have been entered into freely and voluntarily by each of them; and further, that the same are intended as a full and complete settlement of any claims growing out of the marital relationship of the parties.

Dated this 7th day of November, 2014.

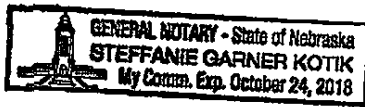
STATE OF NEBRASKA)
)ss.
COUNTY OF LANCASTER)

Jody Smith, being duly sworn upon oath, states and deposes that he is the identical person who executed the foregoing Property Settlement Agreement, that he has read and understands the contents thereof, and he hereby acknowledges that he executed the same on the date indicated as his voluntary act and deed.



Jody Smith, Defendant

SUBSCRIBED AND SWORN to before me this 7th day of
November, 2014.





Notary Public

IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA

ELIZABETH SMITH, n/k/a)
ELIZABETH GRUNTORAD,)
)
Plaintiff,)
)
v.)
)
JODY SMITH,)
)
Defendant.)

CASE NO.: CI 14-3051

COMPLAINT FOR MODIFICATION

LANCASTER COUNTY
2016 APR 15 PM 4 32
CLERK OF THE
DISTRICT COURT

COMES NOW, Plaintiff, Elizabeth Smith, now known as Elizabeth Gruntorad and for her Complaint for Modification, states and alleges as follows, to-wit:

1. That on December 3, 2014, this Court entered a Decree dissolving the marriage of the parties herein and awarding to the Plaintiff the care, custody, and control of the minor children of the parties.

2. That pursuant to said Decree, the Defendant was awarded certain and specific parenting time with the minor children of the parties and the Defendant was ordered to pay \$300.00 per month in child support.

3. That since the entry of said Decree, there has occurred a material and substantial change of circumstances to the extent that Defendant's parenting time with the children should be modified. Said material change of circumstances includes but are not limited to the following particulars, to-wit:

- a) The Defendant is unable to adequately provide for the daily needs and necessities of life for the minor children during his parenting time;
- b) The Defendant's lifestyle and living arrangements are not appropriate to exercise parenting time with the minor children of the parties;
- c) That the income of the parties has changed and such changes result in a variation by ten percent (10%) or more which has lasted three (3) months and can reasonably be expected to last for an additional six (6) months; and child support should be calculated to reflect such change.



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WHEREFORE, Plaintiff prays that this Court enter an Order on Plaintiff's Complaint for Modification, as follows, to-wit:

a) Requiring the Defendant's parenting time with the minor children, to-wit, Emma Smith, born 2007; Ava Smith, born 2009; and Olivia Smith, born 2012, to be fully supervised and in a public setting, or in the alternative, that this Court enter such Orders with respect to parenting time as shall be in the minor children's best interests;

b) Requiring the Defendant to pay child support in an amount consistent with the Nebraska Child Support Guidelines effective with the filing of this Complaint for Modification;

c) Awarding the Plaintiff a reasonable attorney fee;

d) For such other and further relief as the Court shall deem just and equitable.

ELIZABETH SMITH, n/k/a
ELIZABETH GRUNTORAD, Plaintiff,

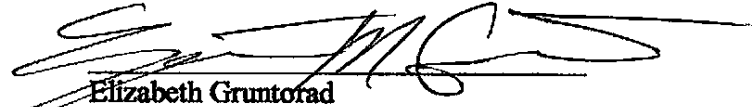


BY:

Michelle M. Mitchell, #22827
MITCHELL LAW OFFICE
P.O. Box 22532
Lincoln, NE 68542
(402) 742-9630

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

Elizabeth Smith, now known as Elizabeth Gruntorad, being on oath first duly sworn, deposes and states that she is the named Plaintiff in the above-captioned matter, that she knows the contents of the foregoing Complaint for Modification, and the statements therein are true as she verily believes.



Elizabeth Gruntorad

SUBSCRIBED AND SWORN AS TRUE before me this 15 day of April, 2016.

GENERAL NOTARY - State of Nebraska
CODY D POTTER
My Comm. Exp. Nov. 4, 2019

Notary Public

IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA

ELIZABETH SMITH, n/k/a
ELIZABETH GRUNTORAD,

Plaintiff,

v.

JODY SMITH,

Defendant.

CASE NO.: CI 14-3051

EX PARTE ORDER

NOW ON THIS ^{am} 15 day of April, 2016, this matter comes before the Court for consideration of Plaintiff's *Ex Parte* Motion to Suspend Defendant's Parenting Time with the minor children, Emma Smith, born 2007; Ava Smith, born 2009; and Olivia Smith, born 2012. Upon consideration of the Complaint for Modification filed herein, the Plaintiff's *Ex Parte* Motion to Suspend Defendant's Parenting Time, and the affidavit of the Plaintiff, the Court, being fully advised of the premises, finds that said Motion for *Ex Parte* Order should be and hereby is granted.

