

FILED

DEC 05 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

IN THE SUPREME COURT OF THE STATE OF NEVADA

INDICATE FULL CAPTION:

JOSUE TERRONES VALDEZ,
Appellant,
vs.
PATRICIA SOTO AGUILAR,
Respondent

No. 66854

DOCKETING STATEMENT
CIVIL APPEALS

GENERAL INFORMATION

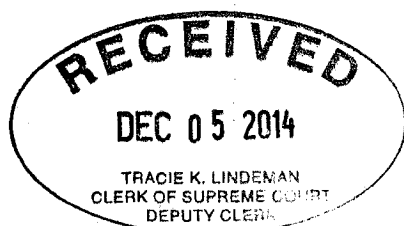
All appellants not in proper person must complete this docketing statement. NRAP 14(a). The purpose of the docketing statement is to assist the Supreme Court in screening jurisdiction, classifying cases for en banc, panel, or expedited treatment, compiling statistical information and identifying parties and their counsel.

WARNING

This statement must be completed fully, accurately and on time. NRAP 14(c). The Supreme Court may impose sanctions on counsel or appellant if it appears that the information provided is incomplete or inaccurate. *Id.* Failure to fill out the statement completely or to file it in a timely manner constitutes grounds for the imposition of sanctions, including a fine and/or dismissal of the appeal.

A complete list of the documents that must be attached appears as Question 26 on this docketing statement. Failure to attach all required documents will result in the delay of your appeal and may result in the imposition of sanctions.

This court has noted that when attorneys do not take seriously their obligations under NRAP 14 to complete the docketing statement properly and conscientiously, they waste the valuable judicial resources of this court, making the imposition of sanctions appropriate. See KDI Sylvan Pools v. Workman, 107 Nev. 340, 344, 810 P.2d 1217, 1220 (1991). Please use tab dividers to separate any attached documents.



Revised June 2014

14-39676

1. Judicial District Second Department 13
County Washoe Judge Bridget Robb
District Ct. Case No. FV10-04478

2. Attorney filing this docketing statement:

Attorney Jonathan H. King Telephone (775)322-2211
Firm Law Offices of Jonathan H. King
Address 429 Marsh Ave.
Reno, Nevada 89509

Client(s) Josue Terrones Valdez

If this is a joint statement by multiple appellants, add the names and addresses of other counsel and the names of their clients on an additional sheet accompanied by a certification that they concur in the filing of this statement.

3. Attorney(s) representing respondents(s): None

Attorney _____ Telephone _____
Firm _____
Address _____

Client(s) _____

Attorney _____ Telephone _____
Firm _____
Address _____

Client(s) _____

(List additional counsel on separate sheet if necessary)

4. Nature of disposition below (check all that apply):

- | | |
|--|---|
| <input type="checkbox"/> Judgment after bench trial | <input type="checkbox"/> Dismissal: |
| <input type="checkbox"/> Judgment after jury verdict | <input type="checkbox"/> Lack of jurisdiction |
| <input type="checkbox"/> Summary judgment | <input type="checkbox"/> Failure to state a claim |
| <input type="checkbox"/> Default judgment | <input type="checkbox"/> Failure to prosecute |
| <input type="checkbox"/> Grant/Denial of NRCP 60(b) relief | <input type="checkbox"/> Other (specify): _____ |
| <input checked="" type="checkbox"/> Grant/Denial of injunction | <input type="checkbox"/> Divorce Decree: |
| <input checked="" type="checkbox"/> Grant/Denial of declaratory relief | <input type="checkbox"/> Original <input type="checkbox"/> Modification |
| <input type="checkbox"/> Review of agency determination | <input type="checkbox"/> Other disposition (specify): _____ |

5. Does this appeal raise issues concerning any of the following?

- ☐ Child Custody
- ☐ Venue
- ☐ Termination of parental rights

6. Pending and prior proceedings in this court. List the case name and docket number of all appeals or original proceedings presently or previously pending before this court which are related to this appeal:

7. Pending and prior proceedings in other courts. List the case name, number and court of all pending and prior proceedings in other courts which are related to this appeal (e.g., bankruptcy, consolidated or bifurcated proceedings) and their dates of disposition:

8. Nature of the action. Briefly describe the nature of the action and the result below:

Appellant has primary physical custody of his son, now age 5. The Mother was Ordered to pay child support, commencing September 2010. Even though a child support Order was in place, and the Mother was more than \$20,000.00 in child support arrearages, she has relied upon NRS 425.360(4) to completely avoid, not just postpone the existence of any child support obligation. Appellant seeks declaratory relief to the effect that said statute is unconstitutional both on its face and as applied to the facts and circumstances of this case. The effect of the lower courts decision retroactively modified and eliminated twenty-seven (27) months of child support during the period between February 2011 through November 2011 and August 2012 through January 2014. The Court Master and District Judge have both ruled that during months in which public assistance is received by the Mother for the benefit of a dependent child who is not the child of Appellant that she is required to pay no child support whatsoever.

9. Issues on appeal. State specifically all issues in this appeal (attach separate sheets as necessary):

Constitutionality of NRS 425.360(4) on its face and as applied to the facts and circumstances of this case.

10. Pending proceedings in this court raising the same or similar issues. If you are aware of any proceedings presently pending before this court which raises the same or similar issues raised in this appeal, list the case name and docket numbers and identify the same or similar issue raised:

11. Constitutional issues. If this appeal challenges the constitutionality of a statute, and the state, any state agency, or any officer or employee thereof is not a party to this appeal, have you notified the clerk of this court and the attorney general in accordance with NRAP 44 and NRS 30.130?

☐ N/A

☐ Yes

☒ No

If not, explain: Involved in this appeal is the Washoe County District Attorney's Office, Family Support Division who, while not attorney of record for any party to this appeal, nevertheless has participated at all stages and will continue to participate.

12. Other issues. Does this appeal involve any of the following issues?

☐ Reversal of well-settled Nevada precedent (identify the case(s))

☒ An issue arising under the United States and/or Nevada Constitutions

☐ A substantial issue of first impression

☐ An issue of public policy

☐ An issue where en banc consideration is necessary to maintain uniformity of this court's decisions

☐ A ballot question

If so, explain:

13. Trial. If this action proceeded to trial, how many days did the trial last? _____

Was it a bench or jury trial? _____

14. Judicial Disqualification. Do you intend to file a motion to disqualify or have a justice recuse him/herself from participation in this appeal? If so, which Justice?

TIMELINESS OF NOTICE OF APPEAL

15. Date of entry of written judgment or order appealed from August 20, 2014

If no written judgment or order was filed in the district court, explain the basis for seeking appellate review:

16. Date written notice of entry of judgment or order was served November 6, 2014

Was service by:

☐ Delivery

☒ Mail/electronic/fax

17. If the time for filing the notice of appeal was tolled by a post-judgment motion (NRCP 50(b), 52(b), or 59)

(a) Specify the type of motion, the date and method of service of the motion, and the date of filing.

☐ NRCP 50(b) Date of filing _____

☐ NRCP 52(b) Date of filing _____

☐ NRCP 59 Date of filing _____

NOTE: Motions made pursuant to NRCP 60 or motions for rehearing or reconsideration may toll the time for filing a notice of appeal. See AA Primo Builders v. Washington, 126 Nev. ___, 245 P.3d 1190 (2010).

(b) Date of entry of written order resolving tolling motion _____

(c) Date written notice of entry of order resolving tolling motion was served _____

Was service by:

☐ Delivery

☐ Mail

18. Date notice of appeal filed November 6, 2014

If more than one party has appealed from the judgment or order, list the date each notice of appeal was filed and identify by name the party filing the notice of appeal:

19. Specify statute or rule governing the time limit for filing the notice of appeal, e.g., NRAP 4(a) or other

NRAP 4(a)

SUBSTANTIVE APPEALABILITY

20. Specify the statute or other authority granting this court jurisdiction to review the judgment or order appealed from:

(a)

- | | |
|---|---------------------------------------|
| <input checked="" type="checkbox"/> NRAP 3A(b)(1) | <input type="checkbox"/> NRS 38.205 |
| <input type="checkbox"/> NRAP 3A(b)(2) | <input type="checkbox"/> NRS 233B.150 |
| <input type="checkbox"/> NRAP 3A(b)(3) | <input type="checkbox"/> NRS 703.376 |
| <input type="checkbox"/> Other (specify) _____ | |

(b) Explain how each authority provides a basis for appeal from the judgment or order:
The Order filed August 20, 2014 is a final Judgment in an action or proceeding commenced in the Court in which the Judgment is rendered, to the extent that it covers the child support obligation existing between 2010 - 2014.

21. List all parties involved in the action or consolidated actions in the district court:

(a) Parties:

Josue Terrones Valdez

Patricia Soto Aguilar

(b) If all parties in the district court are not parties to this appeal, explain in detail why those parties are not involved in this appeal, *e.g.*, formally dismissed, not served, or other:

22. Give a brief description (3 to 5 words) of each party's separate claims, counterclaims, cross-claims, or third-party claims and the date of formal disposition of each claim.

Child support obligation sought by parent having primary physical custody.

23. Did the judgment or order appealed from adjudicate ALL the claims alleged below and the rights and liabilities of ALL the parties to the action or consolidated actions below?

☒ Yes

☐ No

24. If you answered "No" to question 23, complete the following:

(a) Specify the claims remaining pending below:

(b) Specify the parties remaining below:

(c) Did the district court certify the judgment or order appealed from as a final judgment pursuant to NRCP 54(b)?

☐ Yes

☐ No

(d) Did the district court make an express determination, pursuant to NRCP 54(b), that there is no just reason for delay and an express direction for the entry of judgment?

