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Electronically Filed
Nov 09 2015 12:01 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

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| KERSTAN MICONE, NKA KERSTAN HUBBS,<br>Appellant,<br>vs.<br><br>MICHAEL MICONE<br><br>Respondent. | Supreme Court Case No.: 67934<br><br>District Ct. Case No. D-08-308334-D |

## FAST TRACK RESPONSE APPENDIX





Docket 67934 Document 2015-34122

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CLERK OF THE COURT

MOT

Kerstan D. Hubbs
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Henderson, NV 89052
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Fax Number: (702)
Email Address: khubbs@live.com

*In Proper Person*

**DISTRICT COURT**
**FAMILY DIVISION**
**CLARK COUNTY, NEVADA**

| | |
|---|---|
| KERSTAN MICONE,<br>Plaintiff,<br>vs.<br>MICHAEL MICONE,<br>Defendant. | Case No.: D-08-388334-D<br>Dept. No.: J |

NOTICE: YOU ARE REQUIRED TO FILE A WRITTEN RESPONSE TO THIS MOTION WITH THE CLERK OF THE COURT AND TO PROVIDE THE UNDERSIGNED WITH A COPY OF YOUR RESPONSE WITHIN TEN (10) DAYS OF YOUR RECEIPT OF THIS MOTION. FAILURE TO FILE A WRITTEN RESPONSE WITH THE CLERK OF THE COURT WITHIN TEN (10) DAYS OF YORU RECEIPT OF THIS MOTION MAY RESULT IN THE REQUESTED RELIEF BEING GRANTED BY THE COURT WITHOUT HEARING PRIOR TO THE SCHEDULED HEARING DATE.

**MOTION TO STAY HEARING AT THE CHILD SUPPOR CENTER OF SOUTHERN NEVADA AND TO CONSOLIDATE THE MODIFICATION OR ADJUSTMENT OF CHILD SUPPORT WITH THIS MOTION TO SHOW CAUSE.**

**Date of Hearing:** 04/25/2013

**Time of Hearing:** 10:00 AM

**Oral Argument Requested: Yes**

COMES NOW Plaintiff, Kerstan Micone, currently Hubbs ("Kerstan"), in proper person, and hereby files this motion stay the child support hearing at the Child Support Center of Southern Nevada and to consolidate the hearing to modify or adjust child support with this motion for an order to show cause and to modify the stipulated divorce decree.

This motion is based upon the attached Points and Authorities, any and all pleadings and papers on file in this matter, and any oral representation that may take place at the hearing of this motion.

DATED this 9th day of March, 2013.

Respectfully submitted:

**Kerstan Micone, currently Hubbs**

Kerstan Micone, currently Hubbs

1242 Sonatina Drive
Henderson, NV 89052
(702) 501-3442
In Proper Person

# NOTICE OF MOTION

TO: ALL INTERESTED PARTIES:

**YOUWILL PLEASE TAKE NOTICE,** that the undersigned will bring the above and foregoing Motion on for hearing before the entitled Court on the 25 day of April, 2013, at the hour of 10am, or as soon thereafter as may be heard before the District Court, Family Division, Department J.

DATED this 12th day of March, 2013.

**Kerstan Micone, currently Hubbs**

Kerstan Micone, currently Hubbs
1242 Sonatina Drive
Henderson, NV 89052
(702) 501-3442
*In Proper Person*

I.

**Introduction**

This motion has become necessary as Michael A. Micone has requested to modify the current child support order under the parties' Stipulated Divorce Decree ("Decree") acknowledged and signed by this court on April 16, 2009 by way of a hearing in front of the Child Support Hearing Master of the Family Support Division ("Division"). Plaintiff, Kerstan Hubbs, formerly Kerstan Micone, has contacted the Division to see if other matters pertaining to non-compliance of the Decree could be heard at the upcoming hearing on March 25th 2013. She was informed that the Division only would hear matters that touched and concerned the current child support order under the Decree and the pending request for modification thereof; no other issues or matters that may impact the support and care of the parties' children, Michael J. Micone (8 years of age) and Isabella C. Micone (14 years of age) as ordered in the Decree would be heard at that time. Thus Kerstan is requesting that this court stay the current hearing in front of the Division and hear the request for modification in front of a family court judge who in tandem may also request that Michael show cause as to why he has failed to comply with the following court orders:

a) To keep the children in his custody from Tuesday at 3:00 PM if school in session or 9:00 AM if school is not in session until Sunday of the same week at 6:00 PM (5 consecutive days) indefinitely. **See EXHIBIT A "Decree" Page 3 ¶ 20.** Mike currently works in the Silicon Valley, CA and stays in an undisclosed location during the work week. He also maintains a residence in Reno, NV. Due to his work obligations Mike has not performed his custodial duties for over three (3) years, but rather sees the children intermittently when possible. The children reside the majority of the time with Kerstan in her care and custody.

b) To pay child support in the amount of $1,936.00 per month or $968.00 per mother per child on or before the 15th of each month. **See "Decree" Page 8 ¶15.** Michael failed to pay child support on or before the 15th of each month and is approximately $11,894.65 past due. **See**

**EXHIBIT B "Notice of Finding of Financial Responsibility to Enforce and Adjust an Existing Order, Establish and Obligation or Determine Paternity – Audit Summary."**

c) To equally share the cost of health insurance for Michael Jr. and Isabella Micone and to pay for one half of all the uncovered costs including but not limited to optical, dental, surgical or any psychological or psychiatric expense. **See "Decree" Page 9 ¶¶ 11-23.** Kerstan has solely paid for all health care insurance (major medical, vision, and dental) since January of 2010, or for a little over the last three (3) years, and for all other healthcare related cost to date, including all of Isabella's orthodontic work since the divorce.

d) Kerstan was confirmed to her as her sole and separate property the residence located at 1242 Sonatina Drive, Henderson, Nevada, the contents therein, subject to encumbrances thereon. **See "Decree" Page 12 ¶2.** This residence has an equity line on the property that Kerstan paid each month after the divorce. This equity line was used after the divorce as an overdraft protection line to one of Michael's accounts at Wells Fargo and over a span of two (2) years; approximately $7,000.00 of payments made toward the line was directed to Michael's account without Kerstan's consent or knowledge. Mike represented to Kerstan that they would go to the bank and resolve the matter, but failed to show up as planned. Kerstan has since frozen the equity line. **See EXHIBIT C "Wells Fargo Equity Line History."** Kerstan would like Michael to reimburse this money.

e) Hold Kerstan harmless and indemnify her from the liabilities associated with the property awarded as Michael's separate property at 963 Smith Lake Road, Graeagle, California. **See "Decree" Page 14 ¶13.** Michael was required to pay monthly mortgage payments and has failed to do so. **See EXHIIBT D "Credit Report."** On or around December of 2012, the parties entered into a Stipulated Order whereby Michael agreed to convey this property to Kerstan's revocable living trust. **See EXHIBIT E "Stipulated Order."** Notwithstanding this conveyance, the property is currently underwater and Kerstan must pay approximately $2,400.00 each month along with a quarterly assessment for the Smith Creek Owners Association of $225.00. Kerstan has paid roughly $60,000.00 in monthly mortgage payments to date and $1,200.00 recently to remove an intent to lien the property due to unpaid association fees to date. Additionally, Mike conveyed the property into a limited liability company, "Sunset Creek LLC" and the LLC is currently in default status and will take approximately $1,600.00 to reinstate at the Secretary of State of Nevada's office. **See "Stipulated Order" and EXHIBIT F "Payment to Smith Creek Owners Association."** The repeated 30, 60 and even 90 day late payment history has injured Kerstan's credit and has made it difficult for her to cover her monthly expenses while assuming this new monthly mortgage obligation. Kerstan asks that Mike reimburse her for the cost to date and/or facilitate the conveyance by reinstating the company and transferring the property. Prior to the Stipulation and Order, Michael stated that he wanted to be partners with Kerstan on the land, but he failed to make any contribution towards the payment and ultimately agreed to sign the Stipulation and Order.

f) To maintain the Pacific Life Insurance with benefit of $750,000.oo on Michael's life with Kerstan irrevocably named as the beneficiary of this policy in trust for the benefit of the children. **See "Decree" Page 16 ¶ 12.** Upon information and belief, this policy has likely lapsed and Kerstan would like to request that Michael furnish proof of payment and that the policy is still in effect for the children to date.

g) To maintain the Penn Mutual Life Insurance policies held in benefit for the children under SADI and GristMill Trusts. **See "Decree" Page 16 ¶ 25 and Page 17 ¶3.** Kerstan received two Forms 1099-MISC in the name of Michael Micone for the tax year totaling $58,299.09 and $119,659.09 respectively in the mail. **See EXHIBIT G "IRS FORM 1099(s)."** Kerstan believes the property was either: 1) community property in nature or 2) property held for the children's benefit, not the sole and separate property of Michael, and would like the court to determine the nature of said property and if and how it should be reimbursed.

h) To maintain the children's 529 account and name both parties as custodians. **See "Decree" Page 17 ¶10.** Kerstan was informed by Michael's financial advisor, Kathy Bax that Kerstan could not be a custodian on said account after the Decree was signed by the court and has recently been informed that all money in the children's 529 account was taken and utilized by Michael. **See EXHIBIT H "Email from Kathy Bax."** Kerstan believes the property was property of the children and was to be held for the children's benefit, not the sole and separate property of Michael and would like the court to determine the nature of said property and if and how it should be reimbursed.

i) In addition to the non-compliance mentioned above, the Decree also mentioned that both parties would have the right to demand a hair and urine drug test if they suspected the other of using drugs. All drug testing under Decree was slated to end on January of 2012. Kerstan believes it would be in the children's best interest to extend the drug testing provisions to January of 2016 and requests that the court extend this provision accordingly.

j) Kerstan and Michael, while married, had set up another account for the benefit of their children through the same financial services provider, Mrs. Kathy Bax, for educational benefits. See **EXBHIBIT J "Coverdale Account."** During the calendar year of 2011 to 2012, Isabella required professional tutoring services after school. Kerstan contacted both Michael and Kathy Bax and all parties agreed that these funds could be allocated towards the Tutoring Club for tutoring services provided to Isabella during her 8th grade year. Kerstan requested that these funds be distributed to the Tutoring Club for these services; however, she was informed that the funds could only be provided to Michael who in turn never furnished said funds to Kerstan for the tutoring provided and stated that he needed to use the money personally. Kerstan has over $5,000.00 for these tutoring services to date. **See EXHIBIT K "Tutoring Club Statement."**

## <u>Points and Authorities</u>

## III.

A. THAT THE HEARING SCHEDULED FOR MARCH 25, 2013 IN FRONT OF THE CHILD SUPPORT HEARING MASTER AT THE CHILD SUPPORT CENTER OF SOUTHERN NEVADA BE STAYED AND TRANSFERRED OR CONSOLIDATED AND HEARD IN CONJUNCTION WITH THIS MOTION TO SHOW CAUSE.

Under NRS 125B.145, which governs the review and modification of order for support it states the following:

1. An order for the support of a child must, upon the filing of a request for review by:

1. An order for the support of a child must, upon the filing of a request for review by:

(a) The Division of Welfare and Supportive Services of the Department of Health and Human Services, its designated representative or the district attorney, if the Division of Welfare and Supportive Services or the district attorney has jurisdiction in the case; or

(b) A parent or legal guardian of the child,

be reviewed by the court at least every 3 years pursuant to this section to determine whether the order should be modified or adjusted. Each review conducted pursuant to this section must be in response to a separate request.

2. If the court:

(a) Does not have jurisdiction to modify the order, the court may forward the request to any court with appropriate jurisdiction.

(b) Has jurisdiction to modify the order and, taking into account the best interests of the child, determines that modification or adjustment of the order is appropriate; the court shall enter an order modifying or adjusting the previous order for support in accordance with the requirements of NRS 125B.070 and 125B.080.

Additionally, pursuant to NRS 3.223, the family court has *exclusive* jurisdiction as follows:

1. Except if the child involved is subject to the jurisdiction of an Indian tribe pursuant to the Indian Child Welfare Act of 1978, 25 U.S.C. §§ 1901 et seq., in each judicial district in which it is established, the family court has original, exclusive jurisdiction in any proceeding:

(a) Brought pursuant to title 5 of NRS or chapter 31A, 123, 125, 125A, ***125B***, 125C, 126, 127, 128, 129, 130, 159, 425 or 432B of NRS, except to the extent that a specific statute authorizes the use of any other judicial or administrative procedure to facilitate the collection of an obligation for support.

Pursuant to NRCP 42(a) "Consolidation," rules of civil procedure warrant that, "when actions involving a common question of law or fact are pending before the court, it may order a joint hearing or trial of any or all the matters in issue in the actions; it may order all the actions consolidated; and it may make such orders concerning proceedings therein as may tend to avoid unnecessary costs or delay.

On January 30, 2013, the Office of the District Attorney, Family Support Division provided Kerstan a "Notice of Hearing" stating that on March 25, 2013 at 9:00 AM a hearing to determine the adjustment of a child support order would be held. **See Exhibit L "Notice of Hearing – Case No. R-12-174206-R."** This hearing is to take place in the Child Support Department J of the court and was filed by Mr. Steven B. Wolfson, District Attorney under NRS 125B.145 (1)(a).

Michael's non-compliance with the decree has made Kerstan's financial situation strained, causing her to incur an additional monthly mortgage payment (or in the alternative incur a foreclosure on a deed of trust in which she holds joint and several liability on the promissory note). Additionally, Michael has taken substantial property that was slated or earmarked by the court for the parties' children. Michael should show cause as to this non-compliance as an adjustment to child support may further harm Kerstan and the parties' children, Michael J. Micone and Isabella C. Micone.