IT IS THEREFORE, BY THE COURT, CONSIDERED, ORDERED, ADJUDGED AND DECREED THAT Defendant's parenting time with the minor children of the parties, Emma Smith, born 2007; Ava Smith, born 2009; and Olivia Smith, born 2012, shall be suspended until further order of this Court.

IT IS FURTHER ORDERED THAT further hearing on the matter of Defendant's parenting time is set for the 25 day of April, 2016 at 10:30 o'clock a.m. in the District Court of Lancaster County, Nebraska, Courtroom #30, Justice and Law Enforcement Center, 575 South 10th Street, Lincoln, Nebraska. All evidence shall be by affidavit.

BY THE COURT,

Loretta M. Mart
District Court Judge

LANCASTER COUNTY
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CLERK OF THE
DISTRICT COURT



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IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA

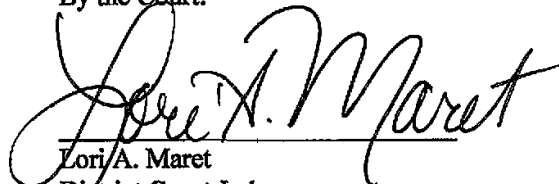
ELIZABETH SMITH,)	CI14-3051
)	
Plaintiff,)	
)	ORDER
vs.)	
)	
JODY SMITH,)	
)	
Defendant.,)	

If the parties *have not yet been to mediation*, this case shall be dismissed unless on or before January 17, 2017 an affidavit is filed by counsel setting forth the date, time and with whom mediation has been scheduled.

If the parties *have been to mediation*, the Modification of April 15, 2016 shall be dismissed unless on or before January 17, 2017 (a) a Notice of Default Hearing or (b) a Motion to set this case for trial has been scheduled with the court and filed with the Clerk of the District Court. The filing of no other motion or pleading will prevent the dismissal from occurring.

Dated this 14th day of December, 2016.

By the Court:


 Lori A. Maret
 District Court Judge

LANCASTER COUNTY
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 CLERK OF THE
 DISTRICT COURT



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CERTIFICATE OF SERVICE

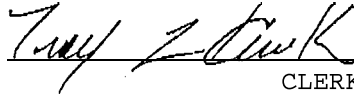
I, the undersigned, certify that on December 15, 2016 , I served a copy of the foregoing document upon the following persons at the addresses given, by mailing by United States Mail, postage prepaid, or via E-mail:

Jody Smith
1814 North 68th Street #101
Lincoln, NE 68505

Michelle M Mitchell
michellemitchell_jd@hotmail.com

Date: December 15, 2016

BY THE COURT:


CLERK



IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA
LANCASTER COUNTY

ELIZABETH SMITH, n/k/a 2017 FEB 28 PM 3 37 CASE NO.: CI 14-3051
ELIZABETH GRUNTORAD,

Plaintiff, CLERK OF THE DISTRICT COURT ORDER OF MODIFICATION
v.
JODY SMITH,
Defendant.

THIS MATTER came on for Trial on the 21st day of February, 2017 upon the Complaint for Modification filed by the Plaintiff on April 15, 2016. The Plaintiff appeared personally with her attorney, Michelle M. Mitchell. The Defendant did not appear, nor did counsel appear on behalf of the Defendant.

The Court takes judicial notice of the court file that reflects that the Defendant was personally served with a copy of the Plaintiff's Complaint for Modification on or about April 21, 2016; that Defendant appeared at hearings in this matter on April 25, 2016 and May 16, 2016; the Defendant is in default; and that the Order setting the Trial for February 21, 2017 was served via U.S. Mail on or about January 30, 2017.

The Plaintiff was sworn and offered testimony and evidence in support of her Complaint for Modification, and the cause was submitted. The Court, having duly considered the same and being fully advised in the premises, finds as follows:

1. That a Decree of Dissolution was entered in the Lancaster County District Court on December 3, 2014.
2. That the Decree of Dissolution dissolved the marriage of the parties and granted the Plaintiff the sole legal and physical custody of the minor children, to wit: Emma Smith, born 2007; Ava Smith, born 2009; and Olivia Smith, born 2012, subject to reasonable rights of parenting time for the Defendant.
3. That since the entry of the Decree of Dissolution, there has occurred a material and substantial change of circumstances to warrant the modification of the Decree as to the Defendant's parenting time with the minor children.