☐ Yes

☐ No

25. If you answered "No" to any part of question 24, explain the basis for seeking appellate review (e.g., order is independently appealable under NRAP 3A(b)):

26. Attach file-stamped copies of the following documents:

- The latest-filed complaint, counterclaims, cross-claims, and third-party claims
- Any tolling motion(s) and order(s) resolving tolling motion(s)
- Orders of NRCP 41(a) dismissals formally resolving each claim, counterclaims, cross-claims and/or third-party claims asserted in the action or consolidated action below, even if not at issue on appeal
- Any other order challenged on appeal
- Notices of entry for each attached order

VERIFICATION

I declare under penalty of perjury that I have read this docketing statement, that the information provided in this docketing statement is true and complete to the best of my knowledge, information and belief, and that I have attached all required documents to this docketing statement.

Josue Terrones Valdez

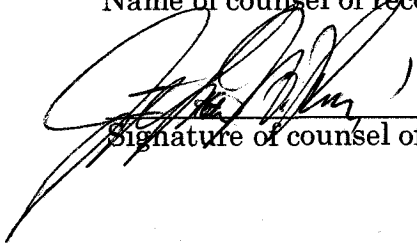
Name of appellant

Jonathan H. King, Esq.

Name of counsel of record

12/4/14

Date


Signature of counsel of record

Washoe County, Nevada

State and county where signed

CERTIFICATE OF SERVICE

I certify that on the 4th day of December, 2014, I served a copy of this completed docketing statement upon all counsel of record:

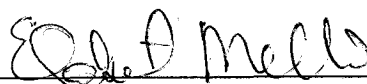
☐ By personally serving it upon him/her; or

☒ By mailing it by first class mail with sufficient postage prepaid to the following address(es): (NOTE: If all names and addresses cannot fit below, please list names below and attach a separate sheet with the addresses.)

Susan Hallahan
Washoe County District Attorney's Office
P.O. Box 11130
Reno, Nevada

Patricia Soto Aguilar
3811 Patricia Lane
Reno, Nevada 89512

Dated this 4th day of December, 2014


Signature

RECEIVED

JAN 31 2011

WCDA - FSD

FILED

Electronically

01-28-2011:10:37:54 AM

Howard W. Conyers

Clerk of the Court

Transaction # 1998370

CODE 1845

SUSAN HALLAHAN, C.D.D.A.

BAR # 4412

PO BOX 30083

RENO, NV 89520-3083

(775) 789-7100

ATTORNEY FOR: WASHOE COUNTY DISTRICT ATTORNEY'S OFFICE

IN THE FAMILY DIVISION

OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

JOSUE TERRONES VALDEZ

Obligee,

vs.

PATRICIA SOTO AGUILAR

Obligor.

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Case No. FV10-04478

Dept. No. UM

JUDGMENT AND ORDER

The Notice Of Intent To Enforce matter was heard on January 6, 2011 before the Court Master with the following persons present:

Obligee: ☒ Present () Not present PRESENTED by Susan Hallahan
District Attorney's Office

Obligor: ☒ Present () Not present Represented by: proper
with interpreter Marco Contreras

After considering all of the evidence, the Master hereby makes the following Findings and Recommendations:

(XX) Obligor is the parent of the following child.

ANDREI TERRONES SOTO 03/06/2009

() Obligor was properly served and noticed of today's hearing at his / her last known address and failed to appear.

1 () Oblige was properly noticed of today's hearing _____

2 _____

3 (XX) Nevada has continuing exclusive jurisdiction pursuant to the Full Faith
4 and Credit for Child Support Orders Act (FFCCSOA) (28 U.S.C. 1738B), and the
5 Uniform Interstate Family Support Act (UIFSA) (NRS Chapter 130); the basis
6 for this finding is: all orders were entered

7 in the State of Nevada

8 () Obligor's gross monthly income \$ _____: formula amount: _____% = \$ _____.
9 Basis for deviation from State formula: _____

10 (X) A judgment is entered against Obligor for child support arrears in the
11 amount of \$ 1593.00 in principal plus \$ 13.94 in interest plus
12 \$ 106.20 in penalties for a total of \$ 1713.14 from 9/1/10
13 through 11/30/10. (See attached Custodian Financial Audit for Child
14 Support). Obligor shall be given thirty (30) days to provide proof of
15 additional payments to the District Attorney's Office.

16 (X) Obligor shall pay \$ 531.00 per month in ongoing child support due
17 no later than the last day of the calendar month beginning 12/2010.

18 (X) A wage withholding shall be issued immediately.

19 (XX) Obligor is responsible for all payments due under this Order. At any
20 time withholding does not occur, Obligor must make voluntary payments to the
21 State Collection and Disbursement Unit. All payments MUST be in the form of
22 a cashier's check or money order (personal checks will not be accepted) and
23 made payable to SCaDU and mailed to: STATE COLLECTION AND DISBURSEMENT UNIT,
24 P.O. BOX 98950, LAS VEGAS, NV 89193-8950. Obligor must place his/her social
25 security number, name (first, middle, last) and the name of custodian (first
and last) on the face of each payment. Your child support payment does not
get credited to your case until the payment is received by SCaDU. NOTICE:
NO CREDIT WILL BE GIVEN FOR PAYMENTS PAID DIRECTLY TO OBLIGEE. PAYMENT OF
SUPPORT IS TO BE AS PROVIDED HEREIN, AND THE GIVING OF GIFTS, OF MAKING
PURCHASES OF FOOD, CLOTHING, AND THE LIKE WILL NOT FULFILL THE OBLIGATION.

(XX) Interest will be assessed on all unpaid support balances for cases with
a Nevada controlling order pursuant to NRS 99.040. A 10% penalty may be
assessed on each unpaid installment, or portion thereof, of an obligation to
pay support for a child, pursuant to NRS 125B.095. If you pay your child
support through income withholding and your full obligation is not met by the
amount withheld by your employer, you are responsible to pay the difference
between your court ordered obligation and the amount withheld by your
employer directly to the state disbursement unit. If you fail to do so you

1 will be subject to the assessment of penalties and interest. You may avoid
2 these additional costs by making your current child support payments each
month.

3 () Obligor shall provide health coverage pursuant to:

4 (X) Obligee shall provide health coverage pursuant to:

5 The order filed 9/1/2010 in case FV10-01573.

6 () Obligor shall provide health coverage.

7 () Obligee shall provide health coverage and Obligor shall pay
8 \$_____ per month for cash medical support beginning _____.

9 () Obligor is to pay \$_____ per month for cash medical support
beginning _____ and Obligee shall provide health coverage when it
becomes accessible and available at a reasonable cost.

10 () Obligor () Obligee shall provide proof of insurance coverage including
11 an insurance identification card and insurance plan provider list to the
District Attorney's Office, Family Support Division within **fifteen (15)** days
12 of today's date.

13 (X) Expenses for health care which are not reimbursed, including expenses
14 for medical, surgical, dental, orthodontic and optical expenses, must be
borne equally by both parents in the absence of extraordinary circumstances.

15 () A hearing shall be held on _____ at _____ for
the purpose of _____.

16 () Obligor shall provide the following to the District Attorney's Office,
17 Family Support Division no later than ten (10) days before the hearing:

18 _____ A financial declaration in a form satisfactory for filing with
the Court;

19 _____ Written documentation regarding all efforts made toward
obtaining a job;

20 _____ Written documentation regarding any schooling, vocational
training and/or enrollment in classes as directed by the Court.

21 () The Court retains jurisdiction to retroactively modify the ongoing
child support to the month and year Obligor became employed.

22 (XX) Pursuant to NRS 125B.145 this Order may be reviewed every three (3)
23 years and is subject to future modifications upon the filing of a request for
review by either party.

24 (XX) Pursuant to NRS 125B.085, medical support includes, without limitation,
25 coverage for health care under a plan of insurance, that is reasonable in

1 cost and accessible, including, without limitation, the payment of any
2 premium, co-payment or deductible and the payment of medical expenses.
3 Reasonable in cost is defined as not more than 5% of the parent's gross
monthly income. Accessible is defined as not limited to a geographical area
or is limited to a geographical area and the child resides within that area.

4 (XX) Unless a stay of this Order is obtained from District Court, all
5 enforcement procedures including, but not limited to wage withholding,
6 garnishment, liens and the attachment of federal income tax returns will be
7 undertaken upon entry of this order, regardless of the payment schedule set
forth herein and regardless of Obligor's compliance with such payments. This
document may be recorded and may act as a lien against any real or personal
property in which Obligor has an interest.

8 (XX) Obligor shall notify the District Attorney's Office, Family Support
9 Division in WRITING of any change of address, change of employment, change of
custody, access to health insurance coverage or change in health insurance
policy information, or entry of any other Order relative to child support.

10 It is further ordered that: _____
11 _____
12 _____
13 _____
14 _____
15 _____
16 _____
17 _____
18 _____
19 _____
20 _____

21 SUPPORT OBLIGATION BREAKDOWN AS FOLLOWS:


22	Child Support.	\$ <u>531.00</u>	Effective <u>12/2010</u>
	Child Support Arrearages	\$ <u>50.00</u>	Effective <u>12/2010</u>
23	Medical Cash.	\$ _____	Effective _____
	Other _____	\$ _____	Effective _____
24	TOTAL PAYMENT: \$ <u>581.00</u>		
25	_____		

AFFIRMATION PURSUANT TO NRS 239B.030

The preceding document does not contain the social security number of any person.

IT IS SO RECOMMENDED.

Dated: 1/6, 2011, ~~2010~~


COURT MASTER

NOTICE

Objections/Appeals are governed by NRS 425.3844 and Washoe District Court Rule 32. You have thirteen (13) days from the date it was mailed to you to file an objection. Failure to file and serve written objections will result in a final Judgment being entered by District Court.

ORDER/JUDGMENT

✓
The Clerk of the Court having reviewed the District Court's file and having determined that no objection has been filed within the ten day objection period, the Master's Recommendation is hereby deemed approved by the District Court pursuant to NRS 425.3844. The affixing of the Clerk of the Court's file stamp to this Master's Recommendation signifies that the ten-day objection period has expired without an objection having been filed and that the District Court deems the Master's Recommendation to be approved as a JUDGMENT and ORDER of the District Court, effective with the file stamp date, without need of a District Court Judge's signature affixed hereto. The parties are ordered to comply with this JUDGMENT AND ORDER.