Kerstan asks that the court stay the child support proceedings and consolidate both actions to be heard together in a joint hearing in order to avoid unnecessary cost or delay, as well as, to provide the court with additional information that might be relevant to the court's determination pertaining to an adjustment to the current order for child support.

B. MICHAEL SHOULD BE REQUIRED TO APPEAR AND SHOW CAUSE WHY HE SHOULD NOT BE HELD IN CONTEMPT FOR HIS VIOLATIONS OF THE DECREE OF DIVORCE:

Pursuant to NRS 22.010, the following acts or omissions shall be deemed contempts:

1. Disorderly, contemptuous or insolent behavior toward the judge while the judge is holding court, or engaged in judicial duties at chambers, or toward masters or arbitrators while sitting on a reference or arbitration, or other judicial proceeding.

2. A breach of the peace, boisterous conduct or violent disturbance in the presence of the court, or in its immediate vicinity, tending to interrupt the due course of the trial or other judicial proceeding.

3. *Disobedience or resistance to any lawful writ, order, rule or process issued by the court or judge at chambers.*

4. Disobedience of a subpoena duly served, or refusing to be sworn or answer as a witness.

5. Rescuing any person or property in the custody of an officer by virtue of an order or process of such court or judge at chambers.

6. Disobedience of the order or direction of the court made pending the trial of an action, in speaking to or in the presence of a juror concerning an action in which the juror has been impaneled to determine, or in any manner approaching or interfering with such juror with the intent to influence the verdict.

7. Abusing the process or proceedings of the court or falsely pretending to act under the authority of an order or process of the court.

When contempt is committed outside the immediate view and presence of the court, NRS 22.030 governs and provides in pertinent part:

> 2. If a contempt is not committed in the immediate view and presence of the court or judge at chambers, an affidavit must be presented to the court or judge of the facts constituting the contempt, or a statement of the fact by masters or arbitrators.

When a party is held to be in contempt, NRS 22.100 establishes the penalty of contempt and provides:

> Upon the answer and evidence taken, the court or judge and jury, as the case may be, shall determine whether the person proceeded against is guilty of contempt charged; and if it be found that he is guilty of the contempt, a fine may be imposed on him not exceeding $500, or he may be imprisoned not exceeding 25 days, or both, but no imprisonment shall exceed 25 days except as provided in NRS 22.110.

"Generally, an order for civil contempt must be grounded upon one's disobedience of an order that spells out "the details of compliance in clear, specific and unambiguous terms so that such person will readily know exactly what duties or obligations are imposed on him."" *Southwest Gas Corp. v.*

*Flinkote Co.-U.S. Lime Div.*, 99 Nev. 127, 131, 659 P.2d 861, 864 (1983), citing *Ex Parte Slavin*, 412 S.W.2d 43,44 (Tex. 1967), *see also, System v. Sleeper*, 100 Nev. 267, 679 P.2d 1273 (1984); *Cunningham v. Eighth Judicial Dist. Court of State of Nev., In and for Clark County*, 102 Nev. 551, 729 P.2d 1328 (1986).

Michael has failed to comply with several provisions of the parties' divorce decree. Kerstan has attempted to resolve the issues of non-compliance with Michael without involving the court for some time. However, Michael has stated or implied that he is not under an obligation to Kerstan or the children for his non-compliance and that Kerstan should be appreciative of what she has and move on with her life. However, the recent request to adjust or modify his child support has left Kerstan with no other option but to have Michael show cause to the court for these violations so that Kerstan can adequately advocate for the rights of the parties' children as well as her own.

**Conclusion**

Based on the aforementioned introductions and statements of fact, along with the following points and authorities, Kerstan request that the court stay the current child support action and consolidate that action with the motion to show cause and conduct a joint hearing on the matter if possible in order to avoid unnecessary cost and delays and to obtain a fair and equitable resolution of all matters before the court.

DATED this 9th day of March 2013.

Respectfully Submitted,

Kerstan Micone, currently Hubbs

Kerstan Micone, currently Hubbs
1242 Sonatina Drive
Henderson, NV 89052

*In Proper Person*



MICONE 011

# EXHIBIT A

ORIGINAL

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CLERK OF THE COURT

DECD
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Attorneys for Plaintiff,
KERSTAN MICONE

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

| | |
|---|---|
| KERSTAN D. MICONE, Plaintiff, vs. MICHAEL A. MICONE, Defendant. | CASE NO.: D-08-388334-D<br>DEPT. NO.: J |

STIPULATED DECREE OF DIVORCE

This matter having been entered before the above-entitled Court upon the Complaint of the Plaintiff, KERSTAN MICONE, ("Kerstan"), appearing through her attorneys of record, John D. Jones, Esq. of BLACK & LoBELLO and the Defendant, MICHAEL A. MICONE, ("Michael"), appearing through his attorneys of record, James J. Jimmerson, Esq. and Soraya M. Veiga, Esq. of JIMMERSON HANSEN, PC, and whereas the Parties have agreed that it is in their best interests, they have reduced their agreements to all issues to one single Stipulated Decree of Divorce, which will govern all issues. Whereas based upon the fact that the Parties have stipulated as such, and to the following terms, and the Court being fully informed in the premises, FINDS:

That the Court has complete jurisdiction in the premises, both as to the subject matter thereof as well as the Parties thereto; that both Parties have waived their right to the making, filing, and service of Findings of Fact and Conclusions of Law, and all other

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DISPOSITIONS
☐ Converted from Stipulations
☐ Voluntary Dismissal
☐ Transferred
☐ Voluntary Dismissal
☒ Decision without Hearing
☐ Decision w/ Hearing
☐ Decision w/ Trial/Evidentiary Hearing
☐ Costs
☐ Age of Majority
☐ Termination of Competency
☐ Order Terminating Guardianship

notice required by law having been waived; that the Parties are entitled to a Decree of Divorce as set forth in the Complaint for Divorce.

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the bonds of matrimony now and heretofore existing between Kerstan and Michael be dissolved; that they be granted an absolute Decree of Divorce; and that each of the parties hereto be restored to the status of a single, unmarried person.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that there are two (2) minor children born the issue of this marriage, to wit: Isabella Caroline Micone, born March 26, 1998; and Michael Joseph Micone, born January 7, 2005. To the best of her knowledge, Kerstan is not currently pregnant. The minor children's habitual residence and home state is the State of Nevada, USA.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the parties share joint legal custody of the minor children, Isabella Caroline Micone, born March 26, 1998; and Michael Joseph Micone, born January 7, 2005.

Joint legal custody shall be defined as follows:

> The parents shall confer with each other on all important matters pertaining to the children's health, welfare, education, religious training and upbringing to arrive at a harmonious policy to promote the children's best interests, and not to promote the personal desires of either party.
>
> The parents shall confer with each other on all matters regarding the children's healthcare, including but not limited to, medical, dental, orthodontic, surgical, optical, or psychological, and shall immediately inform the other parent of any health condition of the children except in emergency situations when prior consultations are not possible.
>
> The parents shall confer with each other regarding decisions pertaining to the education and school curriculum of the children.
>
> Each parent shall share with the other parent information concerning the well being of the children, including, but not limited to, copies of report cards; school meeting notices; vacation schedules; class programs; requests for conferences; results of standardized or diagnostic tests; notices of activities involving the children; samples of school work; order forms for school pictures; and all communications from healthcare providers, child care providers, and educators.

The parents shall confer with each other regarding the extracurricular activities which are available to or contemplated for the children either through the regular school curriculum or outside of the school curriculum, and shall inform the other parent of the times and places of athletic events and extracurricular events of the children so that the other parent shall also have the opportunity to participate in such activities.

Both parents shall be allowed free access to any and all records pertaining to their children. Both parents shall be allowed to confer independently with any and all professionals involved with their children.

Each parent shall keep the other parent informed of his or her respective address, home and work telephone numbers, and shall notify the other parent of any change thereto within twenty-four (24) hours of any change.

Each parent shall be entitled to reasonable telephone communication with the children. Each parent is restrained from unreasonably interfering with the children's right to privacy during such telephone conversations with the other parent.

In the event that either parent shall take the children out of state on vacation, that parent shall specifically notify the other parent of the plans and provide a telephone number and itinerary to the other parent.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff and Defendant shall share physical custody of the minor children, with Kerstan being designated as the primary custodial parent, as follows:

Week One: The children will reside with Kerstan from Sunday at 6:00 PM until Tuesday of the next week at 9:00 a.m. or when Kerstan drops them off at school (9 consecutive days).

Week Two: Michael will have the children from Tuesday at 3:00 p.m. if school is session or 9:00 a.m. if school is not in session until Sunday of the same week at 6:00 p.m. (5 consecutive days).

The above schedule shall repeat indefinitely.

Upon reasonable notice and practicality, both parents shall have first right of refusal to care for children if either parent attempts to leave the children in another's care for more than 4 hours.

The parties will share holidays and other special days as follows:

Kid's Birthday -- Kerstan shall have the children on their birthday in even-numbered years. Michael shall the children on their birthday in odd-numbered years.

Martin Luther King, Jr. Day -- Kerstan shall have the children for the Martin Luther King, Jr. weekend beginning Friday at 3:00 p.m. or when school lets out until Monday at 6:00 p.m. in odd-numbered years. Michael shall have the children for the Martin Luther King, Jr. weekend beginning Friday at 3:00 p.m. or when school lets out until Monday at 6:00 p.m. in even-numbered years.

President's Day - Kerstan shall have the children for the President's Day weekend beginning Friday at 3:00 p.m. or when school lets out until Monday at 6:00 p.m. in even-numbered years. Michael shall have the children for the President's Day weekend beginning Friday at 3:00 p.m. or when school lets out until Monday at 6:00 p.m. in odd-numbered years.

Spring Break - Kerstan shall have the children for the Spring Break holiday beginning the Friday preceding the holiday at 3:00 p.m. or when school lets out until Sunday at 6:00 p.m. in even-numbered years. Michael shall have the children for the Spring Break holiday beginning the Friday preceding at 3:00 p.m. or when school lets out until Sunday at 6:00 p.m. in odd-numbered years.

Mother's Day/Father's Day -- Kerstan shall have the children for Mother's Day every year beginning at 9:00 a.m. until 6:00 p.m. Michael shall have the children for Father's Day every year beginning at 9:00 a.m. until 6:00 p.m.

Memorial Day - Kerstan shall have the children for the Memorial Day weekend beginning Friday at 3:00 p.m. or when school lets out until Monday at 6:00 p.m. in even-numbered years. Michael shall have the children for the Memorial Day weekend beginning Friday at 3:00 p.m. or when school lets out until Monday at 6:00 p.m. in odd-numbered years.

Parent's Birthday - Kerstan shall have the children on her birthday every year Michael shall have the children for his birthday every year.

July 4th Holiday - Kerstan shall have the children for the 4th of July holiday beginning Friday at 3:00 p.m. or when school lets out until Monday at 6:00 p.m. in odd-numbered years. Michael shall have the children for the 4th of July holiday beginning Friday at 3:00 p.m. or when school lets out until Monday at 6:00 p.m. in even-numbered years.

Labor Day - Kerstan shall have the children for the Labor Day weekend beginning Friday at 3:00 p.m. or when school lets out until Monday at 6:00 p.m. in odd-numbered years. Michael shall have the children for the Labor Day weekend beginning Friday at 3:00 p.m. or when school lets out until Monday at 6:00 p.m. in even-numbered years.

Nevada Day/Halloween - Kerstan shall have the children for the Nevada Day/Halloween holiday weekend beginning Friday at 3:00 p.m. or when school lets out until Monday at 6:00 p.m. in even-numbered years. Michael shall have the children for the Nevada Day/Halloween weekend beginning Friday at 3:00 p.m. or when school lets out until Monday at 6:00 p.m. in odd-numbered years.

Veteran's Day - Kerstan shall have the children for the Veteran's Day weekend beginning Friday at 3:00 p.m. or when school lets out until Monday at 6:00 p.m. in odd-numbered years. Michael shall have the children for the Veteran's Day weekend beginning Friday at 3:00 p.m. or when school lets out until Monday at 6:00 p.m. in even-numbered years.

Thanksgiving - Kerstan shall have the children for the Thanksgiving Day holiday beginning the Wednesday preceding the holiday at 3:00 p.m. or when school lets out until

Monday at 6:00 p.m. in even-numbered years. Michael shall have the children for the Thanksgiving Day holiday beginning the Wednesday preceding the holiday at 3:00 p.m. or when school lets out until Monday at 6:00 p.m. in odd-numbered years.

Christmas

First half (½) of the Christmas Holiday - Kerstan shall have the children for the Christmas holiday beginning the day school lets out for the Christmas Break until December 26th at 6:00 p.m. in even-numbered years. Michael shall have the children for the Christmas holiday the day school lets out for the Christmas Break until December 26th at 6:00 p.m. in odd-numbered years.

Second half (½) of the Christmas Holiday - Kerstan shall have the children for the Christmas holiday beginning December 26th at 6:00 p.m. until she drops the children off at school following the Christmas Holiday in odd-numbered years. Michael shall have the children for the Christmas holiday beginning December 26th at 6:00 p.m. until he drops the children off at school following the Christmas Holiday in even-numbered years.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that receiving party shall pick up. In the event Michael has the children in Reno for his timeshare he will deliver the children to Kerstan at the scheduled time.