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4. That it is in the best interests of the minor children that the Defendant's parenting time with the minor children should be modified to reflect said changes of circumstances.
5. That said material and substantial change of circumstances include the Defendant's lack of a permanent residence, his use of controlled substances, his inability to keep the children safe, and his current inability and/or unwillingness to exercise the parenting time awarded to him in the original Decree of Dissolution.
6. That the Plaintiff should retain the permanent sole legal and physical care, custody, and control of the minor children of the parties.
7. That the Defendant should be awarded rights of reasonable, supervised certain and specific parenting time which will be fully supervised by an individual or individuals employed with an agency that provides supervision for parenting time and/or visitation as part of its regular course of business at the Defendant's expense. Defendant's parenting time shall be as provided for as set forth in Exhibit 6, offered and received into evidence.
8. That the Parenting Plan, submitted by the Plaintiff and received by the Court as Exhibit 6, is fair and reasonable and in the best interests of the minor children and the parties should be ordered to abide by the provisions therein. A copy of Exhibit 6 should be attached to and incorporated into this Order as if fully set forth herein.
9. That except as modified herein, the original Decree of Dissolution filed on December 3, 2014 should remain in full force and effect.

IT IS THEREFORE, BY THE COURT, ORDERED, ADJUDGED AND DECREED THAT the Plaintiff shall continue to have the sole legal and physical custody of the minor children of the parties, to wit: Emma Smith, born 2007; Ava Smith, born 2009; and Olivia Smith, born 2012.

IT IS FURTHER, BY THE COURT, ORDERED, ADJUDGED AND DECREED THAT since the entry of the Decree of Dissolution, there has occurred a material and substantial change of circumstances to the extent that it is in the best interests of the minor children that the Defendant's parenting time with the minor children shall be modified.

IT IS FURTHER, BY THE COURT, ORDERED, ADJUDGED AND DECREED THAT the Defendant shall be awarded rights of reasonable certain and specific supervised parenting time which shall be fully supervised by an individual or individuals employed with an agency

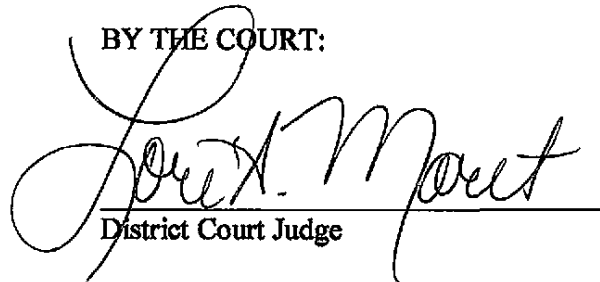
that provides supervision for parenting time and/or visitation as part of its regular course of business, at the Defendant's expense. Defendant's parenting time shall be as provided for as set forth in Exhibit 6, offered and received into evidence.

IT IS FURTHER, BY THE COURT, ORDERED, ADJUDGED AND DECREED THAT the Parenting Plan, submitted by the Plaintiff and received by the Court as Exhibit 6, is fair and reasonable and in the best interests of the minor children and the parties shall be ordered to abide by the provisions therein. A copy of Exhibit 6 shall be attached to and incorporated into this Order as if fully set forth herein.

IT IS FURTHER, BY THE COURT, ORDERED, ADJUDGED AND DECREED THAT except as modified herein, the original Decree of Dissolution filed on December 3, 2014 shall remain in full force and effect.

DATED THIS 28 day of February, 2017.

BY THE COURT:


District Court Judge

Prepared and submitted by:

Michelle M. Mitchell, #22827
Attorney at Law
P.O. Box 22532
Lincoln, NE 68542
(402) 430-1983
Michellemitchell_jd@hotmail.com
Attorney for Plaintiff

IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA

ELIZABETH SMITH, n/k/a
ELIZABETH GRUNTORAD,

Plaintiff,

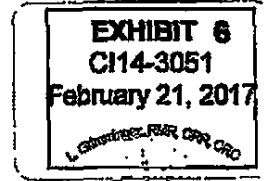
v.

JODY SMITH,

Defendant.