PATRICIA SOTO AGUILAR
676801200A
FV10-04478

Custodian Financial Audit (part 1 of 2)

Run Date: 12/27/2010
Run Time: 11:14 AM

NCP Name: Soto Aguilar, Patricia
CST Name: Terrones Valdez, Josue

Case ID: 676801200A
Docket#: FV10-04478
Prepared By: CDEWEY
Last Updated By: CDEWEY

Office: 16
Prepared By Date: 12/27/2010
Last Updated By Date: 12/27/2010

Provision Type: Child Support

Event Date	Event Type	Current Amount Due	NCP Paid	Unadjudicated Arrears		Adjudicated Arrears	
				Adjustment Amount	Running Balance	Adjustment Amount	Running Balance
1 09/01/2010	J	0.00	0.00	0.00	0.00	0.00	0.00
2 09/01/2010	O	531.00	0.00	531.00	531.00	0.00	0.00
3 09/30/2010	M	0.00	0.00	0.00	531.00	0.00	0.00
4 10/01/2010	O	531.00	0.00	531.00	1062.00	0.00	0.00
5 10/31/2010	M	0.00	0.00	0.00	1062.00	0.00	0.00
6 11/01/2010	O	531.00	0.00	531.00	1593.00	0.00	0.00
7 11/30/2010	M	0.00	0.00	0.00	1593.00	0.00	0.00
Totals:		\$1593.00	\$0.00	\$0.00	\$1593.00	\$0.00	\$0.00

Total Unadjudicated: \$1593.00
Total Adjudicated: \$0.00
Total Arrears: \$1593.00

Custodian Financial Audit (part 2 of 2)

Run Date: 12/27/2010

Run Time: 11:14 AM

NCP Name: Soto Aguilar, Patricia
CST Name: Terrones Valdez, Josue

Case ID: 676801200A
Docket#: FV10-04478

Office: 16

Prepared By: CDEWEY

Prepared By Date: 12/27/2010

Last Updated By: CDEWEY

Last Updated By Date: 12/27/2010

Provision Type: Child Support

Event Date	Event Type	Current Amount Due	NCP Paid	Unadjudicated Interest (On UA)		Unadjudicated Interest (On AA)		Adjudicated Interest		Unadjudicated Penalty		Adjudicated Penalty	
				Adjust Amount	Running Balance	Adjust Amount	Running Balance	Adjust Amount	Running Balance	Adjust Amount	Running Balance	Adjust Amount	Running Balance
109/01/2010	J	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
209/01/2010	O	531.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
309/30/2010	M	0.00	0.00	2.32	2.32	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
410/01/2010	O	531.00	0.00	0.00	2.32	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
510/31/2010	M	0.00	0.00	4.65	6.97	0.00	0.00	0.00	0.00	53.10	53.10	0.00	0.00
611/01/2010	O	531.00	0.00	0.00	6.97	0.00	0.00	0.00	0.00	0.00	53.10	0.00	0.00
711/30/2010	M	0.00	0.00	6.97	13.94	0.00	0.00	0.00	0.00	53.10	106.20	0.00	0.00
Totals:		\$1593.00	\$0.00	\$0.00	\$13.94	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$106.20	\$0.00	\$0.00

Total Unadjudicated Interest on UA: \$13.94

Total Unadjudicated Interest on AA: \$0.00

Total Adjudicated Interest: \$0.00

Total Interest: \$13.94

Total Unadjudicated Penalty: \$106.20

Total Adjudicated Penalty: \$0.00

Total Penalty: \$106.20

Total Arrears: \$1593.00

Total Interest: \$13.94

Total Penalty: \$106.20

Grand Total: \$1713.14

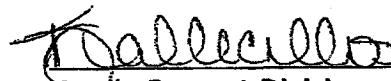
Pursuant to NRCP 5(b), I certify that I am an employee of the Washoe County District Attorney's Office, and that on this date I deposited for mailing at Reno, Nevada, a true copy of the within document addressed to:

PATRICIA SOTO AGUILAR
310 MAINE ST #9
RENO, NV 89509

Dated this 11 day of January, 2011.

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding document does not contain the social security number of any person.


Family Support Division
676801200A

ejm

1 CODE: 2490
2 JONATHAN H. KING, ESQ.
3 Nevada State Bar No. 22
4 429 Marsh Avenue
5 Reno, Nevada 89509
6 Telephone: (775) 322-2211
7 Attorney for Obligee

FILED

2013 AUG 12 AM 11:00

JOEY DORR, ASSISTING
CLERK OF THE COURT

BY M. Chotko
DEPUTY

IN THE FAMILY DIVISION

OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

JOSUE TERRONES VALDEZ

Obligee,

vs.

Case No. FV10-04478

PATRICIA SOTO AGUILAR,

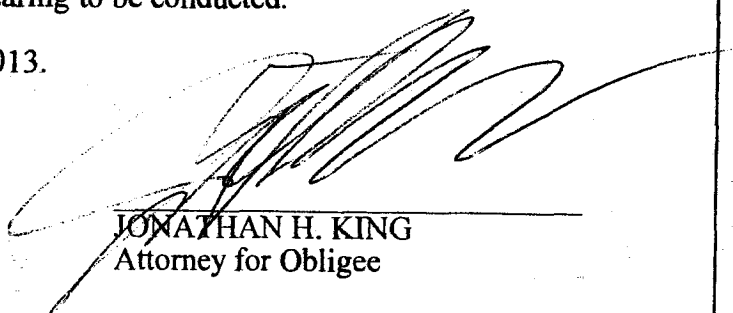
Dept. No. UM

Obligor.

MOTIONS FOR ENFORCEMENT AND FOR
ORDER TO SHOW CAUSE

COMES NOW Obligee JOSUE TERRONES-VALDEZ, by and through his attorney, the Law Offices of Jonathan H. King, and moves this Court for enforcement of the Child Support Order in the above-entitled matter, for affirmative relief associated in the enforcement thereof, and for an Order to Show Cause requiring Obligor PATRICIA SOTO-AGUILAR to appear and show why she should not be held in contempt, for imposition of sanctions, and for imposition of a jail sentence based upon a finding of contempt. Said Motions are made and based upon the pleadings on file herein, the attached Points and Authorities, and upon such testimony, evidence and argument as may be presented at any hearing to be conducted.

DATED this 8th day of August, 2013.


JONATHAN H. KING
Attorney for Obligee

1 **POINTS AND AUTHORITIES**

2 Pursuant to hearing conducted January 6, 2011, resulting in a Judgment and Order filed
3 thereafter, Obligees was granted Judgment against Obligor for child support arrearages totaling
4 \$1,713.14 through November 30, 2010. In said Judgment and Order Obligor was required to
5 make ongoing monthly payments of \$531.00, plus \$50.00 to be applied towards the already
6 accrued child support arrearages. At the hearing in front of the Court Master, Obligor was
7 specifically warned of the consequences of her not complying with the payment of ongoing child
8 support plus payment towards the accrued arrearages.

9 Since the hearing was conducted, over thirty (30) months ago Obligor has paid virtually
10 nothing towards her child support obligation and Obligees has tried unsuccessfully to obtain
11 assistance from the Washoe County District Attorney's Office, Family Support Division. A few
12 small payments were made during 2011 the receipts provided to Obligees total \$510.00, less than
13 one month of the ongoing child support. In 2012, Obligor paid absolutely nothing towards her
14 child support obligation. To date in 2013 Obligor has paid absolutely nothing towards her child
15 support obligation.

16 Obligor has utterly failed to comply with said Judgment and Order. The Motion is
17 brought because adequate support is not being received for the benefit of the minor child. The
18 Motion is regarding the child, and not his parents. Andrei is a wonderful happy child who
19 deserves the best which includes financial support from his mother.

20 It is estimated that accrued child support arrearages, not including interest and penalties,
21 now exceeds \$19,000.00. Accordingly, Obligees requests a finding of contempt for each month in
22 which Obligor has failed to make any payment towards child support and any month in which
23 she has made a child support payment which is less than the amount required. Obligees requests
24 that the driver's license privileges of Obligor be suspended. Obligees requests that sanctions
25 include, but not be limited to, a term of incarceration for each separate act of contempt. Obligees
26 requests an award of attorney's fees and costs associated with the bringing of this Motion.
27 Attorney's fees and costs are mandatory pursuant to the provisions of NRS 125B.140.

28 Obligees also requests affirmative relief in aid of his pursuing collection of the unpaid

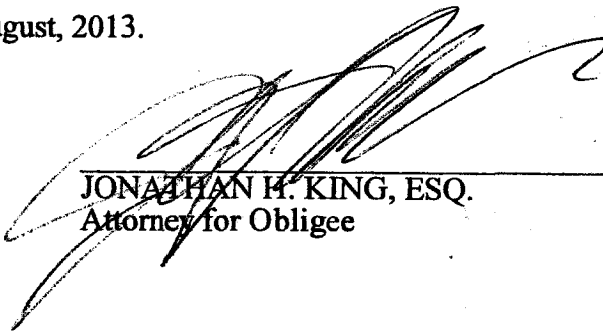
1 child support arrears. First, Obligee requests leave to conduct discovery. Second, Obligee
2 requests that Obligor be required to produce her Federal Income Tax Returns, including all
3 schedules, for the calendar years 2011 and 2012 and that she be required to produce her W-2
4 Wage and Tax Statements for 2011 and 2012, and that she be required to produce her pay stubs
5 to date for the period from January 1, 2013 through August 31, 2013. Obligor has a history of
6 earning unreported income "under the table" and this will require necessary investigation to
7 determine the true income she now earns. Obligor should also be required to prepare and file
8 forthwith an updated Financial Disclosure Form, which would necessarily include information
9 regarding the income of her adult roommate.

10 Obligee reserves the right to supplement this Motion by way of testimony, evidence and
11 argument at any hearing to be conducted.

12 **AFFIRMATION Pursuant to NRS 239B.030**

13 The undersigned does hereby affirm that the preceding document does not contain the
14 social security number of any person.