IT IS FURTHER ORDERED, ADJUGED AND DECREED that each parent shall have the right to exercise three (3) weeks of uninterrupted time in blocks of time of no greater than ten (10) days. Each parent shall give thirty (30) days notice. Each parent shall have the right to notice their planned vacation on January 1st of each year with the parent giving notice first having preference of the weeks chosen. Any school missed must be by mutual written consent of both parents.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that in the event either party suspects drug use by the other, that they may demand a hair and urine drug test of the other one time per month and that the testing party must submit within 24 hours of the demand or otherwise be presumed to have a positive (dirty) result. In the event a demanded test is clean, the cost of the test will be reimbursed by the requesting party. If the drug test is positive, the children will remain in the care of the non-drug using party until the matter can be brought before the judge. All drug testing requested will end on January 1, 2012.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that pursuant to N.R.S. 125.510 (7) and (8), the terms of the Hague Convention of October 25, 1980, adopted by the 14th session of the Hague Conference on Private International Law, are applicable to the parties as follows:

> Subsection 8: If a parent of the children lives in a foreign country or has significant commitments in a foreign country:
>
> (a) the parties may agree, and the Court shall include in the Order for custody of the children, that the United States is the country of habitual residence of the children for the purposes of applying the terms of the Hague Convention as set forth in Subsection 7.
>
> (b) Upon motion of the parties, the Court may order the parent to post a bond if the Court determines that the parent poses an imminent risk of wrongfully removing or concealing the children outside the country of habitual residence. The bond must be in an amount determined by the Court and may be used only to pay for the cost of locating the children and returning him to his habitual residence if the children is wrongfully removed from or concealed outside the country of habitual residence. The fact that a parent has significant commitments in a foreign country does not create a presumption that the parent poses an imminent risk of wrongfully removing or concealing the children.

The parties acknowledge that the children's home state is Nevada, which is in the United States of America.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that pursuant to N.R.S. 125.510, the parties are hereby notified as follows:

> PENALTY FOR VIOLATION OF ORDER: THE ABDUCTION, CONCEALMENT OR DETENTION OF A CHILD IN VIOLATION OF THIS ORDER IS PUNISHABLE AS A CATEGORY D FELONY AS PROVIDED IN N.R.S. 193.130. N.R.S. 200.359 provides that every person having a limited right of custody to a child or any parent having no right of custody to the child who willfully detains, conceals or removes the child from a parent, guardian or other person having lawful custody of a right of visitation of the child in violation of an order of this court, or removes the child from the jurisdiction of the court without

the consent of either the court or all persons who have the right to custody or visitation is subject to being punished for a category D felony as provided in N.R.S. 193.130.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the parties are put on notice pursuant to N.R.S. 125C.200:

> If custody has been established and the custodial parent intends to move his residence to a place outside of the State of Nevada and to take the minor child with you, you must, as soon as possible and before the planned move, obtain the written permission of the non-custodial parent to move the child from the State of Nevada. If the non-custodial parent refuses to give that consent, the custodial parent shall, before you leave the State of Nevada with the child, petition the court for permission to move the child. The failure of a parent to comply with the provisions of this section may be considered as a factor if a change of custody is requested by the non-custodial parent.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that beginning July 1, 2010, child support will adjust pursuant to NRS 125B.0707 based upon the consumer price index to whatever the highest cap level is and will continue to adjust each July, therafter.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that based upon Michael's earning capacity, he shall pay child support in the amount of $1,936.00 per month or $968.00 per month per child on or before the 15th of each month. Michael shall continue to pay such child support on the 15th day of each month until such time that the children reach eighteen (18) years of age if no longer enrolled in high school, otherwise until the child graduates from high school or reaches nineteen (19) years of age, dies, marries, or otherwise becomes emancipated pursuant to the Nevada.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that pursuant to NRS 31A.025 to 31A.240, inclusive, the parties are hereby notified that child support payments shall be subject to wage assignment by the obligor's employer should he or she become more than thirty days delinquent in said child support payments.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the parties shall submit the Information required in N.R.S. 125B.055(3), N.R.S. 125.130 and N.R.S.

125.230 on a separate form to the Court and the Welfare Division of the Department of Human Resources within ten days from the date this Decree of Divorce is filed. Such information shall be maintained by the Clerk in a confidential manner and not part of the public record. The parties shall update the information filed with the Court and the Welfare Division of the Department of Human Resources within ten (10) days should any of that information become inaccurate.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Kerstan has completed the COPE class and Michael will complete the COPE class within thirty (30) days of the entry of this Stipulated Decree of Divorce.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Michael shall provide health insurance for the children at his cost until January 1, 2010, after which the cost will of the premium will be equally shared by the parties, each party paying one-half (½) of all uncovered health care expenses incurred on behalf of the child, including, but not limited to, optical, dental, surgical or any psychological or psychiatric expense, until such time as the children reach eighteen (18) years of age if no longer enrolled in high school, otherwise until the children graduate from high school or reach nineteen (19) years of age, die, marries or otherwise become emancipated pursuant to the Nevada Revised Statutes, whichever comes first. In the event that Kerstan can provide comparable coverage for less cost after January 1, 2010, she will cover the children and the parties will split the costs of the premium.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Michael shall pay all costs of private school for the remainder of the 2008/2009 school year. Thereafter, the children shall attend public school. In the event the parties agree that either child shall attend private school beyond the 2008/2009 school year, they shall be equally responsible for the costs thereof.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Michael shall maintain health insurance for Kerstan through his company (as a consultant or employee) at his expense until December 31, 2009.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the unequal division of property set forth hereinafter takes into consideration the following:

1. Kerstan's claims of marital waste.
2. Michael's claims of separate property.
3. Michael's assumption of significant liabilities.
4. Michael's representations of possible bankruptcy.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Kerstan shall have confirmed to her as her sole and separate property free of any and all claims by Michael, the sole ownership in and to the following:

1. One-half (½) of balances as of March, 27, 2009 of Community Bank accounts ending in 2038, 2011.
2. One-half (½) of the Southwest Securities Accounts as of March 27, 2009.
3. One-half (½) of the proceeds of the Southwest Exchange 1031 settlement. Monies to be paid to Kerstan within five (5) days of the receipt by Michael.
4. One hundred (100%) percent of Kerstan's Wells Fargo accounts, with less than $20,000.00.
5. One hundred (100%) percent of balance as of March 27, 2009 of joint Wells Fargo account, with a nominal balance.
6. One-half (½) of the parties interest in the following business investments:
   (a) Canyon Ranch Town Center, LLC,
   (b) CB2, LLC,
   (c) Colorado Riverfront Townhomes,

(d) Coolidge 135, LLC,

(e) Coolidge 234, LLC,

(f) Gragson Maul Hu ak (Diablo Commerce Center Investment),

(g) Gragson Tomsik, LLC,

(h) Hersperia 395, LLC,

(i) Koss,

(j) Mbar, LLC (Park Central Plaza Investment),

(k) Mohave Vista RV Resort, LLC,

(l) Park Central Plaza 32, LLC,

(m)San Texas, LLC,

(n) Southwest Corporate Center,

(o) Surprise Arizona, LLC, Trob, LLC, and

(p) Gilbert ME, LLC.

7. 40% of the parties interest in the following business investments

(a) El Dorado Development Partnership LLC

(b) Patrick Riley

(c) Village Investments LLC

8. One-half (½) of the $250,000.00 Note Receivable from Kenny Kuykendall, including one-half (½) of any payments from Kenny Kuykendall to date.

9. 40% of any remaining payments received by Michael from the sale of Accountants, Inc. currently held in Community Bank account ending in 1744.

10. 40% of all payments for and the interest in Riverside Estates Note Receivable.

11. Palm Place Unit 53318.

12. The residence located at 236 Misty Garden, Las Vegas, Nevada, subject to

the encumbrance thereon.

13. The residence located at 1242 Sonatina Drive, Henderson, Nevada (APN 190-06-112-049) and the contents therein, subject to the encumbrance thereon.

14. The residence located at 4591 China Rose, Reno, Nevada, subject to the encumbrance thereon.

15. 2008 Yukon Denali, subject to any encumbrance thereon.

16. 2005 Yukon owned by Micone Staffing.

17. One hundred (100%) percent of Kerstan's Southwest Securities IRA with an approximate balance of $21,850.00.

18. One hundred (100%) percent of Kerstan's Southwest Securities 401(K) with an approximate balance of $126,000.00

19. One hundred (100%) percent of Kerstan's Vanguard 401 (K) balance of $9,000.00.

20. All personal property currently in Kerstan's possession.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Michael shall have confirmed to him as his sole and separate property free of any and all claims by Kerstan, the sole ownership in and to the following:

1. One-half (½) of balances as of March 27, 2009 of community bank accounts ending in 2038, 2011.

2. One-half (½ ) of the Southwest Securities Accounts as of March 27, 2009.

3. One-half (½) of the proceeds of the Southwest Exchange 1031 settlement. Monies to be paid to Kerstan within five (5) days of the receipt by Michael.

4. One hundred (100%) of the parties interest in the following business investments:

(a) Exec Air, LLC,

(b) Kyle Canyon, LLC,

(c) Nevada Hangar, LLC,

(d) Desert Frost (Titan Investment),

(e) NNN City Center Place, and

(f) Deadwood -Wolfpack, LLC

5. One-half (½) of the parties interest in the following business investments:

a. Canyon Ranch Town Center, LLC,

b. CB2, LLC,

c. Colorado Riverfront Townhomes,

d. Coolidge 135, LLC,

e. Coolidge 234, LLC,

f. Gragson Maui Hoak (Diablo Commerce Center Investment),

g. Gragson Tomsik, LLC,

h. Hersperia 395, LLC,

i. Koss,

j. Mbar, LLC (Park Central Plaza Investment),

k. Mohave Vista RV Resort, LLC,

l. Park Central Plaza 32, LLC,

m. San Texas, LLC,

n. Southwest Corporate Center,

o. Surprise Arizona, LLC, Trob, LLC,

p. Gilbert ME, LLC, and

q. Land America Investors (200,000 investment on 09/15/08).

6. 60% of the parties interest in the following business investments:

(a) Eldorado Development Partnership, LLC

(b) Patrick & Riley

(c) Village Investments, LLC

7. One hundred (100%) of the business account for Vici Nevada, LLC.

8. One-half (½) of the $250,000.00 Note Receivable from Kenny Kuykendall, including one-half (½) of any payments from Kenny Kuykendall to date.

9. 60% of all payments for and the interest in Riverside Estates Note Receivable

10. 60% of any remaining payments received by Michael from the sale of Accountants, Inc. currently held in Community Bank account ending in 1744.

11. Palms Place Unit 51316

12. The residence located at 1611 Brightstone, Reno, Nevada, and the contents therein, subject to the encumbrance thereon.

13. The raw land located at 963 Smithcreek, Graegale, California, subject to the encumbrance thereon.

14. One hundred (100%) of the commercial building located at 8860 West Sunset, Suite 200, Las Vegas, Nevada 89148.

15. Vidara/Mandarin Oriental Deposit and Investment, subject to the cost associated with finalizing the transaction.

16. 2005 Bentley, subject to lease encumbrance

17. 2008 Sierra, subject to any encumbrance.

18. 2007 Mastercraft, subject to any encumbrance.

19. Golf Cart

20. One hundred (100%) percent of the community interest in Micone Staffing/Vici Tax Staffing and the equipment owned by Micone Staffing/Vici

Tax Staffing, its assets and obligations.

21. One Hundred (100%) percent of Michael's Mainstay IRA with an approximate balance of $6,200.00.

22. One Hundred (100%) percent of Michael's Southwest Securities 401(K) with an approximate balance of $192,000.00.

23. One Hundred (100%) percent of Michael's ING Financial Partners IRA with an approximate balance of $30,000.00.

24. All personal property currently in Michael's possession.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that each party shall hold the other harmless and indemnify the other from the liabilities associated with the properties awarded to each of them herein.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that to furber clarify the above mentioned indemnification, Michael will obtain a full release of liability from Stable Development confirming that Kerstan has no liability associated with Michael's commercial building.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that each party has made a full and honest disclosure of all assets and liabilities known to them and that each party recognizes that the Court will retain jurisdiction over any omitted or inaccurately identified assets/debts and to apportion them appropriately.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Michael shall execute irrevocable assignments of one-half (½) of his/the community interest in the notes/investments/business entities awarded to Kerstan above directing payment of one-half (½) of any dividends or distributions to be paid directly to Kerstan.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the parties have acknowledged that in the event capital calls are current on the LLC's they will continue own jointly, that the inability or unwillingness of either party to make the capital call could result in a dissolution of their interest.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that each party will hold the other harmless from any debts they are assuming herein.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the life insurance policy with New York Life with a benefit of $100,000.00 on Kerstan's life, currently in place shall be owned by Kerstan, shall be maintained by Kersten, with Kerstan paying the premium for the policy on her own life, Michael shall be irrevocably named the beneficiary of this policy in trust for the benefit of the children. Proof of payment or relevant statements must be furnished upon request pf either party.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED the life insurance policy with Pacific Life with a benefit of $750,000.00 on Michael's life, currently in place, shall be owned by Michael, shall be maintained by Michael, with Michael paying the premium for the policy on his own life, Kerstan shall be irrevocably named the beneficiary of this policy in trust for the benefit of the children. Proof of payment or relevant statements must be furnished upon request of either party.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the life insurance policy with New York Life with a benefit of $50,000.00 on Michael's life, currently in place, shall be owned by Michael, shall be maintained by Michael, with Michael paying the premium for the policy on his own life. Michael can name the beneficiary of his choice for this policy.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the life insurance policy with Penn Mutual Life Insurance Company with a benefit of $3,500,000.00 on Michael's life, owned by the SADI Trust, currently in place, shall be maintained by Michael, with Michael paying the premium for the policy on his own life. The children shall be irrevocably named the beneficiary of this policy. Michael can name a person of his choice as beneficiary to hold the benefit of this policy in trust for the children.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the life insurance with Penn Mutual Life Insurance Company with a benefit of $7,000,000.00 on Michael's life, owned by GristMill Trust, currently in place, shall be maintained by Michael, with Michael paying the premium for the policy on his own life. The children shall be irrevocably named the beneficiary of this policy. Michael can name a person of his choice as beneficiary of this policy in trust for the children.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all accounts, including prepaid tuition and 529 accounts, or life insurance policies in existence for the benefit of the children, or insuring their lives, shall be maintained for said children with both parties being named as custodians and requiring both signatures for any withdrawals.