CASE NO.: CI 14-3051

PLAINTIFF'S PROPOSED
PARENTING PLAN



1. The Plaintiff and Defendant are the parents of three minor children, to wit: Emma Smith, born 2007; Ava Smith, born 2009; and Olivia Smith, born 2012.
2. The purpose of this Parenting Plan is to establish parenting time, parenting time arrangements, access arrangements, and to determine resolution of future disagreements between the Plaintiff and Defendant regarding this Parenting Plan.
3. The Plaintiff is a fit and proper person to retain the sole legal and physical custody of the minor children of the parties.
4. A material change of circumstances has occurred since the Decree of Dissolution was entered in this matter in that at the present time, the Defendant is unable to properly parent the minor children due to, among other things, homelessness and substance abuse. Due to said material changes, Defendant's parenting time should be modified.
5. It is in the best interest of the minor children that Defendant be awarded rights of reasonable certain and specific parenting time which will be fully supervised by an individual or individuals employed with an agency that provides supervision for parenting time and/or visitation as part of its regular course of business. Defendant's parenting time shall be only as provided for in this Parenting Plan as follows:

A. Regular Parenting Time: The Defendant's regular parenting time shall consist of one (1) period of not more than four (4) hours every-other-weekend and shall not include any times after 8:00 o'clock p.m. This four (4) hour block of parenting time shall occur between 4:00 o'clock p.m. on Friday evening and 5:00 o'clock p.m. on Sunday evening. The Defendant shall

LANCASTER COUNTY

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CLERK OF THE
DISTRICT COURT

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provide the Plaintiff with at least forty-eight (48) hours' notice of the day and time he wishes to exercise this parenting time, and he will notify the Plaintiff of where the parenting time will occur. The Plaintiff shall attempt to accommodate reasonable and timely parenting time requests by the Defendant.

B. **Holiday Parenting Time:** The Defendant may have reasonable rights to supervised holiday parenting time as agreed upon by the parties, with no more than one (1) four (4) hour period of supervised parenting time with the minor children per holiday. The Defendant shall provide the Plaintiff with at least forty-eight (48) hours' notice of the day and time he wishes to exercise this parenting time, and he will notify the Plaintiff of where the parenting time will occur.

6. **Coordination:** The Plaintiff will transport the children to the predesignated location of Defendant's parenting time and will ensure the location and supervision is satisfactory. The Plaintiff will have the option of remaining present during the Defendant's Parenting. The Plaintiff will pick the children up at the conclusion of the Defendant's parenting time. The children shall only be transported by the Plaintiff and/or her husband, Josh Gruntorad, and under no circumstances shall the Defendant transport the minor children.

7. **Additional Provisions Regarding the Defendant's Parenting time:**

A. All of the Defendant's parenting time will be fully supervised by an individual or individuals employed with an agency that provides supervision for parenting time and/or visitation as a part of its regular course of business. At no time shall the Defendant and the minor children be unsupervised.

B. All costs of supervision of Defendant's parenting time shall be borne by the Defendant.

C. The Defendant shall provide the Plaintiff with at least forty-eight (48) hours' notice of the time and day that he would like to exercise parenting time as set forth above and shall provide the Plaintiff with the location of the visit, and the name, address, and telephone number of the supervising agency. The Defendant will execute all releases necessary to ensure that the Plaintiff can

contact and verify the supervising agency and/or worker(s).

- D. The Defendant shall exercise all parenting time in Lincoln, Nebraska in a visitation center or in a public place such as a library, a play area, museum, park, etc.
- E. Except for the Defendant, the minor children, and the supervision worker(s), no one other than the Plaintiff and/or her husband, Josh Gruntorad, may be present during Defendant's parenting time.
- F. The Plaintiff shall be entitled to request that the Defendant submit himself to drug and/or alcohol testing prior to any parenting time the Defendant wishes to exercise with the minor children, and the Defendant shall timely submit to said testing. Said testing shall be at the Defendant's expense and the Defendant shall sign releases or authorizations necessary to allow the Plaintiff to obtain the results of said testing. Should the Defendant test positive for any non-prescription drugs and/or alcohol as evidenced by positive test results or results that evidence a specimen has been altered, diluted, substituted, or adulterated, the Defendant forfeits any rights to exercise his parenting time with the minor children until such time as he presents the Plaintiff with a test evidencing negative results.
- G. Any and all provisions contained in the original Parenting Plan and/or Decree of Dissolution which requires the Plaintiff, as custodial parent of the minor children, to give notice to the Defendant regarding the minor children, receive permissions from the Defendant regarding the minor children, and/or inform the Defendant of the minor children's activities, schedules, appointments, etc., shall be suspended.
- H. Permanent Changes: This Parenting Plan may only be changed by mutual, written agreement of the parties; however, both parents understand that the Court must approve any permanent changes to be binding and enforceable.

CERTIFICATE OF SERVICE

I, the undersigned, certify that on March 1, 2017, I served a copy of the foregoing document upon the following persons at the addresses given, by mailing by United States Mail, postage prepaid, or via E-mail:

Michelle M Mitchell
michellemitchell_jd@hotmail.com

Date: March 1, 2017

BY THE COURT:

Judy Z. Clark
CLERK