15 DATED this 8th day of August, 2013.

16
17
18 
JONATHAN H. KING, ESQ.
Attorney for Obligee

19 *****

20 *****

21 *****

22 *****

23 *****

24 *****

25 *****

26 *****

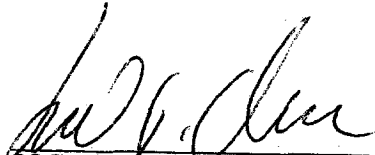
27 *****

28 *****

VERIFICATION


STATE OF NEVADA)
COUNTY OF WASHOE) ss.

JOSUE TERRONES VALDEZ, being first duly sworn, deposes and says under penalty of perjury: I am the Obligee in the above-entitled action; I have read the foregoing Motions for Enforcement and for Order to Show Cause, and know the contents thereof. The same is true as of my own knowledge, except as to those matters therein stated upon information and belief, and as to those matters I believe them to be true.



JOSUE TERRONES VALDEZ

SUBSCRIBED and SWORN to before me
on this 17th day of August, 2013.



Notary Public



CERTIFICATE OF SERVICE BY MAIL

Pursuant to NRCP Rule 5(b), I certify that on the _____ day of August, 2013, I deposited for mailing, in the U.S. Mail in Reno, Nevada, with postage thereon fully prepaid, a true and correct copy of the within document, addressed as follows:

Patricia Sota-Aguilar
3811 Patricia Lane
Reno, NV 89512



Liz Mello

IN THE FAMILY DIVISION OF THE SECOND JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA IN AND FOR THE COUNTY OF WASHOE

JOSUE TERRONES VALDEZ)
Obligee)
)
vs.)
PATRICIA SOTO AGUILAR)
Obligor)
)
)
)

FAMILY COURT MOTION/OPPOSITION NOTICE (REQUIRED)
CASE NO. FV10-04478
DEPT. NO. 11M

NOTICE: THIS MOTION/OPPOSITION NOTICE **MUST BE ATTACHED AS THE LAST PAGE** to every motion or other paper filed pursuant to chapter 125, 125B or 125C of NRS and to any answer or response to such a motion or other paper.

A.	Mark the CORRECT ANSWER with an X.	YES	NO
	1. Has a final decree or custody order been entered in this case? If <u>yes</u> , then continue to Question 2. If <u>no</u> , you do not need to answer any other questions.	X	
	2. Is this a motion or an opposition to a motion filed to change a final order? If <u>yes</u> , then continue to Question 3. If <u>no</u> , you do not need to answer any other questions.		X
	3. Is this a motion or an opposition to a motion filed only to change the amount of child support?		
	4. Is this a motion or an opposition to a motion for reconsideration or a new trial <u>and</u> the motion was filed within 10 days of the Judge's Order?		
	IF the answer to Question 4 is YES, write in the <u>filing date</u> found on the front page of the Judge's Order.	Date	
B.	If you answered NO to either Question 1 or 2 or YES to Question 3 or 4, you are <u>exempt</u> from the \$25.00 filing fee. However, if the Court later determines you should have paid the filing fee, your motion will <u>not</u> be decided until the \$25.00 fee is paid.		

I affirm that the answers provided on this Notice are true.

Date: 8/8/13

Signature:

Print Name:

Print Address:

Telephone Number:

Jonathan H. King
429 Marsh Ave., Reno, NV 89509
(775) 322-2211

FILED

2013 NOV 13 PM 2:17

JULY D. HASTINGS
CLERK OF THE COURT

by T. Arriola
DEPUTY

1 CODE:
2 JONATHAN H. KING, ESQ.
3 Nevada State Bar No. 22
4 429 Marsh Avenue
5 Reno, Nevada 89509
6 Telephone: (775) 322-2211
7 Attorney for Obligee

8
9 IN THE FAMILY DIVISION
10
11 OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
12
13 IN AND FOR THE COUNTY OF WASHOE
14

15 JESUE TERRONES VALDEZ

16 Obligee,

17 vs.

Case No. FV10-04478

18 PATRICIA SOTO AGUILAR,

Dept. No. UM

19 Obligor.
20 _____ /

21 **EXHIBIT - SCHEDULE OF CHILD SUPPORT ARREARAGES**

22 COMES NOW Obligee JESUE TERRONES VALDEZ, by and through his attorney,
23 The Law Offices of Jonathan H. King, and submits the following Schedule of Child Support
24 Arrearages:

25 September 1, 2010 through November 30, 2010 \$1,713.14
26 (See Judgment and Order filed January 28, 2011 at page 2, lines 9 - 11)

27 <u>Month</u>	<u>Amount Owning</u>	<u>Amount Received</u>	<u>Balance</u>
28 January 2010	0	0	0
February 2010	0	0	0
March 2010	0	0	0
April 2010	0	0	0
May 2010	0	0	0
June 2010	0	0	0
July 2010	0	0	0

<u>Month</u>	<u>Amount Owing</u>	<u>Amount Received</u>	<u>Balance</u>
August 2010	0	0	0
September 2010 (See Judgment and Order filed January 28, 2011)			
October 2010 (See Judgment and Order filed January 28, 2011)			
November 2010 (See Judgment and Order filed January 28, 2011)			
December 2010	<u>\$531.00</u>	<u>0</u>	<u>\$2,244.14</u>
Subtotal for 2010			\$2,244.14
January 2011	\$531.00	\$55.00	\$476.00
February 2011	\$531.00	\$100.00	\$907.00
March 2011	\$531.00	\$55.00	\$1,383.00
April 2011	\$531.00	0	\$1,914.00
May 2011	\$531.00	0	\$2,445.00
June 2011	\$531.00	0	\$2,976.00
July 2011	\$531.00	0	\$3,507.00
August 2011	\$531.00	0	\$4,038.00
September 2011	\$531.00	\$100.00	\$4,469.00
October 2011	\$531.00	\$200.00	\$4,800.00
November 2011	\$531.00	\$100.00	\$5,231.00
December 2011	<u>\$531.00</u>	<u>0</u>	<u>\$5,762.00</u>
Subtotal for 2011			\$5,762.00
January 2012	\$531.00	0	\$ 531.00
February 2012	\$531.00	0	\$1,062.00
March 2012	\$531.00	0	\$1,593.00
April 2012	\$531.00	0	\$2,124.00
May 2012	\$531.00	0	\$2,655.00
June 2012	\$531.00	0	\$3,186.00

1	<u>Month</u>	<u>Amount Owning</u>	<u>Amount Received</u>	<u>Balance</u>
2	July 2012	\$531.00	0	\$3,717.00
3	August 2012	\$531.00	0	\$4,248.00
4	September 2012	\$531.00	0	\$4,779.00
5	October 2012	\$531.00	0	\$5,310.00
6	November 2012	\$531.00	0	\$5,841.00
7	December 2012	<u>\$531.00</u>	<u>0</u>	<u>\$6,372.00</u>
8	Subtotal for 2012			\$6,372.00
9				
10	January 2013	\$531.00	0	\$ 531.00
11	February 2013	\$531.00	0	\$1,062.00
12	March 2013	\$531.00	0	\$1,593.00
13	April 2013	\$531.00	0	\$2,124.00
14	May 2013	\$531.00	0	\$2,655.00
15	June 2013	\$531.00	0	\$3,186.00
16	July 2013	\$531.00	0	\$3,717.00
17	August 2013	\$531.00	0	\$4,248.00
18	September 2013	\$531.00	0	\$4,779.00
19	October 2013	\$531.00	0	\$5,310.00
20	November 2013	<u>\$531.00</u>	<u>0</u>	<u>\$5,841.00</u>
21	Subtotal through December for 2013			\$5,841.00
22				
23	TOTAL			<u>\$20,219.14</u>
24	****			
25	****			
26	****			
27	****			
28	****			

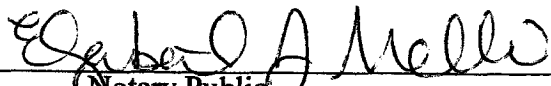
1 VERIFICATION

2 STATE OF NEVADA)
3 COUNTY OF WASHOE) ss.

4 JOSUE TERRONES VALDEZ, being first duly sworn, deposes and says under penalty of
5 perjury: I am the Obligee in the above-entitled action; I have read the foregoing Exhibit -
6 Schedule of Child Support Arrearages, and know the contents thereof. The same is true as of my
7 own knowledge, except as to those matters therein stated upon information and belief, and as to
8 those matters I believe them to be true.

9
10 
11 JOSUE TERRONES VALDEZ

12 SUBSCRIBED and SWORN to before me
13 on this 12th day of November, 2013.

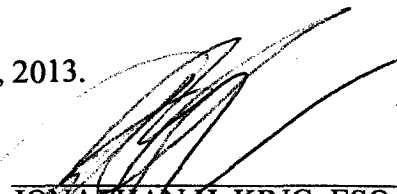
14 
15 Notary Public



16 AFFIRMATION Pursuant to NRS 239B.030

17 The undersigned does hereby affirm that the preceding document does not contain the
18 social security number of any person.

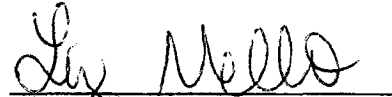
19 DATED this 12th day of November, 2013.

20
21 
22 JONATHAN H. KING, ESQ.
23 Attorney for Obligee
24
25
26
27
28

CERTIFICATE OF SERVICE BY MAIL

Pursuant to NRCP Rule 5(b), I certify that on the 13th day of November, 2013, I deposited for mailing, in the U.S. Mail in Reno, Nevada, with postage thereon fully prepaid, a true and correct copy of the within document, addressed as follows:

Patricia Soto-Aguilar
3811 Patricia Lane
Reno, NV 89512


Liz Mello

IN THE FAMILY DIVISION OF THE SECOND JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA IN AND FOR THE COUNTY OF WASHOE

JOSUE TERRONES VALDEZ

Obligee
vs.