IT IS FURTHER ORDERED ADJUDGED AND DECREED that the parties will file joint tax returns for 2008 with Michael being responsible for any liability and entitled to any refund therefore. The parties will file separate returns for 2009 and every year thereafter with Kerstan claiming Michael as a dependent for tax purposes and Michael claiming Isabella as a dependant for tax purposes. The parties shall alternate claiming Michael each year once Isabella emancipates.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that from Michael=s share of the cash accounts awarded to him above, he shall pay to Kerstan the sum of $10,000.00 as and for satisfactions of her claim for attorney=s fees under Sargeant v. Sargeant, to Kerstan=s attorney. Kerstan shall hold Michael harmless from any liability for monies owed to her lawyers.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Kerstan shall have the option to resume using her maiden name of: Kerstan Hubbs or a hyphenated name of Kerstan Hubbs-Micone.

Dated this 8 day of April, 2009.

Kerstan D. Micone

KERSTAN D. MICONE, Plaintiff

Dated this 7 day of April, 2009.

Michael A. Micone

MICHAEL A. MICONE, Defendant

DATED this ______ day of APR 1 6 2009, 2009.

DISTRICT COURT JUDGE

Respectfully submitted by:

BLACK & LOBELLO

John D. Jones, Esq.
Nevada Bar No. 006699
10777 W. Twain Ave., Suite 300
Las Vegas, Nevada 89135
(702) 869-8801
Attorneys for Plaintiff

Approved as to form and content by:

JIMMERSON HANSEN, P.C.

Michelle R. Peltot (Bar # 9162)

James J. Jimmerson, Esq.
Nevada Bar No. 000264
Soraya M. Veiga, Esq.
Nevada Bar No. 007944
415 South Sixth Street, Suite 100
Las Vegas, Nevada 89101
(702) 388-7171
Attorneys for Defendant

CLERK OF THE COURT

AUG 18 3 14 PM '09

# EXHIBIT B

# OFFICE OF THE DISTRICT ATTORNEY

## Family Support Division

(702) 671-9200 - TDD (702) 385-7486 (for the hearing impaired)

Establishment-R&A
1900 East Flamingo Road, Suite 100, Las Vegas, NV 89119-5168
Fax: (702) 366-2320

STEVEN B. WOLFSON
*District Attorney*

TERESA M. LOWRY
*Assistant District Attorney*

CHRISTOPHER J. LALLI
*Assistant District Attorney*

MARY-ANNE MILLER
*County Counsel*

JEFFREY J. WITTHUN
*Assistant Director*

FA=E

January 30, 2013

KERSTAN DAWN HUBBS
1242 SONATINA DR
HENDERSON NV 89052

Re: Kerstan Hubbs vs. Michael Micone
Our case no.: R-12-174206-R

Dear Kerstan Dawn Hubbs:

Enclosed is your copy of the Notice of Telephonic Hearing for your child support case. Please note that local residents of Clark County must appear in person if participating in the hearing. Only the non-resident party may call in to the court room for the hearing.

As a Clark County resident if you plan on appearing at the hearing, the Child Support Center of Southern Nevada is located at: 1900 East Flamingo Road, Las Vegas, NV 89119-5168.

Please refer to the enclosed Notice of Telephonic Hearing for the date and time of the hearing.

NOHAIM
Steven B. Wolfson, District Attorney
Nevada Bar No. 001565
Family Support Division
1900 East Flamingo Road, Suite 100
Las Vegas, Nevada 89119-5168
(702) 671-9200 - TDD (702) 385-7486 (for the hearing impaired)
2497533200A

# DISTRICT COURT

## CLARK COUNTY, NEVADA

| | | |
|---|---|---|
| Kerstan Hubbs, Petitioner, | ) | Case no. R-12-174206-R |
| vs. | ) | Dept. no. CHILD SUPPORT |
| Michael Micone, Respondent. | ) | |

### NOTICE OF HEARING

To: Michael Anthony Micone, Respondent

To: Kerstan Dawn Hubbs, Petitioner

Notice is hereby given that the undersigned will bring the above-entitled matter before the Child Support Hearing Master on the 25 day of MARCH, 20 13 at the hour of 9:30A in Court Room 1 of the Child Support Center of Southern Nevada, **1900 East Flamingo Road, Las Vegas, Nevada,** for review pursuant to NRS 31A, NRS 125B, NRS 126, NRS 130 and NRS 425.

The purpose of this hearing is to address:

- ☒ Notice and Finding of Financial Responsibility to Enforce or Adjust an Existing Order, Establish an Obligation or Determine Paternity
- ☐ Support arrears
- ☒ Health insurance
- ☐ Income withholding
- ☐ Child support lien

NOHAIM

☐ Driver license suspension

☐ Professional, occupational, recreational license suspension

☐ Notice of Intent to: ______________________________

☐ Status check of this companion/partner case

☐ The attached Respondent's/Petitioner's Request

☒ This is a telephonic hearing, see attached instructions

☐ Other: ______________________________

The request for this hearing, if any, is attached hereto and by this reference made a part hereof.

If you do not appear, the hearing will proceed in your absence, and an Order and Judgment may be entered against you. You should bring any records you believe are relevant to your case to this hearing (such as paycheck stubs, other proof of income, information regarding the cost of dependent health insurance coverage, court orders or birth certificates of other children you are supporting, proof of prior direct payments).

Dated this ________ day of 12/10/2012 ________, 20___.

Steven B. Wolfson
District Attorney
Nevada Bar #001565

Ed Ewert

Deputy District Attorney

# OFFICE OF THE DISTRICT ATTORNEY

## Family Support Division

(702) 671-9200 - TDD (702) 385-7486 (for the hearing impaired)

Establishment-R&A
1900 East Flamingo Road, Suite 100, Las Vegas, NV 89119-5165
Fax: (702) 366-2320

STEVEN B. WOLFSON
*District Attorney*

TERESA M. LOWRY

CHRISTOPHER J. LALLI

MARY-ANNE MILLER

JEFFREY J. WITTHUN

FA-B


### TELEPHONIC HEARING INSTRUCTIONS

Telephonic hearings may be used when a party to the child support case does not live in Clark County, Nevada, and wishes to present their position to the Court.

As soon as you receive your Notice of Telephonic Hearing, you may want to contact your local Child Support Enforcement office to use a private office to take part in the hearing. Please advise our case manager if your local agency can arrange this and provide all contact telephone numbers.

Six weeks before your hearing, our case manager will call you to check on your telephone number for the court. A few days before your court date, another call may be made by the court clerk.

You must be ready to call the Court at (702) 455-4760 on the day of the telephonic hearing about 15 minutes before your hearing time. Please arrange to be on a land line, as the Court does not usually allow the use of cellular phones during telephonic hearings. If you are unable to get through, please leave a message and wait for the Court to contact you.

If you intend to offer exhibits during the telephonic hearing, they must be provided to this office at least 10 days before the scheduled hearing. You may fax them to (702) 366-2410. You must print your name, social security number, and case number and date of the hearing on any exhibits.

**WARNING!**
Please be aware, it is your responsibility to keep the office updated as to any change in your address or telephone number. Failure to take part in your hearing may result in the Court going forward and entering an order without you.

CERT

CERTIFICATE OF MAILING

The foregoing NOTICE OF HEARING AND NOTICE AND FINDING OF FINANCIAL RESPONSIBILITY TO ENFORCE AND ADJUST AN EXISTING ORDER, ESTABLISH AN OBLIGATION OR DETERMINE PATERNITY was served upon Kerstan Dawn Hubbs by mailing a copy thereof, first class mail, postage prepaid to:

Kerstan Dawn Hubbs
1242 Sonatina Dr
Henderson, NV 89052

on the ___ day of 01/30/2013, 20___.

Employee, District Attorney's Office
Family Support Division

Electronically Filed
12/13/2012 11:51:21 AM

Steven D. Grierson

CLERK OF THE COURT

NFFR
Steven B. Wolfson, District Attorney
Nevada Bar No. 001565
Family Support Division
1900 East Flamingo Road, Suite 100
Las Vegas, Nevada 89119-5168
(702) 671-9200 - TDD (702) 385-7486 (for the hearing impaired)
2497533 RGA

# DISTRICT COURT
## CLARK COUNTY, NEVADA

| | | | |
|---|---|---|---|
| Kerston Hubbs, Petitioner, | ) | Case no. | R 12-174206-R |
| vs. | ) | Dept. no. | CHILD SUPPORT |
| Michael Micone, Respondent. | ) | | J |

### NOTICE AND FINDING OF FINANCIAL RESPONSIBILITY TO ENFORCE AND ADJUST AN EXISTING ORDER, ESTABLISH AN OBLIGATION OR DETERMINE PATERNITY

To: MICHAEL ANTHONY MICONE, Respondent.

Pursuant to NRS 425.382 through NRS 425.3852 inclusive, the Respondent is served notice:

That the Petitioner is the parent/custodian of the child(ren):

| NAME | DATE OF BIRTH |
|---|---|
| Michael Joseph Micone | January 07, 2005 |
| Isabella Caroline Micone | March 26, 1998 |

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That pursuant to the order from CLARK County, NEVADA, number D-08-388334-D filed 04-17-2009, the Respondent is currently under an order to pay child support and/or provide health insurance for Michael Joseph Micone and Isabella Caroline Micone.

That the order states the Respondent must pay $1,936.00 per month for current child support, $0.00 per month for medical support in lieu of health insurance, $0.00 per month for spousal support and $0.00 per month to reduce the arrearage/debt; therefore, the total support obligation is $1,936.00 per month.

That the Petitioner now seeks registration of this order, if applicable, for the purpose of modification and subsequent enforcement of the new order.

Nevada has the authority to modify the existing order because:

☒ An individual party, MICHAEL MICONE, has requested modification of the previously controlling Nevada order.

☐ An individual party, , has requested modification; Nevada has personal jurisdiction over the non-movant *and* the issuing state (the state whose order controlled prior to this modification) is no longer the residence of any individual party or child(ren). NRS 130.611(1)(a).

☐ An individual party, , has requested modification; all individual parties and child(ren) now reside in Nevada. NRS 130.613(1).

☐ All parties have filed written consent with the tribunal whose order controlled prior to this modification for Nevada to modify the support obligation and assume continuing, exclusive jurisdiction. NRS 130.611(1)(b).

That pursuant to NRS 125B.145(1) and (4), the basis for the modification is to:

☒ Review the existing order to determine whether it should be modified or adjusted because it has been three years since the order was entered and an alleged change in circumstance occurred. Respondent alleges a change in income of 20% or more.

☐ Review the existing order because of an alleged change of circumstances that has occurred any time after the entry of the existing order.

That pursuant to NRS 125B.070(1)(b), the basis for the modification is to:



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MICONE 038

☐ Set a sum certain order.

☐ The Respondent is not presently under an obligation to pay child support for ; however, the Respondent is under a court order to pay arrearages/back child support owed to the custodial parent and/or Welfare Division for a previously determined time period. The Respondent may be required to pay additional arrearages/back child support based on the Respondent's legal duty to support the child(ren).

☐ The Respondent is the parent of . The Respondent is not currently under a court order to pay child support. The Petitioner requests the child(ren) to be added to the existing support order. The Respondent may be required to pay arrearages/back child support based on the Respondent's legal duty to support the child(ren).

☐ The Respondent is alleged to be the natural parent of with the following probable date(s) of conception: . The Petitioner requests the child(ren) to be added to the existing support order. The Respondent may be required to pay arrearages/back child support based on the Respondent's legal duty to support the child(ren).

That the Respondent's gross monthly income is alleged to be $4,468.52. The gross monthly income was calculated based upon a financial statement, employer verification, tax returns, or occupational employment statistics. Updated income information to be provided at the time of hearing, if any.

That, according to the records of the Petitioner and the District Attorney's Office, Family Support Division, the arrearage/debt owed to the Petitioner and/or to a public agency is $11,894.65 ☐ including pregnancy and confinement arrears pursuant to NRS 125B.020 of $ as of 11-30-2012. (Please see the attached Petitioner's declaration of direct payments, if applicable.)

That, the Respondent is required to pay the child support obligation and/or provide health insurance pursuant to the terms of the attached order. Payment must be made in the form of a cashier's check, money order or business check, made payable to, and sent to:

State Collection and Disbursement Unit (SCaDU)
P.O. Box 98950
Las Vegas, NV 89193-8950

Payments may also be made in person at the State Collection and Disbursement Unit, 1900 East Flamingo Road, Las Vegas, Nevada, with the exact amount of cash or with the exact amount in the form of a cashier's check, money order or business check. Additionally, the following information must be included with each payment: name (first, middle, last) and social security number of person responsible for paying child support; case number; and, name (first and last) of person receiving child support. No credit will be given for payments made directly to the Petitioner.

Interest will be assessed on all unpaid child support balances for cases with a Nevada controlling order pursuant to NRS 99.040. A 10% penalty will 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 will be subject to assessment of interest.

You may avoid these additional costs by making your current child support payments each month.

If the Respondent contests any portion of this notice, he/she must attend the hearing served with this notice. **Failure to appear at the hearing will result in a valid, enforceable order and may result in a judgment on the arrearage/debt.**

When a judgment is entered by the Court, all procedures authorized by law to enforce payment of the obligation may be used. These procedures include, but are not limited to, income withholding, income assignment, federal tax refund intercept, judgments, financial institution data match (liens), execution on real and personal property and other actions as deemed necessary.

That the Respondent must notify this office of any changes in his/her address, employment and/or health insurance coverage within ten (10) days of any change.

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Attached to this notice are important documents. If there are any questions or concerns regarding this notice or the documents, the Respondent may call or visit this office, and/or consult an attorney.

Dated this ____ day of 12/10/2012, 20____.

Steven B. Wolfson
District Attorney
Nevada Bar No. 001565

Ed Ewert

Deputy District Attorney

# AUDIT SUMMARY

DATE: 12/7/2012 CASE #: 249753200A DOCKET #: 0000316973 CVRSHT #: 419031

| | NAME | UPI |
|---|---|---|
| NCP: | MICHAEL ANTHONY MICONE | 249753200 |
| CST: | KERSTAN DAWN HUBBS | 839753200 |

USERNAME
AUDITOR: MARSHAC
PREP BY: CCDA\MarshaC

| | FROM | THRU |
|---|---|---|
| CURRENT AUDIT PERIOD: | 10/26/2011 | 11/30/2012 |

WORKSHEET TITLE: 42M AUDIT

ONGOING:

| CHILD SUPPORT | | | MEDICAL CASH | | | SPOUSAL SUPPORT | | |
|---|---|---|---|---|---|---|---|---|
| AMOUNT | FROM | TO | AMOUNT | FROM | TO | AMOUNT | FROM | TO |
| 1935.00 | 10/26/2011 | 11/30/2012 | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

| PROVISION: | CHILD SUPPORT | | | MEDICAL CASH | | | SPOUSAL SUPPORT | | MEDICAL | FEES | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| DESCRIPTION | ARREARS | INTEREST | PENALTY | ARREARS | INTEREST | PENALTY | ARREARS | INTEREST | EXPENSES | ARREARS | TOTAL |
| PREVIOUS JUDGMENT: | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| UNADJ ARREARS: | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | | | 0.00 |
| AMOUNT DUE: | 27104.00 | 0.00 | 868.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | | | 27972.00 |
| INT ON UNADJ ARREARS: | | 410.65 | | | 0.00 | | | 0.00 | | | 410.65 |
| TOTAL DUE: | 27104.00 | 410.65 | 868.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 28382.65 |
| TOTAL PAID: | -16433.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | -16468.00 |
| ADJUSTMENTS: | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| TOTAL ARREARS: | 10516.00 | 410.65 | 868.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 11894.65 |

NOTES: Beginning balance for the audit from CST's affidavit of arrears signed 10/26/11. Affidavit indicates NCP paid in full through 09/2011, no payment received 10/2011.

| | |
|---|---|
| TOTAL ARREARS: | 10616.00 |
| TOTAL INTEREST: | 410.65 |
| TOTAL PENALTY: | 868.00 |
| GRAND TOTAL: | 11894.65 |

**PAYMENT HISTORY FOR NONCUSTODIAL PARENT (NCP)** (starting with most recent month)

NCP's Name: Michael Anthony Micone

| Month | Amount Due | Amount Paid | Month | Amount Due | Amount Paid | Month | Amount Due | Amount Paid |
|---|---|---|---|---|---|---|---|---|
| YEAR: 2009 | | | YEAR: 2010 | | | YEAR: 2011 | | |
| Jan | | | Jan | 1936.00 | —> | Jan | 1936.00 | —> |
| Feb | | | Feb | " | Paid —> | Feb | " | Paid —> |
| Mar | | | Mar | " | —> | Mar | " | —> |
| Apr | | | Apr | " | —> | Apr | " | —> |
| May | 1936.00 | —> | May | " | —> | May | " | —> |
| June | " | [illegible] —> | June | " | —> | June | " | —> |
| July | " | —> | July | " | —> | July | " | —> |
| Aug | " | —> | Aug | " | —> | Aug | " | —> |
| Sept | " | —> | Sept | " | —> | Sept | " | —> |
| Oct | " | —> | Oct | " | —> | Oct | 1936— | 0.00 |
| Nov | " | —> | Nov | " | —> | Nov | 1936 | 0.00 |
| Dec | " | —> | Dec | " | —> | Dec | | |
| TOTAL | #15,488 | 16,488 | TOTAL | #23,232 | $23,232 | TOTAL | $21,296 | $17,424 |

Due: $3,872

| Month | Amount Due | Amount Paid | Month | Amount Due | Amount Paid | Month | Amount Due | Amount Paid |
|---|---|---|---|---|---|---|---|---|
| YEAR: | | | YEAR: | | | YEAR: | | |
| Jan | | | Jan | | | Jan | | |
| Feb | | | Feb | | | Feb | | |
| Mar | | | Mar | | | Mar | | |
| Apr | | | Apr | | | Apr | | |
| May | | | May | | | May | | |
| June | | | June | | | June | | |
| July | | | July | | | July | | |
| Aug | | | Aug | | | Aug | | |
| Sept | | | Sept | | | Sept | | |
| Oct | | | Oct | | | Oct | | |
| Nov | | | Nov | | | Nov | | |
| Dec | | | Dec | | | Dec | | |
| TOTAL | | | TOTAL | | | TOTAL | | |

**DECLARATION**

*I declare under penalty of perjury the information I have provided on this application is true and correct to the best of my knowledge and belief and the statements contained herein are made for the purposes stated herein including, but not limited to, obtaining assistance in paternity and order establishment, and the enforcement and distribution of child support. By signing this application, I acknowledge the responsibilities as listed and agree to the services the Child Support Enforcement Program provides.*

Kerston Hubbs
Name of Applicant (please print)

Kerston Hubbs
Signature of Applicant

10/31/2011
Date

(Page 6 of 7) 4XX-XX (1/08)

# EXHIBIT C

Wells Fargo Business Online

# Account Activity

Business and Personal Accounts

EQUITYLINE ® XXX-XXX5338-1998

## Payment Details

Total Payment Due on 04/01/13 | $231.08

The total payment due shown may not include billed amounts for payment protection products or other features as applicable. Please see your statement for any itemized premium or fees. For questions or additional assistance, please call us at 1-866-820-9193.

## Activity Summary

| | |
|---|---|
| Credit Line | $57,750.00 |
| Beginning Available Credit | |
| Current Available Credit | $0.00 |
| Total Credit in Use | $57,259.98 |
| View Online Statements | |

Need more credit? Apply now for a Wells Fargo® Visa® Credit Card

## Transactions - Charges/Debits

Show Charges/Debits View

| Date | Description | Amount |
|---|---|---|
| 12/20/11 | REQUESTED ADVANCE | $43.57 |
| 12/14/11 | REQUESTED ADVANCE | $661.78 |
| 12/13/11 | REQUESTED ADVANCE | $141.93 |
| 10/12/11 | REQUESTED ADVANCE | $248.67 |
| 08/31/11 | REQUESTED ADVANCE | $85.00 |
| 08/30/11 | REQUESTED ADVANCE | $231.01 |
| 08/26/11 | REQUESTED ADVANCE | $25.27 |
| 08/25/11 | REQUESTED ADVANCE | $50.00 |
| 08/24/11 | REQUESTED ADVANCE | $143.00 |
| 08/23/11 | REQUESTED ADVANCE | $303.61 |
| 08/22/11 | REQUESTED ADVANCE | $104.11 |
| 08/19/11 | REQUESTED ADVANCE | $300.00 |
| 08/03/11 | REQUESTED ADVANCE | $300.00 |
| 07/28/11 | REQUESTED ADVANCE | $300.00 |
| 06/20/11 | REQUESTED ADVANCE | $2.60 |
| 06/17/11 | REQUESTED ADVANCE | $17.73 |
| 06/16/11 | REQUESTED ADVANCE | $134.67 |
| 03/25/11 | REQUESTED ADVANCE | $552.77 |
| 03/22/11 | REQUESTED ADVANCE | $300.00 |
| 03/10/11 | REQUESTED ADVANCE | $167.84 |

View more account history through Online Statements

If you would like to pay off and close the account, pay down your account completely, or obtain your remaining balance, including any interest or fees that have not yet posted to your account, call 1-800-440-6171.

Total = $4,123.84



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EXHIBIT D

**CHASE #156070551******
POB 24696
COLUMBUS, OH 43224-0696
(800) 848-9136

**Balance:** $234,151
**Date Updated:** 08/31/2011
**High Balance:** $284,500
**Last Payment:** 08/24/2011

**Pay Status:** Current; Paid or Paying as Agreed
**Account Type:** Mortgage Account
**Responsibility:** Joint Account
**Terms:** $2554 Monthly for 240 months
**Date Opened:** 03/09/2006

**Loan Type:** CONVENTIONAL REAL ESTATE MTG
**Remarks:** DISP RESLVD RPRTD BY GRANTOR
>Maximum Delinquency of 60 days occurred in 02/2010 for $6,683<

Late Payments (48 Months)

| 30 | 60 | 90+ |
|---|---|---|
| 4 | 2 | 0 |

Last 48 months

| | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| OK | 60 | 30 | OK | OK | OK | 30 | 30 | OK | OK | OK | OK | OK | OK | OK | OK | 30 | 60 | OK | OK | OK | OK | OK | OK |
| jul | jun | may | apr | mar | feb | '11 | dec | nov | oct | sep | aug | jul | jun | may | apr | mar | feb | '10 | dec | nov | oct | sep | aug |
| OK | OK | OK | OK | OK | OK | OK | OK | OK | OK | OK | OK | OK | OK | OK | OK | OK | OK | OK | OK | OK | OK | OK | OK |
| jul | jun | may | apr | mar | feb | '09 | dec | nov | oct | sep | aug | jul | jun | may | apr | mar | feb | '08 | dec | nov | oct | sep | aug |

## Satisfactory Accounts

The following accounts are reported with no adverse information.

**BANK OF AMERICA #426428183391******
PO BOX 17054
WILMINGTON, DE 19850-7054
(800) 421-2110

**Balance:** $5,618
**Date Updated:** 10/03/2011
**High Balance:** $21,107
**Credit Limit:** $6,400
**Last Payment:** 09/28/2011

**Pay Status:** Current; Paid or Paying as Agreed
**Account Type:** Revolving Account
**Responsibility:** Individual Account
**Terms:** Minimum $125
**Date Opened:** 06/03/2006

**Loan Type:** CREDIT CARD

Late Payments (41 Months)

| 30 | 60 | 90+ |
|---|---|---|
| 0 | 0 | 0 |

Last 41 months

| | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| OK | OK | OK | OK | OK | OK | OK | OK | OK | OK | OK | OK | OK | OK | OK | OK | OK | OK | OK | OK | OK | OK | OK | OK |
| sep | aug | jul | jun | may | apr | mar | feb | '11 | dec | nov | oct | sep | aug | jul | jun | may | apr | mar | feb | '10 | dec | nov | oct |
| OK | OK | OK | OK | OK | OK | OK | OK | OK | OK | OK | OK | OK | OK | OK | OK | OK | | | | | | | |
| sep | aug | jul | jun | may | apr | mar | feb | '09 | dec | nov | oct | sep | aug | jul | jun | may | | | | | | | |

**BANK OF AMERICA #426428183304******
PO BOX 17054
WILMINGTON, DE 19850-7054
(800) 421-2110

**Balance:** $0
**Date Updated:** 05/11/2009
**High Balance:** $21,107
**Credit Limit:** $15,000
**Last Payment:** 04/30/2009

**Pay Status:** Current; Paid or Paying as Agreed
**Account Type:** Revolving Account
**Responsibility:** Individual Account
**Date Opened:** 06/03/2006
**Date Closed:** 05/11/2009
**Date Paid:** 04/30/2009

**Loan Type:** CREDIT CARD
**Remarks:** CREDIT CARD LOST OR STOLEN

Late Payments (35 Months)

| 30 | 60 | 90+ |
|---|---|---|
| 0 | 0 | 0 |

Last 35 months

| | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| OK | OK | OK | OK | OK | OK | OK | OK | OK | OK | OK | OK | OK | OK | OK | OK | OK | OK | OK | OK | OK | OK | OK | OK |
| apr | mar | feb | '09 | dec | nov | oct | sep | aug | jul | jun | may | apr | mar | feb | '08 | dec | nov | oct | sep | aug | jul | jun | may |
| OK | OK | OK | X | X | X | X | X | X | X | OK | | | | | | | | | | | | | |
| apr | mar | feb | '07 | dec | nov | oct | sep | aug | jul | jun | | | | | | | | | | | | | |

# EXHIBIT E

SAO
(Your name) Kerstan Hubbs
(Address) 1242 Sonatina Drive
Henderson, NV 89052
(Telephone) 702-501-3442
In Proper Person

DISTRICT COURT

CLARK COUNTY, NEVADA

Kerstan D. Micone,
Plaintiff,
vs.
Michael A. Micone,
Defendant.