PATRICIA SOTO-AGUILAR

Obligor

FAMILY COURT
MOTION/OPPOSITION NOTICE
(REQUIRED)

CASE NO. FV10-04478

DEPT. NO. UM

NOTICE: THIS MOTION/OPPOSITION NOTICE MUST BE ATTACHED AS THE LAST PAGE to every motion or other paper filed pursuant to chapter 125, 125B or 125C of NRS and to any answer or response to such a motion or other paper.

A.	Mark the CORRECT ANSWER with an X.	YES	NO
	1. Has a final decree or custody order been entered in this case? If <u>yes</u> , then continue to Question 2. If <u>no</u> , you do not need to answer any other questions.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	2. Is this a motion or an opposition to a motion filed to change a final order? If <u>yes</u> , then continue to Question 3. If <u>no</u> , you do not need to answer any other questions.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	3. Is this a motion or an opposition to a motion filed only to change the amount of child support?	<input type="checkbox"/>	<input type="checkbox"/>
	4. Is this a motion or an opposition to a motion for reconsideration or a new trial <u>and</u> the motion was filed within 10 days of the Judge's Order?	<input type="checkbox"/>	<input type="checkbox"/>
	IF the answer to Question 4 is YES, write in the <u>filing date</u> found on the front page of the Judge's Order.	Date	
B.	If you answered NO to either Question 1 or 2 or YES to Question 3 or 4, you are <u>exempt</u> from the \$25.00 filing fee. However, if the Court later determines you should have paid the filing fee, your motion will <u>not</u> be decided until the \$25.00 fee is paid.		

I affirm that the answers provided on this Notice are true.

Date: 11/12, 13

Signature:

Print Name:

JONATHAN H. KING, ESQ.

Print Address:

429 Marsh Ave.

Reno, NV 89509

Telephone Number:

(875)322-2211

cmk

1 CODE: 2490
2 JONATHAN H. KING, ESQ.
3 Nevada State Bar No. 22
4 429 Marsh Avenue
5 Reno, Nevada 89509
6 Telephone: (775) 322-2211
7 Attorney for

FILED

2014 JAN 24 PM 3:24

JOEY ORDUNA HASTINGS
CLERK OF THE COURT

BY M. Torres
DEPUTY

8 IN THE FAMILY DIVISION
9 OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
10 IN AND FOR THE COUNTY OF WASHOE

11 JOSUE TERRONES VALDEZ,

12 Obligee,

13 vs.

Case No.: FV10-04478

14 PATRICIA SOTO AGUILAR,

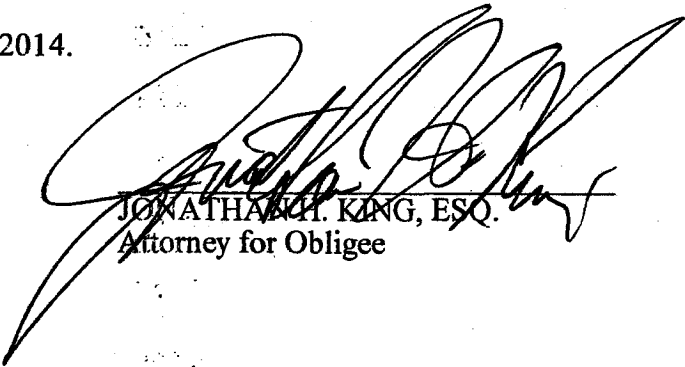
Dept. No.: UM

15 Obligor.
16 _____ /

17 **MOTION FOR DECLARATORY AND INJUNCTIVE RELIEF**

18 COMES NOW Obligee JOSUE TERRONES VALDEZ, by and through his attorney, the Law
19 Offices of Jonathan H. King, and moves this Court for declaratory and injunctive relief regarding
20 the child support obligation owing by Obligor PATRICIA SOTO AGUILAR to Obligee applicable
21 to the period from September 2010 through January 2014. Said Motion is made and based upon the
22 pleadings on file herein, and upon the attached Points and Authorities.

23 DATED this 24th day of January, 2014.

24 
25 JONATHAN H. KING, ESQ.
26 Attorney for Obligee
27
28

1 POINTS AND AUTHORITIES

2 A child support obligation payable by Obligor PATRICIA SOTO AGUILAR to Obligee
3 JOSUE TERRONES VALDEZ was established at hearing conducted January 6, 2011, resulting in
4 a Judgment and Order filed January 28, 2011. In said Judgment and Order, Obligor was required
5 to make ongoing monthly child support payments of \$531.00. As is shown in the Schedule of Child
6 Support Arrearages filed November 13, 2013, Obligor has paid virtually nothing towards her child
7 support obligation. Not including accrued interest and penalties, the total arrearages through
8 November 2013 are \$20,219.14.

9 Obligee has attempted to pursue the enforcement and collection of child support through his
10 Motions filed August 12, 2013 and November 13, 2013, and at hearing conducted January 2, 2014.
11 The issue has come up regarding the applicability of NRS 425.360(4). Obligee contends that said
12 statute is unconstitutional, both on its face and as applied to the facts of this case. Accordingly,
13 Obligee requests declaratory and injunctive relief.

14 Retroactive child support modification is disallowed in Nevada. The effect of Obligor
15 applying the provisions of NRS 425.360(4) results in an impermissible retroactive modification
16 lowering child support during the period in which the monthly amount was established at \$531.00.
17 Obligor is contending that the nine months of February 2011 through November 2011, plus the
18 eighteen months of August 2012 through January 2014 result in her having no child support
19 obligation whatsoever. Obligor is not even required to pay the statutory minimum of \$100.00 per
20 month which is set forth in NRS 125B.080(4) which states that the minimum amount that may be
21 awarded is \$100.00 per month unless the Court makes a written finding that the Obligor is unable
22 to pay the minimum amount. The statute further provides that unemployment is not a sufficient
23 cause to deviate from the awarding of at least the minimum amount. However, the Court lacks
24 jurisdiction to retroactively modify and lower child support, at least not until Obligor filed her
25 Motion on October 9, 2013 for review and modification.

26 Nevada law clearly prohibits retroactive modification of a child support order; see Khal
27 v. Khal, 111 Nev. 374, 892 P.2d 584 (1995). Nevada law provides that payments once accrued
28 for support of a child become vested rights and cannot thereafter be modified or voided; see Day v.

1 Day, 82 Nev. 317, 417 P.2d 914 (1966) and Ramacciotti v. Ramacciotti, 106 Nev. 529, 795 P. 2d
2 988 (1990).

3 NRS 425.360(4) provides that debts for support may not be incurred by a parent or any other
4 person who is the recipient of public assistance for the benefit of a dependent child for the period
5 when the parent or other person is a recipient. In preparing the Exhibit "1" introduced by the
6 Washoe County District Attorney, Family Support Division, no child support obligation is shown
7 for the months of February 2011 through November 2011, and for August 2012 through January
8 2014 when Obligor was allegedly the recipient of public assistance for the benefit of a dependent
9 child (not the child at issue in this case). Not only does this statute as applied run contrary to Nevada
10 law expressly prohibiting retroactive modification of child support, but it also violates fundamental
11 principles of due process of law guaranteed by the Nevada and United States Constitutions.
12 Nowhere can it be shown that Obligees were ever afforded notice of any intention by Obligor to seek
13 modification lowering her child support obligation.

14 In addition, the denial of already accrued child support payable by Obligor to Obligees
15 constitutes a taking of private property without just compensation, also in violation of the Nevada
16 and United States Constitutions. The Fifth Amendment to the United States Constitution provides
17 that no person shall be deprived of life, liberty or property, without due process of law, nor shall
18 private property be taken for public use without just compensation. The Fourteenth Amendment to
19 the United States Constitution, Section 1, provides that no state shall make or enforce any law which
20 shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive
21 any person of life, liberty or property, without due process of law, nor deny to any person within its
22 jurisdiction the equal protection of the laws. Similarly, the Nevada Constitution provides in Article
23 1, Section 8(5) that no person shall be deprived of life, liberty or property without due process of law
24 and that private property shall not be taken for public use without just compensation.

25 The United States Supreme Court has consistently held that some form of hearing is required
26 before an individual is finally deprived of a property interest; see Mathews v. Eldridge, 429 U.S. 319
27 (1976), 96 S.Ct. 893, 47 L.Ed. 2d 18. This case involved a determination that certain administrative
28 procedures were unconstitutional in regards to certain Social Security disability benefits which had

1 been terminated. There, the Court stated that the right to be heard before being condemned to suffer
2 grievous loss of any kind, even though it may not involve the stigma and hardships of a criminal
3 conviction, is a principle basic to our society. The case of Mathews v. Eldridge is nearly 38 years
4 old and cites with approval voluminous other cases going back to 1960. Mathews v. Eldridge
5 summarizes these decisions as underscoring the truism that due process, unlike some legal rules, is
6 not a technical conception with a fixed content unrelated to time, place and circumstances. It also
7 said that due process is flexible and calls for such procedural protections as the particular situation
8 demands. The Court stated that more precisely, its prior decisions indicate that identification of the
9 specific dictates of due process generally requires consideration of three distinct factors: first, the
10 private interest that will be affected by the official action; second, the risk of an erroneous
11 deprivation of such interest through the procedures used, and the probable value, if any, of additional
12 or substitute procedural safeguards; and finally, the government's interest, including the function
13 involved and the fiscal and administrative burdens that the additional or substitute procedural
14 requirement would entail.

15 In the present cases, and in most all others being handled by the Washoe County District
16 Attorney's Office, Family Support Division, the provisions of NRS 425.360(4) have been applied
17 as suspending any child support obligation while a parent owing child support is the recipient of
18 public assistance for the benefit of a dependent child unrelated to the child in issue. As indicated
19 before, the Fifth Amendment to the United States Constitution prohibits the government from taking
20 property without due process. In this case, the government has taken away, without due process,
21 Obligee's entitlement to child support. While there may be no right in the abstract to child support,
22 however, once the government bestows those benefits, they cannot be taken away from an individual
23 without due process of law. In this case, the government is attempting to modify retroactively and
24 take away the child support entitlement of Obligee.

25 Two state law decisions outside Nevada have been located which may have some application
26 to the issues presented in this Motion. The first is In re Marriage of Guthrie, 191 Cal. App. 3d 654,
27 236 Cal. Rptr. 583 (1987) and Curtis v. Commissioner of Human Services, 507 A. 2d 566 (1986).
28 Those cases from California and Maine involve attempts to retroactively apply a statute in a way

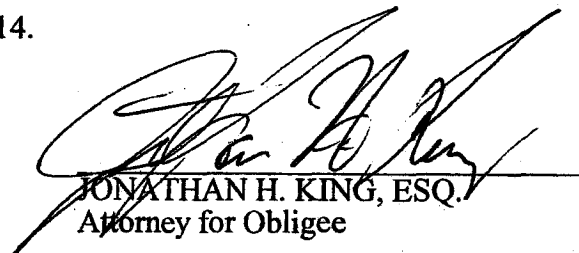
1 which deprives a claimant of due process of law. In the California case, the Court there held the
2 statute to be unconstitutional.

3 Declaratory and injunctive relief is authorized under NRS Chapter 30. Obligee requests an
4 Order declaring that the statute be held as unconstitutional on its face and as applied to the facts and
5 circumstances of this case. Obligee further requests that the Court declare that the attempt to
6 retroactively modify child support be declared to be invalid.

7
8 AFFIRMATION Pursuant to NRS 239B.030

9 The undersigned does hereby affirm that the preceding document does not contain the Social
10 Security number of any person.

11
12 DATED this 24th day of January, 2014.

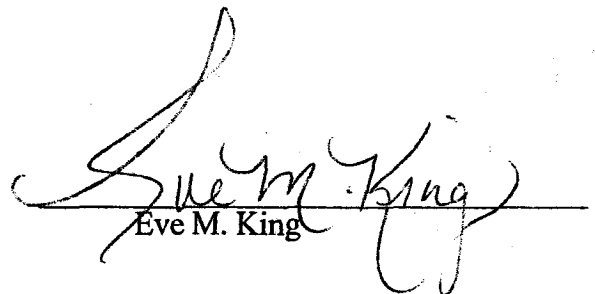
13
14 
15 JONATHAN H. KING, ESQ.
16 Attorney for Obligee

17 CERTIFICATE OF SERVICE BY MAIL

18 Pursuant to NRCP Rule 5(b), I certify that on this 24th day of January, 2014 I deposited
19 for mailing in the U.S. Mail in Reno, Nevada, with postage thereon fully prepaid, a true and correct
20 copy of the within document, addressed as follows:

21 Susan Hallahan, DDA
22 Washoe County District Attorney
23 P.O. Box 11130
24 Reno, NV 89520

25 Patricia Soto Aguilar
26 3811 Patricia Lane
27 Reno, NV 89512

28 
Eve M. King

IN THE FAMILY DIVISION OF THE SECOND JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA IN AND FOR THE COUNTY OF WASHOE

JOSUE TERRONES VALDEZ,

vs.

PATRICIA SOTO AGUILAR,

FAMILY COURT
MOTION/OPPOSITION NOTICE
(REQUIRED)

CASE NO. FV10-04478

DEPT. NO. UM

NOTICE: THIS MOTION/OPPOSITION NOTICE **MUST BE ATTACHED AS THE LAST PAGE** to every motion or other paper filed pursuant to chapter 125, 125B or 125C of NRS and to any answer or response to such a motion or other paper.

A.	Mark the CORRECT ANSWER with an X .	YES	NO
	1. Has a final decree or custody order been entered in this case? If yes , then continue to Question 2. If no , you do not need to answer any other questions.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	2. Is this a motion or an opposition to a motion filed to change a final order? If yes , then continue to Question 3. If no , you do not need to answer any other questions.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	3. Is this a motion or an opposition to a motion filed only to change the amount of child support?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	4. Is this a motion or an opposition to a motion for reconsideration or a new trial <u>and</u> the motion was filed within 10 days of the Judge's Order?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	IF the answer to Question 4 is YES, write in the <u>filing date</u> found on the front page of the Judge's Order.	Date	
B.	If you answered NO to either Question 1 or 2 or YES to Question 3 or 4, you are <u>exempt</u> from the \$25.00 filing fee. However, if the Court later determines you should have paid the filing fee, your motion will <u>not</u> be decided until the \$25.00 fee is paid.		

I affirm that the answers provided on this Notice are true.

Date: JANUARY 24th, 2014

Signature:

Print Name:

Print Address:

Telephone Number:

JONATHAN H. KING

429 MARSH AVENUE

RENO, NV 89509

775-322-2211

1 CODE:
2
3
4
5

6 IN THE FAMILY DIVISION
7 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
8 IN AND FOR THE COUNTY OF WASHOE
9

10 JOSUE TERRONES VALDEZ,

11 Obligeo,

Case No. FV10-04478

12 vs.
13

Dept. No. UM

14 PATRICIA SOTO AGUILAR,

15 Obligor.
16

17 MASTER'S FINDINGS AND RECOMMENDATIONS

18 REGARDING MOTION FOR DECLARATORY AND INJUNCTIVE RELIEF

19 The Court has reviewed: Obligeo Josue Valdez's *Motions for Declaratory and*
20 *Injunctive Relief*, filed on January 24, 2013; Obligor Patricia Aguilar's *Response to Motion*
21 *for Declaratory and Injunctive Relief*¹, filed on February 18, 2014; and all supporting
22 documents.

23 The issues raised in both documents originated from a hearing held on January 2,
24 2014 in Department UM. At the time of hearing, Mr. Valdez was present and represented
25 by Jonathan H. King, Esq. Ms. Aguilar was present at the time of hearing and utilized the
26 services of an interpreter. Susan Hallahan, Chief Deputy District Attorney, Washoe
27 County District Attorney's Office, Family Support Division, was present as well.
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¹ Susan Hallahan, Chief Deputy District Attorney, of the Washoe County District Attorney's Office, Family Support Division, is the author of Ms. Aguilar's *Response*. For purposes of clarity, Ms. Aguilar will be alluded to as originator of the document.

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FINDINGS OF FACT

1. The parties were never married but are the parents to one minor child: Andrei Terrones Soto, born on March 6, 2009.
2. The parties first appeared before the UIFSA Court on January 6, 2011. At that time, Ms. Aguilar was ordered to pay \$531.00 per month as child support to Mr. Valdez.
3. The UIFSA Court also determined that Ms. Aguilar was in child support arrears and determined a judgment amount of \$1713.14. Ms. Aguilar was required to pay an additional \$50.00 per month in order to retire this judgment.
4. At the time of the January 6, 2011 hearing, Mr. Valdez was the child's primary physical custodian. This determination was made in the parties' custody case.²
5. The parties were last before this Court on January 2, 2014 in regards to a *Motion to Modify* filed by Ms. Aguilar on October 9, 2013.
6. At the time of January 2, 2014 hearing, Ms. Hallahan, the Chief Deputy District Attorney for Family Support Division, requested that *inter alia*, the Court enter a child support arrears judgment against Ms. Aguilar.
7. Ms. Hallahan's exhibit, filed with the Court on December 12, 2013, articulated arrears owed by Ms. Aguilar to Mr. Valdez in the total of \$7,481.88.
8. The arrears owed were calculated from December 2010 through November 2013.
9. Ms. Hallahan explained that for those periods of time that Ms. Aguilar was the recipient of public assistance, no child support was charged to her. Ms. Hallahan referred opposing counsel to NRS 425.360(4), which relieves an obligor of incurring debts for support while on public assistance for the support of a minor child.
10. The proposed child support arrears audit reflected that child support was not charged to Ms. Aguilar for February 2011 through November 2011 and for August 2012 through November 2013.

² Case No. FV10-01573.

1 11. Neither party disagreed that Ms. Aguilar was the recipient of public assistance
2 during the periods of time for which the proposed child support audit relieved her of
3 her monthly child support obligation.

4 12. However, Mr. Valdez argued that relieving Ms. Aguilar from her obligation of child
5 support for any month was improper and that he is owed child support for each and
6 every month since the December 2010.

7 13. Both parties filed legal memoranda in support of their respective positions.

8 DISCUSSION

9 1. Ms. Aguilar contends that pursuant to NRS 425.360(4), any debts for child support
10 she was previously ordered to pay will not accrue while she was the recipient of
11 public assistance for the support of a minor child.

12 2. Mr. Valdez contends that any abatement in Ms. Aguilar's child support obligation,
13 temporary or otherwise, is a retroactive modification of child support. As such, this
14 abatement is in violation of both Nevada and Federal law. Mr. Valdez cites *Khalid*
15 *v. Khalid* as the legal basis for his argument. 111 Nev. 374, 892 P.2d 584 (1995).

16 3. Mr. Valdez argues that any suspension of Ms. Aguilar's child support obligation,
17 under Nevada Law or otherwise, constitutes an impermissible taking under the Fifth
18 Amendment of the United States Constitution. Further, Mr. Valdez states that any
19 such taking requires a hearing so as to satisfy the requirement of due process.

20 4. Ms. Aguilar counters that NRS 425.360(4) does not retroactively modify child
21 support in violation law. Instead, the statute prevents child support from accruing
22 while an obligor parent is on public assistance for the support of a child.

23 5. Ms. Aguilar also argues that any issues regarding due process are remedied by the
24 hearing previously provided to Ms. Valdez so that he could state such concerns.

25 CONCLUSIONS OF LAW

26 1. NRS 425.360(4) is clear and unambiguous on its face. Any reasonable reading of
27 the section leads to the same conclusion: support is stayed where an obligor parent
28 is the recipient of public assistance of a child.