CASE NO.: D 08-388334-D
DEPT. NO.: J

## STIPULATION AND ORDER

COME NOW the parties, (Plaintiff's name) Kerstan D. Micone and (Defendant's name) Michael A. Micone, both in Proper Person, and hereby stipulate and agree to the following:

The raw land located at 963 Smith Lake, Graeagle, CA 96103, called out as "963 Smithcreek" on the Decree of Divorce, and decreed as Michael's sole and separate property to be transferred or conveyed to Kerstan Hubbs, by way of transfer to the KDH Family Trust dated May 1, 2009. Michael can no longer make the mortgage, property tax, or home association payments and Kerstan has been paying the mortgage for nearly two (2) years. Kerstan agrees to hold the property in trust for the Parties' children, Isabella C. Micone and Michael J. Micone, for their benefit and use. Kerstan will provide a non revocable license to use the land to Michael for recreation and benefit.

(CHECK ONLY ONE BOX)

☒ No hearing is currently scheduled.

OR

[ ] The hearing currently scheduled for (date) ______________ at (time) ________ .m. should be taken off calendar.

DATED this 19th day of (month) December, 2012.

(Plaintiff's signature) Kerstan D. Micone, currently "Hobbs"

(Plaintiff's name) Kerstan D. Micone, currently "Hobbs"

(Address) 1242 Sonatina Drive

Henderson, NV 89052

(Telephone) 702-501-3442

In Proper Person

DATED this 19th day of (month) Dec., 2012.

(Defendant's signature) Michael A. Micone

(Defendant's name) Michael A. Micone

(Address) 4308 Elmwood Lane

Reno, NV 89509

(Telephone) 702-339-1113

In Proper Person

## ACKNOWLEDGMENT

STATE OF NEVADA )
)ss:
COUNTY OF CLARK )

On this 11 day of (month) December, (year) 2017, before me, the undersigned Notary Public in and for the said County and State, personally appeared (Plaintiff's name) Kerstan D. Micone, known to me to be the person described in and who executed the foregoing Stipulation and Order, and who acknowledged to me that (check one) ☐ he/ ☒ she did so freely and voluntarily and for the uses and purposes therein mentioned.

WITNESS my hand and official seal.

Notary Public, State of Nevada

Signature of notarial officer

## ACKNOWLEDGMENT

STATE OF ~~NEVADA~~ California )
Santa Clara )ss:
COUNTY OF ~~CLARK~~ )

On this 1st day of (month) Dec, (year) 17, before me, the undersigned Notary Public in and for the said County and State, personally appeared (Defendant's name) Michael A. Micone, known to ~~me~~ to be the person described in and who executed the foregoing Stipulation and Order, and who acknowledged to me that (check one) ☒ he/ ☐ she did so freely and voluntarily and for the uses and purposes therein mentioned.

WITNESS my hand and official seal.

Notary Public - California
Santa Clara County

Signature of notarial officer

# CALIFORNIA ALL-PURPOSE
# CERTIFICATE OF ACKNOWLEDGMENT

State of California

County of Santa Clara

On 7th Dec 2012 before me, K. Kaur, Notary Public
(Here insert name and title of the officer)

personally appeared Michael A. Micone

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

K. Kaur
Signature of Notary Public

(Notary Seal) K. KAUR

## ADDITIONAL OPTIONAL INFORMATION

**DESCRIPTION OF THE ATTACHED DOCUMENT**

Stipulation and order
(Title or description of attached document)

(Title or description of attached document continued)

Number of Pages 2 All Document Date 12/1/2012

(Additional information)

**CAPACITY CLAIMED BY THE SIGNER**

- ☐ Individual (s)
- ☐ Corporate Officer

(Title)

- ☐ Partner(s)
- ☐ Attorney-in-Fact
- ☐ Trustee(s)
- ☐ Other

**INSTRUCTIONS FOR COMPLETING THIS FORM**

*Any acknowledgment completed in California must contain verbiage exactly as appears above in the notary section or a separate acknowledgment form must be properly completed and attached to that document. The only exception is if a document is to be recorded outside of California. In such instances, any alternative acknowledgment verbiage as may be printed on such a document so long as the verbiage does not require the notary to do something that is illegal for a notary in California (i.e. certifying the authorized capacity of the signer). Please check the document carefully for proper notarial wording and attach this form if required.*

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. he/she/they, is/are) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
  - Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
  - Indicate title or type of attached document, number of pages and date.
  - Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document

ORDER

UPON A READING of the foregoing Stipulation of the parties and good cause appearing,

IT IS HEREBY ORDERED that the parties' stipulation is adopted and made an Order of this Court.

IT IS FURTHER ORDERED that hearing presently scheduled for (date) ________ ________ at (time) ______ ___.m. shall be taken off calendar.

DATED this ___ day of DEC 1 7 2019, ______.

______________________________
DISTRICT COURT JUDGE

Respectfully Submitted:

(Your signature) Kristen Hubbs

(Your name) Kristen Hubbs

(Address) [illegible] Drive

Henderson, NV 8905[illegible]

(Telephone) (702) 501-3442

In Proper Person

Payments Made to Chase for 963 Smith Lake Road

| date | amount | Description | |
|---|---|---|---|
| 3/7/2011 | $9,422.40 | Online Reference TBDBBXSL (Feb, March & April) | |
| 7/14/2011 | $8,500.00 | Online Reference GB2BNT9 | |
| 8/22/2011 | $2,553.85 | Online Reference FBFRJNFS | |
| 9/12/2011 | $2,553.85 | Online Reference 2B9BRVNG | |
| 10/25/2011 | $2,553.85 | Green Valley Pkwy & Horizon Check No. 1452 | |
| 11/28/2011 | $2,453.93 | Green Valley Pkwy & Horizon | |
| 12/29/2011 | $2,453.93 | Horizon Marketplace | |
| 1/31/2012 | $2,453.93 | Paseo Verde Branch Check No. 1491 | |
| 2/21/2012 | $2,400.00 | Online Reference EBNBGPHP | |
| 3/17/2012 | $2,453.93 | Green Valley Pkwy & Horizon | |
| 4/16/2012 | $2,453.93 | Check No. 1544 | |
| 5/25/2012 | $2,227.12 | Paseo Verde Branch | |
| 6/23/2012 | $2,453.93 | | 32014202 |
| 7/27/2012 | $2,421.11 | | 33334415 |
| 8/20/2012 | $2,453.93 | Green Valley Pkwy & Horizon | |
| 9/25/2012 | $2,421.11 | | 34134615 |
| 10/30/2012 | $2,421.11 | | 34619308 |
| 11/27/2012 | $2,421.11 | | 35013940 |
| | | | |
| Total | $57,074.02 | | |

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Electronically Filed
12/24/2012 08:49:38 AM

CLERK OF THE COURT

NEOJ
(Your name) Kerstan Hubbs
(Address) 1242 Sonatina Drive
Henderson, NV 89052
(Telephone) 702-501-3442
(Check one) [x] Plaintiff [ ] Defendant In Proper Person

DISTRICT COURT

CLARK COUNTY, NEVADA

Kerstan D. Micone,
Plaintiff,
vs.
Michael A. Micone,
Defendant.

CASE NO.: D-08-388334D
DEPT. NO.: I

NOTICE OF ENTRY OF ORDER

TO: (Other party's name) Michael A. Micone;
(Check one) [ ] Plaintiff [x] Defendant

TO: (Other party's attorney) ;
(Check one) [ ] Plaintiff's/ [ ] Defendant's Attorney

PLEASE TAKE NOTICE that an Order was duly entered in the above-referenced case on the (day) 17th day of (month) December, (year) 2012.

DATED this (day) 24 day of (month) December, (year) 2012.

(Your signature) By: Kerstan D. Hubbs
Kerstan D. Micone, currently Hubbs
1242 Sonatina Drive
Henderson, NV 89052
[x] Plaintiff [ ] Defendant In Proper Person

Electronically Filed
12/24/2012 10:15:01 AM

CLERK OF THE COURT

CERT
(Your name) Kerstan Hubbs
(Address) 1242 Sonatina Drive
Henderson, NV 89052
(Telephone) 702-501-3442
(Check one) [x] Plaintiff/ [ ] Defendant in Proper Person

DISTRICT COURT

CLARK COUNTY, NEVADA

Kerstan D. Micone, Plaintiff,
vs.
Michael A. Micone, Defendant.

CASE NO.: D-08-388334C
DEPT NO.: I

CERTIFICATE OF MAILING

I HEREBY CERTIFY that service of the (name of document) Stipulation and Order & Notice of Entry of Order was made on (date) 12/24/12 pursuant to NRCP 5(b) by depositing a copy of same in the United States Mail in Las Vegas, Nevada, postage prepaid, addressed as follows:

(Other party's name) Michael A. Micone
(Other party's address) 4308 Elmwood Lane
(Address) Reno, NV 89509
(Address)

DATED this 24th day of December, (year) 2012.

(Signature of person who mailed document)

(Name of person who mailed document) Crystal Siegard

SUBSCRIBED and SWORN to before me this 24 day of (month) December, (year) 2012.

NOTARY PUBLIC

VERONICA LOPEZ
Notary Public, State of Nevada
Appointment No. 03-8550-1
My Appt. Expires Jun 30, 2013




Use only most current version
Please call the Self-Help Center to confirm most current version.

# EXHIBIT F

Windows Live™ Hotmail (3962) Messenger SkyDrive | MSN

Kerstan Hubbs
profile | sign out

Hotmail

Inbox (3962)

Folders

Inbox (3962)

Suggested Contacts

Junk (6)

Drafts (1)

Sent

Deleted (2)

Deadbeat

New folder

Quick views

Documents (87)

Flagged (1)

Photos (220)

Shipping updates (9)

New category

Messenger

2 invitations

Sign in to Messenger

Home

Contacts

Calendar

New | Reply Reply all Forward | Delete Junk Sweep ▾ Mark as ▾ Move to ▾ Categories ▾ |

## RE: Payment Plan and/or Meet to Confer with Board

Back to messages |

To see messages related to this one, group messages by conversation.

Scott Warner
To 'Kerstan Hubbs', Sim Shep.

2/13/13
Reply

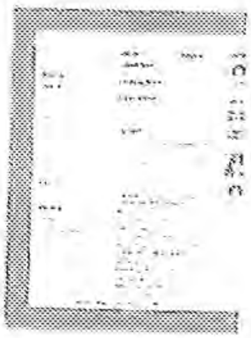
4 attachments (total 1965.6 KB) Hotmail Active View

Micone Re...pdf
Download (6.8 KB)

Micone Sp. pdf
Download (7.2 KB)

Download all as zip

Kerstan:



Attached are the latest up-to-date accounting records for both accounts for Lot 10-4. The amount that needs to be paid on the regular assessment account to bring it to a zero balance is $997.32. The amount for the special assessment account is $228.64. The total amount is $1,225.96.

Paid 2/14/13
Check No. 1692

The reason for the difference of $75.00 between the balance shown in your letter of February 17 ($153.64) for the special assessment account and the amount shown above is due to the $75.00 fee charged to the association by EBMC for the pre-lien notice that was sent to Mike for non-payment. This charge cannot be forgiven because it is a fee we must pay to EBMC. See the SCROA Assessment Collection Policy, paragraph 10.

Close ad
AdChoices

Regarding the regular assessment account, the statement sent with the pre-lien notice in January showed all the accounting entries that went back to a zero balance on 9-28-2011. The reason for this was for transparency - to show all entries back to the point in time when everything was being paid in full with no late payments or interest being charged. However, since Mike brought the balance back to essentially a zero balance on 6-1-2012, and therefore paid all the late fees and interest prior to that date, the SCROA board believes it is only appropriate to forgive the late fees and interest from that date to the present. We have applied a credit of $96.50 for late fees and $41.33 for interest. $75.00 was charged to this account for the pre-lien notice. Since the dues have gone down from $330 per quarter to $255 per quarter for 2013 per the latest board minutes sent to you by Curt Chalmers, you have been given a $75.00 credit to adjust for the $330

Clarkson, you have been given a $75.00 credit to adjust for the $550 charge to the account on 1-1-2013

If you send your check made payable to SCROA for $1,225.96, this will bring both accounts to a zero balance and we can move forward from here with a clean slate. If you have any questions, please email your concerns to me, and I will discuss them with the board. Otherwise, we would like to receive your check by Friday, February 22.

Scott Warner

P. S. Attached is a members contact information form. Please fill this form out and mail back with your check. Also attached is a zip file with all the up-to-date governing documents and rules documents of the association.

**From:** Kerstan Hubbs [mailto:khubbs@live.com]
**Sent:** Thursday, February 07, 2013 5:02 PM
**To:** scott@scottwarnerrealty.com
**Cc:** belinda.d.warner@gmail.com; karenbrigg@ebmc.com
**Subject:** Payment Plan and/or Meet to Confer with Board



Scott,

Good evening. I have attached a payment plan for your review. An original was provided to the association today by post as required. Please let me know if the terms might be acceptable to the Board. I would like to remedy this issue as soon as possible. I have used the figures provided to me in the Pre-Lien Notice.

Sincerely,

Kerstan

New | Reply Reply all Forward | Delete Junk Sweep ▾ Mark as ▾ Move to ▾ Categories ▾

# EXHIBIT G

SADI 05
100 GRIST MILL ROAD
SIMSBURY, CT 06070
860/408-7000

MICHAEL MICONE
1242 SONATINA DRIVE
HENDERSON, NV 89052

☐ CORRECTED (if checked)

| | | | | |
|---|---|---|---|---|
| PAYER'S name, street address, city, state, ZIP code, and telephone no.<br>SADI 05<br>100 GRIST MILL ROAD<br>SIMSBURY, CT 06070<br>860/408-7000 | | 1 Rents<br><br>2 Royalties | OMB No. 1545-0115<br>**2010**<br>Form 1099-MISC | **Miscellaneous Income** |
| PAYER'S federal identification number<br>20-6695210 | RECIPIENT'S identification number<br>530-82-7058 | 3 Other income<br>$58,299.09 | 4 Federal income tax withheld | Copy B<br>For Recipient |
| RECIPIENT'S name, street address, city, state, and ZIP code<br>MICHAEL MICONE<br>1242 SONATINA DRIVE<br>HENDERSON, NV 89052 | | 5 Fishing boat proceeds | 6 Medical and health care payments | This is important tax information and is being furnished to the Internal Revenue Service. If you are required to file a return, a negligence penalty or other sanction may be imposed on you if this income is taxable and the IRS determines that it has not been reported. |
| | | 7 Nonemployee compensation | 8 Substitute payments in lieu of dividends or interest | |
| | | 9 Payer made direct sales of $5,000 or more of consumer products to a buyer (recipient) for resale ☐ | 10 Crop insurance proceeds | |
| | | 11 | 12 | |
| Account number (see instructions) | | 13 Excess golden parachute payments | 14 Gross proceeds paid to an attorney | |
| 15a Section 409A deferrals | 15b Section 409A income | 16 State tax withheld | 17 State/Payer's state no.<br>NV | 18 State income |

Form 1099-MISC (keep for your records) Department of the Treasury - Internal Revenue Service

## 1099-Misc Instructions for Recipient

**Recipient's identification number.** For your protection, this form may show only the last four digits of your social security number (SSN), individual taxpayer identification number (ITIN), or adoption taxpayer identification number (ATIN). However, the issuer has reported your complete identification number to the IRS and, where applicable, to state and/or local governments.

**Account number.** May show an account or other unique number the payer assigned to distinguish your account.

**Amounts shown may be subject to self-employment (SE) tax.** If your net income from self-employment is $400 or more, you must file a return and compute your SE tax on Schedule SE (Form 1040). See Pub. 334 for more information. If no income or social security and Medicare taxes were withheld and you are still receiving these payments, see Form 1040-ES. Individuals must report these amounts as explained in the box 7 instructions on this page. Corporations, fiduciaries, or partnerships must report the amounts on the proper line of their tax returns.

**Form 1099-MISC incorrect?** If this form is incorrect or has been issued in error, contact the payer. If you cannot get this form corrected, attach an explanation to your tax return and report your income correctly.

**Boxes 1 and 2.** Report rents from real estate on Schedule E (Form 1040). However, report rents on Schedule C or C-EZ (Form 1040) if you provided significant services to the tenant, sold real estate as a business, rented personal property as a business, or you and your spouse elected to be treated as a qualified joint venture. Report royalties from oil, gas, or mineral properties on Schedule E (Form 1040). However, report payments for a working interest as explained in the box 7 instructions. For royalties on timber, coal, and iron ore, see Pub. 544.

**Box 3.** Generally, report this amount on the "Other income" line of Form 1040 and identify the payment. The amount shown may be payments received as the beneficiary of a deceased employee, prizes, awards, taxable damages, Indian gaming profits, or other taxable income. See Pub. 525. If it is trade or business income, report this amount on Schedule C, C-EZ, or F (Form 1040).

**Box 4.** Shows backup withholding or withholding on Indian gaming profits. Generally, a payer must backup withhold at a 28% rate if you did not furnish your taxpayer identification number. See Form W-9 and Pub. 505 for more information. Report this amount on your income tax return as tax withheld.

**Box 5.** An amount in this box means the fishing boat operator considers you self-employed. Report this amount on Schedule C or C-EZ (Form 1040). See Pub. 334.

**Box 6.** For individuals, report on Schedule C or C-EZ (Form 1040).

**Box 7.** Shows nonemployee compensation. If you are in the trade or business of catching fish, box 7 may show cash you received for the sale of fish. If payments in this box are SE income, report this amount on Schedule C, C-EZ, or F (Form 1040), and complete Schedule SE (Form 1040). You received this form instead of Form W-2 because the payer did not consider you an employee and did not withhold income tax or social security and Medicare tax. If you believe you are an employee and cannot get the payer to correct this form, report the amount from box 7 on Form 1040, line 7 (or Form 1040NR, line 8). You must also complete Form 8919 and attach it to your return.

**Box 8.** Shows substitute payments in lieu of dividends or tax-exempt interest received by your broker on your behalf as a result of a loan of your securities. Report on the "Other income" line of Form 1040.

**Box 9.** If checked, $5,000 or more of sales of consumer products was paid to you on a buy-sell, deposit-commission, or other basis. A dollar amount does not have to be shown. Generally, report any income from your sale of these products on Schedule C or C-EZ (Form 1040).

**Box 10.** Report this amount on line 8 of Schedule F (Form 1040).

**Box 13.** Shows your total compensation of excess golden parachute payments subject to a 20% excise tax. See the Form 1040 instructions for where to report.

**Box 14.** Shows gross proceeds paid to an attorney in connection with legal services. Report only the taxable part as income on your return.

**Box 15a.** May show current year deferrals as a nonemployee under a nonqualified deferred compensation (NQDC) plan that is subject to the requirements of section 409A, plus any earnings on current and prior year deferrals.

**Box 15b.** Shows income as a nonemployee under an NQDC plan that does not meet the requirements of section 409A. This amount is also included in box 7 as nonemployee compensation. Any amount included in box 15a that is currently taxable is also included in this box. This income is also subject to a substantial additional tax to be reported on Form 1040. See "Total Tax" in the Form 1040 instructions.

**Boxes 16-18.** Shows state or local income tax withheld from the payments.

GRIST MILL LIVING BENEFITS TRUST
100 GRIST MILL ROAD
SIMSBURY, CT 06070

MICHAEL MICONE
1242 SONATINA DRIVE
HENDERSON, NV 89052

☐ CORRECTED (if checked)

| | | | | |
|---|---|---|---|---|
| PAYER'S name, street address, city, state, ZIP code, and telephone no.<br>GRIST MILL LIVING BENEFITS TRUST<br>100 GRIST MILL ROAD<br>SIMSBURY, CT 06070 | | 1 Rents<br><br>2 Royalties | OMB No. 1545-0115<br>**2010**<br>Form 1099-MISC | **Miscellaneous Income** |
| PAYER'S federal identification number<br>20-6696453 | RECIPIENT'S identification number<br>530-82-7068 | 3 Other income<br>$119,859.00 | 4 Federal income tax withheld | **Copy B**<br>**For Recipient** |
| RECIPIENT'S name, street address, city, state, and ZIP code<br>MICHAEL MICONE<br>1242 SONATINA DRIVE<br>HENDERSON, NV 89052 | | 5 Fishing boat proceeds | 6 Medical and health care payments | This is important tax information and is being furnished to the Internal Revenue Service. If you are required to file a return, a negligence penalty or other sanction may be imposed on you if this income is taxable and the IRS determines that it has not been reported. |
| | | 7 Nonemployee compensation | 8 Substitute payments in lieu of dividends or interest | |
| | | 9 Payer made direct sales of $5,000 or more of consumer products to a buyer (recipient) for resale ☐ | 10 Crop insurance proceeds | |
| Account number (see instructions) | | 11 | 12 | |
| | | 13 Excess golden parachute payments | 14 Gross proceeds paid to an attorney | |
| 15a Section 409A deferrals | 15b Section 409A income | 16 State tax withheld | 17 State/Payer's state no.<br>NV | 18 State income |

Form 1099-MISC (keep for your records) Department of the Treasury - Internal Revenue Service

## 1099-Misc Instructions for Recipient

**Recipient's identification number.** For your protection, this form may show only the last four digits of your social security number (SSN), individual taxpayer identification number (ITIN), or adoption taxpayer identification number (ATIN). However, the issuer has reported your complete identification number to the IRS and, where applicable, to state and/or local governments.

**Account number.** May show an account or other unique number the payer assigned to distinguish your account.

**Amounts shown may be subject to self-employment (SE) tax.** If your net income from self-employment is $400 or more, you must file a return and compute your SE tax on Schedule SE (Form 1040). See Pub. 334 for more information. If no income or social security and Medicare taxes were withheld and you are still receiving these payments, see Form 1040-ES. Individuals must report these amounts as explained in the box 7 instructions on this page. Corporations, fiduciaries, or partnerships must report the amounts on the proper line of their tax returns.

**Form 1099-MISC incorrect?** If this form is incorrect or has been issued in error, contact the payer. If you cannot get this form corrected, attach an explanation to your tax return and report your income correctly.

**Boxes 1 and 2.** Report rents from real estate on Schedule E (Form 1040). However, report rents on Schedule C or C-EZ (Form 1040) if you provided significant services to the tenant, sold real estate as a business, rented personal property as a business, or you and your spouse elected to be treated as a qualified joint venture. Report royalties from oil, gas, or mineral properties on Schedule E (Form 1040). However, report payments for a working interest as explained in the box 7 instructions. For royalties on timber, coal, and iron ore, see Pub. 544.

**Box 3.** Generally, report this amount on the "Other income" line of Form 1040 and identify the payment. The amount shown may be payments received as the beneficiary of a deceased employee, prizes, awards, taxable damages, Indian gaming profits, or other taxable income. See Pub. 525. If it is trade or business income, report this amount on Schedule C, C-EZ, or F (Form 1040).

**Box 4.** Shows backup withholding or withholding on Indian gaming profits. Generally, a payer must backup withhold at a 28% rate if you did not furnish your taxpayer identification number. See Form W-9 and Pub. 505 for more information. Report this amount on your income tax return as tax withheld.

**Box 5.** An amount in this box means the fishing boat operator considers you self-employed. Report this amount on Schedule C or C-EZ (Form 1040). See Pub. 334.

**Box 6.** For individuals, report on Schedule C or C-EZ (Form 1040).

**Box 7.** Shows nonemployee compensation. If you are in the trade or business of catching fish, box 7 may show cash you received for the sale of fish. If payments in this box are SE income, report this amount on Schedule C, C-EZ, or F (Form 1040), and complete Schedule SE (Form 1040). You received this form instead of Form W-2 because the payer did not consider you an employee and did not withhold income tax or social security and Medicare tax. If you believe you are an employee and cannot get the payer to correct this form, report the amount from box 7 on Form 1040, line 7 (or Form 1040NR, line 8). You must also complete Form 8919 and attach it to your return.

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**Box 9.** If checked, $5,000 or more of sales of consumer products was paid to you on a buy-sell, deposit-commission, or other basis. A dollar amount does not have to be shown. Generally, report any income from your sale of these products on Schedule C or C-EZ (Form 1040).

**Box 10.** Report this amount on line 8 of Schedule F (Form 1040).

**Box 13.** Shows your total compensation of excess golden parachute payments subject to a 20% excise tax. See the Form 1040 instructions for where to report.

**Box 14.** Shows gross proceeds paid to an attorney in connection with legal services. Report only the taxable part as income on your return.

**Box 15a.** May show current year deferrals as a nonemployee under a nonqualified deferred compensation (NQDC) plan that is subject to the requirements of section 409A, plus any earnings on current and prior year deferrals.

**Box 15b.** Shows income as a nonemployee under an NQDC plan that does not meet the requirements of section 409A. This amount is also included in box 7 as nonemployee compensation. Any amount included in box 15a that is currently taxable is also included in this box. This income is also subject to a substantial additional tax to be reported on Form 1040. See "Total Tax" in the Form 1040 instructions.

**Boxes 16-18.** Shows state or local income tax withheld from the payments.

# EXHIBIT H

# RE: 529 and Coverdell

From: Kathy Bax (kathy@towerkeep.net) This sender is in your contact list.
Sent: Tue 5/08/12 12:10 PM
To: 'Kerstan Hubbs' (khubbs@live.com)

I just need to call and get a check. The account is owned by Isabel. The check will go to her.

Kathy Bax

Tower Keep, LLC

Registered Investment Advisor

10300 W. Charleston Blvd. 13-185

Las Vegas, NV 89135

(702) 845-1765

Please visit my blog: http://towerkeep.wordpress.com

Tower Keep
Generational Wealth
2002
Family
SERVICES

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**From:** Kerstan Hubbs [mailto:khubbs@live.com]
**Sent:** Tuesday, May 08, 2012 11:42 AM
**To:** kathy@towerkeep.net
**Subject:** RE: 529 and Coverdell

Kathy,

Great, what would we need to do to apply the funds?

Thanks,
Kerstan

From: kathy@towerkeep.net
To: khubbs@live.com
Subject: RE: 529 and Coverdell
Date: Tue, 8 May 2012 11:29:45 -0700

Yes

Kathy [illegible]

Tower Keep, LLC

Registered Investment Advisor

10300 W. Charleston Blvd, 13-105

Las Vegas, NV 89135

(702) 845-1765

Please visit my blog: http://towerkeep.wordpress.com

Tower Keep
Generational Wealth
2002
Family
SERVICES

**From:** Kerstan Hubbs [mailto:khubbs@live.com]
**Sent:** Tuesday, May 08, 2012 9:37 AM
**To:** kathy@towerkeep.net
**Subject:** RE: 529 and Coverdell

Kathy,

Can the Coverdell be used for tutoring after school at a legitimate facility. I have signed Bella up for the Tutoring Club. She goes M-TH from 4PM to 6PM. She needs homework assistance and math remediation prior to starting high school. I purchased a certain amount of hours, it totals almost $5K.

Thanks,

Kerstan

From: kathy@towerkeep.net
To: khubbs@live.com
Subject: 529 and Coverdell
Date: Tue, 8 May 2012 07:51:31 -0700

529 was completely redeemed 04/25/11

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There is $2,722.77 in Coverdell. Coverdell cannot be used for college, needs to be used for pre-college expenses.