- 1 2. Mr. Valdez is correct in stating that Nevada disallows the retroactive modification of
2 child support once those rights become vested rights. *Ramacciotti v. Ramacciotti*,
3 106 Nev. 529, 795 P.2d 988 (1990). However, NRS 425.360(4) stays the obligation
4 of support for any month that an obligor parent is the recipient of assistance for the
5 support of a minor child, it does not forgive or modify such an obligation.
- 6 3. As NRS 425.360(4) prevents the accrual of a child support obligation while an
7 obligor parent is receiving public assistance, there are no amounts of support owed
8 for such months which can ripen into vested rights for the obligee parent.
- 9 4. Accordingly, Mr. Valdez has no vested rights for those months that Ms. Aguilar was
10 on assistance as such payments of support are not allowed to accrue under NRS
11 425.360(4).
- 12 5. Therefore, there can be no "taking", constitutionally permissible or otherwise, where
13 there is no right or property interest that has accrued. Once Ms. Aguilar is no longer
14 on public assistance for the support of a child, her obligation of child support will
15 resume and Mr. Valdez will accrue enforceable rights for such amount(s).
- 16 6. As the Court finds that NRS 425.360(4) does not constitute a "taking", as Mr. Valdez
17 never received rights to support for the months Ms. Aguilar was on public
18 assistance, no analysis of what constitutes a constitutionally allowable taking or
19 whether adequate due process was afforded to Mr. Valdez prior to such a taking, is
20 appropriate.
- 21 7. Therefore, Mr. Valdez's Motion of Declaratory and Injunctive Relief is denied.
- 22 8. All other Orders of the Court shall remain in full force and effect.

23 **IT IS SO RECOMMENDED.**

24 Dated: May 9, 2014.

25 
26 Family Court Master
27
28

1 NOTICE

2 Objections to these Recommendations are governed by WDFCR 24 and 32. You
3 have ten (10) days from the date of receipt of this order or thirteen (13) days from the date
4 of mailing to file an objection with the District Court. The objection shall briefly state the
5 primary issues for review. The objection shall contain a notice requiring any opposing party
6 to appear before the appropriate court department on a particular date, which must be
7 designated between 9:00 a.m. and 12:00p.m. on a Tuesday, Wednesday or Thursday, to
8 set the objection for hearing. The number of days does not include Saturday, Sunday or
9 court holidays. Pursuant to WDFCR 32(f), this order will be enforceable pending further
10 order of the Court.
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4 **CERTIFICATE OF MAILING**
5

6 Pursuant to NRCP 5(b), I hereby certify that I am an employee of the Second Judicial
7 District Court, in and for the County of Washoe, and on this day I deposited for mailing in the
8 first class postage pre-paid, sent by inter-office mail, electronically filed, or had picked up, a
9 true copy of the attached document addressed as follows:
10

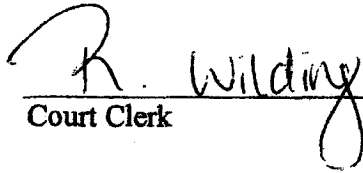
11
12 PATRICIA SOTO AGUILAR
13 3811 PATRICIA LANE
14 RENO, NV 89512

15 JONATHAN KING, ESQ. – ATTORNEY FOR OBLIGEE
16 429 MARSH AVE.
17 RENO, NV 89509
• Also served via E-Flex.

18 KARI CORDISCO, ESQ. DDA
19 SUSAN HALLAHAN, ESQ. CDDA
20 -- FAMILY SUPPORT DIVISION.
21 * Served via E-Flex Electronic Filing System and a certified copy
sent inter-office.

22 *Document:* MASTER'S FINDINGS AND RECOMMENDATIONS REGARDING MOTION
23 FOR DECLARATORY AND INJUNCTIVE RELIEF.

24 DATED this 9th day of May, 2014.
25

26 
27 Court Clerk
28

FILED

2014 MAY 19 PM 3:54

JOEY DROUNA HASTINGS
CLERK OF THE COURT

BY T. Arnold
DEPUTY

1 CODE: 2620
2 JONATHAN H. KING, ESQ.
3 Nevada State Bar No. 22
4 429 Marsh Avenue
5 Reno, Nevada 89509
6 Telephone: (775) 322-2211
7 Attorney for Oblige

8
9 IN THE FAMILY DIVISION
10
11 OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
12
13 IN AND FOR THE COUNTY OF WASHOE
14

15 JESUE TERRONES VALDEZ

16 Oblige,

17 vs.

Case No. FV10-04478

18 PATRICIA SOTO AGUILAR,

Dept. No. UM

19 Obligor.
20 _____/

21 **OBJECTION TO MASTER'S RECOMMENDATIONS and NOTICE TO SET**

22 TO: Obligor PATRICIA SOTO AGUILAR, and to the Washoe County District
23 Attorney's Office Family Support Division:

24 Notice is hereby given that Oblige JESUE TERRONES VALDEZ who is the Oblige in
25 this action, does hereby request a review of the Master's Recommendation entered on May 9,
26 2014 by Master Lance White.

27 Review of the Master's Recommendations is requested for the following reasons:

28 The retroactive modification eliminating twenty -seven (27) months of child support
accrued from February 2011 through November 2011 and August 2012 through January 2014
constitutes a denial of due process and equal protection of law, and an improper taking of private
property without just compensation, in violation of the Nevada and United States Constitutions.
No prior hearing was conducted before the retroactive modification action taken. Oblige is a
single father having sole legal and physical custody of a minor child, now age 5 who is not the
recipient of any public assistance. The public assistance received by Obligor for the benefit of a

1 dependent child is her dependent child, not the child of Obligee and not a child of for whom this
2 child support litigation applies. The decision of the Master is arbitrary, capricious and in
3 violation of state and federal law. The position of Obligee is succinctly stated in his Motion filed
4 January 24, 2014, only five (5) pages in length, vigorously opposed by the Washoe County
5 District Attorney in a Brief which is twenty-one (21) pages in length and does not even begin to
6 directly address the issue until page 18 of its Brief. When the briefing schedule was established,
7 the Master disallowed the moving party having a chance to reply to the Response. Obligee
8 requests a lengthier hearing on his Objection to present oral argument.

9 **NOTICE TO SET HEARING ON OBJECTION TO MASTER'S RECOMMENDATIONS**

10 Notice is hereby given that Obligee JOSUE TERRONES VALDEZ, by and through his
11 attorney will appear before the Calendar Secretary of the above-entitled matter on the
12 10th of June, 2014 at the hour of 9:00 A.M. to set this
13 matter for hearing.

14 **AFFIRMATION Pursuant to NRS 239B.030**

15 The undersigned does hereby affirm that the preceding document does not contain the
16 social security number of any person.

17
18 DATED this 19th day of May, 2014.

19
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21 
22 JONATHAN H. KING, ESQ.
23 Attorney for Obligee
24
25
26
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CERTIFICATE OF SERVICE BY MAIL

Pursuant to NRCP Rule 5(b), I certify that on the 19th day of May, 2014, I deposited for mailing, in the U.S. Mail in Reno, Nevada, with postage thereon fully prepaid, a true and correct copy of the within document, addressed as follows:

Patricia Soto Aguilar
3811 Patricia Lane
Reno, NV 89512


Liz Mello

cc: client = 1/22

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4 IN THE FAMILY DIVISION
5 OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
6 IN AND FOR THE COUNTY OF WASHOE

7 JOSUE TERRONES VALDEZ,

Case No. FV10-04478

8 Obligee,

9 vs.

Dept. No. 13

10 PATRICIA SOTO AGUILAR,

11 Obligor.
12 _____ /

13 **ORDER AFFIRMING IN PART AND DENYING IN PART**
14 **MASTER'S FINDINGS AND RECOMMENDATIONS REGARDING**
15 **MOTION FOR DECLARATORY AND INJUNCTIVE RELIEF**

16 This matter was heard on July 16, 2014 based upon Obligee, Josue
17 Terrones Valdez' ("Obligee") Objection to Master's Recommendations and Notice to Set
18 filed on May 19, 2014. Obligee was present at the hearing by and through Jonathan
19 King, Esq. Obligor, Patricia Soto Aguilar ("Obligor") was present representing herself.
20 Washoe County Chief Deputy District Attorney, Susan Hallahan, Esq. was also present.

21 The Court, having reviewed the Motion for Declaratory and Injunctive
22 Relief filed by Obligee on January 24, 2014; the Response to Motion for Declaratory
23 and Injunctive Relief filed February 18, 2014 by the Washoe County District Attorney's
24 Office; the Master's Findings and Recommendations Regarding Motion for Declaratory
25 and Injunctive Relief ("Master's Recommendations"); the Objection to Master's

1 Recommendations and Notice to Set filed by Obligee; and having heard the arguments
2 of counsel,

3 Based upon these documents, the papers and pleadings on file herein and
4 for good cause shown, the Court makes the following determination.
5

6 I. STANDARD OF REVIEW

7 Because the issues presented by the Obligee's Motion and Objection are
8 legal in character, the Court reviews the Master's Recommendation de novo. See
9 WDCR 32(1)(a) & (b); see also, Nassiri v. Chiropractic Physicians' Bd., 130 Nev. ____;
10 327 P.3d 487, 489 (2014).

11 II. FACTUAL FINDINGS & DISCUSSION

12 The Court adopts the "Findings of Fact" and "Discussion" portion of the
13 Master's Recommendations as if fully set forth herein.

14 III. CONCLUSIONS OF LAW

15 A. The Statute is Clear and Unambiguous

16 NRS 425.360(4) provides:

17 Debts for support may not be incurred by a parent or any other
18 person who is the recipient of public assistance for the benefit
19 of a dependant child for the period when the parent or other
person is a recipient.

20 This language is clear and unambiguous on its face. It makes no
21 allowance for children who are not the beneficiaries of the public assistance at issue. It
22 also does not permit, as requested by Obligee, the accrual of support during the time
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1 the Obligor is the recipient of public assistance, as that would be a "debt" which,
2 pursuant to the plain language of the statute, "may not be incurred..."¹ See, MGM
3 Mirage v. Nevada Ins. Guar. Ass'n., 125 Nev. 223, 228-29, 209 P.3d 766, 769-70
4 (2009) (when a statute is plain and unambiguous and has only one meaning, it must be
5 construed as written unless such a construction is at odds with statutory intent.)
6

7 The Court is mindful of the burden this statute places on a parent who
8 should receive child support but does not due to the plain dictates of NRS 425.360(4).
9 However, this issue of policy is one with which the Legislature must grapple. As set
10 forth below, the Court is bound to follow the statute as written.

11 **B. The Application of NRS 425.360(4) is Not a Retroactive**
12 **Modification of Child Support**

13 Obligee's argument that the application of NRS 425.360(4) is a retroactive
14 modification of child support misapprehends the effect of the statute.

15 The statute causes a child support obligation to cease, by operation of
16 law, during any period the obligor parent is a recipient of public assistance.² Because
17 the child support obligation must cease, no amount of support can ripen into a vested
18 right which cannot be modified.³

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21 ¹ "Debt" is defined as "something owed: obligation." See Webster's Ninth Collegiate Dictionary, p. 328
(1983). This broad definition must also include an obligation which accrues and then matures after the
22 obligor ceases receiving public assistance.

23 ² The Master's Recommendations state that the effect of NRS 425.360(4) is to stay a child support
24 obligation. See Master's Recommendation 3:27 and 4:3. To the extent this language implies that the
25 child support obligation accrues and is payable once the obligor is not receiving public assistance, it
violates NRS 425.360(4) and is expressly overruled. The accrual of a child support obligation is the same
as incurring a debt for child support which is prohibited by the statute.

³ The cessation, by operation of law, of child support is not unique to this statute. Child support, by its
terms, extends until a child is 18 or 19 if still in high school. When a child turns 19, or graduates from

1 C. No Property Interest has Vested and So No "Taking"
2 Has Occurred.

3 Because child support must cease during the operative time defined by
4 NRS 425.360(4), no child support payments accrue nor do any of these payments vest.
5 Although there may be a property interest in vested child support payments, no such
6 interest exists in future, unmade payments, which can be modified by the Court if
7 certain circumstances exist. See, e.g., NRS 125B.145. Because no child support
8 payments have vested, there is no "taking" of property under the Constitution.

9 D. Is a Hearing Necessary Before Child Support
10 Can Cease Under NRS 425.360(4)

11 It is first noted that because no vested property right is being impacted, a
12 hearing is not necessary, as due process is afforded to protect rights rather than
13 expectations. However, the Obligee may have an interest in the continued receipt of
14 child support payments, so analysis of the right to a hearing is appropriate.

15 Obligee has urged Mathews v. Eldridge, 424 U.S. 319, 96 S.Ct. 893,
16 (1976) as requiring a hearing before NRS 425.360(4) can operate. As in Mathews this
17 Court concludes that the administrative procedures in place provide all the process that
18 is due under the Constitution (of both Nevada and the United States) prior to ceasing
19 the stream of child support payments to an obligee.

20 In Mathews, the Supreme Court reminds us that Due Process is flexible
21 and calls for the procedural protections demanded by a particular situation before an
22 individual is finally deprived of a property interest, Mathews 424 U.S. at 902, citing
23 Morrissey v. Brewer, 408 U.S. 471, 481, 92 S.Ct. 2593, 2600, 33 L.Ed.2d 484 (1972).
24 The Court then analyzes three factors to determine the appropriate due process to be

25 high school the child support obligation ceases by operation of law, without the obligor parent having to
 take any action to cause the obligation to stop. See NRS 125B.200; 125B.020 et seq.

1 afforded: 1) the private interest that will be affected by the official action; 2) the risk of
2 erroneous deprivation of such interest by the procedures used and the value of
3 additional safeguards; and 3) the governmental interest including any fiscal or
4 administrative burden that any additional procedures would entail.

5 1. Factor One

6 Because child support is not a needs based interest such as welfare,
7 something less than an evidentiary hearing is necessary. Compare Mathews, which
8 involved the termination of social security disability payments. Child support is not
9 based upon the need of the child or the custodial parent, but rather the statutory formula
10 is based upon the non-custodial parent's gross monthly income. The amount of child
11 support is subject to variation based upon many circumstances including: 1) the
12 percentage of custodial time a parent spends with a child, resulting in a joint or primary
13 custody determination; 2) the variation of the non-custodial parent's income; and 3) the
14 adjustment of applicable statutory caps on the maximum child support amount. See
15 Wright v. Osburn 114 Nev. 1367, 970 P.2d 1071 (1998); NRS 125B.080(93); and NRS
16 125B.145(4).

17
18 2. Factor Two

19 Because the child support assessment at issue is sharply focused and
20 based upon "routine, standard and unbiased" information" namely – is the obligor the
21 recipient of public assistance or not – it is highly unlikely that a hearing would be
22 necessary to protect an obligee from an inappropriate deprivation of a right.

23 Moreover, under NRS 425.360(4), once it is determined that the obligor is
24 receiving public assistance, no further information from the obligee would make a
25 difference as this determination is black and white, not a nuanced and subjective

1 assessment of conflicting evidence. In addition, if there is an error in the public
2 assistance determination, the obligee would be entitled to receive unpaid arrears from
3 the obligor. Nothing in the pertinent statute prevents child support from being adjusted -
4 for example, if the dates public assistance was afforded the obligor parent are wrong.
5 This can be corrected easily at a later hearing. Further, the child support issue is self-
6 correcting, also by operation of law, as there is no hearing necessary to restart a child
7 support obligation again once the obligor parent is no longer receiving public
8 assistance.

9
10 3. Factor Three

11 The requirement of having an evidentiary hearing prior to the cessation of
12 child support because the obligor is receiving public assistance would create a burden
13 on the government, both fiscal and administrative, completely out of proportion to any
14 benefit which could be derived.

15 To require an evidentiary hearing prior to ceasing a debt for child support
16 when the obligor parent receives public assistance would dramatically add to the
17 number of child support hearings a court would hold, resulting in significant costs to the
18 Courts. In addition, the need for governmental lawyers from the District Attorney's office
19 or the Nevada Attorney General's office to participate; a diversion of resources from
20 other business of the courts including other necessary hearings; and the potential delay
21 of necessary public assistance to obligor parents are all significant impacts which would
22 cause greatly enhanced fiscal and administrative burdens to the government. This
23 would put the obligee parent, a recipient of a benefit which is not needs based, in a
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25

1 position of priority over the needs of an obligor parent receiving public assistance, which
2 is a needs based benefit.

3
4 When the extremely limited value of any hearing held prior to following
5 NRS 425.360(4) (which would be limited to proof of an obligor receiving public
6 assistance) is balanced against the delay of necessary public assistance and the cost
7 and judicial and other governmental resources necessary to hold a pre-cessation
8 hearing, due process does not require that a hearing be held prior to the cessation of
9 child support.

10 In addition, the lack of an evidentiary hearing to cease child support is
11 offset by the lack of evidentiary hearing for child support payment to recommence when
12 the obligor stops receiving public assistance. Further, because an obligee can request
13 a hearing and contest any erroneous determination that the obligor was receiving public
14 assistance, the obligee has been given the necessary opportunity to present his case
15 and to protect his interest in obtaining appropriate child support. The requirement that
16 obligee parents have an opportunity to be heard "at a meaningful time and in a
17 meaningful manner" as mandated by procedural due process is satisfied by NRS
18 425.360(4) and the administrative procedures which implement it.

19
20 Obligee's Objection is denied.


21 **IT IS SO ORDERED.**

22 Dated: August 20, 2014.

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BRIDGET E. ROBB
District Judge

1 CERTIFICATE OF SERVICE

2
3 Pursuant to NRCP 5(b), I certify that I am an employee of the Second
4 Judicial District Court in and for the County of Washoe, and I deposited for mailing in
5 the county mailing system for postage and mailing with the United States Postal Service
6 in Reno, Nevada, a true copy of the attached document addressed as follows:

7 Patricia Soto Aguilar
8 3811 Patricia Lane
9 Reno, NV 89512
10

11 I hereby certify that I electronically filed the foregoing with the Clerk of the
12 Court by using the ECF system which will send a notice of electronic filing to the
13 following:
14

15 JONATHAN KING, ESQ.

16 SUSAN HALLAHAN, ESQ.

17 DATED this 20 day of Aug, 2014.
18

19 
20 JUDICIAL ASSISTANT
21
22
23
24
25

ejm

1 CODE: 2540
2 JONATHAN H. KING, ESQ.
3 Nevada State Bar No. 22
4 429 Marsh Avenue
5 Reno, Nevada 89509
6 Telephone: (775) 322-2211
7 Attorney for Obligee

FILED

2014 NOV -6 PM 3:51

CATHY HILL
ACTING CLERK OF THE COURT
BY C. Koehler
DEPUTY

8
9 IN THE FAMILY DIVISION
10
11 OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
12
13 IN AND FOR THE COUNTY OF WASHOE
14

15 JOSUE TERRONES VALDEZ

16 Obligee,

17 vs.

Case No. FV10-04478

18 PATRICIA SOTO AGUILAR,

Dept. No. 13

19 Obligor.
20 _____ /

21 **NOTICE OF ENTRY**

22 PLEASE TAKE NOTICE that an ORDER AFFIRMING IN PART AND DENYING IN
23 PART MASTER'S FINDINGS AND RECOMMENDATIONS REGARDING MOTION FOR
24 DECLARATORY AND INJUNCTIVE RELIEF was entered on the 20th day of August, 2014; a
25 copy is attached hereto.

26 **AFFIRMATION Pursuant to NRS 239B.030**

27 The undersigned does hereby affirm that the preceding document does not contain the
28 social security number of any person.

DATED this 8th day of September, 2014.

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JONATHAN H. KING, ESQ.
Attorney for Obligee

CERTIFICATE OF SERVICE BY MAIL

Pursuant to NRCP Rule 5(b), I certify that on this 6th day of ~~September~~^{November}, 2014, I deposited for mailing in the U.S. Mail in Reno, Nevada, with postage thereon fully prepaid, a true and correct copy of the within document, addressed as follows:

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Liz Mello