Kathy Bax

Tower Keep, LLC

Registered Investment Advisor

10300 W. Charleston Blvd. 13-185

Las Vegas, NV 89135

(702) 845-1765

Please visit my blog: http://towerkeep.wordpress.com

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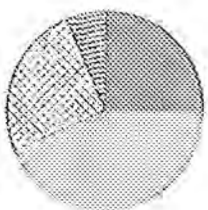
## Quarterly summary

| | Value on 12/31/08 | + | Additions | + | Reinvested dividends and capital gains | − | Withdrawals | +/- | Change in account value | = | Value on 03/31/09 | Ending share balance |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Totals | $77,392.72 | | $0.00 | | $503.33 | | $0.00 | | -$7,259.90 | | $70,635.15 | |

## Your investment portfolio



Growth 24.80%
AMCAP Fund-529A
New Perspective Fund-529A

Equity-income 25.41%
Capital Income Builder-529A
The Income Fund of America-529A

Growth-and-income 43.12%
American Mutual Fund-529A
Capital World Growth and Income-529A
Washington Mutual Investors Fund-529A

Balanced 6.67%
American Balanced Fund-529A

## Year-to-date dividends and capital gains

| | Account # | Fund # | Dividends | Short-term capital gains | Long-term capital gains |
|---|---|---|---|---|---|
| **VCSP/COLLEGEAMERICA MICHAEL A MICONE OWNER FBO ISABELLA C MICONE** | | | | | |
| American Mutual Fund-529A | 68509670 | 1003 | $90.33 | $0.00 | $0.00 |
| Capital World Growth and Income-529A | 68509670 | 1033 | $85.92 | $0.00 | $0.00 |
| Washington Mutual Investors Fund-529A | 68509670 | 1001 | $58.75 | $0.00 | $0.00 |
| Capital Income Builder-529A | 68509670 | 1012 | $148.85 | $0.00 | $0.00 |
| The Income Fund of America-529A | 68509670 | 1006 | $79.15 | $0.00 | $0.00 |
| American Balanced Fund-529A | 68509670 | 1011 | $40.33 | $0.00 | $0.00 |
| Totals | | | $503.33 | $0.00 | $0.00 |

## Year-to-date history

**VCSP/COLLEGEAMERICA**
**MICHAEL A MICONE OWNER**
**FBO ISABELLA C MICONE**

### AMCAP Fund - Class 529A

Account # 68509670 Fund # 1002
Symbol CAFAX

Successor owner: Kerstan D. Micone
Dividends and capital gains must be reinvested
Per-share average cost: Not available (please see back of statement)

| Trade date | Description | Dollar amount | Share price | Shares transacted | Share balance |
|---|---|---|---|---|---|
| 01/01/09 | Beginning balance<br>*No activity this period* | $5,387.09 | $12.04 | | 447.433 |
| 03/31/09 | Ending balance | $5,114.16 | $11.43 | | 447.433 |

Rollovers. If you invest in CollegeAmerica with funds rolled over from another 529 plan, a qualified U.S. savings bond or a Coverdell education savings account, you'll need to give us appropriate documentation from the transferring institution showing the earnings portion of the rollover. We must treat the entire rollover as earnings if this is not provided.

# EXHIBIT I

# Re: Coverdale Acct.

From: Kerstan Hubbs (khubbs@live.com)
Sent: Fri 8/17/12 9:30 AM
To: Kathy Bax (kathy@towerkeep.net)
Cc: <mikemicone@gmail.com> (mikemicone@gmail.com)

Thank you both. I will provide the account number for her tutoring. K

Sent from my iPhone

On Aug 17, 2012, at 8:23 AM, "Kathy Bax" <kathy@towerkeep.net> wrote:

> Done. Check will be mailed to Brightstone because that is the address on record.
>
> Kathy Bax
>
> Tower Keep, LLC
>
> Registered Investment Advisor
>
> 10300 W. Charleston Blvd. 13-185
>
> Las Vegas, NV 89135
>
> (702) 845-1765
>
> Please visit my blog: http://towerkeep.wordpress.com
>
> <image001.jpg>
>
> **From:** Kerstan Hubbs [mailto:khubbs@live.com]
> **Sent:** Thursday, August 16, 2012 8:50 PM
> **To:** mikemicone@gmail.com; kathy@towerkeep.net
> **Subject:** Coverdale Acct.

.50

Mike and Kathy,

Good evening. I would like to have Bella's Coverdale Acct. assist with her tutoring. I spoke with Kathy this evening and she informed me that instruction to issue payment to do so would need to be issued by you Mike. Please advise if this might be possible before the school season. Her current tutoring account has been paid down to around $3,000. I spent roughly $5,000 to have her tutored the latter part of her 8th grade year (M-TH) every day. I will need to know within the next week. To keep everything clean, please resond in writing prior to this time.

Thanks,
Kerstan

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The right choice for the long term®
American Funds®
PO Box 6164
Indianapolis IN 46206-6164

# Quarterly Statement



March 31, 2009

AV 02 241363 8466 1111242A**5DGT

CB&T CUST COVERDELL ESA
ISABELLA C MICONE
MICHAEL A MICONE/AUTH PER
1242 SONATINA DR
HENDERSON NV 89052-6599

Your financial adviser
BAX
(702) 845-1765

FIRST FINANCIAL EQUITY
CORPORATION
7373 N SCOTTSDALE RD STE D120
SCOTTSDALE AZ 85253-3506

## Need 2008 tax information?

Get tax information from our website whenever you need it. To learn more or find a tax form, log in to your account at americanfunds.com and click on 'Services for this account.'

## Reminder of our address change

To ensure your transaction-related requests and other incoming correspondence are processed in a timely manner, please use the new address for the American Funds service center in your region, as shown on our return address. Or simply go to americanfunds.com and click 'Contact us' in the upper right corner of any page.

## For more account information

- Call your financial adviser
- Automated information and services
  Website – americanfunds.com
  American FundsLine® – 800/325-3590
- Personal assistance — 8 a.m. to 8 p.m. Eastern time M-F
  Shareholder Services – 800/421-0180

## Quarterly summary (January 1 – March 31, 2009)

| | Value on 12/31/08 | + Additions | + Reinvested dividends and capital gains | − Withdrawals | +/- Change in account value | = Value on 03/31/09 | Ending share balance |
|---|---|---|---|---|---|---|---|
| **CB&T CUST COVERDELL ESA**<br>**ISABELLA C MICONE**<br>**MICHAEL A MICONE/AUTH PER**<br>New World Fund-C<br>Account # [illegible] | $1,667.12 | $0.00 | $0.00 | $0.00 | -$54.95 | $1,612.17 | 54.410 |
| Totals | $1,667.12 | $0.00 | $0.00 | $0.00 | -$54.95 | $1,612.17 | |

# EXHIBIT K

YOUR Tuition



## Summary of account activity

| | |
|---|---|
| Account no. | 5780-9799-0003-6838 |
| Previous balance | $5,345.00 |
| Payments | -431.00 |
| Other credits | 0.00 |
| Purchases | 0.00 |
| Other debits | 0.00 |
| Fees charged | 0.00 |
| Interest charged | 0.00 |
| New balance | $4,914.00 |
| Past due amount | 0.00 |
| Credit limit | $8,000.00 |
| Available credit | $3,086.00 |
| Statement closing date | 04/24/2012 |
| Days in billing cycle | 30 |

## Payment information

| | |
|---|---|
| New balance | $4,914.00 |
| Minimum payment due | $197.00 |
| Payment due date | 05/19/2012 |

**Late payment warning:**
If we do not receive your minimum payment by 05/19/2012 you may have to pay up to a $35.00 late fee and your APR may be increased up to the Penalty APR of 28.99%.

**Minimum payment warning:** If you make only the minimum payment for each period, you will pay more in interest and it will take you longer to pay off your balances. For example:

| If you make no additional charges using this card and each month you pay: | You will pay off the balance shown on the statement in about: | And you will end up paying an estimated total of: |
|---|---|---|
| Only the minimum payment | 2 years | $4914 |

For information regarding credit counseling services, call 1-800-294-1706.

## Details of your transactions

| TRANS DATE | TRANSACTION DESCRIPTION/LOCATION | AMOUNT |
|---|---|---|
| 04/11/2012 | PAYMENT - THANK YOU | -431.00 |

Paid 5/2/12
#197 —
6B5 B5QLT

**Fees**

| | |
|---|---|
| **Total fees charged for this period** | $0.00 |

**Interest charged**

| | |
|---|---|
| Interest charge on purchases | $0.00 |
| **Total interest for this period** | $0.00 |

**2012 totals year to date**

| | |
|---|---|
| Total fees charged in 2012 | $25.00 |
| Total interest charged in 2012 | $0.00 |

## Interest charge calculation

Your Annual Percentage Rate (APR) is the annual interest rate on your account.

| TYPE OF BALANCE | APR | BALANCE SUBJECT TO INTEREST RATE | INTEREST CHARGE |
|---|---|---|---|
| Purchases | 22.9800% (v) | 13.52 | 0.00 |
| Plan 412-00001 DF INT PY RO | 22.9800% (v) | 5,178.60 | 0.00 |

## Details of your plans

412-00001 You must pay your plan balance of $4,914.00 by 02/08/2013 to avoid paying accrued interest charges.

| ORIGINAL PURCHASE AMOUNT | ORIGINAL PURCHASE DATE | PLAN EXPIRES | PREVIOUS PLAN BALANCE | PURCHASES & CHARGES | PAYMENTS & CREDITS | NEW PLAN BALANCE | ACCRUED INTEREST THIS PERIOD | TOTAL ACCRUED INTEREST |
|---|---|---|---|---|---|---|---|---|
| 5,320.00 | 02/08/2012 | 02/08/2013 | 5,320.00 | 0.00 | 406.00 | 4,914.00 | 97.80 | 256.44 |

# AFFIDAVIT IN SUPPPORT OF MOTION FOR TO STAY HEARING AT THE CHILD SUPPORT CENTER OF SOUTHERN NEVADA AND TO CONSOLIDATE THE MODIFICAITON OR ADJUSTMENT OF CHILD SUPPORT WITH THIS MOTION TO SHOW CAUSE

STATE OF NEVADA )

) ss:

COUNTY OF CLARK )

KERSTAN HUBBS being first duly sworn upon oath, deposes and says as follows:

1. I am the Plaintiff in the above-entitled action. I have personal knowledge of the facts contained in my motion and in this affidavit and am competent to testify to these facts. The statements in this motion and affidavit are true and correct to the best of my knowledge. I declare under penalty of perjury that the foregoing is true and correct.

2. Additional facts to support my request for an order to show cause are: (write "N/A" if not applicable no additional facts. NA

3. I have attached the following exhibits to support this motion:

Exibit A "Stipulated Decree of Divorce"

Exhibit B "Notice of Child Support Hearing"

Exhibit C "Wells Fargo Home Equity Line"

Exhibit D "Transunion Credit Report – Kerstan D. Micone"

Exhibit E "Stipulation and Order"

Exhibit F "Smith Creek Ranch Owners Association Penalties and Fees"

Exhibit G "Form 1099 – Sadi 05 & Grist Mill Living Trust"

Exhibit H "Email Correspondence and Account Information 529 Plan"

Exhibit I "Email Correspondence and Coverdale Account Information"

Exhibit K "Statement for Tuition Solutions for Tutoring Club Services"

FURTHER YOUR AFFIANT SAYETH NOT:

Kerstan Hubbs

Signature, Kerstan Hubbs

Signed and sworn to (or affirmed) before me on March 9TH, 3013 by KERSTAN HUBBS.

RICK L. INMAN
Notary Public State of Nevada
No. 03-82623-1
My Appt. Exp. July 11, 2015

(Signature of notarial officer)

(Seal, if any)

MOFI

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

| | | |
|---|---|---|
| Kerstan Micone<br>Plaintiff/Petitioner | ) | |
| | ) | CASE NO. D-02-288354-D |
| -vs- | ) | DEPT. J |
| Michael Micone<br>Defendant/Respondent | ) | |
| | ) | FAMILY COURT MOTION/OPPOSITION FEE INFORMATION SHEET (NRS 19.0312) |

Party Filing Motion/Opposition: [X] Plaintiff/Petitioner [ ] Defendant/Respondent

MOTION FOR/OPPOSITION TO Stay Hearing at the Child Support Center of Southern Nevada and to Consolidate the Modification or Adjustment of Child Support with this Motion for Show Cause.

| Notice | Excluded Motions/Oppositions |
|---|---|
| **Motions and Oppositions to Motions filed after entry of final Decree or Judgment (pursuant to NRS 125, 125B & 125C) are subject to the Re-open Filing Fee of $25.00, unless specifically excluded. (See NRS 19.0312)** | [ ] Motions filed before final Divorce/Custody Decree entered (Divorce/Custody Decree NOT final)<br>[ ] Child Support Modification ONLY<br>[ ] Motion/Opposition For Reconsideration (Within 10 days of Decree) Date of Last Order ______<br>[ ] Request for New Trial (Within 10 days of Decree) Date of Last Order ______<br>[ ] Other Excluded Motion ______ (Must be prepared to defend exclusion to Judge)<br>**NOTE**: If no boxes are checked, filing fee MUST be paid. |

[X] Motion/Opp IS subject to $25.00 filing fee [ ] Motion/Opp IS NOT subject to filing fee

Date: March 8, 2013

Kerstan Hubbs
Printed Name of Preparer

Kerstan Hubbs
Signature of Preparer